

CITY OF KYLE



Notice of Regular City Council Meeting

KYLE CITY HALL
100 W. Center Street

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on 3/19/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 14th day of March, 2013 prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Regular Meeting - March 5, 2013 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

III. Citizen Comment Period With City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak must sign in before the meeting begins at the Kyle City Hall. Speakers may be provided with an opportunity to speak during this time period, and they must observe the three-minute time limit.

IV. Presentation

2. Recognition of outgoing Public Works and Service Committee members for the selfless work and dedication for the citizens of Kyle ~ *David Wilson, Council Member District 4*

- Kelly Hoag
- Ann Long

 [Attachments](#)

3. Presentation by Gary Scahtz on a proposed round-about vs. traffic light located at FM 1626 and Kohler's Crossing ~ *Sofia Nelson, Director of Planning; Steven D. Widacki, P.E., City Engineer; and Jeff Barnett, Chief of Police*

 [Attachments](#)

4. Presentation of Kyle Chamber of Commerce Quarterly Report for Reporting Period October 2012 through December 2012 ~ *Ray Hernandez, Executive Director of Kyle Area Chamber of Commerce & Visitor's Bureau*

 [Attachments](#)

V. Proclamations

5. Proclamation of the City of Kyle, Texas Proclaiming March 19th as "James Alton Holt, Sr. Day" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

VI. Appointments

6. Consideration of Nomination(s) for Appointment to the Community Relations Committee ~ *Lucy Johnson, Mayor*

- Richard Baggett

 [Attachments](#)

7. Consideration of Nomination(s) for Appointment to the Economic Development Committee ~ *Lucy Johnson, Mayor*

 [Attachments](#)

VII. Consent Agenda

8. (*Second Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING PART II, CHAPTER 2, ARTICLE III, DIVISION 4, SUBDIVISION I & II OF THE CITY OF KYLE MUNICIPAL CODE DEALING WITH THE STRATEGIC PLANNING AND FINANCE COMMITTEE, THE COMMUNITY RELATIONS COMMITTEE, THE PUBLIC WORKS & SERVICE COMMITTEE, THE MOBILITY COMMITTEE, THE PARKS AND RECREATION COMMITTEE, THE SAFETY & EMERGENCY SERVICES COMMITTEE, AND THE ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE; REVISING MEMBERS OF OFFICE; REVISING DUTIES, MEMBERSHIP, TERMS, APPOINTMENTS; AND PROVIDING FOR RELATED MATTERS ~ *Brad Pickett, Council Member District 3*

 [Attachments](#)

9. (*Second Reading*) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 5.115 ACRES OF LAND FROM 'C-2' COMMERCIAL – GENERAL BUSINESS TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 770 WINDY HILL ROAD, IN HAYS COUNTY, TEXAS. (NESTER DEVELOPMENT AND STEVEN AND REBECCA ENTERPRISES, INC. Z-13-001); 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 WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to Deny the rezone request of Retail Services and made a Recommendation to rezone the property to Community Commercial.

 [Attachments](#)

10. *(Second Reading)* AN ORDINANCE SUSPENDING THE IMPLEMENTATION OF THE INTERIM RATE ADJUSTMENT UNDER SECTION 104.301 OF THE TEXAS UTILITIES CODE BY TEXAS GAS SERVICE COMPANY WITHIN THE CITY OF KYLE, TEXAS; REQUESTING REIMBURSEMENT FOR THE CITY'S EXPENSES FOR HIRING CONSULTANTS TO ASSIST THE CITY IN ITS REVIEW AND CONSIDERATION OF THE RATE ADJUSTMENT; AND PROVIDING FOR AN EFFECTIVE DATE ~ *Jerry Hendrix, Director of Community Development*

 [Attachments](#)

11. Authorize award and execution of a Purchase Order to GREAT BIG SIGNS, INC., of Kyle, Texas, in an amount not to exceed \$3,645.00 for the installation of building signage for the Police Department headquarters ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

12. Authorize award and execution of a Purchase Order to A AWNING DOCTOR of San Antonio, Texas, in an amount not to exceed \$1,775.00 for the installation of window awnings at the Police Department headquarters ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

13. Authorize award and execution of a Purchase Order to WEIGELT ENTERPRISES, LLC, of Dripping Springs, Texas, in an amount not to exceed \$3,240.00 for the installation of hydro-mulched Bermuda grass in Mary Kyle Hartson City Square Park ~ *Kerry Urbanowicz, Director of Parks & Recreation*

 [Attachments](#)

14. Authorize award and execution of a Purchase Order to UNITED RENTALS in an amount not to exceed \$1,478.21 for the rental of a generator and a light tower to provide power and lighting for the Full Moon Jubilee to be held April 26, 2013 at Lake Kyle Park ~ *Kerry Urbanowicz, Director of Parks & Recreation*

 [Attachments](#)

15. Authorize award and execution of a Purchase Order to NOLES PEST SERVICES DBA PESTMASTER SERVICES of Georgetown, Texas, in an amount not to exceed \$1,820 to provide pest control services for specified occupied city facilities for FY2013 and cancel any and all open Purchase Orders and agreements with Thrash Pest Control ~ *Kerry Urbanowicz, Director for Kyle Parks & Recreation*

 [Attachments](#)

16. Authorize City of Kyle Information Technology Department to send old cell phone equipment to recycling by way of call2recycle.org program as well as selling 108 old phones that qualify for Sprint's buy back program to be sold to Sprint for \$2,279.00 ~ *Mark Shellard, Director of Information Technology*

 [Attachments](#)

VIII. Consider and Possible Action

17. Consideration and Possible Action on an Economic Development Application for Business Incentives received and reviewed by the Economic Development & Tourism Committee and City Council ~ *Diana Blank, Director of Economic Development*

 [Attachments](#)

18. Consideration and Possible Action on Approval of Change Orders #1 & #2 to the Construction Contract for SPAWGLASS CONTRACTOR'S, INC., of Austin, Texas, in the amount of \$3,490 for a total contract amount of \$176,236 for the Construction of Phase II of the Historical Kyle Depot ~ *Jerry Hendrix, Director of Community Development*

 [Attachments](#)

19. Consider City Council Recommendation to TXDOT regarding Intersection of FM1626 and Kohler's Crossing Traffic Control Device ~ *Lanny Lambert, City Manager*

 [Attachments](#)

20. Consideration and Possible Action on proposed additional language to the Hays County Gang Task Force Interlocal Agreement ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

21. Authorize Staff to solicit bids for the handicap access power door opener for City Hall east door and City Council Chamber door ~ *Samantha LeMense, Council Member District 5*

 [Attachments](#)

22. Authorize execution of Amendment Number 1 to the Professional Services Agreement with Dianna L. Tinkler increasing the contract amount by \$11,400.00 for a revised total contract amount not to exceed \$41,185.00 for right-of-way acquisition services associated with the Bunton Creek Wastewater Interceptor, Phase 3 Project ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

23. Authorize execution of Amendment Number 1 to the Professional Services Agreement with LNV, Inc., increasing the contract amount by \$10,020.00 for a revised total contract amount not to exceed \$183,560.00 for right-of-way acquisition services associated with the Southside Wastewater Improvements Project ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

IX. City Managers Report

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

- Discuss Annexation Calendar

 [Attachments](#)

X. Staff Report

25. Presentation of the Police Department's Annual Racial Profiling Report for 2012 ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

XI. Executive Session

26. Convene into Executive Session pursuant to Tex. Gov't Code, § 551.087, to deliberate offers of financial or other incentives and economic development negotiations with business prospects that the City seeks to have locate, stay or expand in or near the City

 [Attachments](#)

27. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.071 and Tex.Gov't Code § 551.074, Consultation with Attorney and Personnel Matters to discuss:

1. Status of the former City Attorney
2. Steps to take in filling the position of City Attorney

 [Attachments](#)

28. Reconvene into Open Session to take any and all actions as deemed appropriate in the City Council's discretion regarding offers of financial or other incentives and economic development negotiations with business prospects that the City seeks to have locate, stay or expand in or near the City

 [Attachments](#)

29. Reconvene Into Public Session and take action as appropriate in the Council's

discretion regarding:

1. Status of the former City Attorney
2. Steps to take in filling the position of City Attorney

 [Attachments](#)

XII. ADJOURN

At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held

*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC.551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.



CITY OF KYLE, TEXAS

City Council Regular Meeting -
March 5, 2013

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: City Council Regular Meeting - March 5, 2013 ~ *Amelia Sanchez, City Secretary*

Other Information: This item is for formal approval of the minutes from the March 5th Regular Meeting of the City Council, a copy of which is included with the meeting packet.

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[City Council Regular Meeting Minutes - March 5, 2013](#)

REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on March 5, 2013 at 7:00 pm at Kyle City Hall, with the following persons present:

Mayor Lucy Johnson	Celeste Zygmont
Mayor Pro Tem Diane Hervol	
Council Member Samantha LeMense	
Council Member Ray Bryant	
Council Member David Wilson	
Lanny Lambert, City Manager	
James Earp, Assistant City Manager	
Jerry Hendrix, Director of Communications	
Perwez Moheet, Finance Director	
Diana Blank, Director of Economic Development	
Steven Wadacki, City Engineer	
Sofia Nelson, Director of Planning	
Mark Shellard, IT Director	
Julian Grant, City Attorney	

CALL MEETING TO ORDER

Mayor Johnson called the meeting to order at 7:02 P.M.

ROLL CALL

Mayor Johnson called for roll call. Present were Mayor Johnson, Mayor Pro Tem Hervol, Council Members Bryant, Pickett and Wilson.

Mayor Johnson stated that Council Member LeMense was working late but would arrive shortly.

Mayor Johnson stated that Council Member Selbera would not be attending due to a death in the family and moved to excuse her absence. Council Member Wilson seconds the motion. All aye. Motion carried.

APPROVAL OF MINUTES

CITY COUNCIL REGULAR MEETING - FEBRUARY 19, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

Council Member Pickett moved to approve the City Council Regular Meeting Minutes of February 19, 2013. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried.

CITY COUNCIL REGULAR MEETING

March 5, 2013 – Page 2

Kyle City Hall

CITIZEN COMMENT PERIOD WITH CITY COUNCIL

Mayor Johnson opened the citizens comment period at 7:05 P.M. and called for comments on items not on the agenda or posted for public hearing. Celeste Zygmont stated that she had heard there was an item on the agenda for protecting trees and wanted to speak on that. Mayor Johnson stated that it was on the agenda later with a public hearing and Ms. Zygmont asked to wait and speak then. With no one else wishing to speak, Mayor Johnson closed the public hearing at 7:06 P.M..

PRESENTATION

PRESENTATION OF EMPLOYEE OF THE MONTH FOR THE MONTH OF FEBRUARY ~ *LANNY LAMBERT, CITY MANAGER*

- Michael Bristol, Utility Foreman
- Ricardo Cisneros, Water Crew Leader

City Manager Lanny Lambert stated that he had lunch with a citizen, named Sue Ferrell who nominated Michael Bristol, and Ricardo Cisneros as employees of the month. He stated that she told him about a sewage problem flooding her home on a weekend and how these two employees came out and worked with her most of the afternoon and discovered it was not the city line but stayed anyway and helped her out of a most traumatic experience.

RECOGNITION OF OUTGOING PUBLIC WORKS AND SERVICE COMMITTEE MEMBERS FOR THE SELFLESS WORK AND DEDICATION FOR THE CITIZENS OF KYLE ~ *DAVID WILSON, COUNCIL MEMBER DISTRICT 4*

Council Member Wilson motioned to table this item until the next meeting. Mayor Johnson seconds the motion. All aye. Motion carried.

PROCLAMATIONS

PROCLAMATION OF THE CITY OF KYLE, TEXAS PROCLAIMING MARCH 5, 2013 AS "HEROES BEHIND THE BADGE DAY" IN THE CITY OF KYLE, TEXAS ~ *JEFF BARNETT, CHIEF OF POLICE*

Mayor Jonson asked the Members of Council, Members of the Kyle Citizen's Police Academy Alumni Association and Police Officers in attendance to join her in front of the dais as she read a Proclamation of the City of Kyle, Texas Proclaiming March 5, 2013 as "Heroes Behind the Badge Day" in the City of Kyle, Texas.

CITY COUNCIL REGULAR MEETING

March 5, 2013 – Page 3

Kyle City Hall

APPOINTMENTS

Consideration of Nomination(s) for Appointment to the Parks and Recreation Committee

~ *Lucy Johnson, Mayor*

Mayor Johnson moved to appoint Laddie Bordovsky to Seat 6 on the Parks an Recreation Committee. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried.

CONSENT AGENDA

HOMETOWN KYLE PHASE 4 SECTION 2 (FP-13-004) 10.464 ACRES; 41 LOTS

LOCATED OFF OF CHAPPARO DRIVE; OWNER: RH OF TEXAS

AGENT: STEVEN IHNEN, P.E., GICE INC.

~ SOFIA NELSON, DIRECTOR OF PLANNING

Planning and Zoning Commission voted 7-0 to Statutorily Disapprove the Plat

SCC BUNTON SUBDIVISION REPLAT OF LOT 6A TO ESTABLISH LOT 1B AND 2B (SFP-13-001);10.8198 ACRES; 2 COMMERCIAL LOTS LOCATED WITHIN THE

5900 BLOCK OF KYLE PARKWAY; OWNER: SCC KYLE PARTNERS, LTD.;

AGENT: ROBERT SMITH, P.E., DOUCET & ASSOCIATES, INC.

~ SOFIA NELSON, DIRECTOR OF PLANNING

Planning and Zoning Commission voted 7-0 to Statutorily Disapprove the Plat

THE VILLAS AT CREEKSIDE - PRELIMINARY PLAN (PP-13-001); 3.846 ACRES;

30 TOWNHOUSE LOTS LOCATED AT 104 CREEKSIDE TRAIL; OWNER: FHC

CONSOLIDATED LP AND KCW INTERESTS 3, LLC.; AGENT: KELLY KILBER,

P.E., PRO-TECH ENGINEERING GROUP, INC.

~ SOFIA NELSON, DIRECTOR OF PLANNING

Planning and Zoning Commission voted 7-0 to Approve the Preliminary Plan.

WATERLEAF SUBDIVISION PHASE A SECTION 5B - FINAL PLAT (FP-13-003)

16.815 ACRES; 53 LOTS LOCATED OFF OF E. FM 150 NEAR THE

INTERSECTION OF WATERLEAF BLVD & SUNNYSIDE DR

OWNER: KB HOME LONE STAR, LP; AGENT: STEVEN P. CATES, P.E.,

CARLSON, BRIGANCE & DOERING, INC.

~ SOFIA NELSON, DIRECTOR OF PLANNING

Planning and Zoning Commission voted 7-0 to Approve the Plat

CITY COUNCIL REGULAR MEETING

March 5, 2013 – Page 4

Kyle City Hall

WATERLEAF SUBDIVISION PHASE B SECTION 5 - FINAL PLAT (FP-12-008)
 33.749 ACRES; 88 LOTS LOCATED OFF OF EAST FM 150; OWNER: KB HOME
 LONE STAR, LP
 ~ SOFIA NELSON, DIRECTOR OF PLANNING

Planning and Zoning Commission voted 7-0 to Approve the Plat

AUTHORIZE AWARD AND EXECUTION OF A PURCHASE ORDER TO LASER TECHNOLOGY, INC., OF CENTENNIAL, COLORADO, IN AN AMOUNT NOT TO EXCEED \$4,500.00 TO ACQUIRE TWO HAND-HELD RADARS FOR THE POLICE MOTORCYCLE PATROL UNITS ~ *JEFF BARNETT, CHIEF OF POLICE*

AUTHORIZE AWARD AND EXECUTION OF A PURCHASE ORDER TO FIVE STAR ELECTRIC OF SAN ANTONIO, TEXAS, IN AN AMOUNT NOT TO EXCEED \$6,800.00 TO REPLACE A FAILED VARIABLE FREQUENCY DRIVE AT THE YARRINGTON STATION ~ *HARPER WILDER, DIRECTOR OF PUBLIC WORKS*

AUTHORIZE AWARD AND EXECUTION OF A PURCHASE ORDER TO J&K UTILITY SERVICES OF BUDA, TEXAS, IN AN AMOUNT NOT TO EXCEED \$2,552.94 FOR THE INSTALLATION OF SECURITY LIGHTING IMPROVEMENTS AT THE YARRINGTON STATION ~ *HARPER WILDER, DIRECTOR OF PUBLIC WORKS*

APPROVAL OF EXECUTION OF THE PARTIAL VACATION OF DRAINAGE EASEMENT/PRIVATE WASTEWATER EASEMENT AND GRANT OF DRAINAGE EASEMENT/PRIVATE WASTEWATER EASEMENT FOR THE PLAT OF THE BROD SUBDIVISION ~ *STEVEN WIDACKI, P.E., CITY ENGINEER*

Mayor Pro Tem Hervol moved to Approve Consent Agenda **Item #6** ~ Hometown Kyle Phase 4 Section 2 (FP-13-004) 10.464 acres; 41 Lots Located off of Chapparo Drive; **#7** ~ SCC Bunton Subdivision Replat of Lot 6A to Establish Lot 1B and 2B (SFP-13-001) 10.8198 acres; 2 Commercial Lots Located within the 5900 Block of Kyle Parkway; **#8** ~ The Villas at Creekside - Preliminary Plan (PP-13-001) 3.846 acres; 30 Townhouse Lots Located at 104 Creekside Trail; **#9** ~ Waterleaf Subdivision Phase A Section 5B - Final Plat (FP-13-003) 16.815 acres; 53 Lots Located off of E. FM 150 near the intersection of Waterleaf Blvd & Sunnyside Dr.; **#10** ~ Waterleaf Subdivision Phase B Section 5 - Final Plat (FP-12-008) 33.749 acres; 88 Lots Located off of East FM 150; **#11** ~ Authorize award and execution of a Purchase Order to LASER TECHNOLOGY, INC., of Centennial, Colorado, in an amount not to exceed \$4,500.00 to acquire two hand-held radars for the police motorcycle patrol units; **#12** ~ Authorize award and execution of a Purchase Order to FIVE STAR ELECTRIC of San Antonio, Texas, in an amount not to exceed \$6,800.00 to replace a failed variable frequency drive at the Yarrington Station;

CITY COUNCIL REGULAR MEETING

March 5, 2013 – Page 5

Kyle City Hall

#13 ~ Authorize award and execution of a Purchase Order to J&K UTILITY SERVICES of Buda, Texas, in an amount not to exceed \$2,552.94 for the installation of security lighting improvements at the Yarrington Station; **#14** ~ Approval of Execution of the Partial Vacation of Drainage Easement/Private Wastewater Easement and Grant of Drainage Easement/Private Wastewater Easement for the Plat of the Brod Subdivision. Council Member Bryant seconds the motion. All aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER A REQUEST BY DDR DB KYLE, LP (ROSS DRESS FOR LESS - 5086 KYLE CENTER DRIVE) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 25,000 SQUARE FOOT BUILDING LOCATED WITHIN THE INTERSTATE HIGHWAY 35 CORRIDOR DISTRICT ~ *SOFIA NELSON, DIRECTOR OF PLANNING*

Planning and Zoning Commission voted 7-0 to Approve the Conditional Use Permit

PUBLIC HEARING

Mayor Johnson opened the Public Hearing at 7:21 P.M. to hear comments on a request by DDR DB Kyle, LP (Ross Dress for Less - 5086 Kyle Center Drive) for a Conditional Use Permit to construct a 25,000 square foot building located within the Interstate Highway 35 Corridor District. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:21 P.M.

Council Member Pickett moved to Approve a request by DDR DB Kyle, LP (Ross Dress for Less - 5086 Kyle Center Drive) for a Conditional Use Permit to construct a 25,000 square foot building located within the Interstate Highway 35 Corridor District. Mayor Pro Tem Hervol seconds the motion. All votes aye. Motion carried.

CONSIDER AN AMENDMENT TO ARTICLE V - LANDSCAPING AND SCREENING REQUIREMENTS TO ADD SECTION 53-995 TREE ORDINANCE TO THE CITY OF KYLE, CITY CODE ~ *SOFIA NELSON, DIRECTOR OF PLANNING*

Planning and Zoning Commission voted 7-0 to postpone until the March 26th meeting

PUBLIC HEARING

Mayor Johnson opened the Public Hearing at 7:25 P.M. to hear comments on an amendment to Article V - Landscaping and Screening Requirements to add Section 53-995 Tree Ordinance to the City of Kyle, City Code. Lila Knight spoke and stated that she

CITY COUNCIL REGULAR MEETING

March 5, 2013 – Page 6

Kyle City Hall

wanted to remind Council that most of the controversy concerning the demolition of older stands of trees have occurred within PUD's and that this Ordinance will not address that issue and so it would not apply to PUD's. Celeste Zygmunt spoke and stated it was important to protect the nature of our city and to create and cultivate it and to show an appreciation for that. She stated she did not want to see a concrete filled city. With no one else wishing to speak Mayor Johnson closed the Public Hearing at 7:30 P.M.

Mayor Pro Tem Hervol moved to table an Amendment to Article V - Landscaping and Screening Requirements to add Section 53-995 Tree Ordinance to the City of Kyle, City Code to the April 2nd meeting. Council Member Bryant seconds the motion. All aye. Motion carried.

AUTHORIZE THE CITY MANAGER TO ISSUE REIMBURSEMENT PAYMENT #1 TO HAYS COUNTY IN THE AMOUNT OF \$1,730,015.51 FOR RIGHT-OF-WAY ACQUISITIONS AND RELATED SERVICES IN ACCORDANCE WITH THE INTERLOCAL AGREEMENT FOR THE RM 150 IMPROVEMENTS PROJECT ~ PERWEZ A. MOHEET, CPA, DIRECTOR OF FINANCE

Council Member Wilson moved to Authorize the City Manager to issue reimbursement payment #1 to Hays County in the amount of \$1,730,015.51 for right-of-way acquisitions and related services in accordance with the interlocal agreement for the RM 150 improvements project. Mayor Johnson seconds the motion. All votes aye. Motion carried.

CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE JOINT ELECTION AGREEMENT BY AND BETWEEN THE CITY OF KYLE AND NORTH HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 ~ LANNY LAMBERT, CITY MANAGER

City Manager stated that this item for a Joint Election Agreement was no longer needed because the North Hays County Municipal Utility District No. 1 had cancelled their election.

CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE NAMING OF PUBLIC FACILITIES POLICY ~ LANNY LAMBERT, CITY MANAGER

Council Member Pickett moved to table Action to Approve the Naming of Public Facilities Policy. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried.

(First Reading) AN ORDINANCE SUSPENDING THE IMPLEMENTATION OF THE INTERIM RATE ADJUSTMENT UNDER SECTION 104.301 OF THE TEXAS UTILITIES CODE BY TEXAS GAS SERVICE COMPANY

WITHIN THE CITY OF KYLE, TEXAS; REQUESTING REIMBURSEMENT FOR THE CITY'S EXPENSES FOR HIRING CONSULTANTS TO ASSIST THE CITY IN ITS REVIEW AND CONSIDERATION OF THE RATE ADJUSTMENT; AND PROVIDING FOR AN EFFECTIVE DATE ~ *Jerry Hendrix, Director of Community Development*

CITY COUNCIL REGULAR MEETING

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Kyle City Hall

Council Member Bryant moves to Approve (*First Reading*) An Ordinance suspending the implementation of the Interim Rate Adjustment under Section 104.301 of the Texas Utilities; Requesting Reimbursement for the City's expenses for hiring consultants to assist the City in its review and consideration of the Rate Adjustment; and Providing for an Effective Date. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried.

(*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING PART II, CHAPTER 2, ARTICLE III, DIVISION 4, SUBDIVISION I & II OF THE CITY OF KYLE MUNICIPAL CODE DEALING WITH THE STRATEGIC PLANNING AND FINANCE COMMITTEE, THE COMMUNITY RELATIONS COMMITTEE, THE PUBLIC WORKS & SERVICE COMMITTEE, THE MOBILITY COMMITTEE, THE PARKS AND RECREATION COMMITTEE, THE SAFETY & EMERGENCY SERVICES COMMITTEE, AND THE ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE; REVISING MEMBERS OF OFFICE; REVISING DUTIES, MEMBERSHIP, TERMS, APPOINTMENTS; AND PROVIDING FOR RELATED MATTERS ~ *Brad Pickett, Council Member District 3*

Mayor Pro Tem Hervol moves to Approve (*First Reading*) An Ordinance of the City of Kyle, Texas, Amending Part II, Chapter 2, Article III, Division 4, Subdivision I & II of the City of Kyle Municipal code dealing with the Strategic Planning and Finance committee, The Community Relations Committee, The Public Works & Service Committee, the Mobility Committee, The Parks and Recreation Committee, The Safety and Emergency Services Committee, and the Economic Development and Tourism Committee, Revising Members of Office; Revising Duties, Membership, Terms, Appointments; And Providing for Related Matters. Council Member Pickett seconds the motion. All aye. Motion carried.

Council Member LeMense arrived at 8:00 P.M. and voted on this agenda item.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS DECLARING THE CITY'S OPPOSITION TO THE KYLE FIRE DEPARTMENT AND HAYS COUNTY EMERGENCY SERVICES DISTRICT NUMBER 8's PLANS TO PLACE A PROPOSITION IN THE MAY 2013 GENERAL ELECTION BALLOT TO COLLECT SALES TAX FROM AREAS IN THE CITY OF KYLE EXTRA-TERRITORIAL JURISDICTION AND STATING THAT SUCH AN ACTION WOULD HAVE SEVERE RAMIFICATIONS DETRIMENTAL ON THE CITY'S

ABILITY TO GROW INTO THOSE AREAS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE ~ *Becky Selbera, Council Member District 2*

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March 5, 2013 – Page 8

Kyle City Hall

Council Member Wilson moved to Approve A Resolution of the City Council of the City of Kyle, Texas declaring the City's opposition to the Hays County Emergency Services District Number 8's plans to place a proposition in the May 2013 General Election ballot to collect sales tax form areas in the City of Kyle Extra-Territorial Jurisdiction and stating that such an action would have severe ramifications detrimental on the City's ability to grow into those areas; Finding and Determining that the meeting at which this Resolution was passed was in accordance with the requirements of the Open Meetings Act; Making such other Findings and Provisions related to the subject; and Declaring an Effective Date. Mayor Johnson seconds the motion. Mayor Johnson asks for clarification that Council Member Wilson wants all mention of the Kyle Fire Department be removed from the Resolution and Council Member Wilson answers yes. Mayor Johnson asks if he would consider amending the motion to direct staff to reach out to ESD 8 leadership approaching them about an agreement similar to the one they have with Buda. Council Member Wilson agrees to the amendment. All votes aye. Motion carried.

PLANNING AND ZONING

Zoning

(First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 5.115 ACRES OF LAND FROM 'C-2' COMMERCIAL – GENERAL BUSINESS TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 770 WINDY HILL ROAD, IN HAYS COUNTY, TEXAS. (NESTER DEVELOPMENT AND STEVEN AND REBECCA ENTERPRISES, INC. Z-13-001); 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 WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to Deny the rezone request of Retail Services and made a Recommendation to rezone the property to Community Commercial.

CITY COUNCIL REGULAR MEETING

March 5, 2013 – Page 9

Kyle City Hall

PUBLIC HEARING

Mayor Johnson opened the Public Hearing at 8:16 P.M. to hear comments on (First Reading) An Ordinance Amending Chapter 53(Zoning) of the City of Kyle, Texas , for the purpose of rezoning approximately 5.115 acres of land from 'C-2' Commercial - General Business to 'RS' Retail Service District, on property located at 770 Windy Hill Road, in Hays County, Texas. With no one wishing to speak Mayor Johnson closed the Public Hearing at 8:17 P.M.

Council Member Bryant moved to Approve on (First Reading) An Ordinance Amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 5.115 acres of land from 'C-2' Commercial - General Business to 'RS' Retail Service District, on property located at 770 Windy Hill Road, in Hays County, Texas. Council Member Bryant restates his motion to Approve An Ordinance Amending Chapter 53 (Zoning) of the City of Kyle, Texas, rezoning approximately 5.115 acres of land to Community Commercial. Mayor Pro Tem Hervol seconds the motion. Council Member LeMense asks Council Member Bryant if he would consider an amendment to the motion to include an expansion on the driveway to what they need which is the 36 feet. Mayor Johnson asked Planning Director Sophia Nelson if Council is allowed to make such amendments during a zoning change. Ms. Nelson stated that this would be a zoning variance and would have to go to the Board of Adjustments for a variance. Mayor Johnson called for a roll call vote. Mayor Pro Tem Hervol, aye, Council Member LeMense, nay, Mayor Johnson, aye, Council Member Pickett, nay, and Council Member Wilson, nay. Motion failed 3-3. Council Member Wilson moved to approve rezoning this land for retail services. Council Member Pickett seconds the motion. Mayor Johnson called for a second roll call vote. Mayor Pro Tem Hervol, aye, Council Member LeMense, aye, Mayor Johnson, aye, Council Member Pickett, aye, Council Member Wilson, aye. Motion carried 6-0.

CITY MANAGERS REPORT

UPDATE ON VARIOUS CAPITAL IMPROVEMENT PROJECTS, ROAD PROJECTS, BUILDING PROGRAM, AND/OR GENERAL OPERATIONAL ACTIVITIES ~ *LANNY LAMBERT, CITY MANAGER*

- Discussion of Joint City Council/P&Z Meeting on March 12, 2013 at 6:30 p.m.
- Present Resolution for Annexation

CITY COUNCIL REGULAR MEETING

March 5, 2013 – Page 10

Kyle City Hall

City Manager Lanny Lambert reminded City Council about their joint workshop with Planning and Zoning Commission on March 12, 2013 with time changing to 7:00 P.M. from 6:30 P.M. and that staff would be bringing forward a proposed resolution for annexation at the next meeting.

EXECUTIVE SESSION

CONVENE INTO EXECUTIVE SESSION PURSUANT TO TEX. GOV'T. CODE, § 551.071 AND TEX. GOV'T CODE § 551.074, CONSULTATION WITH ATTORNEY AND PERSONNEL MATTERS:

- A. TERMS AND CONDITIONS OF CITY ATTORNEY CONTRACT
- B. PERFORMANCE EVALUATION CRITERIA
- C. PERFORMANCE OF CITY ATTORNEY

Mayor Johnson moved to Convene into Executive Session at 9:10 P.M. pursuant to Tex. Gov't. Code, § 551.071 and Tex. Gov't Code § 551.074, Consultation with Attorney and Personnel Matters. a) terms and conditions of City Attorney contract; b) performance evaluation criteria; c) performance of City Attorney. Council Member LeMense seconds the motion. All aye. Motion carried.

RECONVENE INTO PUBLIC SESSION AND TAKE ACTION AS APPROPRIATE IN THE COUNCIL'S DISCRETION REGARDING:

- A. TERMS AND CONDITIONS OF CITY ATTORNEY CONTRACT
- B. PERFORMANCE EVALUATION CRITERIA
- C. PERFORMANCE OF CITY ATTORNEY

Mayor Johnson moved to Reconvene Into Public Session at 10:01 P.M. and take action as appropriate in the Council's discretion regarding: a) terms and conditions of City Attorney contract; b) performance evaluation criteria; c) performance of City Attorney. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried.

Mayor Johnson stated that no action was take during Executive Session but that action would be taken now.

Mayor Johnson moved that the Council accept the resignation of the City Attorney.. Council Member LeMense seconds the motion. All aye. Motion carried.

ADJOURN

CITY COUNCIL REGULAR MEETING

March 5, 2013 – Page 11

Kyle City Hall

With no further business to discuss Mayor Pro Tem Hervol moves to adjourn. Council Member Lemense seconds the motion. All votes aye. Motion carried.

The City Council meeting adjourned at 10:02 P.M.

Lucy Johnson, Mayor

Amelia Sanchez, City Secretary



CITY OF KYLE, TEXAS

Recognition of outgoing Public Works & Service committee members

Meeting Date: 3/19/2013

Date time: 7:00 PM

Subject/Recommendation: Recognition of outgoing Public Works and Service Committee members for the selfless work and dedication for the citizens of Kyle ~
David Wilson, Council Member District 4

- Kelly Hoag
- Ann Long

Other Information: Presentation of certification of appreciation to Kelly Hoag and Ann Long for their service on the Public Works and Service Committee

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download



CITY OF KYLE, TEXAS

FM 1626 and Kohler's Crossing round-about

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Presentation by Gary Scahtz on a proposed round-about vs. traffic light located at FM 1626 and Kohler's Crossing ~ *Sofia Nelson, Director of Planning; Steven D. Widacki, P.E., City Engineer; and Jeff Barnett, Chief of Police*

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Presentation](#)

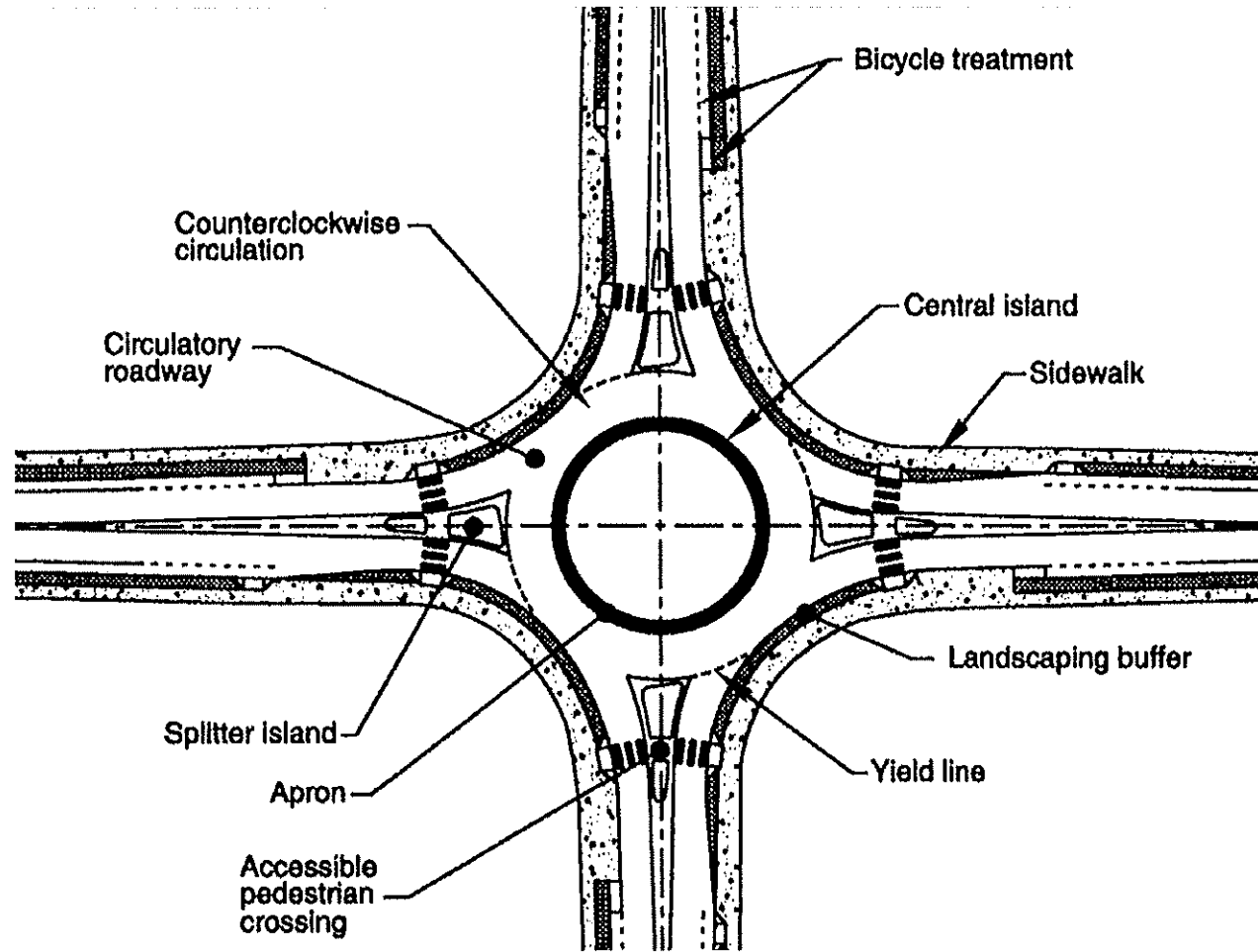
Modern Roundabouts: State of the Practice

2011 Traffic Safety Conference
Austin, Texas



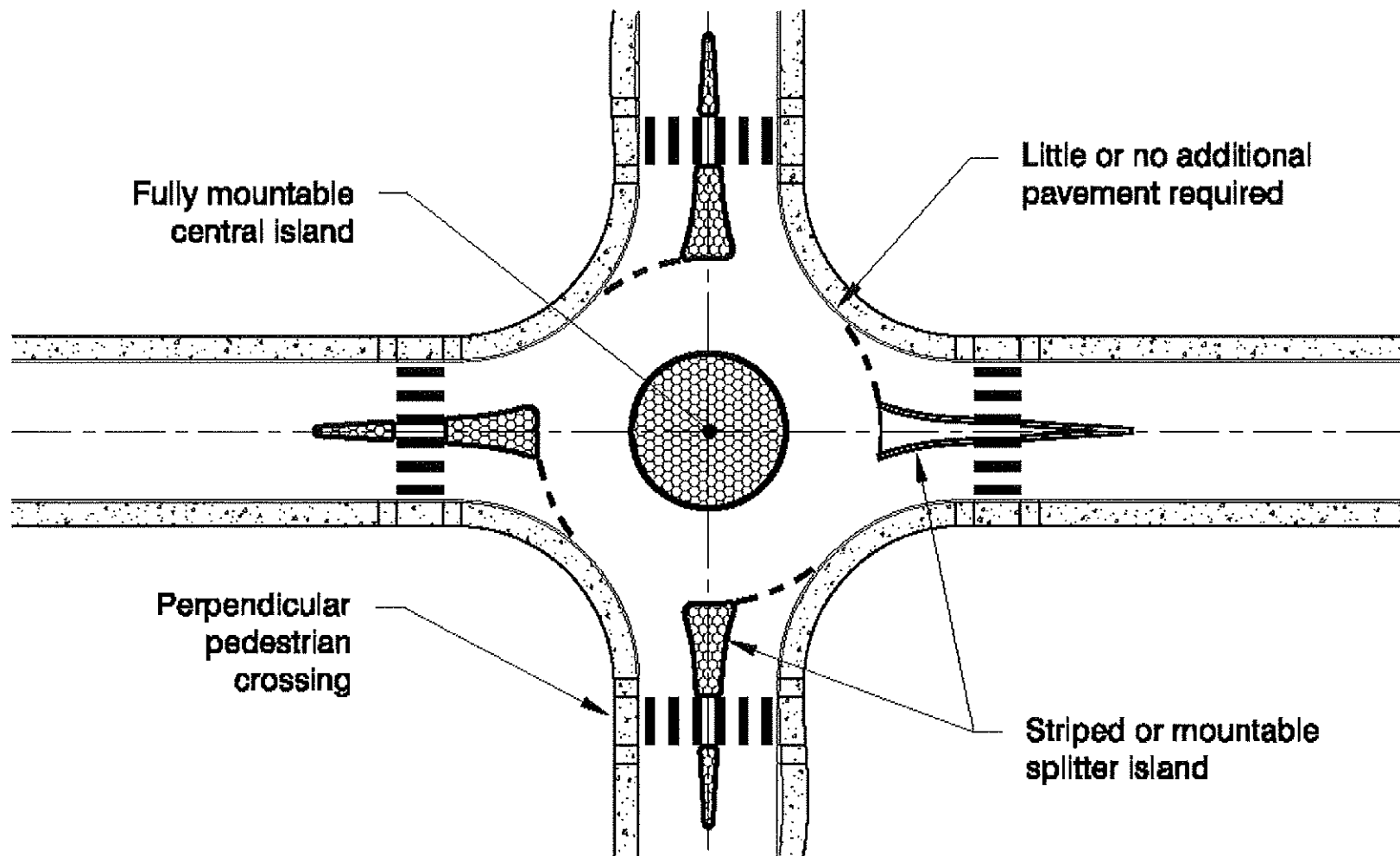
Gary W. Schatz, P.E., PTOE
Austin Transportation Department
March 22, 2011

Modern Roundabout



From *Roundabouts: An Informational Guide*, Federal Highway Administration, 2010

Mini Roundabout



From *Roundabouts: An Informational Guide*, Federal Highway Administration, 2010

Advantages of Modern Roundabouts

- Safer than traditional intersections
- Efficient (high capacity/low delay)
- Serves all roadway users
- Geometric flexibility
- Gateways or focal points

Modern Roundabouts in Service



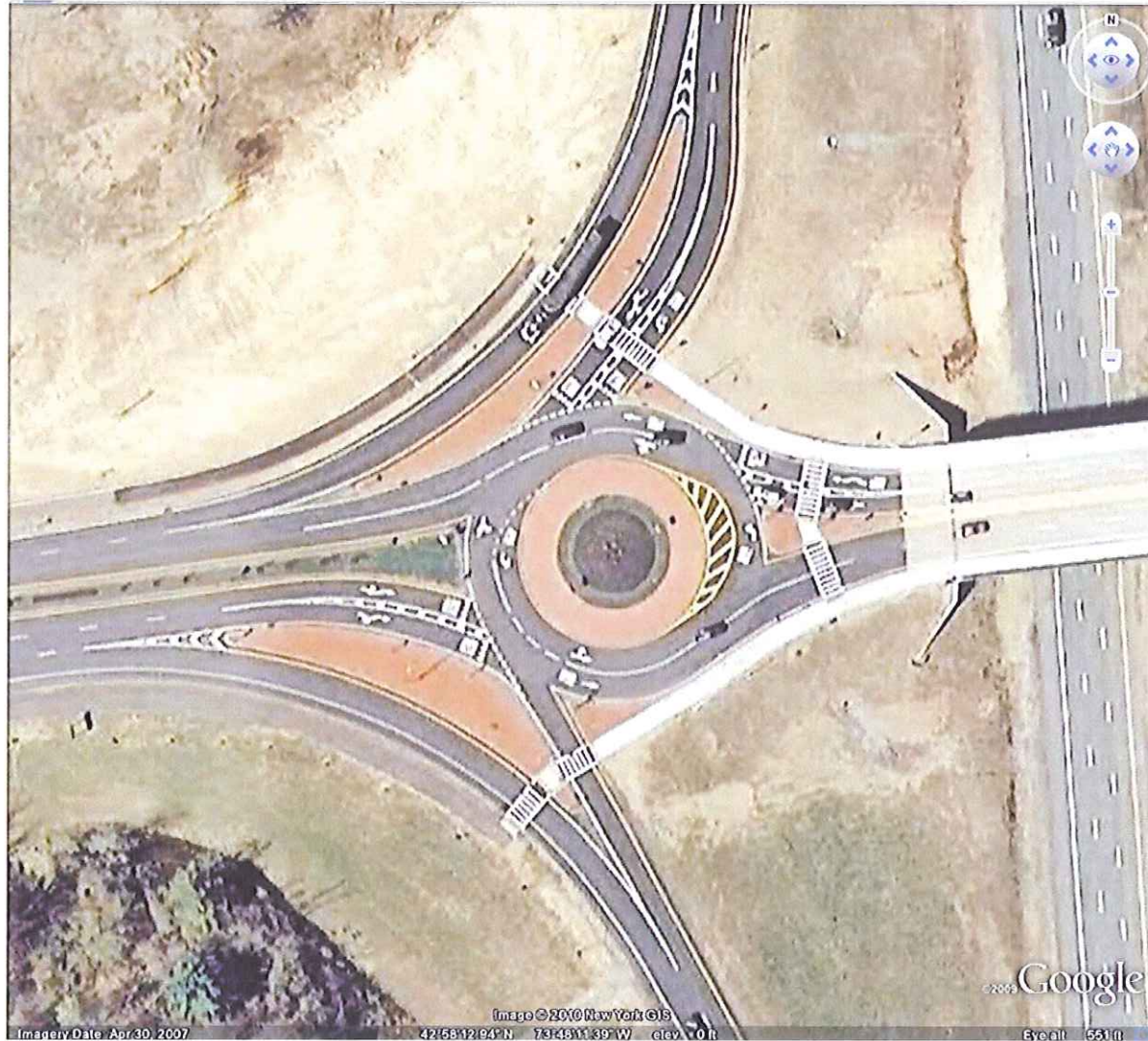
College Street – Asheville, North Carolina
(Images from www.iihs.org)

Modern Roundabouts in Service



Dunning Street (SR 9) – Malta, New York
(Image from Google Earth)

Modern Roundabouts in Service



Dunning Street (SR 9) – Malta, New York
(Image from Google Earth)

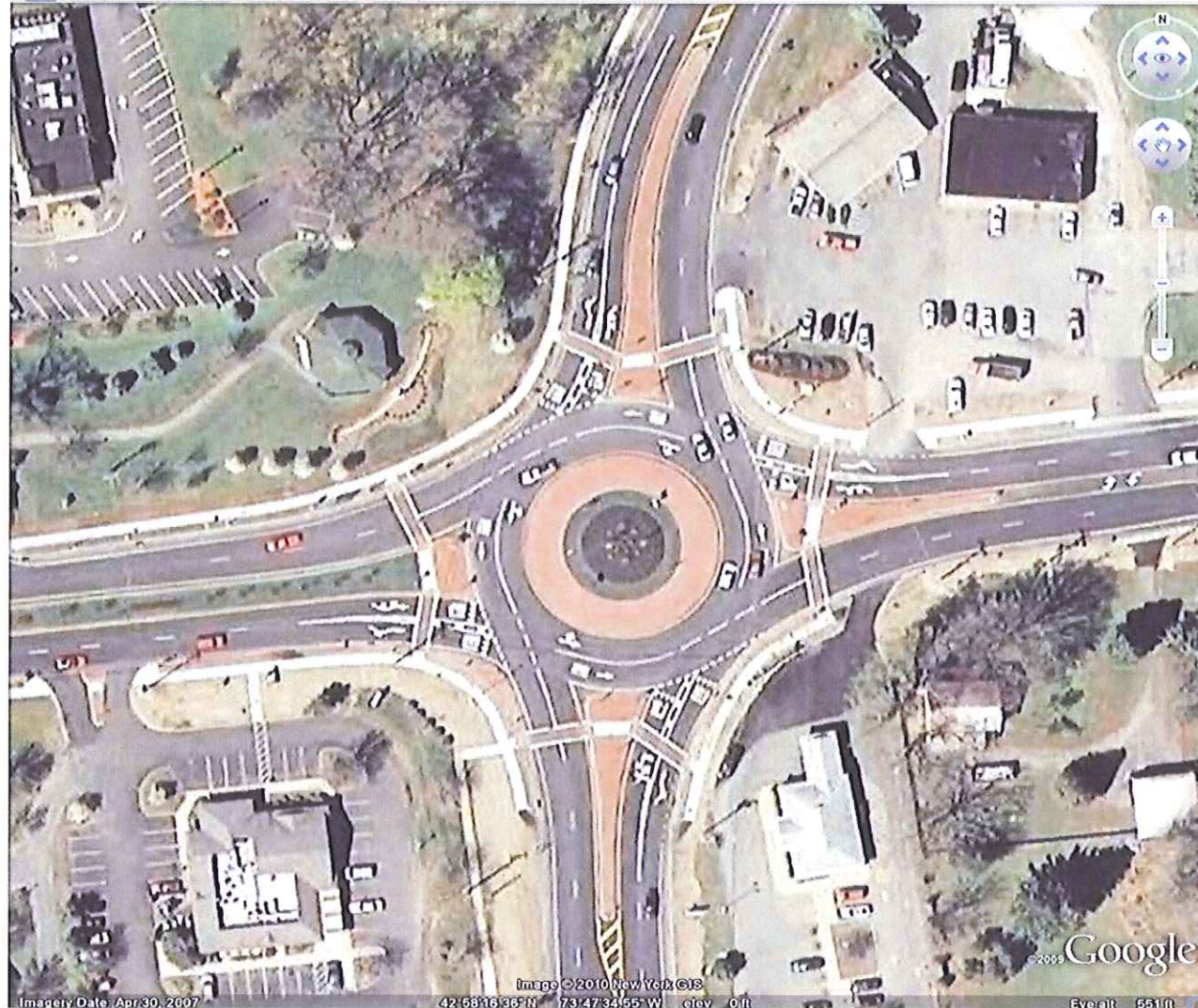
~165 Ft. ICD

Modern Roundabouts in Service



Dunning Street (SR 9) – Malta, New York
(Image from Google Earth)

Modern Roundabouts in Service



Dunning Street (SR 9) – Malta, New York
(Image from Google Earth)

~165 Ft. ICD

Modern Roundabouts in Service



East Lake Sammamish Parkway @ SE 43rd Way – Issaquah, Washington

(Image courtesy of Reid Middleton)

130 Ft to 160 Ft. ICDs

Modern Roundabouts in Service



164th Street SE @ SR 522/Tester Road – Monroe, Washington
(Image courtesy of Reid Middleton)

~230 Ft. ICD

Modern Roundabouts in Service



East Main/Idaho/Maryland Road/SH 20 Ramps Roundabout – Grass Valley, California

(Image courtesy of Reid Middleton)

130 Ft. ICD

Modern Roundabouts in Service



Jefferson/Webb/Coffey Roundabout – Daingerfield, Texas (Before)
(Image courtesy of Brown & Gay, Inc.)

Modern Roundabouts in Service



Jefferson/Webb/Coffey Roundabout – Daingerfield, Texas (After)
(Image courtesy of Brown & Gay, Inc.)

~130 Ft. ICD

Modern Roundabouts in Service



US 2 & US 302 Roundabout – Montpelier, Vermont
(Image courtesy of City of Montpelier, Vermont)

~150 Ft. ICD

Modern Roundabouts in Service



Grand Oaks – Austin, Texas
(Image from Google Earth)

~100 Ft. ICDs

Modern Roundabouts in Service



Grand Oaks – Austin, Texas
(Photo by Author)

~100 Ft. ICD

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

~110 Ft. ICD

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

~110 Ft. ICD

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

~110 Ft. ICD

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

~110 Ft. ICD

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

~110 Ft. ICD

Modern Roundabouts in Service



Roundabout at Cotton Elementary School – San Antonio, Texas
(Image from Google Earth)

~90 Ft. ICD

Modern Roundabouts in Service



Roundabout at Cotton Elementary School – San Antonio, Texas
(Photo by Author)

~90 Ft. ICD

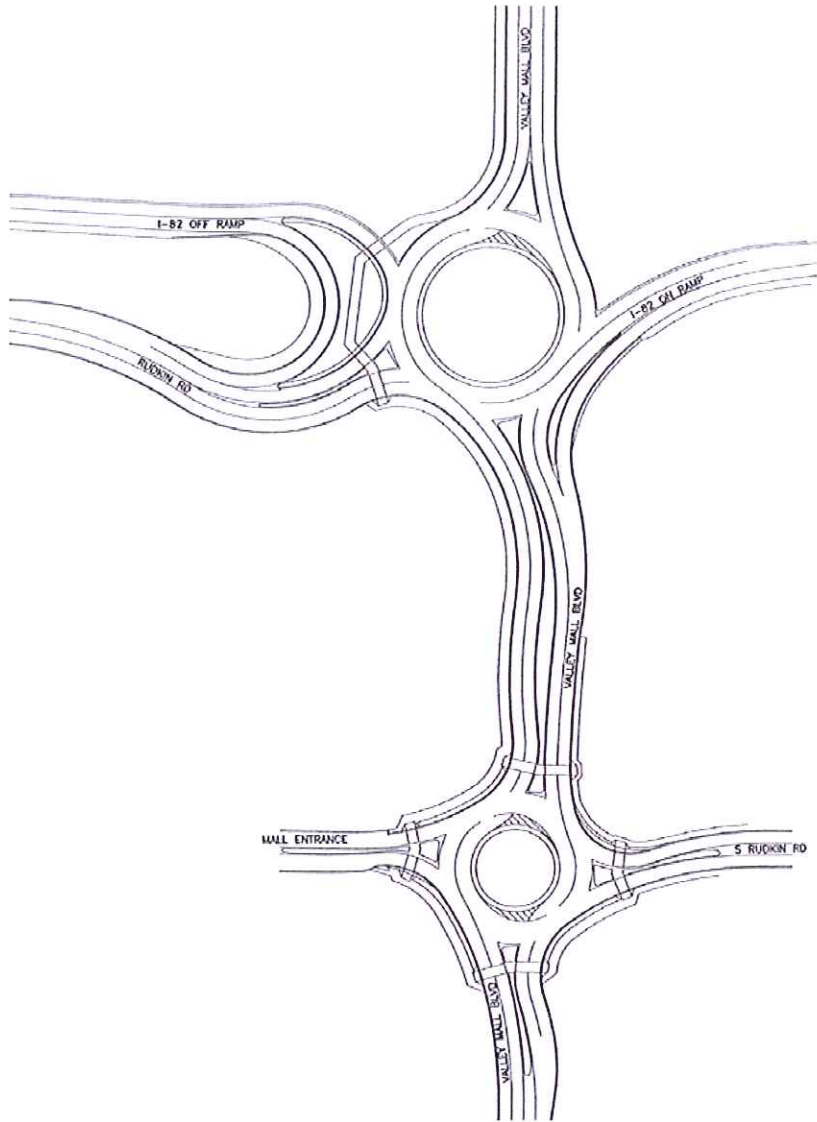
Modern Roundabouts in Service



SH 10 Roundabout – Hanover, New Hampshire
(Photo by Author)

~100 Ft. ICD

Modern Roundabouts in Service



I-82 & Valley Mall Boulevard – Union Gap, Washington
(Images courtesy of Reid Middleton)

210 Ft. and 152 Ft. ICDs

Modern Roundabouts in Design

The screenshot shows the 'US 41 Project' website. At the top, there is a navigation bar with links for Home, Construction updates, Contact us, Site index, Help, En Español, Hmong, and WisDOT home. The main header includes the 'CONNECTING WISCONSIN' logo and the 'US 41 Project' title. Below the header are navigation tabs for OVERVIEW, TRAFFIC, CLOSURES, MAP, GALLERY, NEWS & EVENTS, and RESOURCES. A 'Sign up for updates' button and a 'Project progress' bar (10% complete) are also visible. The main content area is divided into 'NEWS AND TRAFFIC UPDATES' and 'MAP'. The news section includes articles about a meeting for the US 41/Scheuring Road interchange and a new traffic signal in Winnebago County. The map shows the project corridor through Winnebago County, Wisconsin, with various towns labeled.

CONNECTING WISCONSIN

Home | Construction updates | Contact us | Site index | Help | En Español | Hmong | WisDOT home

US 41 Project

OVERVIEW | TRAFFIC | CLOSURES | MAP | GALLERY | NEWS & EVENTS | RESOURCES

Sign up for updates | Project progress: 10% complete

NEWS AND TRAFFIC UPDATES

News

- Meeting set to discuss closure of US 41/Scheuring Road interchange
January 7, 2011
- New traffic signal makes for safer left turns in Winnebago County
January 6, 2011
- More...

Traffic and closures

- Winnebago County: Northbound Mainline Widening and Bell Street/Breezewood Lane Interchange
November 19, 2010
- Winnebago County: 9th Avenue Interchange, north US 41 Mainline Paving, US 44 bridge painting
November 12, 2010
- More...

MAP

Map showing the US 41 corridor through Winnebago County, Wisconsin, including towns like Clintonville, Suamico, Green Bay, De Pere, Appleton, Neenah, and Oshkosh.

US 41 Corridor - Wisconsin
(Image from www.us41wisconsin.gov)

Modern Roundabouts in Design

The screenshot shows the 'US 41 Project' website. At the top left is the 'CONNECTING WISCONSIN' logo with a red shield containing the number 41. To the right is a navigation menu with links: Home, Construction updates, Contact us, Site index, Help, En Español, Hmong, and WisDOT home. Further right is the 'US 41 Project' title and the Wisconsin Department of Transportation logo. Below the navigation is a red bar with white text tabs: OVERVIEW, TRAFFIC, CLOSURES, MAP, GALLERY, NEWS & EVENTS, and RESOURCES. Underneath is a 'Sign up for updates' button and a 'Project progress:' section with a blue progress bar at 10% complete. The main content area is split into two columns. The left column is titled 'NEWS AND TRAFFIC UPDATES' and contains a 'News' section with several entries, including 'Meeting set to discuss closure of US 41/Scheuring Road interchange' and 'Winneshook County: 9th Avenue Interchange, north US 41 Mainline Paving, US 44 bridge painting'. The right column is titled 'MAP' and contains two map images. The top map is a zoomed-in view of the Suamico area, showing the intersection of US 41 and Howard Hobart. The bottom map is a larger regional view of the US 41 corridor, showing the route from Appleton to Oshkosh and beyond. A large purple banner with white text is overlaid across the center of the maps, reading '... 44 roundabouts added...'. The bottom right of the maps includes the text 'Map data ©2010 Google - Terms of Use'.

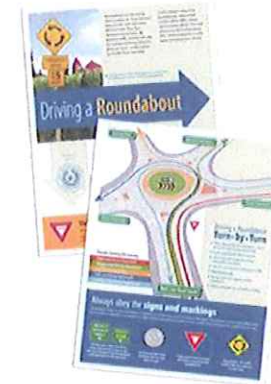
US 41 Corridor - Wisconsin
(Image from www.us41wisconsin.gov)

Modern Roundabouts in Design

USH 41 Educational Tools



USH 41 DRIVING SIMULATOR



FLYER



FLASH

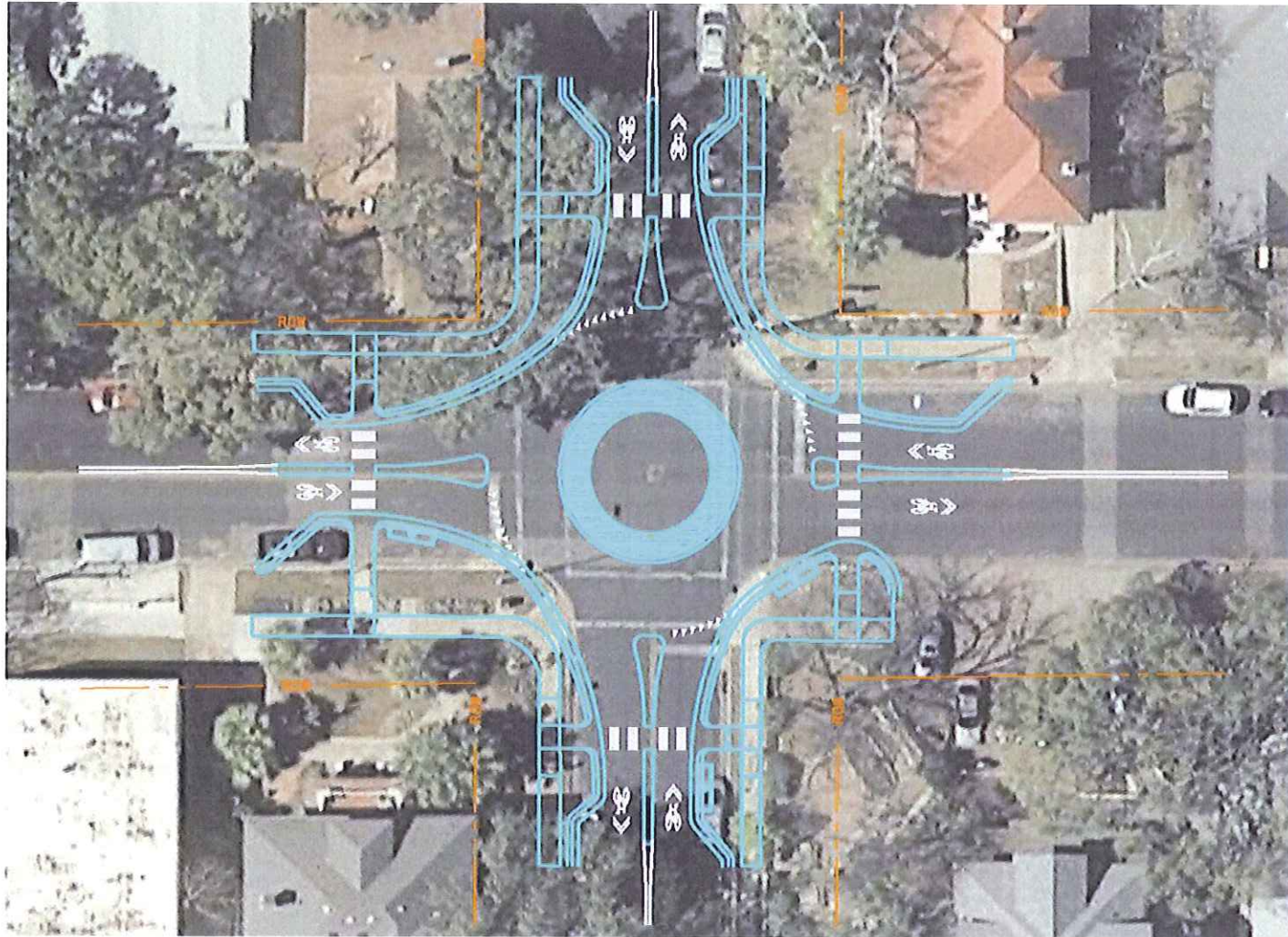
(Image courtesy of Ourston Roundabout Engineering, Inc.)

Modern Roundabouts in Design



Hybrid Modern Roundabout/Mini Roundabout - Austin, Texas
(Image courtesy of City of Austin, Texas)

Modern Roundabouts in Design



Hybrid Modern Roundabout/Mini Roundabout - Austin, Texas
(Image courtesy of City of Austin, Texas)

~60 Ft. ICD

Roundabout Policies

Roundabouts are the preferred safety alternative for a wide range of intersections. Although they may not be appropriate in all circumstances, they should be considered as an alternative for all proposed new intersections on Federally-funded highway projects.... Roundabouts should also be considered for all existing intersections that have been identified as needing major safety or operational improvements. This would include freeway interchange ramp terminals and rural intersections.

Federal Highway Administration
Consideration and Implementation of Proven Safety Countermeasures, July 2008

Roundabout Policies

Roundabouts are frequently able to address [intersection design] objectives better than other intersection types in both urban and rural environments and on high- and low-speed highways. Thus, when a project includes reconstructing or constructing new intersections, a roundabout alternative is to be analyzed.... When the analysis shows that a roundabout is a feasible alternative, it should be considered the Department's preferred alternative due to the proven substantial safety benefits and other operational benefits.

New York State Department of Transportation
Highway Design Manual, August 2006

Roundabout Policies

Roundabout design is not a specific science, but more of an art form within the context of State and Federal guidelines. ...We encourage municipalities and state Departments of Transportation to have their roundabout designs (especially multilane roundabouts) reviewed by someone who has years of roundabout design experience and who is knowledgeable in all aspects of modern roundabout planning, design, construction and operation.

Kansas Department of Transportation
Preamble to *Kansas Roundabout Guide*

Roundabout Policies

Due to modern roundabouts' ... inherent complexity of their geometric and operational aspects, WisDOT ... requires that a qualified designer ... be involved with each stage of the process. ...A qualified designer must meet the skills, knowledge and experience level determined appropriate by the Wisconsin Department of Transportation for roundabout design.

Wisconsin Department of Transportation
Facilities Development Manual, December 2008

Ongoing Efforts

US Access Board

Public Rights of Way Accessibility Guidelines (PROWAG)

- NPRM still pending
- Joint DOJ/DOT rulemaking
- Considered “Best Practice” by FHWA (January 2006)

Accessible Public Rights-of-Way: Planning and Designing for Alterations

- Published August 2007
- Follows intent of PROWAG

Ongoing Efforts

FHWA

Technical Summaries

- Modern Roundabouts and Mini-Roundabouts
- Outreach materials now available

2009 MUTCD – Expanded Signing & Markings Info

Roundabouts Peer-to-Peer (P2P) Program

- New England 2009
- Florida 2010

Ongoing Efforts

TRB

Roundabouts: An Informational Guide – Second Edition

- Published Fall 2010
- Supersedes FHWA 2000 Guide

NCHRP 3-78A: Crossing Solutions at Roundabouts and Channelized Turn Lanes for Pedestrians with Vision Disabilities - Final report recommends more study

NCHRP 3-100: Roundabout Corridors Performance and Efficiency – FY 2011

Ongoing Efforts

ITE

Roundabout Task Force

- Formed August 2008
- Aligned with Transportation Safety Council

Programming

- ITE Technical Conferences & Annual Meetings
- Webinars
- Toolbox Topics

Draft Policy Considerations

- “Roundabouts First” – Shall? Should? May?

Ongoing Efforts

Local Research in Progress

Center for Transportation Research

- *Development of Guidelines for Implementation of Roundabouts in Texas*

Texas Transportation Institute:

- *Reducing Older Driver Injuries at Intersections*
- *Improving Pedestrian Safety at Unsignalized Crossings (Pedestrian Hybrid Beacons a.k.a. HAWKs)*

Ongoing Efforts

2011 National Roundabout Conference Carmel, Indiana, May 18-20, 2011

- 63 roundabouts fielded; 3 under construction; 8 in design
- 39 traffic signals remaining

“I foresee a Carmel without traffic lights.”



*Mayor James Brainard
Sarasota Observer
May 28, 2009*

Questions?



Modern Roundabouts: State of the Practice

2011 Traffic Safety Conference
Austin, Texas



Gary W. Schatz, P.E., PTOE
Austin Transportation Department
March 22, 2011



CITY OF KYLE, TEXAS

Kyle Chamber Quarterly Report

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Presentation of Kyle Chamber of Commerce Quarterly Report for Reporting Period October 2012 through December 2012 ~ *Ray Hernandez, Executive Director of Kyle Area Chamber of Commerce & Visitor's Bureau*

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Oct12012-Dec312012 Tourism Narrative](#)
 - [Oct12012-Dec312012 Tourism Metrics](#)
 - [Oct12012-Dec312012 Tourism Funds](#)
-

Tourism Activity October 1 – December 31, 2012

Events:

Kyle Fair & Music Festival: This was the second year the Kyle Chamber managed and organized the event. The event took place at Thunderhill Raceway from October 18th to October 21st. The Kyle Fair featured live music, carnival, vendors, and a BBQ cook-off. The Chamber promoted the event via social media sites, TV, websites, and print. Attendance was estimated to be 14,000.

Marketing:

Distributed additional Guide to Kyle, 328 copies, to Texas State Visitor Centers and other community Visitor Centers as well as at area businesses. The Guides featured story "Highway to History" brands of Kyle, Texas contains information on historical sites, special events and additional Kyle area information.

Tourism requested Kyle, Texas Brochures mailed 452 which includes information on historical sites, tourism events, lodging and venues. These were requested by individuals from our TourTexas.com web site and TxDot web site as well as any individually emailed or called in request.

Mailed/handed out 303 relocation packets which included tourism information, Guide to Kyle, Map, Tourism Brochure and area business information

Managed website, brochures and answered email, calls and walk ins at Visitors Center Monday-Saturday In addition, we provide tourism information (historical sites, venues etc.) as well as information on restaurants, lodging and area businesses.

Partnered with La Quinta and Best Western Inns and Suites to promote **F1 Circuit of American's (COTA) Race** to their guests. We set up a free shuttle from La Quinta and Best Western utilizing a vehicle from Chuck Nash Auto Group to take hotel guest to the shuttle set up by the city of Buda Tourism department. Guest were required to provide 48 hour notice for free shuttle. No guests accepted the offer and choose to either drive themselves or find other methods of transportation to the race. Hotels reported increased sales but lower than expected. Both La Quinta and Best Western Inns and Suites had rooms that did not sell the weekend of COTA. Buda Tourism reported shuttle riders: Sat-60 Sun-80 with over 90% driving to Buda Visitors Center for shuttle pick up rather than Buda designated hotel stops.

Legend for Performance Report:

1. The data provided from the State of Texas is the most current available as lodging reporting lags three months behind and sales tax reporting lags two month behind.
2. Quarterly Lodging Sales Receipts for La Quinta and Best Western- These are provided to demonstrate current status and changes from last year.
3. Monthly Lodging Sales Receipts for La Quinta and Best Western- These are provided to demonstrate current status and changes from last year.
4. City of Kyle, Tx Sales Tax-This is provided as a measure found in tourism reporting to demonstrate economic impact of visitors both staying in lodging and day trippers.
5. Website Traffic-This measure is provided to demonstrate interest in Kyle, Texas via the internet.
6. Visitor Services- This measure indicates direct request for tourism information as well as request from our tourism partners such as State of Texas Travel Centers.
7. Media Placement-The measure describes media placement of tourism promotion for Kyle, Texas.

KYLE CHAMBER OF COMMERCE

Quarterly Tourism Report

October 1, 2012 - December 31, 2012

Texas Hotel/Motel Performance -- January 1, 2012 - September 30, 2012

City	No. of Rooms FY 2012	\$ Room Revenue FY 2011/2012 (000's)	Est. \$ Rate FY 2011	Est. \$ Rate FY 2012	Occupancy FY 2011	Occupancy FY 2012	Point Change
Kyle	79	1,525/1,673	101.67	104.56	70.4	74.2	3.8
Austin	22,175	460,591/491,442	108.60	114.93	70.3	70.6	0.3
Buda	313	4,487/5,385	80.13	86.85	65.5	72.6	7.0
San Marcos	1,650	21,611/23,347	78.30	79.96	60.9	64.8	3.9
Pflugerville	64	965/1,176	80.42	78.40	68.7	85.9	17.2

2012 Quarterly Sales Receipts July-September				2012 Monthly Lodging November Sales Receipts			
Hotel Name	2011	2012	% Change	Hotel Name	2011	2012	% Change
La Quinta Inn & Suites	\$313,264.05	\$346,079.73	10.48	La Quinta Inn & Suites	\$83,175.17	\$111,201.74	33.7
Best Western Inn & Suites	\$208,232.77	\$221,015.78	6.14	Best Western Inn & Suites	\$46,412.30	\$58,847.31	26.8

Data provided by Office of the Governor

City of Kyle Sales Tax	
Oct-12	\$304,269—12.8% up from 2011
Nov-12	\$366,291—9.6% up from 2011
Dec-12	\$299,073—12.9% up from 2011

Website Traffic		
Oct-12	Nov-12	Dec-12
7764	2882	2231
Total: 12,877		
YTD Total: 69,675		

Visitor Services		
Oct 1, 2012 - Dec 31, 2012	# of Requests	YTD Total
Visitor Guide Requests	452	1812
Additional Guide Dist.	328	8828
Relocation Guides	303	853

Media Placement				
Media Type	Advertising Agency	Event/Service	Cost	Term
Sign Holder	N&S Domestic	Kyle Fair & Music Festival	\$150	3 days
Print	Kyle-Buda Eagle	Kyle Fair & Music Festival	\$375	1 week
Website	Do512 Family	Kyle Fair & Music Festival	\$200	2 weeks
TV	Time Warner Cable	Kyle Fair & Music Festival	\$2999	1 month

Tourism (October 1, 2012 - December 31, 2012)					
Expense Category	Expense	Budget	\$ Over Budget	% of Budget	YTD % Budget
Employee Services					
Salaries Exec Dir/Admin/Bookkeeper/Hourly/Member Sales Director	\$ 7,690.84	\$ 47,759.91	\$ (40,069.07)	16.00%	100.00%
Staff development- training	\$ -	\$ 1,000.00	\$ (1,000.00)		100.00%
Payroll Expenses	\$ 507.10	\$ 3,550.93	\$ (3,043.83)	14.28%	63.01%
Travel & meetings expenses	\$ -	\$ 1,000.00	\$ (1,000.00)		100.00%
Employee Mileage Expense	\$ 411.26	\$ 1,545.00	\$ (1,133.74)	26.60%	93.15%
Board Expenses	\$ 139.77	\$ 772.50	\$ (632.73)	18.00%	100.00%
Contract Services	\$ -	\$ 500.00	\$ (500.00)		100.00%
Category Total	\$ 8,748.97	\$ 56,128.34	\$ (47,379.37)	15.60%	
Office, Operational Expenses					
Office Supplies	\$ 244.95	\$ 1,030.00	\$ (785.05)	23.80%	99.23%
Utility Services	\$ -	\$ 5,253.00	\$ (5,253.00)		95.40%
Credit Card Fees	\$ 42.86	\$ 772.50	\$ (729.64)	5.55%	100.00%
Telephone	\$ 377.34	\$ 2,214.50	\$ (1,837.16)	17.00%	72.17%
Website	\$ -	\$ 1,030.00	\$ (1,030.00)		100.00%
Janitorial Services	\$ 130.00	\$ 618.00	\$ (488.00)	21.00%	100.00%
Bank Charges	\$ -	\$ 51.50	\$ (51.50)		2.43%
Equipment Rental	\$ 95.74	\$ 1,339.00	\$ (1,243.26)	7.20%	100.00%
Internet Access	\$ 149.90	\$ 515.00	\$ (365.10)	29.00%	97.58%
Legal & Professional Fees	\$ 250.00	\$ 2,832.50	\$ (2,582.50)	8.80%	100.00%
Liability Insurance	\$ -	\$ 2,060.00	\$ (2,060.00)		97.18%
Misc expenses	\$ -	\$ 257.50	\$ (257.50)		76.23%
Category Total	\$ 1,290.79	\$ 17,973.50	\$ (16,682.71)	7.20%	
Promotional Expenses					
TTIA Conferences Attendance	\$ -	\$ 2,575.00	\$ (2,575.00)		100.00%
Promotional Items	\$ 486.02	\$ 4,000.00	\$ (3,513.98)	12.15%	99.82%
Kyle Fair Advertising	\$ 4,914.86	\$ 9,251.36	\$ (4,336.50)	53.13%	100.00%
Advertising Expense	\$ -	\$ 8,000.00	\$ (8,000.00)		99.00%
Fajita Fiesta Advertising	\$ 715.00	\$ 2,000.00	\$ (1,285.00)	35.75%	99.80%
Market Days	\$ -		\$ -		
Maps	\$ 700.00	\$ 1,000.00	\$ (300.00)	70.00%	95.80%
Brochures	\$ 690.00	\$ 2,000.00	\$ (1,310.00)	34.50%	99.55%
Tourism Recognition Application	\$ -	\$ 250.00	\$ (250.00)		100.00%
Tourism Postage	\$ 228.77	\$ 1,030.00	\$ (801.23)	22.20%	100.00%
Printing & Reproduction	\$ -	\$ 500.00	\$ (500.00)		100.00%
Prizes and Awards	\$ 206.00	\$ 206.00	\$ -	100.00%	100.00%
Category Total	\$ 7,940.65	\$ 30,812.36	\$ (22,871.71)	25.00%	
Event Sponsorship/Dues					
TACVB	\$ 300.00	\$ 300.00	\$ -	100.00%	100.00%
Dues TTIA	\$ -	\$ 300.00	\$ (300.00)		100.00%
Dues TX Hotel/Motel Assn	\$ -	\$ 300.00	\$ (300.00)		92.67%
Dues TCCE	\$ -	\$ 100.00	\$ (100.00)		85.00%

Dues ACCE	\$ -	\$ 150.00	\$ (150.00)		91.67%
Dues US Chamber	\$ 150.00	\$ 150.00	\$ -	100.00%	100.00%
Sponsorship of TTIA Conference	\$ -	\$ 1,000.00	\$ (1,000.00)		47.45%
Kyle Fair Entertainment	\$ 8,475.00	\$ 15,000.00	\$ (6,525.00)	56.50%	100.00%
Golf Tournament-Tourism Related	\$ -	\$ 1,500.00	\$ (1,500.00)		93.79%
5K-Tourism Related	\$ 1,500.00	\$ 1,500.00	\$ -	100.00%	100.00%
Vehicle Rental (Travel)	\$ -	\$ 300.00	\$ (300.00)		98.05%
Category Total	\$ 10,425.00	\$ 20,600.00	\$ (10,175.00)	50.60%	
Capital Expenses					
Computers, etc	\$ 162.45	\$ 485.00	\$ (322.55)	33.50%	100.00%
Category Total	\$ 162.45	\$ 485.00	\$ (322.55)	33.50%	
Total Expense	\$ 28,567.86	\$ 126,161.16	\$ (97,593.30)	22.50%	96.57%



CITY OF KYLE, TEXAS

James Alton Holt, Sr. Proclamation

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Proclamation of the City of Kyle, Texas Proclaiming March 19th as "James Alton Holt, Sr. Day" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[James Alton Holt Sr Proclamation](#)

City of Kyle



City Council Proclamation

WHEREAS, The City of Kyle has a rich history that is filled with the accomplishments and contributions of individuals that through their hard work and sense of community helped to build the City to where it is today, and

WHEREAS, James Alton Holt, Sr., after moving his family to Kyle in the early 1950's, became one of Kyle's most prominent and civic minded citizens, and

WHEREAS, Mr. Holt was a family man, rancher, business owner, community volunteer and public servant during his nearly four decades of life in Kyle, and

WHEREAS, as a family man Mr. Holt and his wife, Margaret Marie Whisenant Holt, raised their four children in Kyle and made time to participate in their activities even while running a business and assisting others throughout the community, and

WHEREAS, as a rancher Mr. Holt entrenched himself in Kyle's heritage of ranching families by which the City was founded and built on, and

WHEREAS, as a business owner Mr. Holt purchased and operated the old Kyle Café, providing good jobs and economic activity in Kyle's old downtown as well as establishing a local meeting place for young and old alike, and

WHEREAS, as a community volunteer Mr. Holt spent many hours volunteering in the community, primarily in the areas of 4H and FFA where his children participated, and in 1966 won the Kyle FFA Community Volunteer award for providing his time in volunteering assisting the youth of the organization and community, and

WHEREAS, as a public servant Mr. Holt served as a constable and justice of the peace for the area that included the City of Kyle, providing for the safety and wellbeing of all in his jurisdiction at all hours and sacrificing precious time with his family in the process, and

WHEREAS, the Mr. Holt retired from public service in December of 1994 after nearly 20 years of public service leaving a legacy of public service and community involvement that continues through his loving family

NOW, THEREFORE I, Lucy Johnson, Mayor of the City of Kyle, do hereby proclaim **March 19th, 2013** as

“James Alton Holt, Sr., Day”

in Kyle and encourage all residents to honor this day, which also is Mr. Holt's birthday, and to follow in the footsteps of Mr. Holt by honoring the humble, unselfish, kind, dedicated, and loving manner in which he lived his life by adding these honorable characteristics to the way we lead our lives.

SIGNED AND ENTERED THIS 19TH DAY OF MARCH 2013

Lucy Johnson, Mayor

Becky Selbera, Council District 2

Diane Hervol, Mayor Pro Tem

Brad Pickett, Council District 3

David Wilson, Council District 4

Samantha LeMense, Council District 5

Ray Bryant, Council District 6



CITY OF KYLE, TEXAS

Appointments to Community Relations Committee

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration of Nomination(s) for Appointment to the Community Relations Committee ~ *Lucy Johnson, Mayor*

- Richard Baggett

Other Information:

Budget Information: A Fiscal Note is not required.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Richard Baggett Application](#)



Grace Nino <gracenino@cityofkyle.com>

City of Kyle Texas Website submission: Committee Volunteer Application

City of Kyle Texas <webmaster@cityofkyle.com>

Wed, Jun 20, 2012 at 4:52 PM

To: gracenino@cityofkyle.com

Submitted on Wednesday, June 20, 2012 - 16:52
 Submitted by anonymous user: [70.112.176.174]
 Submitted values are:

Name: Richard Baggett
 Address: 262 Summer Dr. Kyle, Tx.
 E-Mail: dbaggett62959@gmail.com
 Best Phone Number to Reach You: [618-889-5050](tel:618-889-5050)
 Sub Division: Four Seasons Farm
 Committees you are interested in:

- 1: Mobility
- 2: Parks and Recreation
- 3: Community Relations

Professional, Education and Work Background:

Completed 3yrs. of college, Univ. of Mo.; Rolla, Mo.

Worked for Southeastern Ill. Elec. Coop, Eldorado, Ill.(27 yrs.). Journeyman lineman, Line crew foreman.

Previous or Current Community/Committee Involvements:

- 1: Served 8 yrs. on school board. Marion, Illinois
- 2: Served 4 yrs. on credit union board. Southeastern Employees Credit Union; Eldorado, Ill.
- 3: Served 4 yrs. on employees safety committee.
- 4: Helped negotiate 3 contracts while working for Southeastern Elec. Coop., and 2 contracts while on the school board.
- 5: Teach a mens Bible study, and chairman of building committee, Kyle First Baptist.
- 6: I have completed the first four sections of the KLA, and have attended both Vision meetings for the city of Kyle. I have been attending council meetings for one year.

Special Knowledge or Experience:

- 1: I have a lot of experience in the electric utility area (27 yrs.).
- 2: Serving on the school and credit union boards gave me a good understanding of budgets and funding.
- 3: Serving on the safety, and negotiating committees have taught me how to deal with sensitive matters in these areas.

How long have you been a Kyle resident? 2 yrs.

Today's Date: 2012-06-20

Other Comments:

After retireing in 2009, we moved to Kyle, Tx. to be close to our daughter and her family. We like the warmer climate and the friendly community of Kyle. My wife(Mary) and I have been married for 41 yrs. We spend the majority of our free time with our daughter and serving where we can at our church. I drive a school bus for HCISD(1 yr.). I would be willing to serve on the committees I listed.

Item # 6



CITY OF KYLE, TEXAS

Appointments to Economic Development Committee

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration of Nomination(s) for Appointment to the Economic Development Committee ~ *Lucy Johnson, Mayor*

Other Information:

Budget Information: A Fiscal Note is not required.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download



CITY OF KYLE, TEXAS

Council Committee Alternates

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation:

(Second Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING PART II, CHAPTER 2, ARTICLE III, DIVISION 4, SUBDIVISION I & II OF THE CITY OF KYLE MUNICIPAL CODE DEALING WITH THE STRATEGIC PLANNING AND FINANCE COMMITTEE, THE COMMUNITY RELATIONS COMMITTEE, THE PUBLIC WORKS & SERVICE COMMITTEE, THE MOBILITY COMMITTEE, THE PARKS AND RECREATION COMMITTEE, THE SAFETY & EMERGENCY SERVICES COMMITTEE, AND THE ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE; REVISING MEMBERS OF OFFICE; REVISING DUTIES, MEMBERSHIP, TERMS, APPOINTMENTS; AND PROVIDING FOR RELATED MATTERS ~ *Brad Pickett, Council Member District 3*

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[13.02.28 Council Committee Alternates Amended](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING PART II, CHAPTER 2, ARTICLE III, DIVISION 4, SUBDIVISION I & II OF THE CITY OF KYLE MUNICIPAL CODE DEALING WITH THE STRATEGIC PLANNING AND FINANCE COMMITTEE, THE COMMUNITY RELATIONS COMMITTEE, THE PUBLIC WORKS & SERVICE COMMITTEE, THE MOBILITY COMMITTEE, THE PARKS AND RECREATION COMMITTEE, THE SAFETY & EMERGENCY SERVICES COMMITTEE, AND THE ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE; REVISING MEMBERS OF OFFICE; REVISING DUTIES, MEMBERSHIP, TERMS, APPOINTMENTS; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City Council of the City of Kyle desires to establish committees to promote efficient governmental operations and involvement of citizens in community issues;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Part II, Chapter 2, Article III, Division 4, Subdivision I. The following paragraphs are hereby amended in their entirety as follows:

Sec. 2-103. - Membership and appointments; term of office and vacancy.

- (a) *Membership and appointment.* Each committee shall be composed of up to nine members: nine residents of the city (the "citizen members"), with one citizen member chosen from each single member voting district, three citizen members chosen from the city at large (the "citizen members"), one chairperson member chosen from the city at large, and up to two alternate members chosen from the city at large. The city council shall appoint the members of the committees upon the recommendation of the mayor. The chairperson of each committee shall recommend members to the mayor, with consultation from a City staff liaison from the department that performs duties most similar to that of the committee. In making citizen member appointments, preference shall be given to persons who do not already serve on one of the committees or another city board or commission.
- (b) *Citizen members' terms and vacancy.* The citizen members of each Committee shall serve for a two-year term; The places occupied by the citizen members of each committee shall be identified by place numbers one through seven. The chairperson shall hold place number 1. The citizen members from district 2, district 4, and district 6 shall hold place number 2, place number 4, and place number 6, respectively. Places 3, 5 and 7 shall be held by the remaining three at large appointees. The term of the odd-numbered places shall expire on September 30 of odd-numbered years; the term of the even-numbered places shall expire on September 30 of even-numbered years. Citizen members may be appointed to succeed themselves; provided that citizen members shall be limited to serving two terms on each committee. Vacancies shall be filled for unexpired terms by appointment by the city council upon the recommendation of the

Mayor in accordance with subsection 2-103(a), but no member shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first regular committee meeting after their appointment. Members shall be eligible for re-appointment at any time following the termination of their two-year term, subject to term limitations.

(c) *Alternates.* Alternates are hereby authorized to serve as special members of each committee and to fulfill the role of a regular voting member only in the case of the absence of one or more members of the committee at any regular meeting, with Alternate 1 first filling any vacancy, and then Alternate 2 filling any additional, except in the case where Alternate 1 is not in attendance in which case Alternate 2 would fill the first vacancy. This is to allow quorums to exist so that the business of the city may be conducted even when there may be vacancies and or absent committee members that would otherwise prohibit a quorum from existing. Alternate Committee Members shall not be counted for the purposes of determining a quorum unless they are substituting for an absent member or vacant place. Alternate 1 and Alternate 2 will be considered even and odd places per their numerical designation for the purposes of determining expiration of terms but will not have an official place designation of their own as they are special members that are only elevated to a voting capacity in the absence of one or more of the committee members.

Section 3. Part II, Chapter 2, Article III, Division 4, Subdivision II. The following paragraphs are hereby amended as follows:

Sec. 2-113. - Membership and appointments; term of office and vacancy.

(a) *Membership and appointment.* Each committee shall be composed of up to nine members: nine residents of the city (the "citizen members"), with one citizen member chosen from each single member voting district, three citizen members chosen from the city at large (the "citizen members"), one chairperson member chosen from the city at large, and up to two alternate members chosen from the city at large. The city council shall appoint the members of the committees upon the recommendation of the mayor. The chairperson of the committee shall recommend members to the mayor, with consultation from the director of economic development. In making citizen member appointments, preference shall be given to persons who do not already serve on one of the committees or another city board or commission.

(b) *Citizen members' terms and vacancy.* The citizen members of each Committee shall serve for a two-year term; The places occupied by the citizen members of each committee shall be identified by place numbers one through seven. The chairperson shall hold place number 1. The citizen members from district 2, district 4, and district 6 shall hold place number 2, place number 4, and place number 6, respectively. Places 3, 5 and 7 shall be held by the remaining three at large appointees. The term of the odd-numbered places shall expire on September 30 of odd-numbered years; the term of the even-numbered places shall expire on September 30 of even-numbered years. Citizen members may be appointed to succeed themselves; provided that citizen members shall be limited to serving two terms on each committee. Vacancies shall be filled for unexpired terms by appointment by the city council upon the recommendation of the Mayor in accordance with subsection 2-103(a), but no member shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first regular committee meeting after their appointment. Members shall be eligible for re-appointment at any time following the termination of their two-year term, subject to term limitations.

(c) *Alternates.* Alternates are hereby authorized to serve as special members of each committee and to fulfill the role of a regular voting member only in the case of the absence of one or more members of the committee at any regular meeting, with Alternate 1 first filling any vacancy, and

then Alternate 2 filling any additional, except in the case where Alternate 1 is not in attendance in which case Alternate 2 would fill the first vacancy. This is to allow quorums to exist so that the business of the city may be conducted even when there may be vacancies and or absent committee members that would otherwise prohibit a quorum from existing. Alternate Committee Members shall not be counted for the purposes of determining a quorum unless they are substituting for an absent member or vacant place. Alternate 1 and Alternate 2 will be considered even and odd places per their numerical designation for the purposes of determining expiration of terms but will not have an official place designation of their own as they are special members that are only elevated to a voting capacity in the absence of one or more of the committee members.

Section 7. Repeal of Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 8. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance 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, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED on this the _____ day of _____, 2013.

FINALLY PASSED AND APPROVED on this the _____ day of _____, 2013.

ATTEST:

THE CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor



CITY OF KYLE, TEXAS

Nester Development and Steven & Rebecca Enterprises, Inc.

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: *(Second Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 5.115 ACRES OF LAND FROM 'C-2' COMMERCIAL – GENERAL BUSINESS TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 770 WINDY HILL ROAD, IN HAYS COUNTY, TEXAS. (NESTER DEVELOPMENT AND STEVEN AND REBECCA ENTERPRISES, INC. Z-13-001); 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 WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to Deny the rezone request of Retail Services and made a Recommendation to rezone the property to Community Commercial.

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Ordinance](#)
- [Exhibit B](#)
- [Staff Report](#)
- [Exhibit A](#)

Cover Memo

March 5,2013

Planning and Zoning Commission

Zoning

Nester Development/Steve & Rebecca Enterprises, Inc**Case Number: Z-13-001**

PLANNING AND ZONING COMMISSION RECOMMENDATION: On February 26th the Planning Commission unanimously recommended denial of the request for Retail Services (RS) and recommended approval of Community Commercial Zoning designation for the property.

OWNER/APPLICANT: Nester Development/ Steve and Rebecca Enterprises, Inc.

APPLICANT: D. Scott Dye P.E., R.P.L.S

LOCATION: Southside of Windy Hill Road, approximately 200' east of Indian Paintbrush Drive

AREA: 5.115 acres

EXISTING ZONING: C-2 (general commercial zoning designation established in the previous zoning ordinance)

PROPOSED ZONING AND USE: Retail Services. The applicant is proposing to develop the site into a Dollar General Store.**If the zoning is approved any use permitted within the approved zoning designation could be developed.*

SITE INFORMATION:

Transportation: The subject property fronts on Windy Hill Road. Windy Hill Road is identified as a local linkage within the urban design plan.

Surrounding Zoning:

- ***North-*** bounded on the north by Windy Hill Road (across the street the property is zoned R-1-A- the residential subdivision Meadows at Kyle is currently developed)
- ***South and West-*** on the south and west sides of the property the subject property is bounded by residential zoning.
- ***East*** – Not in the City limits currently developed as a storage facility

Future Land Use Designation: The subject property is located within the New Town Future Land Use Designation.

PUBLIC INPUT: 27 property owners received mailed notice of the request. The City has not received any letters of support or concern.

STAFF ANALYSIS:

Background

- In 2001 the subject property was annexed into the city with a zoning designation of M2(manufacturing subdivision)
- In 2002 the property was rezoned to R-1-2 (Single Family Residential)
- May 2003 the property was rezoned from R-1-2 to C2

March 5,2013

Planning and Zoning Commission

Zoning

Nester Development/Steve & Rebecca Enterprises, Inc**Case Number: Z-13-001**

- November 2003 the City of Kyle adopted the current zoning ordinance. Within the ordinance adopted in 2003 the only commercial zoning designation adopted was Retail Services (outside of the Central Business Districts).
- In 2012 the City of Kyle adopted a Neighborhood Commercial (NC) and Community Commercial (CC) zoning designation.

Requested Zoning District***Intent of Requested Zoning District***

The Retail Services zoning district allows general retail sales of consumable products and goods that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops, auto dealerships, fast food restaurants, and auto repair. Any use permitted in CBD-1 or CBD-2 are also allowed in RS.

Conditions and limitations.

The conditions and limitations on uses in the RS district are as follows:

- (1) The use be conducted wholly within an enclosed building, except for delivery, catering, gasoline sales, nurseries and garden centers.
- (2) Required yards and outdoor areas not be used for display, sale vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas.
- (3) All merchandise to be sold on the premises, except for delivery and catering.
- (4) The use is not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.
- (5) Establishments located on property that is within 300 feet of any property zoned for a residential use when the commercial use is first established may not to be open to the general public before 6:00 a.m. and must be closed to the general public by 10:00 p.m.

Site development regulations.

The site development regulations on uses in the RS district are as follows:

- (1) Paved sidewalks, driveways and parking areas are required. The sidewalks, pedestrian walkways must be constructed of brick, pavers, or concrete with an exposed broom finish, and connect to the adjacent property having a common frontage.
- (2) Screening of loading and storage facilities is required

March 5,2013

Planning and Zoning Commission

Zoning

Nester Development/Steve & Rebecca Enterprises, Inc**Case Number: Z-13-001*****Building facade requirements.***

All new buildings constructed within the RS district shall comply with the following requirements:

- (1) The exterior walls facing front and side streets shall be constructed of at least 100 percent stone, brick, masonry, stucco, masonry veneer, or similar granular product excluding doorways and windows;
- (2) All roofs surfaces visible from the street shall be surfaced with metal, concrete, clay tile, or minimum of 25-year dimensional shingles;
- (3) Any variation requests to subsection (1) or (2) of this section must present actual technical drawings, and/or architectural plans and models and be approved by the planning and zoning commission;
- (4) It is recommended, but not required, that improvements to existing buildings in this district comply with subsections (1) or (2) of this section; and
- (5) Glare. No use or operation in an RS district may be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

Comprehensive Plan Guidance***Intent of Districts***

The Comprehensive Master Plan identifies the following intent statements:

- Elements of form and design are critical to ensuring transitions between neighboring uses.
- The intent of the district is to contain a “horizontal” mix of land uses that should be integrated across the district.
- The New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth.
- Mixed Use development should be encouraged, not only permitted, to maximize economic development
- This district should be livable, comfortable, and convenient for all residents of Kyle and the surround region.

The New Town District identifies the Retail Services zoning designation as Conditional.

Urban Design Plan

The subject property is located within the Transitional Condition. Within the transitional condition the area is intended to be a mid-step between the rural core (outer zone) and the urban core (inner zone). The Comprehensive Master Plan identifies the following goals for this condition:

- Private development on a local linkage frontage needs to indicate a general level of residential stability and appropriately integrated non-residential land uses.

March 5,2013	<i>Planning and Zoning Commission</i>
Zoning	Nester Development/Steve & Rebecca Enterprises, Inc
Case Number: Z-13-001	

- The intensity of Transitional communities is generally lower that in the Urban condition. At the community scale there is intended to be a mixture of housing types and possibly some neighborhood-scale commercial uses.

Staff Recommendation

As indicated in the above zoning history summary, in 2012 the City Council adopted two new commercial zoning designations aimed at creating commercial zoning districts that include form and design requirements that ensure appropriate transitions between neighboring uses. The two zoning designations adopted by the City Council include Neighborhood Commercial (NC) and Community Commercial (CC).

The intent of the NC zoning designation is to provide for various types of small scale, limited impact commercial, retail, personal services, and office uses located in close proximity to their primary customers. The intent of the CC designation is to provide areas for quality retail establishments and service facilities. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

	NC	CC	RS
Parking	setback 10' from the front building line	70% of the required parking is required to be behind the front of the building	parking placement is not dictated
size of buildings	no more than 10,000 square feet on the first floor	buildings up to 15,000 square feet	a maximum building size is not dictated
front setback	20'	25'	25'
transitional yard	15' when adjacent to single family zoned or used property	10' when adjacent to single family zoned or used property	not required
building requirements	4-sided design; materials, glazing and architectural requirements identified	4-sided design, materials, glazing and architectural requirements identified	exterior walls facing front and side streets shall be constructed of at least 100 percent stone, brick, masonry, stucco, masonry veneer, or similar granular product

March 5,2013	<i>Planning and Zoning Commission</i>
Zoning	Nester Development/Steve & Rebecca Enterprises, Inc
Case Number: Z-13-001	

Staff is recommending an alternative recommendation of Community Commercial (CC) for the following reasons:

- The requested retail services zoning designation allows for a variety of intense commercial uses that do not appear to be appropriate in close proximity to residential uses.
- The development standards associated with the RS zoning designation do not appear to support the goals of the Comprehensive Master Plan future land use district or urban design plan district.
- The Community Commercial zoning designation will still allow for the property to be used as a retail development however it incorporates form and site standards that bring it in closer compliance with the goals of the comprehensive master plan.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 5.115 ACRES OF LAND FROM 'C-2' COMMERCIAL – GENERAL BUSINESS TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 770 WINDY HILL ROAD, IN HAYS COUNTY, TEXAS. (NESTER DEVELOPMENT AND STEVEN AND REBECCA ENTERPRISES, INC. Z-13-001); 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.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 5.115 acres from 'C-2' Commercial – General Business to 'RS' Retail Service District, on property located at 770 Windy Hill Road, as set forth as Lot 47, Block A, Indian Paintbrush Subdivision Phase One, and the property location map labeled Exhibit B.

SECTION 2. That the City Secretary is hereby authorized and directed to designate the tract of land zoned herein as such on the zoning district map of the City of Kyle and by proper endorsement indicate the authority for said notation.

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 (or for any reason unenforceable), 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 portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

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 _____, 2013, 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 _____, 2013, 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 _____, 2013.

Lucy Johnson, Mayor

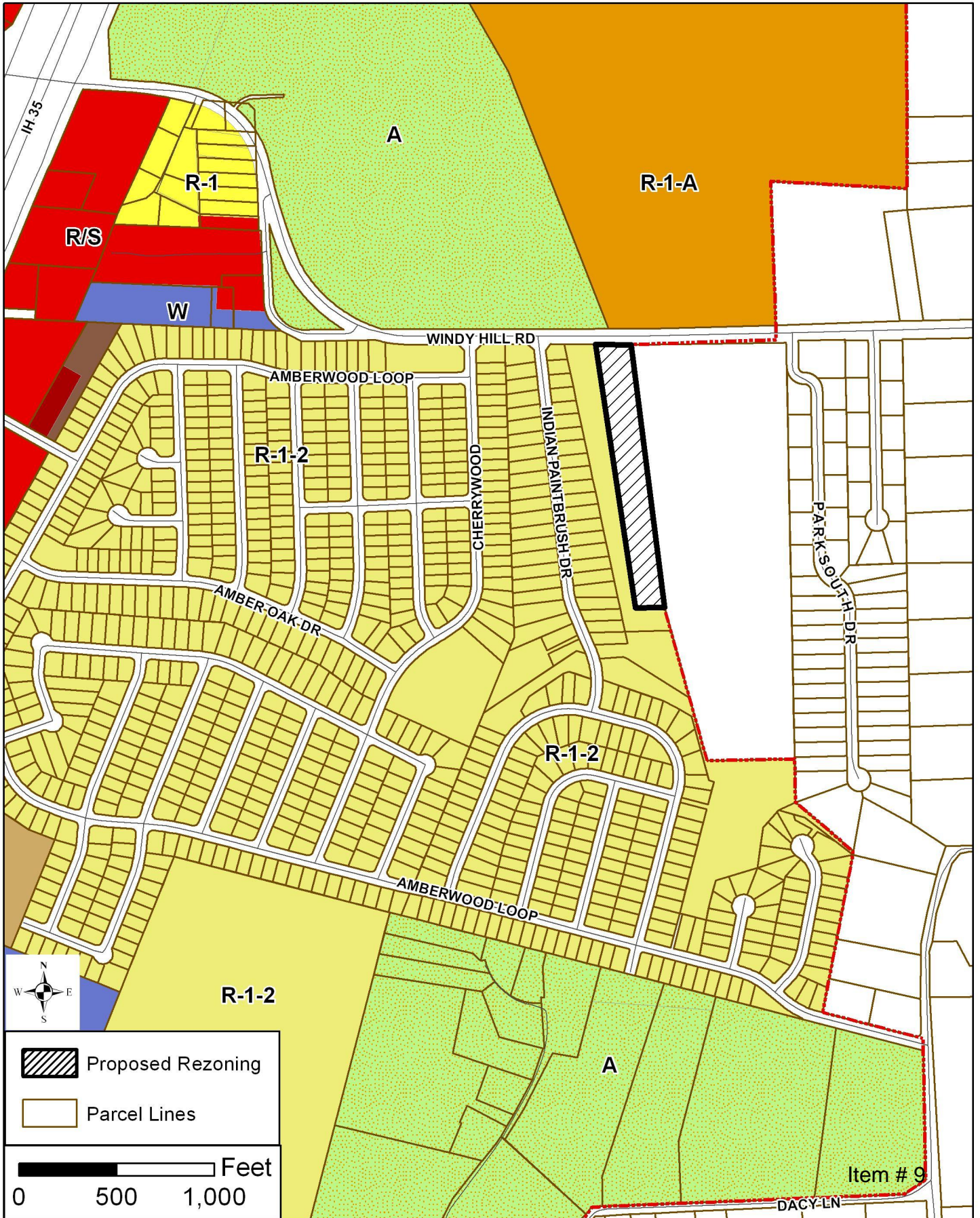
ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

Indian Paintbrush Subdivision Phase One, Lot 47, Block A

Exhibit B





CITY OF KYLE, TEXAS

Meeting Date: 3/19/2013
Date time: 7:00 PM

Texas Gas Service GRIP filing

Subject/Recommendation:

(Second Reading) AN ORDINANCE SUSPENDING THE IMPLEMENTATION OF THE INTERIM RATE ADJUSTMENT UNDER SECTION 104.301 OF THE TEXAS UTILITIES CODE BY TEXAS GAS SERVICE COMPANY WITHIN THE CITY OF KYLE, TEXAS; REQUESTING REIMBURSEMENT FOR THE CITY'S EXPENSES FOR HIRING CONSULTANTS TO ASSIST THE CITY IN ITS REVIEW AND CONSIDERATION OF THE RATE ADJUSTMENT; AND PROVIDING FOR AN EFFECTIVE DATE
~ Jerry Hendrix, Director of Community Development

Other Information:

Texas Gas Service, a division of ONEOK, Inc., has completed a Gas Reliability Infrastructure Program (GRIP) filing in Austin and in the other Central Texas service area (CTXSA) cities that it serves. Other cities include, Bee Cave, Cedar Park, Dripping Springs, Kyle, Lakeway, Rollingwood, Sunset Valley and Westlake Hills.

This filing was made in compliance with the Texas Utilities Code Chapter 104, Section 104.301 that allows a gas utility to recover capital investments made during the interim period between formal rate case filings.

Operation and maintenance costs are not recovered through GRIP. GRIP rates must be based on reasonable increases in invested capital costs.

The filing notifies cities of Texas Gas Service's intent to increase rates by \$4,418,980 in the CTXSA which is based on their net increase in capital investment in the CTXSA. Based on company-provided information, the proposed assessment will increase the average monthly bill for customers, beginning April 12, 2013 and remain in effect until Texas Gas Service has recovered its costs in full.

The proposed average monthly increase is: Residential - \$1.38 or 4.5%; Commercial - \$5.18 or 5.1%; Large Commercial - \$59.13 or 2.6%; Industrial - \$26.32 or 3.6% and Large Industrial - \$71.46 or 2.1%.

The City has original jurisdiction over natural gas utilities serving Austin residents. As the local regulatory authority, the City Council has authority to suspend implementation of the proposed rate increase for up to 45 days to allow a complete and thorough review before final approval.

Cover Memo

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The City of Austin has retained a rate consultant to evaluate reasonableness of the rate filing. In addition, the City of Austin is coordinating efforts with other cities in the CTXSA. Although not required by state law, Texas Gas Service has agreed to reimburse the City of Austin for related expenses and to then recover those costs from customers in their next full rate case filing.

Staff will bring a recommended action in May.

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

-  [TGS Suspension 2013 draft ord](#)
 -  [FSA Report - TGS GRIP 2012 4.23.12](#)
-

ORDINANCE NO. _____

AN ORDINANCE SUSPENDING THE IMPLEMENTATION OF THE INTERIM RATE ADJUSTMENT UNDER SECTION 104.301 OF THE TEXAS UTILITIES CODE BY TEXAS GAS SERVICE COMPANY WITHIN THE CITY OF KYLE, TEXAS; REQUESTING REIMBURSEMENT FOR THE CITY'S EXPENSES FOR HIRING CONSULTANTS TO ASSIST THE CITY IN ITS REVIEW AND CONSIDERATION OF THE RATE ADJUSTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

PART 1. On February 11, 2013, Texas Gas Service Company ("TGS") filed with the City of Kyle, Texas (the "City") an Interim Rate Adjustment ("IRA") that would allow the Company to recover the incremental costs of the new investment it has made within its Central Texas Service Area ("CTXSA"). Parallel requests were filed by TGS that same day with all eight municipalities (Bee Cave, Cedar Park, Dripping Springs, Kyle, Lakeway, Rollingwood, Sunset Valley and West Lake Hills) in the CTXSA. If applied on a total system basis for the entire CTSA (all eight municipalities and their environs), the IRA would allow TGS to recover its capital invested in the CTXSA from January 1, 2012, through December 31, 2012, in the amount of \$4,418,980.00.

PART 2. TGS proposed an effective date of April 12, 2013 for the IRA.

PART 3. In support of the IRA, TGS has submitted the requisite supporting documentation, including Schedules, Earnings Report, and Investment Reports.

PART 4. Pursuant to Texas Utilities Code § 104.301(a), the City is authorized to suspend the implementation of the IRA for a period not to exceed 45 days beyond the effective date proposed by the Company.

PART 5. The City Council finds that it requires additional time to review and consider the IRA and supporting documentation filed by the Company.

PART 6. The City requests that TGS reimburse the City for its reasonable and necessary costs to engage rate consultants, accountants, auditors, attorneys, and engineers to conduct investigations, present evidence, advise, and represent the City regarding the IRA.

PART 7. The implementation of the IRA filed by TGS and the Company's proposed effective date of April 12, 2013, shall be and hereby are suspended within the City of _____ pursuant to Section 104.301(a) the Texas Utilities Code for 45 days (that is,

through May 27, 2013), or until adoption by the City Council of a final ordinance addressing the implementation of the IRA, whichever shall first occur.

PART 8. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

DRAFT



April 23, 2012

To: Ms. Rondella Hawkins
Manager of the Office of Telecommunications & Regulatory Affairs

From: Fox Smolen & Associates, Inc.

Re: Review and Analysis of Texas Gas Service Gas Reliability Infrastructure Program Rate Filing to the City of Austin dated February 10, 2012.

The purpose of this memorandum is to present the results of Fox Smolen & Associates (FSA) review and analysis of Texas Gas Service's (TGS) Gas Reliability Infrastructure Program (GRIP) filing to the City of Austin (COA) dated February 10, 2012. This memorandum discusses the Texas utility statute that governs TGS GRIP filing, TGS GRIP filing schedules and workpapers, FSA's review and analysis of the TGS GRIP filing and our findings and conclusions related to our review and analysis.

Executive Summary

After a complete and thorough review of the GRIP filing, FSA recommends that the COA approve and adopt TGS GRIP schedules and tariffs as submitted to the COA on February 10, 2012. The TGS rates for all customer classes from 2008 through 2011 are shown below. A detailed discussion of the filing and FSA's review is attached.

Rate Schedule - Customer Class	COA Approved Customer Charge		TGS Proposed 2011	TGS Proposed 2011	FSA Proposed 2011
	2008	2010	Interim Rate Adjustment	Customer Charge	Customer Charge
	(a)	(b)	(c)	(d)	(e)
<u>Gas Sales</u>					
10 - Residential	\$ 9.75	\$ 10.21	\$ 1.12	\$ 11.33	\$ 11.33
20 - Commercial	\$ 12.75	\$ 14.36	\$ 4.05	\$ 18.41	\$ 18.41
22 - Large Commercial	\$ 80.00	\$ 97.84	\$ 60.84	\$ 158.68	\$ 158.68
30 - Industrial	\$ 40.00	\$ 46.26	\$ 18.08	\$ 64.34	\$ 64.34
32 - Large Industrial	\$ 80.00	\$ 105.10	\$ 61.52	\$ 166.62	\$ 166.62
40 - Public Authority	\$ 20.00	\$ 22.22	\$ 5.71	\$ 27.93	\$ 27.93
42 - Large Public Authority	\$ 80.00	\$ 111.13	\$ 74.95	\$ 186.08	\$ 186.08
48 - Public Schools/Space Heating	\$ 40.00	\$ 46.86	\$ 17.31	\$ 64.17	\$ 64.17
CNG -1- Compressed Nat. Gas	\$ 25.00	\$ 29.27	\$ 9.67	\$ 38.94	\$ 38.94
<u>T-1 Standard Transportation</u>					
Commercial	\$ 75.00	\$ 86.38	\$ 27.04	\$ 113.42	\$ 113.42
Large Commercial	\$ 150.00	\$ 187.03	\$ 91.51	\$ 278.54	\$ 278.54
Industrial	\$ 80.00	\$ 97.61	\$ 42.72	\$ 140.33	\$ 140.33
Large Industrial	\$ 150.00	\$ 224.19	\$ 181.83	\$ 406.02	\$ 406.02
Public Authority	\$ 25.00	\$ 28.16	\$ 6.48	\$ 34.64	\$ 34.64
Large Public Authority	\$ 100.00	\$ 141.64	\$ 108.05	\$ 249.69	\$ 249.69
Public Schools/Space Heating	\$ 60.00	\$ 67.03	\$ 17.41	\$ 84.44	\$ 84.44
CNG -1- Compressed Nat. Gas	\$ 40.00	\$ 41.57	\$ 3.85	\$ 45.42	\$ 45.42

TGS current GRIP revenue requirement of \$3,775,205 is shown in Table 1 of this memorandum, and includes rate components allowed by Texas utility statutes including return on net plant investment (i.e., TGS Direct, Corporate and TGS Division), federal income tax expense, and other plant related costs

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including depreciation expense and ad valorem (i.e., property) tax expense for the period January 1, 2011 through January 31, 2011. The primary reason for the increase in TGS GRIP revenue requirement from that approved by the COA in TGS prior GRIP filing relates to the significant increase in net plant investment (i.e., TGS direct and corporate/division allocated plant in service and completed construction not classified plant) occurring during the period January 1, 2011 through December 31, 2011. TGS incurred over \$23.9 million of net plant additions during calendar year 2011 as shown on Table 1.

Table 1 – TGS Central Texas Revenue Requirement (GRIP Schedule 1)

Line No.	Description	Change through 12/31/2011		
		TGS Proposed	FSA Recommended	Difference
1	Change in Net Investment	\$ 23,922,153	\$ 23,922,153	\$ -
2	Aut. Return in most Recent Rate Case	8.40%	8.40%	-
3	Change in Return on Net Investment	\$ 2,009,545	\$ 2,009,545	\$ -
4	Change in Depreciation Expense	746,477	746,477	-
5	Change in Ad Valorem Tax	291,677	291,677	-
6	Change in Federal Income Taxes	727,507	727,507	-
7	Total Change in Revenue Requirement	\$ 3,775,205	\$ 3,775,205	\$ -

The costs associated with TGS plant investment for the central Texas service area are shown in plant investment reports filed by TGS as part of its COA GRIP rate application. The majority of the \$23.9 million of TGS net plant additions during calendar year 2011 relate to distribution and general plant assets recorded to the following Federal Energy Regulatory Commission (i.e., FERC) plant accounts:

- Acct. 376 - Mains
- Acct. 380 – Services
- Acct. 381 – Meters
- Acct. 391.9 – Computers and Electronic Equipment, and
- Acct. 397 – Communications Equipment.

In response to FSA data requests, TGS provided additional narrative descriptions of some of the specific types of direct and corporate/division allocated plant in service and completed construction projects benefiting central Texas service area customers and the rationale for such expenditures. TGS responses to FSA data request 1-4 and 1-5 are summarized in Appendix 1 of this memorandum. Appendix 2 compares TGS proposal rates for Residential and Commercial to rates of other Texas gas utilities.

All GRIP schedules are mathematically accurate and properly compute TGS central Texas GRIP revenue requirement and associated rate design to customer classes using the rate design methodology approved by the COA in TGS previous central Texas rate filing approved by the COA. FSA recommended revenue requirement applicable to the current central Texas service area for the period January 1, 2011 through December 31, 2011.

Review and Analysis of Texas Gas Service Gas Reliability Infrastructure Program Rate Filing to the City of Austin dated February 10, 2012

Background

Utility Statute Governing TGS GRIP Filing

TGS submitted a GRIP filing to the COA on February 10, 2012 requesting interim rate adjustments for increases in return (income) dollars and federal income tax expense resulting from TGS increases in TGS plant investment as well as increases in plant related costs such as depreciation expense, and property tax expense. These increases in TGS costs occurred subsequent to TGS most recent 2011 GRIP filing approved by the COA, and represent increases in costs incurred for the period January 1, 2011 through December 31, 2011. This GRIP filing represents TGS second GRIP filing under applicable utility statutes. The Texas Utilities Code (TUC) Section 103.301 titled *Interim Adjustment for Changes in Investment* governs the filing submitted by TGS. TUC §104.301 include the following provisions:

- A gas utility that has filed a rate case under Subchapter C within the preceding two years may file with the regulatory authority a tariff or rate schedule that provides for an interim adjustment in the utility's monthly customer charge or initial block rate to recover the cost of changes in the investment in service for gas utility services. The adjustment shall be allocated among the gas utility's classes of customers in the same manner as the cost of service was allocated among classes of customers in the utility's latest effective rates for the area in which the tariff or rate schedule is implemented.
- The gas utility shall file the tariff or rate schedule, or the annual adjustment under Subsection (c), with the regulatory authority at least 60 days before the proposed implementation date of the tariff, rate schedule, or annual adjustment. The gas utility shall provide notice of the tariff, rate schedule, or annual adjustment to affected customers by bill insert or direct mail not later than the 45th day after the date the utility files the tariff, rate schedule, or annual adjustment with the regulatory authority. During the 60-day period, the regulatory authority may act to suspend the implementation of the tariff, rate schedule, or annual adjustment for up to 45 days.
- The amount the gas utility shall adjust the utility's rates upward or downward under the tariff or rate schedule each calendar year is based on the difference between the value of the invested capital for the preceding calendar year and the value of the invested capital for the calendar year preceding that calendar year. The value of the invested capital is equal to the original cost of the investment at the time the investment was first dedicated to public use minus the accumulated depreciation related to that investment.
- A gas utility may only adjust the utility's rates under the tariff or rate schedule for the return on investment, depreciation expense, ad valorem taxes, revenue related taxes, and incremental

federal income taxes related to the difference in the value of the invested capital as determined under Subsection (b). The return on investment, depreciation, and incremental federal income tax factors used in the computation must be the same as the factors reflected in the final order issued by or settlement agreement approved by the regulatory authority establishing the gas utility's latest effective rates for the area in which the tariff or rate schedule is implemented.

- A gas utility that implements a tariff or rate schedule under this section shall file with the regulatory authority an annual report describing the investment projects completed and placed in service during the preceding calendar year and the investments retired or abandoned during the preceding calendar year. The annual report shall also state the cost, need, and customers benefited by the change in investment.
- In addition to the report required under Subsection (e), the gas utility shall file with the regulatory authority an annual earnings monitoring report demonstrating the utility's earnings during the preceding calendar year.
- If a gas utility that implements a tariff or rate schedule under this section does not file a rate case under Subchapter C before the fifth anniversary of the date on which the tariff or rate schedule takes effect, the gas utility shall file a rate case under that subchapter not later than the 180th day after that anniversary in relation to any rates subject to the tariff or rate schedule.

The COA has 60 days to review and evaluate the GRIP filing before revised rates may be implemented. In addition, the COA can suspend rate implementation for an additional 45 days. COA did suspend implementation of TGS rates to on or about May 25, 2012.

FSA Review and Analysis of TGS GRIP Filing

The COA engaged FSA to review and analyze TGS GRIP filing. The purpose of FSA's review and analysis of the TGS GRIP filing were to:

- Determine whether TGS is earning below its authorized rate of return on rate base for the twelve months ended December 31, 2011;
- Determine whether TGS GRIP filing was prepared in accordance with TUC GRIP filing statutes and requirements;
- Determine whether TGS direct GRIP project descriptions relate to TGS central Texas service areas and to the customers who benefited from such projects and that the project activity costs for the GRIP period (January 1, 2011 through December 31, 2011) were adequately reported in the TGS filing;



- Determine whether ONEOK Corporate and TGS Division project descriptions are reasonable and necessary as allocated to the TGS central Texas service area and to the customers who benefited from such projects and that the project activity costs for the GRIP period (January 1, 2011 through December 31, 2011) were adequately reported in the TGS filing;
- Determine whether plant asset account balances and related accumulated depreciation account balances at 12/31/08 and 12/31/11 were properly derived from the books, records, and/or fixed asset reports of TGS, ONEOK Corporate and TGS Division and reported in the TGS GRIP filing;
- Determine whether ratemaking adjustments related to TGS previous central Texas service area GRIP filing as approved by the COA were properly reflected in the current TGS GRIP filing as appropriate;
- Determine whether the ratemaking adjustments for the period January 1, 2011 through December 31, 2011 included in the GRIP filing are reasonable and necessary;
- Determine whether ONEOK Corporate and TGS Division allocation factors used to allocate plant asset balances to the central Texas service area were reasonable in relation to those factors used in TGS previous central Texas service area GRIP filing approved by the COA;
- Determine whether all TGS GRIP schedules, workpapers, and reports were mathematically accurate and computed the correct revenue requirement for the central Texas service area; and
- Determine whether the TGS central Texas service area revenue requirement as assigned to customer class was computed correctly based on the rate design methodology used in TGS previous central Texas service area GRIP filing as approved by the COA.

During the course of FSA's review and analysis of the TGS GRIP filing, FSA prepared and submitted two data requests containing 8 questions to TGS for response. The data requests primarily related to obtaining additional documentation in the form of detailed fixed asset accounting records to support plant asset balances shown in the GRIP filing as well as other questions, related to certain ratemaking adjustments included in the GRIP filing and the rate design used to allocate the GRIP revenue requirement for the central Texas service area. FSA notes that TGS provided complete and timely responses to all FSA data requests. We appreciate the prompt attention provided by TGS and ONEOK corporate representatives in responding to our data requests.

TGS GRIP Filing Schedules, Workpapers, and other Reports

To comply with the provisions of TUC §104.301, TGS filed certain schedules, workpapers, reports and revised customer tariffs (collectively referred to as the TGS GRIP filing) with the COA to implement new customer rates. The TGS GRIP schedules, workpapers, reports are described as follows:



- Schedule 1 – *TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 Summary* – this schedule summarizes the change in return resulting from increases in net plant investment, and changes in other costs including depreciation expense, ad valorem (i.e., property taxes) and federal income taxes.
- Schedule 2 – *TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 Change in Net Investment* - this schedule presents the change in net investment (i.e., gross plant in service and completed construction not classified less accumulated depreciation) summarized as intangible, distribution plant, and general plant.
 - *Schedule 2a -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Changes in Net Plant – Direct and Allocated Corporate and TGS Division* - this schedule presents the change in net plant (i.e., gross plant in service and completed construction not classified less accumulated depreciation) costs by primary Federal Energy Regulatory Account (FERC) Uniform System of Accounts classification for TGS direct and allocated ONEOK corporate and TGS division net plant costs.
 - *Schedule 2b -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Change in Plant In Service (101) – Direct and Allocated Corporate and TGS Division* – this schedule presents the change in plant in service (i.e., Acct. 101) for TGS direct and ONEOK corporate and TGS division plant.
 - *WKP 2b.1 -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Changes in Plant In Service (101) – Direct* – this schedule presents the change in plant in service (i.e., Acct. 101) costs for TGS direct plant.
 - *WKP 2b.2 -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Changes in Plant In Service (101) – Direct* – this schedule presents the change in plant in service (i.e., Acct. 101) costs for ONEOK corporate and TGS division plant costs.
 - *Schedule 2c -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Change in CCNC (106) – Direct and Allocated Corporate and TGS Division* – this schedule presents the change in completed construction not classified costs (i.e., Acct. 106) for TGS direct and ONEOK corporate and TGS division costs.
 - *WKP 2c.1 -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Change in CCNC (106) – Direct* – this workpaper presents the change in completed construction not classified costs (i.e., Acct. 106) for TGS direct plant.

- *WKP 2c.2 -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Change in CCNC (106) – Allocated Corporate and TGS Division* – this workpaper presents the change in completed construction not classified costs (i.e., Acct. 106) for ONEOK corporate and TGS division plant.
 - *Schedule 2d -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Change in Accumulated Depreciation and Amortization – Direct and Allocated Corporate and TGS Division* – this schedule presents the change in the accumulated depreciation and amortization account balances for TGS direct and ONEOK corporate and TGS division plant.
 - *WKP 2d.1 -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Change in Accumulated Depreciation and Amortization) – Direct* – this workpaper presents the change in accumulated depreciation account balances for TGS direct plant.
 - *WKP 2d.2 -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Change in Accumulated Depreciation and Amortization – Allocated Corporate and TGS Division* – this workpaper presents the change in accumulated depreciation account balances for ONEOK corporate and TGS division plant.
- *Schedule 3 - Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Change in Depreciation and Amortization Expense – Direct and Allocated Corporate and TGS Division* – this schedule summarizes the net changes in depreciation and amortization account balances for plant in service and completed construction not classified plant for TGS direct and ONEOK corporate and TGS division plant.
 - *WKP 3a -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Depreciation and Amortization Expense – Direct* – this workpaper presents the change in accumulated depreciation account balances for TGS direct plant in service and completed construction not classified plant.
 - *WKP 3b -TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Change in Accumulated Depreciation and Amortization – Allocated Corporate and TGS Division* – this workpaper presents the change in accumulated depreciation account balances for allocated ONEOK corporate plant in service accounts.
- *Schedule 4 – TGS Central Texas Service Area Interim Cost and Rate Adjustment December 31, 2011 – Cost of Capital* – this schedule shows the cost of capital and capital structure approved in the most recent central Texas rate case with test year ended 9/30/08 filed with the COA.



- *Schedule 5 – TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Change in Ad Valorem Tax* – this schedule shows the computation of the 2010 effective property tax rate and the change in property taxes for the period January 1, 2011 through December 31, 2011.
- *Schedule 6 – TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2010 through December 31, 2011 – Change in Federal Income Tax* – this schedule shows the computations of the December 31, 2010 federal income tax expense as approved by the COA in the TGS last GRIP filing and the change in expense for the period January 1, 2011 through December 31, 2011.
 - *WKP 6a -TGS Central Texas Service Area Interim Cost and Rate Adjustment – Investment Tax Credit Amortization* – this workpaper shows the amortization of investment tax credits used in the calculation of federal income tax expense.
- *Schedule 7 – TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Change in Customer Charge by Customer Class* – this schedule shows the rate design computations to assign the GRIP revenue requirement to the customer charge for each customer class.
- *TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Investment Report – Summary of CTX Direct Plant in Service (101 & 106) Project Activity* – this report includes all plant in service and completed construction not classified project related to the central Texas service area and the costs incurred for each project for the period January 1, 2011 through December 31, 2011. Each project includes a project description as well as the customers benefiting from the project. This report also includes adjustments to plant costs related to TGS previous GRIP filing as approved by the COA.
- *TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Investment Report – Summary of Corporate Plant in Service (101 & 106) Project Activity* – this report includes all plant in service and completed construction not classified project activity related to ONEOK Corporate and the costs incurred for each project for the period January 1, 2011 through December 31, 2011 as allocated to the central Texas service area. Each project includes a project description as well as the customers benefiting from the project. This report also includes adjustments to project costs related to TGS previous GRIP filing approved by the COA, as well as other adjustments to project costs to recognize changes in corporate allocation percentages occurring between January 1, 2011 and December 31, 2011.
- *TGS Central Texas Service Area Interim Cost and Rate Adjustment Changes from January 1, 2011 through December 31, 2011 – Investment Report – Summary of TGS Division Plant in Service (101 &*



106) Project – this report includes all plant in service and completed construction not classified project activity related to TGS Division and the costs incurred for each project for the period January 1, 2011 through December 31, 2011, as allocated to the central Texas service area. Each project includes a project description as well as the customers benefiting for the project. This report also includes adjustments to project costs related to TGS previous GRIP filing approved the COA.

- *TGS Central Texas Service Area Interim Cost and Rate Adjustment Twelve Months Ended December 31, 2011 – Earnings Report* – this report together with supporting schedules and workpapers shows TGS calculations of its earned return on rate base for the twelve months ended December 31, 2011 for its central Texas service area. Schedule A shows that TGS earned return on rate base for the twelve months ended December 31, 2010 is 7.84% which is below the 8.40% allowed return approved in the most recent 9/30/08 TGS central Texas rate case and previous GRIP filing approved by the COA.

FSA Findings and Conclusions Related to TGS Central Texas GRIP Filing

Based on our review of the TGS GRIP filing including plant investment reports, earnings report and responses to all data requests, FSA concludes the following:

- The TGS earnings monitoring report for the central Texas service area for the twelve months ended December 31, 2011 indicates that the TGS earned return on rate base (i.e., 5.46%) is below the authorized rate of return on rate base authorized and approved by the COA in TGS most recent general rate case (test year ended 9/30/08) and previous central Texas service area GRIP filing approved by the COA;
- TGS GRIP filing is consistent with TUC §104.301;
- The plant investment reports for central Texas Direct, Corporate and TGS Division plant projects filed to support plant asset cost activity and accumulated depreciation changes for the period January 1, 2011 through December 31, 2011 are mathematically accurate and include certain ratemaking adjustments that are reasonable and necessary to reflect the proper activity costs related to the central Texas service area;
- The TGS GRIP filing contains the appropriate plant asset and accumulated depreciation account balances, ratemaking adjustments and authorized rate of return authorized and approved by the COA in TGS previous central Texas service area GRIP filing);
- The ratemaking adjustments related to TGS prior central Texas GRIP filing as approved by the COA are properly reflected in the current GRIP as appropriate and other adjustments to 12/31/10 plant asset account balances appear reasonable and necessary and are applicable to central Texas customer classes for the period January 1, 2011 through December 31, 2011.

- The ONEOK corporate and TGS allocation factors used in the GRIP filing are consistent with those similar factors used in TGS previous central Texas GRIP filing as approved by the COA, and are calculated the allocation factors as of December 31, 2011;
- All GRIP schedules are mathematically accurate and properly compute TGS central Texas GRIP revenue requirement and associated rate design to customer classes using the rate design methodology approved by the COA in TGS previous central Texas rate filing approved by the COA. Table 1 below summarizes TGS proposed and FSA recommended revenue requirement applicable to the current central Texas service area for the period January 1, 2011 through December 31, 2011.

Table 1 – TGS Central Texas Revenue Requirement (GRIP Schedule 1)

Line No.	Description	Change through 12/31/2011		
		TGS Proposed	FSA Recommended	Difference
1	Change in Net Investment	\$ 23,922,153	\$ 23,922,153	\$ -
2	Aut. Return in most Recent Rate Case	8.40%	8.40%	-
3	Change in Return on Net Investment	\$ 2,009,545	\$ 2,009,545	\$ -
4	Change in Depreciation Expense	746,477	746,477	-
5	Change in Ad Valorem Tax	291,677	291,677	-
6	Change in Federal Income Taxes	727,507	727,507	-
7	Total Change in Revenue Requirement	\$ 3,775,205	\$ 3,775,205	\$ -

Table 2 – TGS Central Texas Customer Charge History and Current Increase

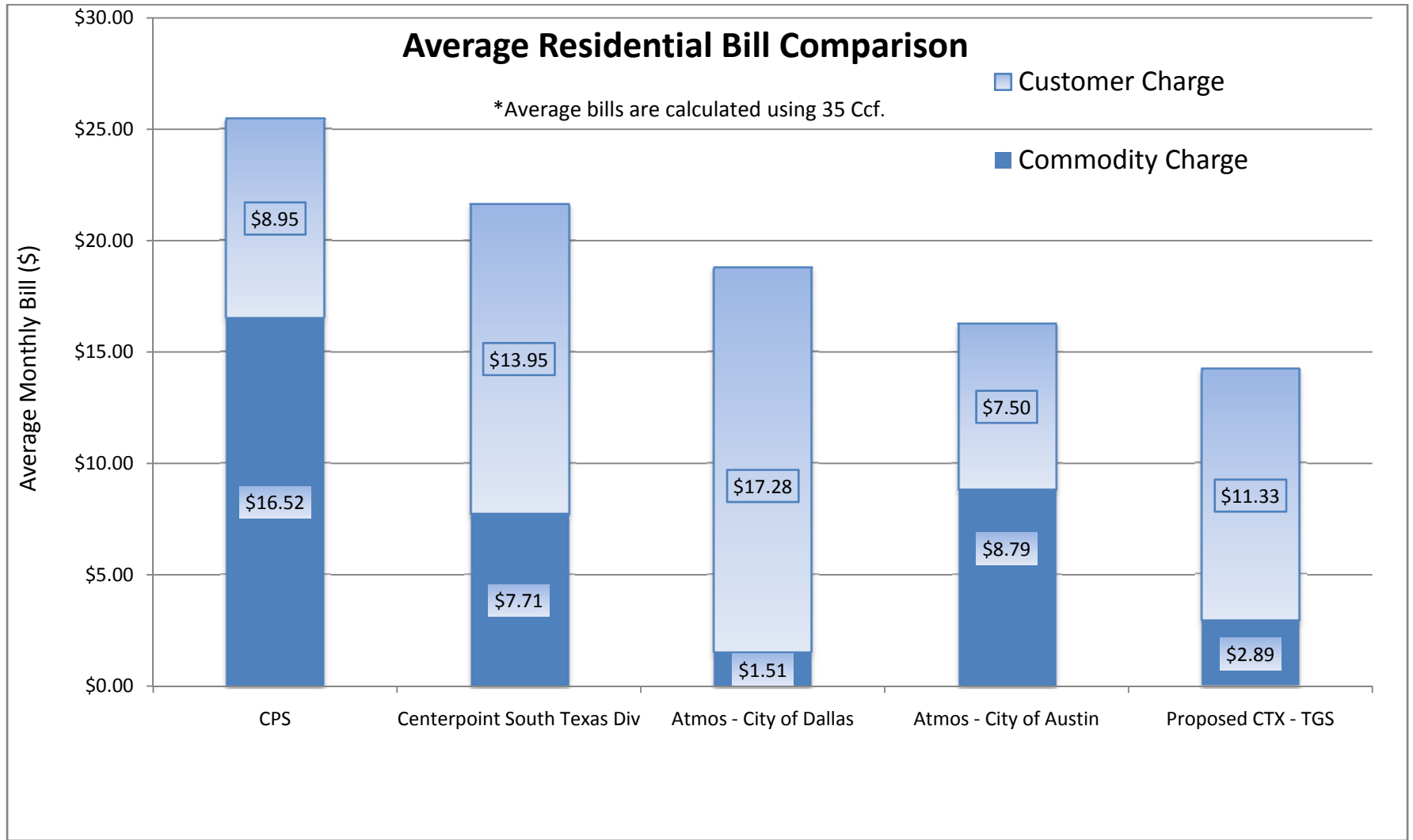
Rate Schedule - Customer Class	COA Approved Customer Charge		TGS Proposed 2011	TGS Proposed 2011	FSA Proposed 2011
	2008	2010	Interim Rate Adjustment	Customer Charge	Customer Charge
	(a)	(b)	(c)	(d)	(e)
<u>Gas Sales</u>					
10 - Residential	\$ 9.75	\$ 10.21	\$ 1.12	\$ 11.33	\$ 11.33
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22 - Large Commercial	\$ 80.00	\$ 97.84	\$ 60.84	\$ 158.68	\$ 158.68
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32 - Large Industrial	\$ 80.00	\$ 105.10	\$ 61.52	\$ 166.62	\$ 166.62
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CNG -1- Compressed Nat. Gas	\$ 25.00	\$ 29.27	\$ 9.67	\$ 38.94	\$ 38.94
<u>T-1 Standard Transportation</u>					
Commercial	\$ 75.00	\$ 86.38	\$ 27.04	\$ 113.42	\$ 113.42
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Large Industrial	\$ 150.00	\$ 224.19	\$ 181.83	\$ 406.02	\$ 406.02
Public Authority	\$ 25.00	\$ 28.16	\$ 6.48	\$ 34.64	\$ 34.64
Large Public Authority	\$ 100.00	\$ 141.64	\$ 108.05	\$ 249.69	\$ 249.69
Public Schools/Space Heating	\$ 60.00	\$ 67.03	\$ 17.41	\$ 84.44	\$ 84.44
CNG -1- Compressed Nat. Gas	\$ 40.00	\$ 41.57	\$ 3.85	\$ 45.42	\$ 45.42

Appendix 1 – TGS Direct and Corporate/Division Allocated Plant in Service and Completed Construction Project Descriptions Provided in Response to FSA Data Request 1-4 and 1-5

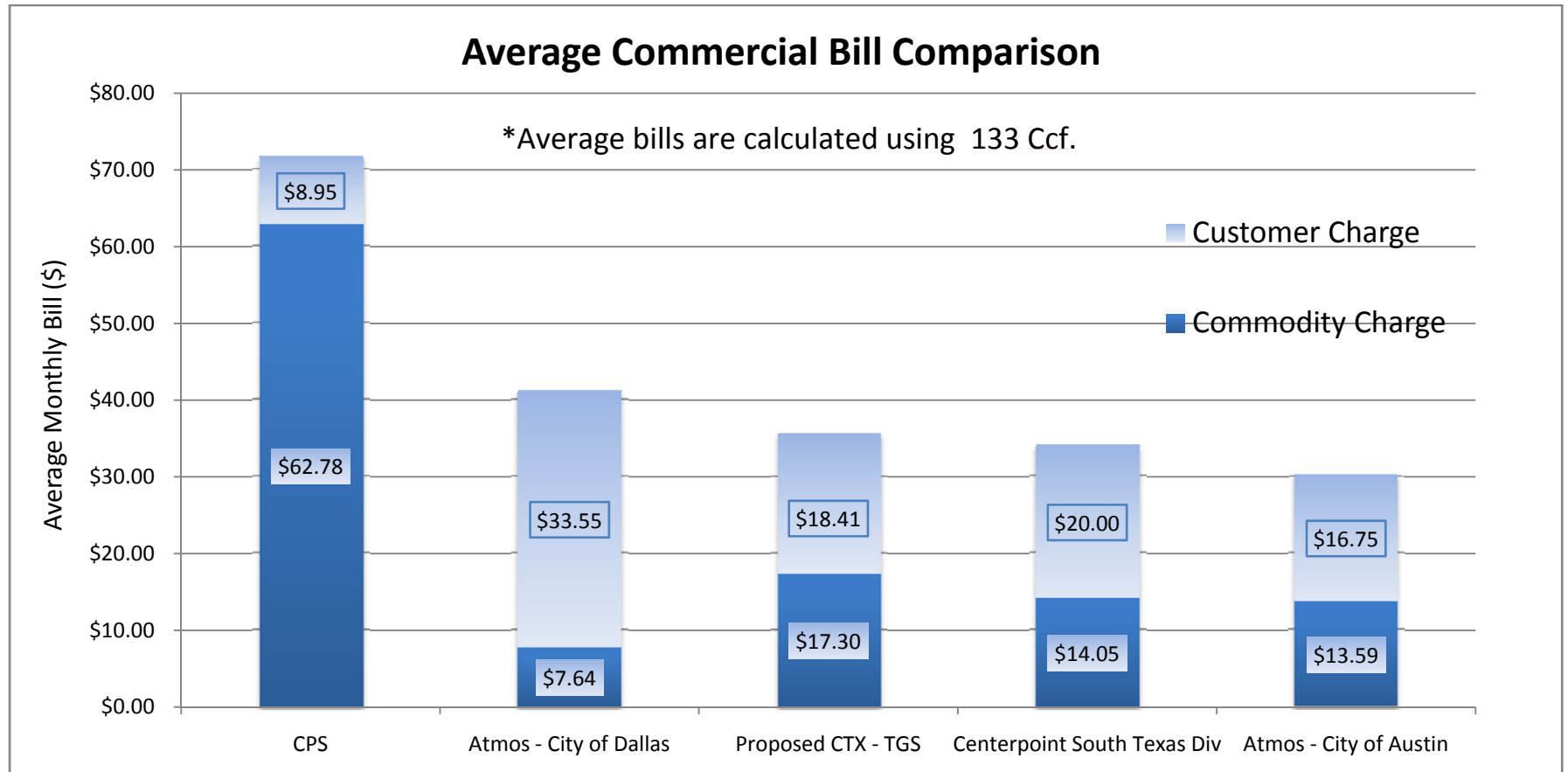
- Acct. 376 - Mains – the increases in activity for this account are primarily attributable to the following:
 - The replacement or relocation of mains, services, measuring and regulating station equipment, meter settings, gate valves, control equipment, replacement of cathodic protection equipment, equipment used to monitor gas quality, monitoring and communicating pressures and volumes, etc. in response to TGS' efforts to continuously evaluate and modernize infrastructure. Examples of larger projects completed for this purpose is the "Ramsey and 47th" project and the "Woodland Chelsea Mission Ridge" project. These projects and others like it are essential for the safe and efficient operation of the TGS distribution system in Central Texas.
 - Distribution line extensions to connect customers requesting service on the system. This includes the installation of lines to connect industrial, city gate and pipeline customers as well as new regulator stations that may be necessary to serve the customers. The largest installation was for a new Randall's store at The Ranch. TGS must provide extensions to meet its service obligations as Central Texas continues to grow.
 - Distribution line extensions to connect new customers. This includes new lines to connect industrial, city gate and pipeline customers as well as any necessary regulator stations. The largest installation project is the first phase of an eight inch main installation near Pearce Lane. TGS must provide extensions to meet its service obligations as Central Texas continues to grow.
 - Labor, materials, regulators, etc. necessary to provide service from distribution mains and high pressure distribution lines to serve new customers. An example of one of the larger projects completed for this purpose is the "Stoney Ridge Subdivision" project. It involved the installation of a new regulator station. TGS must provide regulators and extensions from distribution lines to meet its service obligations as Central Texas continues to grow.
 - The replacement or relocation, at the request of a governmental agency, of mains, district regulators, bypasses, meter settings, gate valves, services, service regulators, control equipment, etc. An example of one of the larger relocation projects is the "East 7th Street" project. It involved the relocation of existing gas lines in conflict with a City of Austin proposed street reconstruction and beautification project; relocation of the lines was necessary to resolve conflicts with the City project.
 - The interconnection/system reinforcement of the existing system to enhance deliverability of gas in the distribution system, when no removal is necessary. This includes the additional installation of line supports, bypasses, regulators, controllers, and cathodic protection equipment (rectifiers and groundbeds). It also includes the initial installation of chromatographs, gas samplers, SCADA or like systems, Distribution Integrity Management Program related to installations, and installation of new odorizers. These system enhancements are necessary for TGS to provide safe and efficient service to Central Texas.

- Acct. 380 – Services -increases in activity for this account are primarily attributable to the following:
 - Labor, materials, regulators, etc. necessary to provide service from distribution mains and high pressure distribution lines to serve new customers. The largest installation project is for the Steiner Ranch, River Dance Phase 6B. TGS must provide extensions to meet its service obligations as Central Texas continues to grow.
 - Replacement or relocation of mains, services, measuring and regulating station equipment, meter settings, gate valves, control equipment, replacement of cathodic protection equipment, equipment used to monitor gas quality, monitoring and communicating pressures and volumes, etc. for repair or due to corrosion, deterioration, etc. The largest replacement project was for a six inch main serving IBM at the Domain site. Replacement corroded or deteriorated of mains, services, etc. is essential for the safe and efficient operation of the TGS distribution system in Central Texas.
- Acct. 381 – Meters – increases in activity for this account are primarily attributable to the following:
 - Increase in investment in automated meter reading (AMR). The automated technology uses a small radio transmitter attached to the natural gas meter that, when activated, sends the current reading to a nearby technician who is equipped with a receiver that records the data and ultimately transfers it to the company’s accounting system. The technician may obtain the reading from a company vehicle or from the street. AMR devices lead to more accurate bills by reducing the number of estimated readings of hard-to-access natural gas meters. AMR devices will contribute to TGS employee safety by reducing the need for meter readers to enter customers’ yards and property.
- Acct. 391.9 – Computer and Electronic Equipment – The primary reasons for increase in plant activity for this account are:
 - Replacement of an out of date scheduling and dispatch system. The legacy system was a heavily customized application that was no longer supported by the vendor. It was also running on an outdated Operating System (OS). The replacement system is a unified field service scheduling and dispatch application that provides enhanced capabilities, such as GPS technology to better serve our customers. Using GPS technology we are able to better route technicians to the customer’s location and provide better appointment setting.
 - The purchase of computers to replace those that were retired at the end of seven years. This service life was found to be reasonable in TGS’ last rate case.
 - The purchase of Business Intelligence software. Business Intelligence is an Excel based software “add-in” that helps TGS more effectively track capital spending. It was developed as a tool to retrieve real time information on capital projects. This software allows TGS to create detailed project level reports with variance analysis. It interfaces with the systems associated with capital spending and job estimating. It has been a valuable tool in TGS service areas for determining the status of a project, tracking budget dollars in real time, and remaining on budget. Reduced delay in accessing this information allows TGS to be more efficient and make more informed decisions about capital expenditures.

- Enhancements to Geographical Information System (GIS) used for tracking pipe underground. TGS is currently building a GIS database for all areas served by the company to support various business needs such as safety, reliability, critical infrastructure protection, regulatory compliance, aging infrastructure, and process improvements. GIS provides TGS the ability to analyze the gas distribution system to help improve service reliability and safety, reduce costs, more effectively manage its infrastructure and comply with all state and federal requirements.
- Enhancements to our customer billing system. Banner is the billing system the company uses to maintain records of ONEOK's approximate 2 million customers, premises, services, accounts, meter readings, and other information critical to providing reliable billing and customer service. The Banner Program Change (PCRs) are groups of individual functionality enhancements to provide better customer service and accurate billing of accounts through the Banner Customer Information System (CIS). Some of these requests are driven by regulatory changes others through requests to enhance customer service capabilities.
- Acct. 397 – Communications Equipment – The increases in activity for this account are primarily related to investment in AMR. This automated technology uses a small radio transmitter attached to the natural gas meter that, when activated, sends the current reading to a nearby technician who is equipped with a receiver that records the data and ultimately transfers it to the company's accounting system. The technician may obtain the reading from a company vehicle or from the street. AMR devices lead to more accurate bills by reducing the number of estimated readings of hard-to-access natural gas meters. AMR devices will contribute to TGS employee safety by reducing the need for meter readers to enter customers' yards and property.



Source: Texas Gas Services



Source: Texas Gas Services



CITY OF KYLE, TEXAS

Award Purchase Order for KPD's Building Signage

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize award and execution of a Purchase Order to GREAT BIG SIGNS, INC., of Kyle, Texas, in an amount not to exceed \$3,645.00 for the installation of building signage for the Police Department headquarters ~ *Jeff Barnett, Chief of Police*

Other Information:

Budget Information: A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Price Quotation](#)

[Fiscal Note](#)

PROPOSAL

DATE	3/7/2013
------	----------



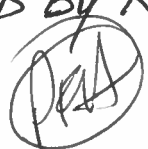
GreatBigSignsInc.com

Award Winning Signs, Murals & Sculptures

(512) 262-2157

200 Opal Lane Kyle, Texas 78640

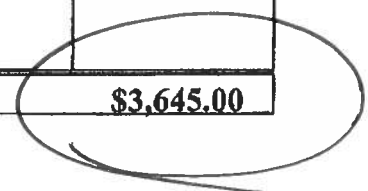
<i>NAME / ADDRESS</i>
KYLE POLICE DEPARTMENT
P.O. BOX 40
KYLE, TX.78640

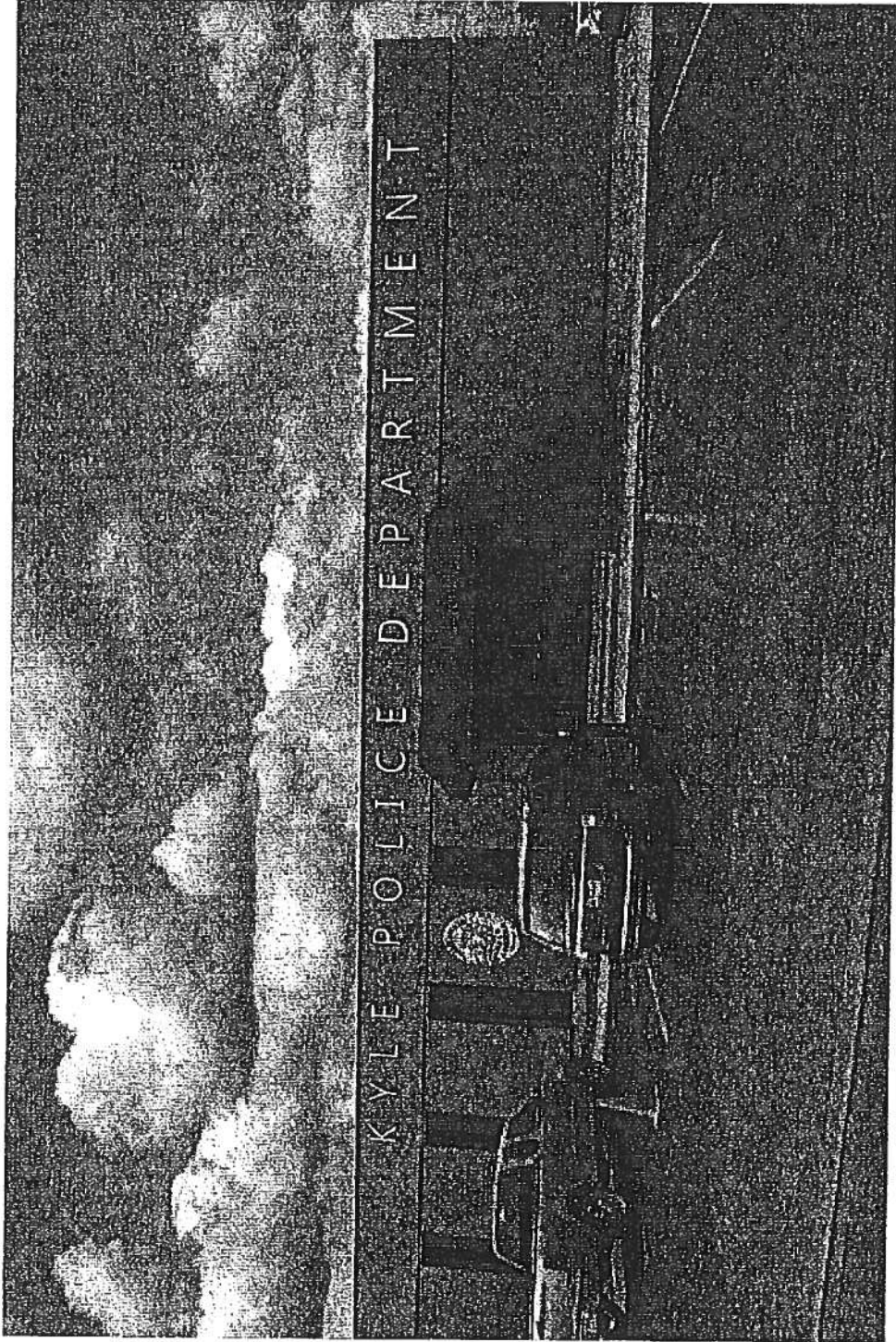
TERMS		PROJECT	
UPON RECIEPT		Kyle PD #4	
DESCRIPTION	QTY	COST	TOTAL
24" stud mount Letter's "KYLE POLICE DEPARTMENT" - installed on granite facade		1,995.00	1,995.00
4" Round Cabinet with internally lit plexiglass face decorated per seal artwork. Jewelite trimcap. Installed		1,650.00	1,650.00
<p>RECOMMENDED BY K.P.D.</p> 			
THANKS LYNN WILKERSON		TOTAL	\$3,645.00

Item # 11

**TERMS ARE 50% DOWN WITH
REMAINDER DUE UPON COMPLETION OF
WORK. CHANGES BY CLIENT AFTER
WORK IS BEGUN MAY RESULT IN ADDED
CHARGES.WORK WILL BEGIN UPON
RECIEPT OF DEPOSIT.**

SIGNATURE





greatbigsignsinc.com
 (512) 262-2157
 gbskyle@gmail.com

DATE: 12/19/12 CLIENT: Kyle Police Department PROJECT: Front Signage

"KYLE POLICE DEPARTMENT" - 24"t

Badge - 48" w x 67" t

THIS DESIGN IS PROPERTY OF GREAT BIG SIGNS INC. IT IS NOT TO BE TRANSFERRED OR SHOWN TO OTHERS WITHOUT PERMISSION OF GREAT BIG SIGNS INC.



Pedro Hernandez <phernandez@cityofkyle.com>

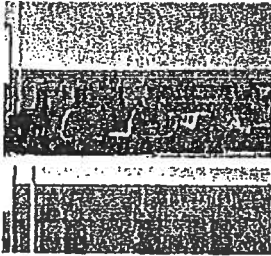
Letter Installation Quote

Rory Rehm <rehmrory@yahoo.com>
Reply-To: Rory Rehm <rehmrory@yahoo.com>
To: "phernandez@cityofkyle.com" <phernandez@cityofkyle.com>

Thu, Nov 29, 2012 at 3:03 PM

Sorry this has taken so long to get to you bud, here you go.
20-18" tall formed plastic metallic gold uppercase letters installed with no holes drilled
These letters take 2 weeks to arrive and one day to install. --- \$3,455

2 attachments



Kyle pd 1.jpg
696K

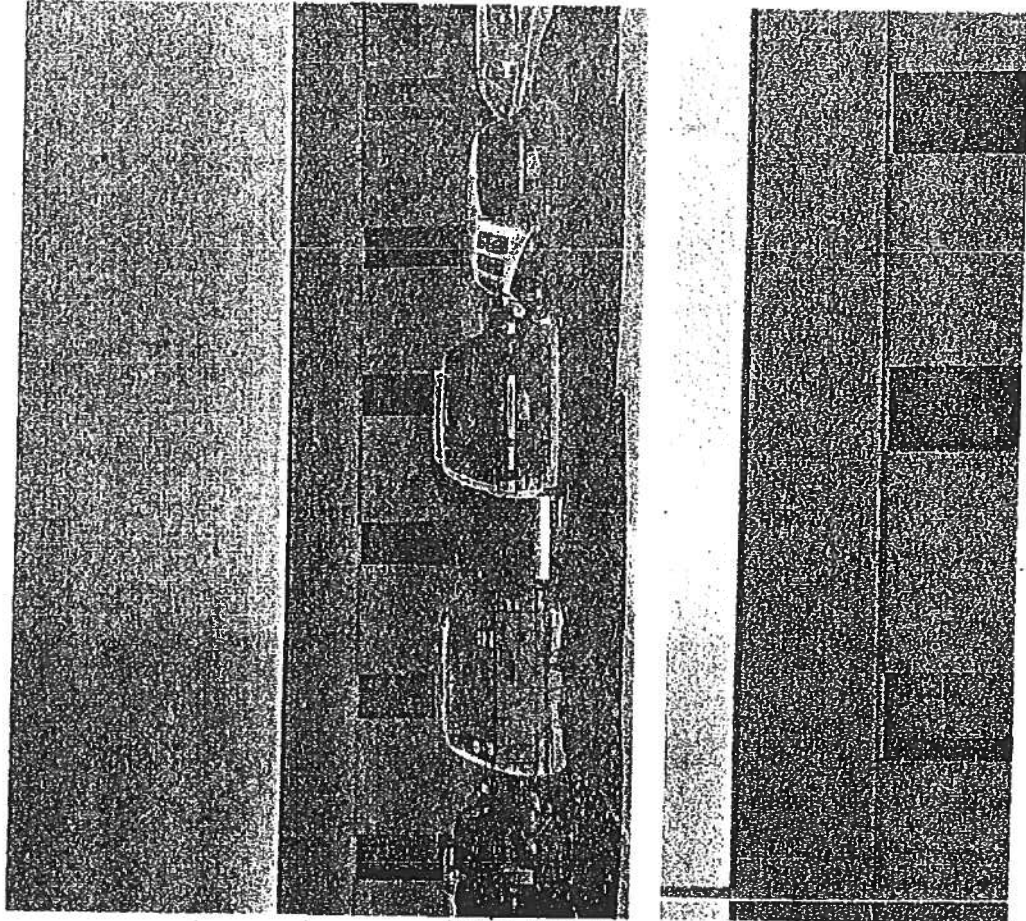
KYLE POLICE DEPARTMENT



Kyle pd 2.jpg
701K

Item # 11

are 18" tall formed plastic metallic gold



E POLICE DEPARTM.



Pervez Moheet <pmoheet@cityofkyle.com>

Fwd: sign proposal

1 message

Pedro Hernandez <phernandez@cityofkyle.com>

Mon, Mar 11, 2013 at 3:29 PM

To: Pervez Moheet <pmoheet@cityofkyle.com>, Jeff Barnett <jbarnett@cityofkyle.com>

Sent from my iPhone

Begin forwarded message:

From: "signarts" <signarts@austin.rr.com>
Date: March 9, 2013, 5:39:35 PM CST
To: <phernandez@cityofkyle.com>
Subject: sign proposal

Item # 11

Pedro, Sorry about the mis-communication, I thought we had sent you a quote. The price of the 15" acrylic letters mounted on an aluminum panel 4'x16' on to the front of the building would run \$1,478.00 plus \$498.00 for installation plus a City permit if required. Let me know if you require any further information. The colors of the letters and the background are your choice.

John A. Diaz
SIGNarts
512.396.4140
fax 512.396.4146
San Marcos, TX

$$\begin{array}{r} \$ 1,478.00 \\ + 498.00 \\ \hline \$ 1,976.00 \end{array}$$



Pedro Hernandez <phernandez@cityofkyle.com>

Sign layouts

3 messages

signarts <signarts@austin.rr.com>
To: phernandez@cityofkyle.com

Thu, Nov 8, 2012 at 4:49 PM

A beginning. One is 4'x20' long background with 15" text and the other is 3'x16' with 10" text. Let us know a size and we can price accordingly with cut-out letters or vinyl graphics.

John A. Dice
SIGNarts
512.395.4140
tax 512 395 4146
San Marcos, TX

 KYLE PD.pdf
76K

Item # 11

Pedro Hernandez <phernandez@cityofkyle.com>
To: signarts <signarts@austin.rr.com>

Thu, Nov 8, 2012 at 5:04 PM

Jonr..

For me to forward the quote to the city I will need pricing. I think that the lettering would have to be at least 15", so the 10" is not going to work. Also, you were going to provide me a quote on a lighted sign.

What material are the letters going to be made of, and what font options do we have?

Please let me know if you have any questions.

[Quoted text hidden]

--
Pedro F. Hernandez Jr.
Captain
Kyle Police Department
300 W. Center St./ P.O. Box 40
Kyle, TX. 78640
o. 512-268-0859
f. 512-268-2330
Dispatch 512-268-3232

Pedro Hernandez <phernandez@cityofkyle.com>
To: signarts@austin.rr.com

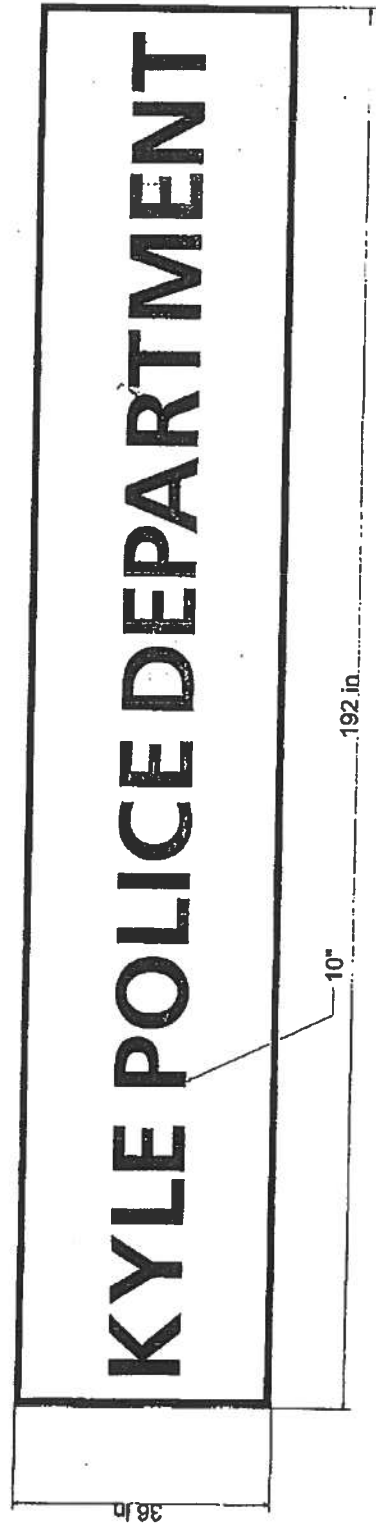
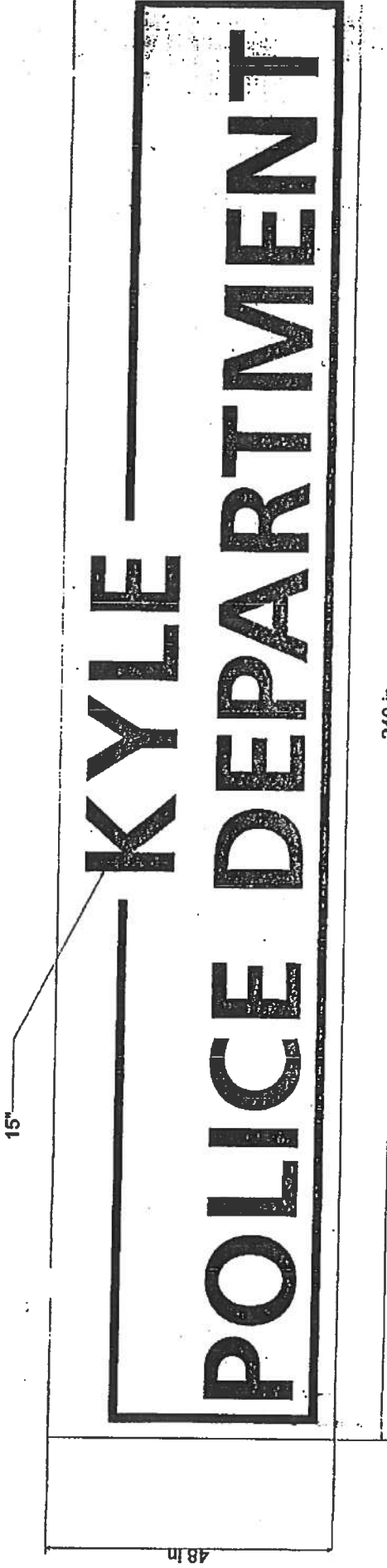
Thu, Nov 8, 2012 at 5:04 PM

Your message

To: Pedro Hernandez
Subject: Sign layouts
Sent: 11/8/12 4:49:23 PM CST

was read on 11/8/12 5:04:16 PM CST

Item # 11



City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: March 19, 2013
CONTACT CITY DEPARTMENT: Police Department
CONTACT CITY STAFF: Jeff Barnett, Chief of Police

SUBJECT: Authorize award and execution of a Purchase Order to GREAT BIG SIGNS, INC., of Kyle, Texas, in an amount not to exceed \$3,645.00 for the design and installation of signage for the Police Department building.

CURRENT YEAR FISCAL IMPACT:

This Purchase Order to GREAT BIG SIGNS, INC., will require expenditure of funds from the 2008 Contractual Obligation Bond Fund as follows:


- | | |
|-------------------------------|------------------------------|
| 1. City Department: | Police Department |
| 2. Project Name: | Signage Installation for KPD |
| 3. Budget/Accounting Code(s): | 184-651-57222 |
| 4. Funding Source: | 2008 CO Bond Fund |
| 5. Current Appropriation: | \$ 437,385.62 |
| 6. Unencumbered Balance: | \$ 263,184.79 |
| 7. Amount of This Action: | <u>\$(3,645.00)</u> |
| 8. Remaining Balance: | <u>\$ 259,539.79</u> |

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order for the installation of signage for the Police Department building in an amount not to exceed \$3,645.00 will be provided from the 2008 Contractual Obligation Bond Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 3/11/2013
Pervez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Award Purchase Order for KPD's Window Awnings

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize award and execution of a Purchase Order to A AWNING DOCTOR of San Antonio, Texas, in an amount not to exceed \$1,775.00 for the installation of window awnings at the Police Department headquarters ~ *Jeff Barnett, Chief of Police*

Other Information:

Budget Information: A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Price Quotations](#)

[Fiscal Note](#)



RECOMMENDED BY KPD

INVOICE NO.
DATE <u>12-6-12</u>
ACCOUNT NO.
TERMS

Recommended

Se Habla Español

Mobile Welding

Clemente Rubio

Phone: 210 653-3264

Fax: 210 653-1982

Call 210 846-7633

11926 Nacogdoches Rd.
San Antonio, TX 78217

ESTIMATE

PROPOSAL SUBMITTED TO <u>CITY HALL</u>		PHONE <u>512-410-9502</u>	FAX <u>512-2682330</u>
STREET <u>111 North Front St</u>		JOB NAME	
CITY, STATE AND ZIP CODE		JOB LOCATION	
ARCHITECT / DESIGNER	DATE OF PLANS	CONTACT	JOB PHONE

Item # 12

We hereby propose to furnish materials and labor necessary for the completion of:

Qty.	Unit	Description	Unit Price	Amount
<u>2</u>		<u>AWNINGs two Re-cover New material Patt Sunbrella color Black HOODS</u>		<u>945.00</u>
		<u>CUT and SdL labor INSTALLATION</u>		<u>830.00</u>

WE PROPOSE hereby to furnish material and labor - complete in accordance with above applications for the sum of:
one thousand seven hundred seven Five (dollars) 1775.00

Payment to be made as follows:
50% DOWN

All past due accounts will be charged interest at the rate of 1 1/2% per month on the balance.

All Material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.

Salesperson _____

Approved By _____

Note: This proposal may (Invalid unless signed by an officer of the company) be withdrawn by us if not accepted within _____ days.

Signature _____

Signature _____

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance _____

Proposal

DISMUKES AWNING Co.

Manufacturer's of Custom Canvas Awnings
 P.O. Box 181193 • Austin, Texas 78718-1193
 Ph# (512) 835-6158 • Fax (512) 835-6159
 Since 1947

PROPOSAL SUBMITTED TO Jeff Barnett		PHONE (512) 410-9502	DATE 12/5/12
STREET		JOB NAME	
CITY, STATE & ZIP CODE		JOB LOCATION 111 N. Front, Kyle, TX	
ARCHITECT	DATE OF PLANS	Fax # (512) 268-2330	JOB PHONE

We hereby submit specifications and estimates for:

- (2) Recover canvas awnings. Installed.
 Sunbrella fabric. Style #4608 Black.

\$ 1860.00 (price does not include tax)

Item # 12

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

*One thousand eight hundred sixty dollars and no cents** Dollars (\$) **1860.00**

Payment to be made as follows:

1/2 deposit of \$930.00 and balance of \$930.00 due upon completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature John Cuellar

Note: This proposal may be withdrawn by us if not accepted within 60 days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____



QUOTE

103 Red Bird Lane
Austin, Texas
78745-3122

TO: City of Kyle - Kyle Police Department
Attn: Pedro Hernandez, Jr.
Address: 300 W. Center Street, Kyle, Texas 78640
Install Site: Same as Above
Phone: 512-268-3232
Email: phernandez@cityofkyle.com

QUOTE #: 112912-01tb
DATE: November 29, 2012

Kyle Police Department
Replacement Awning Tops

QTY	DESCRIPTION OF EQUIPMENT	UNIT PRICE	TOTAL COST
1	Modern Shade Replacement Fabric (UV Stabilized Polyethylene Fabric) for Front Door Awning, 7'W X 16'8"L X 4'H; Pricing Includes Necessary Hardware to Install.		\$1,777.00
1	Modern Shade Replacement Fabric (UV Stabilized Polyethylene Fabric) for Rear Door Awning 4'W X 15'L X 3'9"H; Pricing Includes Necessary Hardware to Install. Fabric tops are designed for 90 mph wind and 5 psf snow loads. Tops must be removed if weather conditions are expected to exceed these limits.		\$1,525.00
	Less Discount		(\$264.00)
	Delivery and Installation of Above Replacement Tops; Fabric to be Installed onto Existing Frame; Removal/Disposal of Existing Fabric is included.		\$1,946.00
	ALTERNATE:		
	In lieu of Standard UV Stabilized Polyethylene Canopy Fabric, we will Furnish and Install Ultra Waterproof Fabric, ADD: \$1,749.00 to Quote Total		
	TOTAL		\$4,984.00

Item # 12

QUOTE IS VALID FOR 30 DAYS FROM DATE OF QUOTE OR FROM DATE OF REVISION. PRICING IS BASED ON THE INTEGRITY OF THE EXISTING AWNING FRAME; FRAME MUST BE STRAIGHT/PLUMB AND SECURELY FASTENED TO BUILDING.

NOT INCLUDED: Sales Tax (Sales Tax Exemption Certificate Required), Permits/Bonds/Fees (if required), Site Work in Excess of Normal Installation (example: site prep - excavation/infill, concrete slab, french drains, excess rock removal), Sealed Engineered Drawings.

Any installation charges quoted are based upon a soil work site (not rocky) that is freely accessible by truck, no fencing, tree/landscaping or utility obstacles, etc.), and level (+/- 1-2% max slope). Any site work not expressly described is excluded. Landscape timbers are not warranted. All underground utilities must be located and clearly marked before any work can begin. Installation of all products (equipment, borders, ground cover, amenities) are as quoted and approved by acceptance of quote/drawings. The installer is not responsible for any damages or re-work resulting from after-hours events or activities during the work in progress period. The customer is responsible for maintaining the integrity of completed installation work until components have seated and/or cured (concrete footings, etc.).

Payment Terms: 50% due with signed quote (\$2,492.00) and balance due upon completion of work and receipt of invoice. Estimated Delivery: 6 to 9 weeks after receipt of order.

Accepted by: _____

Date: _____ P.O. # (if applicable): _____

PLEASE ISSUE PURCHASE ORDER IN VENDOR NAME OF T.F. HARPER & ASSOCIATES, LP

Thank you for giving us the opportunity to quote this equipment:

John Barr, Sales Consultant

Commercial Play and Recreational Equipment

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: March 19, 2013
CONTACT CITY DEPARTMENT: Police Department
CONTACT CITY STAFF: Jeff Barnett, Chief of Police

SUBJECT: Authorize award and execution of a Purchase Order to A AWNING DOCTOR, of San Antonio, Texas, in an amount not to exceed \$1,775.00 for the replacement and installation of window awnings for the Police Department building.

Item # 12

CURRENT YEAR FISCAL IMPACT:

This Purchase Order to A AWNING DOCTOR will require expenditure of funds from the 2008 Contractual Obligation Bond Fund as follows:

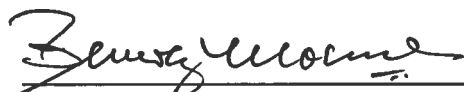
1. City Department: Police Department
2. Project Name: Window Awnings Installation for KPD
3. Budget/Accounting Code(s): 184-651-57222
4. Funding Source: 2008 CO Bond Fund
5. Current Appropriation: \$ 437,385.62
6. Unencumbered Balance: \$ 259,539.79
7. Amount of This Action: \$(1,775.00)
8. Remaining Balance: \$ 257,764.79

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order for the installation of signage for the Police Department building in an amount not to exceed \$1,775.00 will be provided from the 2008 Contractual Obligation Bond Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 3/11/2013
Perwez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Meeting Date: 3/19/2013
Date time: 7:00 PM

Hydro Mulch City Square

Subject/Recommendation: Authorize award and execution of a Purchase Order to WEIGELT ENTERPRISES, LLC, of Dripping Springs, Texas, in an amount not to exceed \$3,240.00 for the installation of hydro-mulched Bermuda grass in Mary Kyle Hartson City Square Park ~ *Kerry Urbanowicz, Director of Parks & Recreation*

Other Information: Weigelt Enterprises, LLC from Dripping Springs, Texas, submitted the lowest and best quote to apply a Bermuda grass hydro mulch to City Square Park after park renovation project is complete. They have experience with park projects in Kyle as they were the company that applied the same seed mix at Gregg-Clarke Park Sports Complex. The quote from Weigelt dated 2.12.13, as well as all other quotes received are attached.

Budget Information: A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[quotes](#)

[Fiscal Note](#)

Estimate



**WEIGELT
ENTERPRISES, LLC**

PO Box 906
Dripping Springs, TX 78620
office@wecentraltx.com
www.centraltexaslandscaping.com

Phone # 1-888-389-5263
Fax # 1-512-405-0340

Date	Estimate #
2/12/2013	1723

Name / Address
City of Kyle Parks and Rec PO Box 40 100 W. Center Kyle, TX 78640

P.O. No.	Rep
City of Kyle	CF

Description	Qty	Rate	Total
City of Kyle Town Square			
Proposed Work Description: Install Bermuda hydro mulch - per sq ft * Water source provided by owner with in 3 miles radius of job site	54,000	0.06	3,240.00
Note Hydro mulch must be watered daily by water truck or temp irrigation to allow for germination. Germination can not be guaranteed without daily watering. * Prices available for temp irrigation or water truck applications.			

Please sign below with approval and return to our office so that we can add you to our schedule

Signature _____

Subtotal	\$3,240.00
Sales Tax (0.0%)	\$0.00
Total	\$3,240.00
	Item # 13

We Accept Checks Only, No Credit Cards are Accepted.
We apologize for the inconvenience.

DK Hydromulching, LLC

PO Box 567

Hutto, TX 78634

Estimate

Date	Estimate #
2/16/2013	689

Name / Address
Kerry B Urbanowicz Director of Parks, Recreation, Facilities 700 Lehman Rd (Lake Kyle) P O Box 40 Kyle Texas 78640

				Project
Item	Description	Qty	Rate	Total
Hydromulching be...	Hydromulching of hulled Bermuda grass.Price per square foot.@5lbs per 1000 The City Square Park	54,000	0.06	3,240.00
By signing this proposal it authorizes me to perform the work.			Total	\$3,240.00

Signature _____

Phone #	Fax #
(512) 259-0830	1-(512) 846-1772

Item # 13



Maldonado Landscape & Irrigation, LTD.

120 E. Zipp Rd.
New Braunfels, TX 78130

QUOTATION

Quote Number: R3229
Quote Date: Feb 13, 2013
Page: 1

Quoted To:

City of Kyle
PO Box 40
Kyle, TX 78640

PO Box 40
Kyle, TX 78640

Customer ID	Good Thru	Payment Terms	Sales Rep
City of Kyle	3/15/13		

Quantity	Item	Description	Unit Price	Amount
		<ul style="list-style-type: none"> * City Square Park-101 South Burleson, Kyle, TX 78640 * Provide 2" water supply * Start seeding date April 15th * If sooner need a winter Rye Mix which will die off in late May * Excludes re-seeding due to run off, excessive rain fall * Sub-Total 		5,500.00

Subtotal	5,500.00
Sales Tax	
TOTAL	5,500.00

Item # 13



Kerry Urbanowicz <kerryu@cityofkyle.com>

Quote needed for hydromulching

1 message

Kerry Urbanowicz <kerryu@cityofkyle.com>

Thu, Feb 14, 2013 at 1:32 PM

To: info@sweetwaterprojects.com, rusty@sweetwaterprojects.com

I need 3 quotes for a small project in downtown Kyle. The City Square Park is getting a new marquee, electrical power and irrigation and we want to have someone come in after we are done this next month and spray the park with hydromulch.

The space to seed is approx 54,000sf, we have water close by and we want a Bermuda seed with a Rye starter - typical lawn grass as this park is not an active park, but the passive park in downtown by the City Hall.

City Council requires that I get 3 written quotes for this. I need this by next Tuesday so I can get it on the agenda next Wednesday.

Thank you in advance,

Kerry

--

Kerry B Urbanowicz
Director of Parks, Recreation, Facilities & Maintenance
700 Lehman Rd (Lake Kyle)
P O Box 40, Kyle Texas 78640
(512) 262-3939 Office
(512) 262-3933 Fax

Please consider the environment before printing this e-mail

CONFIDENTIALITY NOTICE: This email and attached documents may contain confidential information. All information is intended only for the use of the named recipient. If you are not the named recipient, you are not authorized to read, disclose, copy, distribute or take any action in reliance on the information and any action other than immediate delivery to the named recipient is strictly prohibited. If you have received this email in error do not read the information and please immediately notify sender by telephone to arrange for a return of the original documents. If you are the named recipient you are not authorized to reveal any of this information to any other unauthorized person. If you did not receive all pages listed or if pages are not legible, please immediately notify sender by phone.

Item # 13



Kerry Urbanowicz <kerryu@cityofkyle.com>

Quote for Hydromulching

1 message

Kerry Urbanowicz <kerryu@cityofkyle.com>

Thu, Feb 14, 2013 at 1:28 PM

To: mreed@airmail.net

I need 3 quotes for a small project in downtown Kyle. The City Square Park is getting a new marquee, electrical power and irrigation and we want to have someone come in after we are done this next month and spray the park with hydromulch.

The space to seed is approx 54,000sf, we have water close by and we want a Bermuda seed with a Rye starter - typical lawn grass as this park is not an active park, but the passive park in downtown by the City Hall.

City Council requires that I get 3 written quotes for this. I need this by next Tuesday so I can get it on the agenda next Wednesday.

Thank you in advance,

Kerry

--

Kerry B Urbanowicz
Director of Parks, Recreation, Facilities & Maintenance
700 Lehman Rd (Lake Kyle)
P O Box 40, Kyle Texas 78640
(512) 262-3939 Office
(512) 262-3933 Fax

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Item # 13

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: March 19, 2013
CONTACT CITY DEPARTMENT: Parks and Recreation
CONTACT CITY STAFF: Kerry Urbanowicz, Director

SUBJECT: Authorize award and execution of a Purchase Order to WEIGELT ENTERPRISES, LLC, of Dripping Springs, Texas, in an amount not exceed \$3,240.00 for the installation of hydro-mulched Bermuda grass in Mary Kyle Hartson City Square Park.

CURRENT YEAR FISCAL IMPACT:

A total of \$3,240.00 from grant funds will be expended in FY 2012-13 for the installation of hydro-mulched Bermuda grass in the City Square Park as follows:


1. City Department: Parks and Recreation
2. Project Name: Hydro-Mulched Bermuda Grass City Square Park
3. Budget/Accounting Code(s): 410-723-57222
4. Funding Source: Hays County Parks Grants
5. Current Appropriation: \$ 15,785.74
6. Unencumbered Balance: \$ 5,990.60
7. Amount of This Action: \$ (3,240.00)
8. Remaining Balance: \$ 2,750.60

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order to WEIGELT ENTERPRISES, LLC, in the amount of \$3,240.00 will be provided from available balance in the Hays County Parks Grant Fund included in the FY 2012-13 Approved Budget of the Parks and Recreation Department (Grant Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 3/11/2013
Perwez A. Moheet, CPA - Date
Director of Finance

Item # 13



CITY OF KYLE, TEXAS

United Rental PO

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize award and execution of a Purchase Order to UNITED RENTALS in an amount not to exceed \$1,478.21 for the rental of a generator and a light tower to provide power and lighting for the Full Moon Jubilee to be held April 26, 2013 at Lake Kyle Park ~ *Kerry Urbanowicz, Director of Parks & Recreation*

Other Information: Four written quotes were obtained and United Rentals presented the lowest bid for the equipment requested.

Budget Information: A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Power and Light quotes for Jubilee 2013](#)
- [Fiscal Note](#)



800-UR-RENTS (800-877-3687)
unitedrentals.com

LOCATION #M21
4542 S. INTERSTATE HWY 35 S.
SAN MARCOS, TX 78666
512-353-1111 512-392-3853 FAX



RENTAL RESERVATION

109125122

Job Site

KYLE PARKS & REC
KYLE
x:1@1
KYLE, TX 78640
Office: 512-262-3024 **Cell:** 512-262-3939

Customer Number : 1084811
Reservation Date : 2/19/13
Scheduled Out : 4/26/13 11:00 AM
Estimated In : 4/27/13 11:00 AM

Job Location: KYLE, KYLE
Job Number : 5
P.O. Number : .
Ordered By : MERIDITH 5122623992
Written By : KBARRON1
Salesperson : 8381

Customer

CITY OF KYLE PUBLIC WORKS
100 W CENTER ST
PO BOX 40
KYLE, TX 78640

RENTAL ITEMS:							
Qty	Equipment	Description	Minimum	Day	Week	4 Week	Estimated Amt.
2	2403156	*GENERATOR 45 - 49 KVA	250.00	250.00	644.36	2003.61	500.00
8	800/3750	TEMPOWER CORD #6-4 X 50 FT	11.25	19.80	58.74	144.42	158.40
5	3204000	*LIGHT TOWER, TOWABLE SM (LITE)	126.00	126.00	385.37	755.16	630.00
4	2415231	DISTRIBUTION BOX 50A RV ** ABOVE ITEM IS OPEN MARKET RENTAL **		22.00	66.00	165.00	88.00
						Rental Subtotal:	1,376.40
SALES/MISCELLANEOUS ITEMS:							
Qty	Item		Price		Unit of Measure		Extended Amt.
1	TX UNIT PROPERTY TAX ** ABOVE ITEM IS OPEN MARKET SALE **	[DRSURT/MCI]	1.810		(EA) EACH		1.81
1	DELIVERY CHARGE		50.000		(EA) EACH		50.00
1	PICKUP CHARGE		50.000		(EA) EACH		50.00
						Sales/Misc Subtotal:	101.81
						Agreement Subtotal:	1,478.21
						Estimated Total:	1,478.21

no tax included in total

COMMENTS/NOTES:

CONTACT: KEN LAFLAIR
CELL#: 512-262-3939

Customer acknowledges one or more items listed may not be TAA compliant or on the GSA schedules.

TO SCHEDULE EQUIPMENT FOR PICKUP, CALL 800-UR-RENTS (800-877-3687)
WE ARE AVAILABLE 24/7 TO SUPPLY YOU WITH A CONFIRMATION #
IN ORDER TO CLOSE THIS CONTRACT.

A CLEANING CHARGE WILL APPLY TO EQUIPMENT RETURNED WITH EXCESSIVE
DIRT, CONCRETE, AND/OR PAINT. CUSTOMER IS RESPONSIBLE FOR ALL DAMAGE
INCLUDING TIRES. THERE WILL BE AN ADDITIONAL CHARGE FOR MISSING KEYS.
A FUEL CHARGE WILL BE APPLIED TO ALL UNITS NOT RETURNED FULL OF FUEL.

TO SCHEDULE EQUIPMENT FOR PICKUP, CALL 800-UR-RENTS (800-877-3687)
WE ARE AVAILABLE 24/7 TO SUPPLY YOU WITH A CONFIRMATION #
IN ORDER TO CLOSE THIS CONTRACT

THIS IS NOT A RENTAL AGREEMENT. THE RENTAL OF EQUIPMENT AND ANY OTHER ITEMS LISTED ABOVE IS SUBJECT TO AVAILABILITY AND ACCEPTANCE OF THE TERMS AND CONDITIONS OF UNITED'S RENTAL AGREEMENT, WHICH MUST BE SIGNED PRIOR TO OR UPON DELIVERY OF THE EQUIPMENT AND OTHER ITEMS.

Item # 14



5426 Guadalupe, Suite 120
Austin, TX 78751
Phone: 512.669.7151
Fax: 512.669.7152
www.jsquaredservices.com

February 20, 2013

Quote No. 00001796

City of Kyle - Parks & Recreation Departm
700 Lehman Road

Kyle, TX 78640
Meredith Shirley

Job Name: Kyle Parks and Recreation

Venue: Park in Kyle, ,

Scope of Work

Area 1: Band Stage & Vendor Area - Open Field

Timeline:

Equipment Delivery: 04/26/2013 13:00

Event: 04/26/2013 18:00 to 04/26/2013 23:00

Equipment Pick Up: 04/26/2013 23:30

Power Requirements:

(1) Band Stage @ amphitheater (0x0x0) - Six (6) x 20A circuits @ 120V

(1) Vendor Area (0x0x0) - 3 - 4 Vendors, each require Two (2) x 20A circuits @ 120V

Two areas are far apart, will need two generators

Equipment Offered:

(2) MQ Power - 36kW Generator (45kVA)

(2) Distribution Panel - 50 Amp Distribution Panel

(2) 100' - 6/4 50A Twist Lock Feeder

Labor: Set up and tear down labor is included.

Fuel: Fuel and up to 12 hours of generator runtime are included.

Freight/Travel: Freight and Travel costs are included in this price.

Total: \$1,700.00

Tax: \$140.25

Grand Total: \$1,840.25

Payment Terms:

Thank you for your interest in J Squared Services. We look forward to working with you!
Sincerely,

Christopher D. Bennett
cbennett@jsquaredservices.com
512.334.3351

No light towers -
was told by
Chris to
contact Sunbelt
or United

Item # 14



Ship To: City of Kyle - PARENT

ATTN: Meredith Shirley – Parks and Recreation

Clifford Power Systems, Inc.

4918 Burleson Rd
 Austin, TX, 78744
 Phone: (512) 477-6937
 Fax: (512) 477-6938

www.cliffordpower.com

CPS Job Number: RA-21695

Job Date: 4/26/2013

Qty.	Item Description	Daily Rate	Weekly Rate	Monthly Rate	Insurance Value (ea.)
2	Generator - 35 KW / 45 KVA : (Single Shift)	\$306.00	\$918.00	\$2,754.00	\$22,500.00
5	Light Tower - 6 KW	\$650.00	\$1,950.00	\$5,850.00	\$7,500.00
	Set-Up / Tear-Down (estimate)		\$0.00		
	Freight (estimate) Round-trip Delivery & P/U		\$885.00		
	Maintenance Fees (estimate)		\$0.00		
	Environmental Fee (2% of Rental Rate)				2 %
	Damage Waiver (Waived with COI)				14 %

Equipment offered is subject to availability. This quote is valid for 60 days.

Customer Responsibilities

- Rental Shifts are defined as:
 - Single Shift - Allows 8 hours/day, 40 hours/week, 176 hours/month
 - Double Shift - Allows 16 hours/day, 80 hours/week, 352 hours/month
 - Triple Shift - Unlimited hours
- Fuel used and not replenished will be billed @ \$6.00 per gallon.
- Any permits and labor required to unload and/or operate the rental equipment.
- Check and maintain all fluid levels daily.
- Compliance with all city codes, permits, and/or licenses required.
- Maintain full insurance -or- we will supply Damage Waiver @ 14% of the rental value of the Generator/HVAC.
 - Damage Waiver does not cover loss of unit.
- Planned Maintenance Service required after every 250 hours of operation.
- Any damage caused to the site (dead grass, indentions in surface, etc).

Thank you again for the opportunity to provide you with our quote. Please do not hesitate to call me if you have any questions.

Scott Robinson

Rental Sales Account Manager

Office: (512) 477-6937

Mobile: (512) 762-7300

Fax: (512) 477-6938

srobinson@cliffordpower.com

\$18600.12
 explanation
 attached

To accept the equipment offered in this proposal, please sign the acceptance line proposal to back to me.

Accepted By: _____ PO#: _____ Date: _____

Item # 14



Meredith Shirley <pardintern1@cityofkyle.com>

Quote for generators and light towers.

Scott Robinson <srobinson@cliffordpower.com>
To: Meredith Shirley <pardintern1@cityofkyle.com>

Tue, Feb 26, 2013 at 11:54 AM

Hi Meredith,

I got a total of \$1,860.12 with all fees.

You're Environmental Fee is \$19.12

Your Certificate of Insurance will waive the 14% Damage Waiver.

You will be tax exempt.

\$1,860.12 - Should be correct down to the penny.

Thanks!

Scott Robinson

Rental Sales Account Manager

Clifford Power Systems, Inc.

mobile 512.762.7300

office 512.477.6937

fax 512.477.6938

srobinson@cliffordpower.com

www.cliffordpower.com

Item # 14



PC#: 342
 8300 S INTERSTATE 35
 AUSTIN, TX 78745-7329
 512-291-0065

SUNBELT RENTALS, INC.
 Salesman: 34203 WATSON, PAUL (342)
 Typed By: PWATSON

Job Site:
 CITY HALL
 100 W CENTER ST
 KYLE, TX 78640-9450
 C#: 512-268-5341 J#: 512-268-5341

QUOTE

Contract #.. 38717451
 Contract dt. 2/20/13
 Date out.... 4/26/13 8:00 AM
 Est return.. 4/27/13 8:00 AM
 Job Loc..... 100 W CENTER ST, KYLE
 Job No..... 1 - CITY OF KYLE
 P.O. #..... NR
 Ordered By.. SHIRLEY, MEREDITH
 NET DUE UPON RECEIPT

Customer: 307759
 CITY OF KYLE
 ATTN: ACCOUNTS PAYABLE
 100 W CENTER
 KYLE, TX 78640

QTY	EQUIPMENT #	Min	Day	Week	4 Week	Amount
SALES ITEMS:						
Qty	Item number	Unit	Price			
1	ENVIRONMENTAL ENVIRONMENTAL	EA	30.250			30.25
1	TXHEIT4532012 TX UNIT PROPERTY TAX	EA	2.080			2.08
1	RENTAL PROTECTION PLAN	EA				186.00
	DELIVERY CHARGE					250.00
	PICKUP CHARGE					250.00
			Sub-total:			2008.33
			Tax:			161.41
			Total:			2169.74

Rate your rental experience www.sunbeltrentals.com/survey

IF THE EQUIPMENT DOES NOT WORK PROPERLY, NOTIFY THE OFFICE AT ONCE
 MULTIPLE SHIFTS OR OVERTIME RATES MAY APPLY
 CUSTOMER IS RESPONSIBLE FOR REFUELING, DAMAGES AND REPAIRS

- The total charges are an estimate based on the estimated rental period provided by Customer.
- Customer assumes all risks associated with the Equipment during the Rental Period, including injury and damage to persons, property and the Equipment.
- Customer is responsible for and shall only permit properly trained, authorized individuals, who are not impaired (under the influence of drugs or alcohol), to use the Equipment.
- If the Equipment does not operate properly, is not suitable for Customer's intended use, does not have operating and safety instructions or Customer has any questions regarding use of the Equipment, Customer shall not use the Equipment and shall contact Sunbelt immediately.
- Misuse of the Equipment or using damaged or malfunctioning Equipment may result in serious bodily injury or death.
- Customer has received, read, understands and agrees to the estimated charges herein and all the terms and conditions of this Contract, including the Release and Indemnification provision in Section 7 and the Environmental Fee in Section 14, which can also be found at www.sunbeltrentals.com/rentalcontract. *Delivery/Pickup Surcharge fee explanation is available at www.sunbeltrentals.com/surcharge
- Customer must contact Sunbelt to request pickup of Equipment, retain the Pick Up Number given by Sunbelt and will be responsible for Equipment until actually retrieved by Sunbelt.
- For operations in California: Customer is renting equipment registered under the California Air Resources Board (CARB) Portable Equipment Registration Program (PERP). The operator of the Equipment is subject to the requirements of the PERP regulation and local Air Pollution Control District rules. Under the PERP Regulation, the Customer is required to keep a copy of the rental agreement and CARB registration certificate, including operating conditions and notification requirements, with the Equipment at all times. Customer must also complete the log provided with the Equipment as required by PERP and returning the log with the Equipment (see www.arb.ca.gov/portable/portable.htm). By signing this Contract, the Customer acknowledges receipt of these documents.

Customer is declining Rental Protection Plan _____ (Customer Initials) **Item # 14**

Customer Signature _____ Date _____ Name Printed _____ Delivered By _____ Date _____

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: March 19, 2013
CONTACT CITY DEPARTMENT: Parks and Recreation
CONTACT CITY STAFF: Kerry Urbanowicz, Director

SUBJECT: Authorize award and execution of a Purchase Order to UNITED RENTALS of San Marcos, Texas, in an amount not exceed \$1,478.21 for the rental of a generator and a light tower to provide power and lighting for the Full Moon Jubilee to be held on April 26, 2013.

CURRENT YEAR FISCAL IMPACT:

A total of \$1,478.21 will be expended in FY 2012-13 for the rental of a generator and a light tower for Full Moon Jubilee as follows:

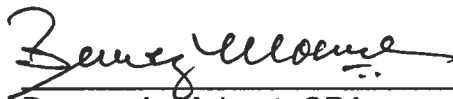
- | | |
|-------------------------------|---|
| 1. City Department: | Parks and Recreation |
| 2. Project Name: | Full Moon Jubilee Equipment Rental |
| 3. Budget/Accounting Code(s): | 110-131-52146 |
| 4. Funding Source: | Approved FY 2012-13 Budget (General Fund) |
| 5. Current Appropriation: | \$ 2,500.00 |
| 6. Unencumbered Balance: | \$ 2,421.50 |
| 7. Amount of This Action: | <u>\$ (1,478.21)</u> |
| 8. Remaining Balance: | <u>\$ 943.29</u> |

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order to UNITED RENTALS , in the amount of \$1,478.21 will be provided from available balance in the FY 2012-13 Approved Budget of the Parks and Recreation Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 3/11/2013
Perwez A. Moheet, CPA - Date
Director of Finance

Item # 14



CITY OF KYLE, TEXAS

Meeting Date: 3/19/2013
Date time: 7:00 PM

Pestmaster Services PO

Subject/Recommendation: Authorize award and execution of a Purchase Order to NOLES PEST SERVICES DBA PESTMASTER SERVICES of Georgetown, Texas, in an amount not to exceed \$1,820 to provide pest control services for specified occupied city facilities for FY2013 and cancel any and all open Purchase Orders and agreements with Thrash Pest Control ~
Kerry Urbanowicz, Director for Kyle Parks & Recreation

Other Information: The occupied city facilities specified in the Request for Proposals were Kyle City Hall, Historic Kyle City Hall, Kyle Public Library, Police Headquarters, Police Dispatch Complex, Public Works, Parks Headquarters, Parks & Facility Maintenance, Train Depot and IT / VFW.

Last year, Thrash Pest Control was the awarded service provider based on RFP scoring matrix. They provided 1 partial service and have not returned to finish. They were paid for the services they provided. At this time, they have missed the December and February scheduled services and we are terminating their agreement.

The RFP had a provision for this situation. It allows us to move to the next responder and offer them an agreement. Pestmaster Services have agreed to meet the conditions in their submitted proposal. The agreement is for a 5-year agreement with annual approvals and purchase orders.

Pest Companies that responded to bid (Matrix Score)		Their
Proposal Year 1 Thrash Pest Control (81.0)		
	\$ 2,250	Pest Master Service
(79.75)		\$ 2,730
Control (51.5)		\$ 3,720
World Wide Pest Control (36.5)		
11,100		\$

Budget Information: A Fiscal Note is attached.

Attachments / click to download

-  [Pest Control RFP](#)
 -  [Pest Control Proposals Received](#)
 -  [Fiscal Note](#)
-



CITY OF KYLE, TEXAS
REQUESTS FOR PROPOSAL (RFP)
PEST CONTROL SERVICES: RFP-2013-01-PARD

**SPECIFICATIONS AND GENERAL PROPOSAL REQUIREMENTS FOR PEST
CONTROL SERVICES FOR THE CITY OF KYLE FACILITIES**

NOTICE TO RESPONDERS:

The City of Kyle is accepting sealed proposals to provide pest control services for specific occupied facilities as stated in this RFP and posted on our website: www.cityofkyle.com. Sealed proposals marked **PEST CONTROL SERVICES: RFP-2013-01-PARD** are to be submitted to:

Michael Sony
Facilities Maintenance Manager
City of Kyle
(mailing) PO Box 40
(physical) 225 Rebel Rd
Kyle, Texas 78640
(512) 262-3934

REQUEST FOR PROPOSAL DEADLINE:
2:00PM, FRIDAY, SEPTEMBER 7, 2012

***** PRE-PROPOSAL CONFERENCE & SITE VISIT SCHEDULED: 9am, August 23rd**

The City of Kyle would like to invite you to attend a conference and site visit with staff at 9am, Thursday, August 23. The conference will meet at Historic Kyle City Hall, 101 S. Burleson and walk from this site to Police Dispatch Complex, City Hall, Police Headquarters, Train Depot and IT / VFW. After this walking tour, attendees will drive to visit all other sites. This conference is intended for all prospective vendors to see the sites and ask staff all the questions needed to submit a complete proposal.

Proposals will be received at the above address until 2:00pm, Friday, September 7, 2012, at which time they will be opened. No emailed or faxed proposals will be accepted or considered. Proposals will be presented to Kyle City Council for approval on Tuesday, September 18th, 2012.

Proposal envelopes should be clearly marked, “**RFP – Pest Control Services: RFP-2013-01-PARD**”. Any proposal received later than the specified time, whether delivered in person or mailed shall be disqualified. The City of Kyle will not be responsible for delivering mail from the post office. The City of Kyle will not be responsible for proposals

delivered to any location other than the one specified above. Respondents are encouraged to hand deliver their proposals well ahead of opening time.

The City of Kyle reserves the right to reject any or all proposals submitted.

The City of Kyle is exempt from taxation under the Sales Tax and Use Tax Laws, and proposals shall not include such taxes.

SCOPE:

1. It is the intention of the City of Kyle to obtain professional Pest Control Services for specific occupied city facilities for Fiscal Year 2012-13, beginning October 1, 2012 and ending September 30, 2013. The City of Kyle will have the right and option to extend the term for four (4) additional one (1) year periods with the same terms and conditions. The City of Kyle will also have the right and option to terminate the contract upon thirty (30) days written notice.
2. The City of Kyle has ten (10) buildings that will require this pest control service. It is the vendor's sole responsibility to attend the pre-proposal conference and visit all of the facilities/locations listed on this RFP in order to familiarize themselves with the nature of the services required prior to submitting a proposal.
3. The buildings/facilities this contract is to cover are Kyle City Hall, Historic Kyle City Hall, Library, Police Headquarters, Police Dispatch Complex, Public Works, Train Depot, IT / VFW, Parks Headquarters and Parks Maintenance.
4. The pest to be controlled inside all specified facilities: any common insect pest including but not limited to cockroaches, silverfish, spiders, centipedes, earwigs, all ants including carpenter and fire ants, termites (includes initial inspection, application and service), flies, crickets, mosquitoes, fleas, gnats, rats, mice, squirrels and other common rodents. Outside of facility service is to include a barrier preventing all listed above pests from entering buildings.
5. Service to be done every other month, beginning October, with revisits if pests are present between service calls.
6. Service is to be done the last Wednesday of the month of service visit. All buildings to be done the same day.

RFP RESPONSE FORMAT:

Service every other month will be required for each specified building. The proposal shall be submitted that shows the amount per visit for each building for required service. The proposal shall also include cost on a per-visit basis per building for each of the possible extended four (4) years. A chart showing each building, approximate square footage and possible subsequent years will assist in this requirement. It is required that you complete and return the RFP Response form.

TERMINATION FOR DEFAULT:

The City of Kyle reserves the right to enforce the performance of successful proposal in any manner prescribed by law or deemed to be in the best interest of the City in the event of breach or default of agreement. The City reserves the right to terminate the agreement immediately in the event the successful proposal fails to: 1) meet delivery schedules; or 2) otherwise performs in accordance with these specifications. Breach of contract or default authorizes the City to, among other things, award to another

proposal, purchase elsewhere and charge the full increase in cost and handling to the defaulting successful proposal.

TERMS OF PAYMENT

Upon receipt of invoice, payment will be within 30 days. The invoice will list separate each building and cost to service that building.

LIABILITY INSURANCE

Upon request, the successful proposal shall furnish the City of Kyle proof of General Liability insurance for personal injury, including death, and property damage with a minimum of \$1 million dollars per occurrence and \$2 million dollars aggregate, including coverage for advertising injury and products coverage. Proposal shall also provide evidence of workers compensation insurance for all employees performing work on City property.

REFERENCES

A minimum of five (5) references from current commercial and/or governmental accounts are to be submitted with proposal. Names and phone numbers of contact person at each commercial and/or government account must also be included. Additionally, the Better Business Bureau will be contacted for professional reference.

FACILITIES TO BE SERVICED

- | | | |
|---------------------------|-----------------|-----------------|
| • Kyle City Hall(2-story) | 100 W. Center | Approx 16,000sf |
| • Historic Kyle City Hall | 101 S. Burlison | Approx 5,000sf |
| • Kyle Public Library | 550 Scott St | Approx 20,000sf |
| • Police Headquarters | 111 N. Front St | Approx 10,500sf |
| • Police Dispatch Complex | 300 W. Center | Approx 1,500sf |
| • Public Works | 520 E. RR 150 | Approx 14,150sf |
| • Parks Headquarters | 700 Lehman Rd | Approx 2,100sf |
| • Parks Maintenance | 225 Rebel Rd | Approx 2,800sf |
| • Train Depot | 101 N. Front St | Approx 1,350sf |
| • IT / VFW Building | 101 S. Front St | Approx 1,100sf |

RFP SUBMITTAL SCORING

Each proposal submitted will be reviewed by PARD Staff. Once proposal has been reviewed for completeness and references checked, PARD Staff will rank the proposals using a scoring matrix. The top proposal will be recommended to City Council for approval.

Scoring matrix:

- 40% Annual Costs
- 25% Guaranteed costs for future years
- 20% Recommendations & References
- 15% for Site Visit

RFP SUBMITTAL FORM

These pages (pages 4, 5 and 6) shall be included in the submitted sealed proposal

Please circle "Yes" or "No" if vendor attended the pre-proposal conference & site visit.

Please fill in each box with \$.

Facility to be Serviced	Site Visit Made	Pest Services Per year	Pest Control Cost Per Visit Oct 2012 - Sept 2013	Pest Control Cost Per Visit Oct 2013 - Sept 2014	Pest Control Cost Per Visit Oct 2014 - Sept 2015	Pest Control Cost Per Visit Oct 2015 - Sept 2016	Pest Control Cost Per Visit Oct 2016 - Sept 2017
Kyle City Hall	Yes/No	6	\$	\$	\$	\$	\$
Historic Kyle City Hall	Yes/No	6	\$	\$	\$	\$	\$
Kyle Public Library	Yes/No	6	\$	\$	\$	\$	\$
Kyle Police Headquarters	Yes/No	6	\$	\$	\$	\$	\$
Kyle Police Dispatch Complex	Yes/No	6	\$	\$	\$	\$	\$
Kyle Public Works	Yes/No	6	\$	\$	\$	\$	\$
Kyle Parks Headquarters	Yes/No	6	\$	\$	\$	\$	\$
Kyle Parks Maintenance	Yes/No	6	\$	\$	\$	\$	\$
Kyle Train Depot	Yes/No	6	\$	\$	\$	\$	\$
Kyle IT / VFW	Yes/No	6	\$	\$	\$	\$	\$

References – please fill in all spaces. Return this page with Proposal.

Company Name:	
Contact:	Title:
Address:	Phone No:
Scope of Work:	Length Service

Company Name:	
Contact:	Title:
Address:	Phone No:
Scope of Work:	Length Service

Company Name:	
Contact:	Title:
Address:	Phone No:
Scope of Work:	Length Service

Company Name:	
Contact:	Title:
Address:	Phone No:
Scope of Work:	Length Service

Company Name:	
Contact:	Title:
Address:	Phone No:
Scope of Work:	Length Service

These pages (pages 4, 5 and 6) shall be included in the submitted sealed proposal

Company Name: _____

Company Mailing Address: _____

Contact for Company/Vendor: _____

Contact's Daytime Phone: ____ - ____ - ____ Fax: ____ - ____ - ____

Contact's Email: _____

I, the undersigned agent for the company named above, certify and affirm that I am duly authorized to execute this proposal, that this company, corporation, firm, partnership or individual has not prepared this proposal in collusion with any other provider, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this RFP.

Authorized Company Official (signature): _____

Authorized Company Official's Name (printed): _____

Date Signed: _____

These pages (pages 4, 5 and 6) shall be included in the submitted sealed proposal

Company Name: Thrash Pest Control

Company Mailing Address: P.O. Box 2942 Port Aransas TX
78373

Contact for Company/Vendor: Freddie Thrash

Contact's Daytime Phone: 361-749-1147 Fax: 361-241-4955

Contact's Email: thrashpest1@yahoo.com

I, the undersigned agent for the company named above, certify and affirm that I am duly authorized to execute this proposal, that this company, corporation, firm, partnership or individual has not prepared this proposal in collusion with any other provider, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this RFP.

Authorized Company Official (signature): Freddie Thrash

Authorized Company Official's Name (printed): Freddie Thrash

Date Signed: 8-24-12

#4

These pages (pages 4, 5 and 6) shall be included in the submitted sealed proposal

Please circle "Yes" or "No" if vendor attended the pre-proposal conference & site visit.

Please fill in each box with \$.

Facility to be Serviced	Site Visit Made	Pest Services Per year	Pest Control Cost Per Visit Oct 2012 - Sept 2013	Pest Control Cost Per Visit Oct 2013 - Sept 2014	Pest Control Cost Per Visit Oct 2014 - Sept 2015	Pest Control Cost Per Visit Oct 2015 - Sept 2016	Pest Control Cost Per Visit Oct 2016 - Sept 2017	
Kyle City Hall	Yes/No	6	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	200
Historic Kyle City Hall	Yes/No	6	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	100
Kyle Public Library	Yes/No	6	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00	300
Kyle Police Headquarters	Yes/No	6	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	200
Kyle Police Dispatch Complex	Yes/No	6	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	100
Kyle Public Works	Yes/No	6	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	200
Kyle Parks Headquarters	Yes/No	6	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	100
Kyle Parks Maintenance	Yes/No	6	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	100
Kyle Train Depot	Yes/No	6	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	100
Kyle IT / VFW	Yes/No	6	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	100

1500
x 6

9,000

Current? Renew?

References – please fill in all spaces. Return this page with Proposal.

Company Name: Aransas Princess Condos	
Contact: Teresa	Title: mgr
Address: Beach Access Rd 1-A	Phone No: 361-749-5118
Scope of Work: general Pest Control	Length Service 9 yrs

yes yes

Company Name: Beachcomber Rentals	
Contact: Melissa	Title: Owner
Address: 410 Cutoff Rd	Phone No: 361-389-9302
Scope of Work: general pest control	Length Service 7 yrs

Company Name: City of Port Aransas	
Contact: Sylvia	Title: maintenance mgr
Address: 100 Ave A	Phone No: 361-815-2646
Scope of Work: general Pest	Length Service 7 yrs

yes yes

Company Name: Clines handling	
Contact: Bea	Title: mgr
Address: 900 Station ST	Phone No: 361-749-5272
Scope of Work: general Pest	Length Service 7 yrs

yes yes

Company Name: Beachhead Condos	
Contact: Cynthia	Title: mgr
Address: 1121 S 11th ST	Phone No: 361-332-9491
Scope of Work: general pest + termites	Length Service 7 yrs

yes yes

These pages (pages 4, 5 and 6) shall be included in the submitted sealed proposal

Company Name: NOLES PEST SERVICES, DBA PESTMASTER SERVICES


Company Mailing Address: P.O. BOX 3000 #260, GEORGETOWN, TX. 78627

Contact for Company/Vendor: JOHN NOLES

Contact's Daytime Phone: 512-677-1027 cell Fax: 512-863-4570
OFFICE 512 868-2390

Contact's Email: pestmaster@suddenlink.net

I, the undersigned agent for the company named above, certify and affirm that I am duly authorized to execute this proposal, that this company, corporation, firm, partnership or individual has not prepared this proposal in collusion with any other provider, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this RFP.

Authorized Company Official (signature): 

Authorized Company Official's Name (printed): JOHN NOLES

Date Signed: 9-7-2012

These pages (pages 4, 5 and 6) shall be included in the submitted sealed proposal

Please circle "Yes" or "No" if vendor attended the pre-proposal conference & site visit.

Please fill in each box with \$.

Facility to be Serviced	Site Visit Made	Pest Services Per year	Pest Control Cost Per Visit Oct 2012 - Sept 2013	Pest Control Cost Per Visit Oct 2013 - Sept 2014	Pest Control Cost Per Visit Oct 2014 - Sept 2015	Pest Control Cost Per Visit Oct 2015 - Sept 2016	Pest Control Cost Per Visit Oct 2016 - Sept 2017
Kyle City Hall	<input checked="" type="radio"/> Yes/ <input type="radio"/> No	6	\$ 65.00	\$ 65.00	\$ 65.00	\$ 70.00	\$ 70.00
Historic Kyle City Hall	<input checked="" type="radio"/> Yes/ <input type="radio"/> No	6	\$ 37.50	\$ 37.50	\$ 37.50	\$ 40.00	\$ 40.00
Kyle Public Library	<input checked="" type="radio"/> Yes/ <input type="radio"/> No	6	\$ 55.00	\$ 55.00	\$ 55.00	\$ 60.00	\$ 60.00
Kyle Police Headquarters	<input checked="" type="radio"/> Yes/ <input type="radio"/> No	6	\$ 45.00	\$ 45.00	\$ 45.00	\$ 50.00	\$ 50.00
Kyle Police Dispatch Complex	<input checked="" type="radio"/> Yes/ <input type="radio"/> No	6	\$ 37.50	\$ 37.50	\$ 37.50	\$ 42.50	\$ 42.50
Kyle Public Works	<input checked="" type="radio"/> Yes/ <input type="radio"/> No	6	\$ 55.00	\$ 55.00	\$ 55.00	\$ 60.00	\$ 60.00
Kyle Parks Headquarters	<input checked="" type="radio"/> Yes/ <input type="radio"/> No	6	\$ 37.50	\$ 37.50	\$ 37.50	\$ 42.50	\$ 42.50
Kyle Parks Maintenance	<input checked="" type="radio"/> Yes/ <input type="radio"/> No	6	\$ 37.50	\$ 37.50	\$ 37.50	\$ 42.50	\$ 42.50
Kyle Train Depot	<input checked="" type="radio"/> Yes/ <input type="radio"/> No	6	\$ 0	\$ 45.00	\$ 45.00	\$ 50.00	\$ 50.00
Kyle IT / VFW	<input checked="" type="radio"/> Yes/ <input type="radio"/> No	6	\$ 40.00	\$ 40.00	\$ 40.00	\$ 45.00	\$ 45.00

270

~~285~~ 155

230

190

160

230

160

160

190

170

1915
x 6

11,490

References – please fill in all spaces. Return this page with Proposal.

Company Name: CITY OF GEORGETOWN	
Contact: PAUL PAUSEWANG	Title: FACILITIES COORDINATOR
Address: P.O. BOX 409, GEORGETOWN, TX 78627	Phone No: 512-673 8188 <i>Disconnected</i>
Scope of Work: PEST CONTROL FOR CITY BUILDINGS	Length Service 5 YRS

Company Name: CITY OF TEMPLE	
Contact: GERALD ERVIN	Title: FACILITY MGR.
Address: 3210 EAST AVE. H. BUILDING C TEMPLE TX. 76501	Phone No: 254-913-6884
Scope of Work: PEST CONTROL FOR CITY BUILDINGS	Length Service 5 YRS.

YesYes

Company Name: CITY OF ROUND ROCK	
Contact: TRISH DELATORRE	Title: FACILITY CONTRACT MGR.
Address: 221 E. MAIN, ROUND ROCK, TX. 78664	Phone No: 512-671-2891
Scope of Work: PEST CONTROL FOR CITY BUILDINGS	Length Service 3 YRS

YesYes

Company Name: DEPT OF THE ARMY FT. HOOD	
Contact: GEORGE CORNWELL	Title: CONTRACT MGR
Address: 1001 761ST TANK BATTALION AVE FT. HOOD, TX. 76544-5025	Phone No: 254.432.1318
Scope of Work: ON DEMAND PEST CONTROL.	Length Service 3 YRS

YesYes

Company Name: TEXAS DEPT OF FAMILY AND PROTECTIVE SERVICES.	
Contact: MARGARET BUCHANAN	Title: A.P.S. CONTRACT MGR.
Address: 14000 SUMMIT DR. SUITE 100 AUSTIN, TX. 78728	Phone No: 512-834-3315
Scope of Work: PEST CONTROL SERVICE.	Length Service 1 YR.

YesYes

These pages (pages 4, 5 and 6) shall be included in the submitted sealed proposal

Company Name: A-TEX PEST MANAGEMENT INC.

Company Mailing Address: 124 VICKSBURG LOOP ELGIN, TX 78621


Contact for Company/Vendor: Jason Napolski

Contact's Daytime Phone: 512-511-4454

Fax: 512-285-9552
(must Dial 512)

Contact's Email: atexpest@msn.com

I, the undersigned agent for the company named above, certify and affirm that I am duly authorized to execute this proposal, that this company, corporation, firm, partnership or individual has not prepared this proposal in collusion with any other provider, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this RFP.

Authorized Company Official (signature): 

Authorized Company Official's Name (printed): Jason Napolski

Date Signed: 9/2/12

These pages (pages 4, 5 and 6) shall be included in the submitted sealed proposal

Please circle "Yes" or "No" if vendor attended the pre-proposal conference & site visit.

Please fill in each box with \$.

Facility to be Serviced	Site Visit Made	Pest Services Per year	Pest Control Cost Per Visit Oct 2012 - Sept 2013	Pest Control Cost Per Visit Oct 2013 - Sept 2014	Pest Control Cost Per Visit Oct 2014 - Sept 2015	Pest Control Cost Per Visit Oct 2015 - Sept 2016	Pest Control Cost Per Visit Oct 2016 - Sept 2017	
Kyle City Hall	Yes/No	6	\$ 95.00	\$ 95.00	\$ 95.00	\$ 95.00	\$ 95.00	380
Historic Kyle City Hall	Yes/No	6	\$ 65.00	\$ 65.00	\$ 65.00	\$ 65.00	\$ 65.00	260
Kyle Public Library	Yes/No	6	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00	300
Kyle Police Headquarters	Yes/No	6	\$ 65.00	\$ 65.00	\$ 65.00	\$ 65.00	\$ 65.00	260
Kyle Police Dispatch Complex	Yes/No	6	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	180
Kyle Public Works	Yes/No	6	\$ 65.00	\$ 65.00	\$ 65.00	\$ 65.00	\$ 65.00	260
Kyle Parks Headquarters	Yes/No	6	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	220
Kyle Parks Maintenance	Yes/No	6	\$ 65.00	\$ 65.00	\$ 65.00	\$ 65.00	\$ 65.00	260
Kyle Train Depot	Yes/No	6	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	180
Kyle IT / VFW	Yes/No	6	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	180

2480
x 6

14,880

References – please fill in all spaces. Return this page with Proposal.

Company Name: 3M AUSTIN	
Contact: Mike Steffenson	Title: Facilities MANAGEMENT
Address: 6801 Riverplace Blvd Austin, TX 78730	Phone No: 984-6209
Scope of Work: MONTHLY INTERIOR & EXTERIOR PEST & RODENT CONTROL	Length Service 8 YEARS

Company Name: OGLE PROPERTIES	
Contact: CHERYL OGLE OF OFFICE STAFF	Title: OWNER
Address: 3600 BEE CAVES AUSTIN, TX 78746 (SERVICE NUMEROUS LOCATIONS)	Phone No: 327-4400
Scope of Work: MONTHLY INTERIOR & EXTERIOR PEST CONTROL	Length Service 8 YEARS

Company Name: Twin Creeks Country Club	
Contact: Bryant	Title: Facility Manager
Address: 3201 Twin Creeks Club Dr Cedar Park TX 78613	Phone No: 334-868-9803
Scope of Work: MONTHLY PEST & RODENT CONTROL	Length Service 3 YEARS

Company Name: POPEYES CHICKEN	
Contact: Dallas Hendrix	Title: OWNER
Address: 1525 W. KOENIG LANE AUSTIN, TX 78756 *SERVICE 12 LOCATIONS	Phone No: 459-6519
Scope of Work: MONTHLY RODENT & PEST CONTROL	Length Service 7 YEARS

Company Name: TRAVIS COUNTY	
Contact: Rony Aouad	Title: Facilities CONTACT Manager
Address: 700 Lavaca Suite 800 AUSTIN, TX 78701 *SERVICED OVER 40 BUILDINGS &	Phone No: 844-3936
Scope of Work: MONTHLY RODENT & PEST CONTROL ALL OFFICES & CORRECTIONAL FACILITIES	Length Service 5 YEARS

Current? Renew

Wrong phone #

yes

yes

NO

Not lowest bid

These pages (pages 4, 5 and 6) shall be included in the submitted sealed proposal

Worldwide Pest Control, Inc.
 Company Name: _____

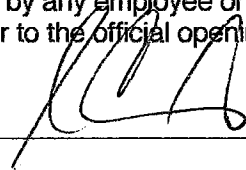
PO BOX 5746 San Antonio, TX 78201
 Company Mailing Address: _____

Jaime Cortinas
 Contact for Company/Vendor: _____

Contact's Daytime Phone: 512. - 800 - 5713 Fax: 512. - 326 - 2707

jaimec@wwpest.com
 Contact's Email: _____

I, the undersigned agent for the company named above, certify and affirm that I am duly authorized to execute this proposal, that this company, corporation, firm, partnership or individual has not prepared this proposal in collusion with any other provider, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this RFP.

Authorized Company Official (signature): 

Authorized Company Official's Name (printed): JAIME CORTINAS

Date Signed: 09/06/2012

References – please fill in all spaces. Return this page with Proposal.

Company Name: Six Flags Fiesta Texas	
Contact: Nathan Hansen	Title: Operations
Address: 17000 IH 10 West San Antonio, TX 78257	Phone No: 210.697.5000
Scope of Work: Commercial/Termite	Length Service: 7 years

Company Name: Central Properties	
Contact: John Raper	Title: President
Address: 6000 N Lamar #220 Austin, TX 78761	Phone No: 512.451.6533
Scope of Work: Commercial/Termite	Length Service: 4 years

Company Name: Texas School for the Deaf	
Contact: David Roes	Title: Operations
Address: 1102 South Congress Austin, TX 78702	Phone No: 512.848.5557
Scope of Work: Government/IPM	Length Service: 1 year

Company Name: Salt Lick BBQ Enterprises	
Contact: Minga Martinez	Title: General Manager
Address: 18300 FM 1826 Driftwood, TX 78619	Phone No: 512.858.4959
Scope of Work: Commercial/Restaurant	Length Service: 1 year

Company Name: Lakeway Regional Medical	
Contact: Sergio Pantoja	Title: Director of Facilities
Address: 100 Medical Center Lakeway, TX78734	Phone No: 512.571.5000
Scope of Work: Commercial/IPM	Length Service: 7 months

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: March 19, 2013
CONTACT CITY DEPARTMENT: Parks & Recreation
CONTACT CITY STAFF: Kerry Urbanowicz, Director

SUBJECT: Authorize award and execution of a Purchase Order to NOLES PEST SERVICES DBA PESTMASTER SERVICES of Georgetown, Texas, in an amount not to exceed \$1,820.00 to provide pest control services for specified City facilities.

Item # 15

CURRENT YEAR FISCAL IMPACT:

This Purchase Order to NOLES PEST SERVICES DBA PESTMASTER SERVICES will require expenditure of funds from the FY 2012-13 approved budget of the Parks and Recreation Department.


- | | |
|-------------------------------|---|
| 1. City Department: | Parks & Recreation |
| 2. Project Name: | Pest Control Services |
| 3. Budget/Accounting Code(s): | 110/310-Various-55614 |
| 4. Funding Source: | FY 2012-13 Approved Budget (General Fund) |
| 5. Current Appropriation: | \$ 7,900.00 |
| 6. Unencumbered Balance: | \$ 7,625.00 |
| 7. Amount of This Action: | <u>\$(1,820.00)</u> |
| 8. Remaining Balance: | <u>\$ 5,805.00</u> |

FUNDING SOURCE OF THIS ACTION:

The funding source for this pest control services contract in the amount of \$1,820.00 will be provided from the Approved FY 2012-13 Budget of the City's Parks and Recreation Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 3/11/2013
Pervez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Meeting Date: 3/19/2013
Date time: 7:00 PM

Cell phone recycle

Subject/Recommendation: Authorize City of Kyle Information Technology Department to send old cell phone equipment to recycling by way of call2recycle.org program as well as selling 108 old phones that qualify for Sprint's buy back program to be sold to Sprint for \$2,279.00 ~ *Mark Shellard, Director of Information Technology*

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[cell phone recycle](#)

13 March 2013

The City of Kyle Information Technology Department is responsible for issuing cell phones and administering the plans of any city issued cell phones. The Information Technology Department has over 50 old cell phones that are old and are no longer supported the cell phone networks in use today. It is the intention of the City of Kyle's Information Technology Department to remove these phones from stock and send to Cell phone and battery recycling. There is a cell phone and battery recycling drop off at Lowes of Kyle, TX per www.call2recycle.org.

Additionally the City of Kyle Information Technology Department has 108 cell phones that are functional but no longer supported on the Sprint network, Sprint is the City of Kyle's current cell phone provider, that we have the ability to sell back to Sprint to help offset costs. The number of phones we are returning to Sprint will sell to Sprint for \$2,279.00.

Mark Shellard
Director of Information Technology
City of Kyle

[Call2Recycle | United States](#)


Recharging the Planet. Recycling Your Batteries™

[Recycling Locations](#) [Contact Us](#) [FAQs](#)

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Choose your region:

 **United States**
 (English)

[Program Info](#)

[Participation](#)

[Resources](#)

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[Activity Center](#)

You are here: [Home](#) / Who is Call2Recycle?

Who is Call2Recycle?

Who We Are:

Call2Recycle® is the only free rechargeable battery and cellphone collection program in North America. Since 1996, Call2Recycle has diverted over 70 million pounds of rechargeable batteries from the solid waste stream and established a network of 30,000 public collection sites. Advancing green business practices and environmental sustainability, Call2Recycle is the most active voice promoting safe reclamation and recycling of rechargeable batteries and cellphones. In adherence to the strictest and safest recycling standards, Call2Recycle has received the [Responsible Recycling \(R2\) certification](#) for the management of the collection and the distribution to processors for the recycling of batteries and cellphones. Call2Recycle is a 501(c)4 non-profit organization.

How We Are Funded:

Call2Recycle is funded by product manufacturers across the globe committed to environmentally-sound recycling of rechargeable batteries and cellphones. These manufacturers place our recycling seal on their rechargeable products and batteries, informing users that they are recyclable.

Interested in Participating?

Learn about becoming a [Collection Site](#)

Learn about becoming a [Licensee/Industry Steward](#)

[Find a drop-off location for your batteries and cellphones](#)

What to know more? [Listen to this interview with Account Manager, Sean Burchill](#) (4 minutes)



RECEIPT

Shipping Labels: 5 of 5

Thank you for using the Sprint Buyback program. Your confirmation number is **CRP0305135FK** for the offer submitted on 03/05/2013.

Please ship your package(s) on or before: 03/20/2013

Manufacturer	Model	Device Value	Quantity	Account Credit*
BlackBerry	8350i Curve - Sprint - Black	\$25.00	7	\$175.00
BlackBerry	8520 Curve - T-Mobile	\$19.00	2	\$38.00
BlackBerry	8530 Curve - Verizon - all colors	\$8.00	3	\$24.00
BlackBerry	9000 Bold	\$10.00	5	\$50.00
HTC	EVO 4G - Black	\$33.00	2	\$66.00
HTC	SMT5800	\$8.00	1	\$8.00
Kyocera	E4255 Duramax	\$8.00	10	\$80.00
Kyocera	E4277 DuraXT	\$15.00	1	\$15.00
Motorola	i1 Opus One - other carriers	\$8.00	6	\$48.00
Motorola	i205	\$25.00	2	\$50.00
Motorola	i265	\$25.00	4	\$100.00
Motorola	i305	\$25.00	5	\$125.00
Motorola	i530 - Sprint - Black	\$25.00	1	\$25.00
Motorola	i576s	\$25.00	27	\$675.00
Motorola	i580 - Gray	\$25.00	2	\$50.00
Motorola	i686 Brute	\$25.00	7	\$175.00
Motorola	i850	\$25.00	1	\$25.00
Motorola	ic502 Buzz	\$25.00	22	\$550.00
Total:			108	\$2279.00

*Sprint will issue the credit only if eligible under the Sprint Buyback Terms and Conditions. Sprint will determine eligibility after Sprint receives the device.

Intentionally Left Blank



CITY OF KYLE, TEXAS

Executive Session-Convene- Economic Development

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Convene into Executive Session pursuant to Tex. Gov't Code, § 551.087, to deliberate offers of financial or other incentives and economic development negotiations with business prospects that the City seeks to have locate, stay or expand in or near the City

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download



CITY OF KYLE, TEXAS

Executive Session-Convene-Personnel Matters

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.071 and Tex.Gov't Code § 551.074, Consultation with Attorney and Personnel Matters to discuss:

1. Status of the former City Attorney
2. Steps to take in filling the position of City Attorney

Other Information: N/A

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download



CITY OF KYLE, TEXAS

Executive Session-Reconvene- Economic Development

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Reconvene into Open Session to take any and all actions as deemed appropriate in the City Council's discretion regarding offers of financial or other incentives and economic development negotiations with business prospects that the City seeks to have locate, stay or expand in or near the City

Other Information:

Budget Information:

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Attachments / click to download



CITY OF KYLE, TEXAS

Executive Session-Reconvene- Personnel Matters

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Reconvene Into Public Session and take action as appropriate in the Council's discretion regarding:

1. Status of the former City Attorney
2. Steps to take in filling the position of City Attorney

Other Information: N/A

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download



CITY OF KYLE, TEXAS

Economic Development Application for Business Incentives

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration and Possible Action on an Economic Development Application for Business Incentives received and reviewed by the Economic Development & Tourism Committee and City Council ~
Diana Blank, Director of Economic Development

Other Information:

Budget Information:

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Attachments / click to download



CITY OF KYLE, TEXAS

Change Orders for Depot Project

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration and Possible Action on Approval of Change Orders #1 & #2 to the Construction Contract for SPAWGLASS CONTRACTOR'S, INC., of Austin, Texas, in the amount of \$3,490 for a total contract amount of \$176,236 for the Construction of Phase II of the Historical Kyle Depot ~ *Jerry Hendrix, Director of Community Development*

Other Information: The change orders reflect additional work to replace rotting lumber in the louvers in the north end of the build and credits due to cost savings and donations for signage.

Budget Information: The Train Depot Board has reviewed and approved the change orders and has assumed the responsibility of raising any addition funds for the project. No additional funding from the City of Kyle is needed or being requested.

A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Kyle Depot Change Ordes #1 & #2](#)

[Fiscal Note](#)



CONTRACT CHANGE ORDER

Project Name: Historic Kyle Depot Restoration
Owner: The City of Kyle
 100 West Center Street
 Kyle, TX. 78640

Date: 3.4.13
Change Order No.: OCO-3
Contractor Project No.: 3012628
Architect Project No.: |

Quote No.	Change Order Description	Amount
SGP-004	Change per ASI #1.2 and north end louver work	\$7,490

Extension of Time This Change Order 0
Previous Extension of Time 0
Total Extension of Time to Date
Original Contract Completion Date
Revision Completion Date

Original Contract Amount \$172,746
Total Previous Change Orders \$0.00
Contract Amt. Prior to this C.O. \$7,490.00
Total This Change Order \$7,490
Current Contract Amount \$180,236

OWNER

By: _____

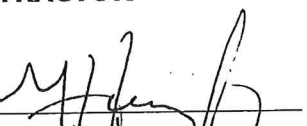
Date: _____

ARCHITECT

By: 

Date: 3.5.13

CONTRACTOR

By: 

Date: 3/4/13

SpawGlass labor	\$4,990
Materials	\$2,000
Painting	\$500

Total: \$7,490

The Contractor hereby reserves its right to claim additional time and/or monies for the cumulative impact of project changes.



CONTRACT CHANGE ORDER

Project Name: Historic Kyle Depot Restoration
Owner: The City of Kyle
 100 West Center Street
 Kyle, TX. 78640

Date: 3.4.13
Change Order No.: OCO-4
Contractor Project No.: 3012628
Architect Project No.: |

Quote No.	Change Order Description	Amount
SGP-005	Credit for work not done on this phase of construction	-\$4,000

Extension of Time This Change Order 0
Previous Extension of Time 0
Total Extension of Time to Date
Original Contract Completion Date
Revision Completion Date


Original Contract Amount \$172,746
Total Previous Change Orders \$7,490
Contract Amt. Prior to this C.O. \$180,236.00
Total This Change Order -\$4,000
Current Contract Amount \$176,236

OWNER

By: _____

Date: _____

ARCHITECT

By:  _____

Date: 3.5.13 _____

CONTRACTOR

By:  _____

Date: 3/4/13 _____

New sign credit -\$2,500 (based on donation)
 Exterior light credit -\$1,500

Total: -\$4,000

The Contractor hereby reserves its right to claim additional time and/or monies for the cumulative impact of project changes.

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: March 19, 2013
CONTACT CITY DEPARTMENT: Community Development
CONTACT CITY STAFF: Jerry Hendrix, Director

SUBJECT: Consideration and possible action on approval of Change Orders #1 & #2 to the construction contract for SPAWGLASS CONTRACTOR'S, INC., of Austin, Texas, in the amount of \$3,490.00 for a total contract amount of \$176,236.00 for the construction of Phase II of the Historical Kyle Depot.

Item # 22

CURRENT YEAR FISCAL IMPACT:

This construction contract award for SPAWGLASS CONTRACTOR'S, INC., as increased by Change Order Numbers 1 & 2 will require expenditure of funds from the City's 2009 Tax Notes Fund.

1. City Department:	Community Development
2. Project Name:	Historic Kyle Depot Restoration, Phase II
3. Funding Source:	2009 Tax Notes Fund
4. Budget/Accounting Code(s):	185-675-57222
5. Total Appropriations:	\$ 250,000.00
6. Unencumbered Balance:	\$ 15,211.87
7. Amount of This Action:	\$ (3,490.00)
8. Remaining Balance:	\$ (11,721.87)


FUNDING SOURCE OF THIS ACTION:

The funding source for Change Order numbers 1 & 2 will be provided from the remaining unencumbered balance in the Train Depot Project in the 2009 Tax Notes Fund. The funding source for the original construction contract approved by City Council on September 4, 2012, is approved to be paid from two funding sources; accumulated donations/contributions and 2009 Tax Notes Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION:

- On March 20, 2012, City Council authorized construction contract to SpawGlass Contractors, Inc., in an amount not to exceed \$222,225.00 for Phase I restoration services for the Historic Train Depot.
- On June 5, 2012, City Council authorized Change Order No. 1 to the construction contract with SpawGlass Contractors, Inc., in the amount of \$10,261.00 and increasing the total contract amount to \$232,486.00 for Phase I services.

- On September 4, 2012, City Council authorized construction contract award to SpawGlass Contractors, Inc., in an amount not to exceed \$172,746.00 for Phase II restoration services for the Historic Train Depot.

 3/13/2013

Pervez A. Moheet, CPA - Date
Director of Finance

Item # 22



CITY OF KYLE, TEXAS

City Council Recommendation to TXDOT-Intersection of FM1626 and Kohler's Crossing

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Consider City Council Recommendation to TXDOT regarding Intersection of FM1626 and Kohler's Crossing Traffic Control Device
~ *Lanny Lambert, City Manager*

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Ltr MC Recommend to Council 1626-Kohlers 2013 03 13 R1](#)

[Proposed Round-About vs Traffic Light](#)



CITY OF KYLE

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

March 13, 2013

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

Attention: Ms. Lucy Johnson, Mayor

**RE: Mobility Committee Recommendation for
Traffic Control Improvements at the FM 1626 and Kohler's Crossing Intersection**

City Council:

The Mobility Committee of the City of Kyle met on March 7, 2013 in open session with all committee members attending and considered the above referenced subject. There is no "approved" recommendation of the Mobility Committee to the City Council to either install a traffic signal or implement roundabout improvements at the subject location.

The only motion made at the meeting was for installation of a traffic signal at this location. The vote tallied as follows: three (3) AYES; three (3) NAYS and; one (1) abstention. Therefore, a passing vote of the motion put forward was not achieved.

Sincerely,

John Atkins, Chairman
Mobility Committee

Cc: Mobility Committee Members
Samantha LeMense, Council Liaison to Mobility Committee
Steven Widacki, P.E., Staff Liaison to Mobility Committee



CITY OF KYLE

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

March 12, 2013

Mr. Lanny S. Lambert, City Manager
City of Kyle
100 W. Center Street
Kyle, Texas 78740

RE: PROPOSED ROUND-ABOUT VS. TRAFFIC LIGHT

Mr. Lambert,

On February 26, 2013 the Planning and Zoning Commission heard a presentation by James Earp, CPM, Assistant City Manager regarding a proposed round-about vs. traffic light at the intersection of FM 1626 and Kohler's Crossing.

The Planning and Zoning Commission voted 5-2 to recommend approval to the City Council for a round-about at the intersection of FM 1626 and Kohler's Crossing. Commissioners' Zambrano, Fulton, Ryan, Fernandez and Rubsam voted aye. Commissioners' Kay and Christie voted nay.

Please let me know if any additional information is required.

Sincerely,

Sofia Nelson, CNU-A, Director of Planning

Item # 23



CITY OF KYLE, TEXAS

Hays County Gang Task Force Interlocal-Proposed additional language

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration and Possible Action on proposed additional language to the Hays County Gang Task Force Interlocal Agreement ~ *Jeff Barnett, Chief of Police*

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Gang Task Force ILA](#)

Hays County Gang Task Force

INTERLOCAL AGREEMENT

STATE OF TEXAS

COUNTY OF HAYS

WHEREAS Hays County, Texas, the City of San Marcos, Texas, the City of Kyle Texas, the City of Buda, and Texas State University - San Marcos, Texas, have determined that there exists and ongoing need for a joint Gang Task Force in the greater San Marcos and Hays County region;

WHEREAS it would be inefficient and ineffective for Hays County Sheriff's Office, the San Marcos Police Department, the Kyle Police Department, the Buda Police Department and the Texas State University – San Marcos Police Department to have separate and independent Gang Units; and

WHEREAS Chapter 791 of the Texas Government Code provides the authority for Hays County, Texas, the City of San Marcos, Texas, the City of Kyle, Texas the City of Buda, Texas and the Texas State University – San Marcos, Texas, to enter into an Interlocal Agreement for the creation and operation of a joint Gang Unit called the "Hays County Gang Task Force."

NOW THEREFORE, Hays County, Texas ("Hays County"), acting through its duly authorized County Judge and Sheriff, the City of San Marcos, Texas ("San Marcos"), the City of Kyle, Texas ("Kyle"), the City of Buda, Texas ("Buda"), acting through their duly authorized City Managers and Chiefs of Police, and the Texas State University – San Marcos, Texas ("Texas State University – San Marcos"), acting through its duly authorized Texas State System Board of Regents, President, Provost and Chief of Police, hereby agree to the following terms and conditions.

1. PARTICIPATING LAW ENFORCEMENT AGENCIES: The Hays County Sheriff's Office ("HCSO"), the San Marcos Police Department ("SMPD"), the Kyle Police Department ("KPD") the Buda Police Department ("BPD") and the Texas State University – San Marcos Police Department ("TSUPD").
2. EFFECTIVE DATE OF AGREEMENT: September 30, 2012.
3. GOVERNING BODY AUTHORIZATION: This Agreement is authorized by Hays County Commissioners Court, San Marcos City Council, Kyle City Council, Buda City Council and Texas State University – San Marcos President and Provost, pursuant to §791.011(d)(1) of the Texas Government Code.

4. GRANTS OF AUTHORITY:
 - a. For law enforcement purposes associated with this Agreement, officers of the SMPD, KPD, BPD and TSUPD designated to be members of the Gang Task Force are granted full peace officer authority throughout Hays County.
 - b. For law enforcement purposes associated with the Agreement, officers of the Sheriff's Office designated to be members of the Gang Task Force are granted full peace officer authority within such portions of the City of San Marcos, City of Kyle, City of Buda and Texas State University – San Marcos and upon all property owned by San Marcos, Kyle and Texas State University – San Marcos, which is situated outside of Hays County.

5. DESIGNATION OF GANG TASK FORCE: Designees to The Hays County Gang Task Force (the "HCGTF") shall be selected in the following manner:
 - a. From the Sheriff's office: Deputies and corresponding rank to be determined by the Sheriff.
 - b. From the SMPD, KPD, BPD and TSUPD: Officers and corresponding rank to be determined by the respective Chiefs of Police.
 - c. The Chiefs of Police and the Sheriff may change the number and designation of personnel by written agreement signed by the Chiefs of Police and the Sheriff. The San Marcos Police Chief, Kyle Police Chief, Buda Police Chief, Texas State University – San Marcos Police Chief and the Sheriff of Hays County shall jointly designate one member from the above compliment to serve as the Gang Task Force Coordinator. HCGTF personnel shall report to and be supervised by the Gang Task Force Coordinator, who shall report jointly to the Hays County Sheriff, the San Marcos Chief of Police, Kyle Chief of Police, Buda Chief of Police and Texas State University – San Marcos Chief of Police.

6. HCGTF SUPERVISION: The day-to-day supervision of the HCGTF will be the responsibility of the Gang Task Force Coordinator. Supervision and guidance of HCGTF operations and decisions on assignment of personnel, expenditures of funds and all other administrative matters shall be made jointly by the Hays County Sheriff, the San Marcos Chief of Police, the Kyle Chief of Police, Buda Chief of Police and the Texas State University – San Marcos Chief of Police.

7. HCGTF RESPONSIBILITIES:
 - a. The Hays County Gang Task Force has a three-fold responsibility. *First*, the HCGTF is responsible for identifying gang activity and gang members and properly documenting those identified as per the requirements as set forth in Chapter 61 of the Texas Code of Criminal Procedure. *Second*, the HCGTF is responsible for educating local law enforcement and the general public on gang-related activity, how to properly report such activity and provide educational resources for documented gang members to be able to remove themselves from the gang life and specific gang with which they have been identified. *Third*, the HCGTF will be responsible

for coordinating suppression efforts in Hays County in an attempt to reduce gang activity while raising the quality of life in those areas where gang activity is prevalent. The HCGTF will also handle other assignments as directed by the San Marcos, Kyle, Buda and Texas State University – San Marcos Chiefs of Police and/or the Sheriff of Hays County.

- b. The mission of the Hays County Gang Task Force is to provide a centralized data base, consisting of documented gang members and activities, throughout Hays County, provide administrative, education and training assistance to all members of the Hays County Sheriff's Office, San Marcos Police Department, Kyle Police Department, Buda Police Department Texas State University – San Marcos Police Department, and other Law Enforcement Agencies. The mission is also to provide education to the citizenry and to strive to enhance the basic premise upon which the concept of the Gang Task Force is based, identifying and suppressing the gang element from communities throughout Hays County to enhance the quality of life.

8. FUNDING AND EXPENDITURES:

- a. Funds for those expenditures for equipment, supplies, and operation of the Gang Task Force listed on the attached Exhibit A shall be provided by the respective agencies of each designated officer to the Gang Task Force.
- b. The Hays County Sheriff's Office, the San Marcos Police Department, the Kyle Police Department, Buda Police Department and the Texas State University – San Marcos Police Department acknowledge that funding under this Agreement will be made from current revenues available to each of the entities. Funds for the participation in this Agreement have been provided through the Parties' respective budgets approved by the Commissioner's Court, the City Councils and Texas State University – San Marcos for the current fiscal year only. State statues prohibit the obligation and expenditure of public funds beyond the fiscal year for which a budget has been approved. However, the cost of services covered by this Agreement is considered a recurring requirement and is included as a standard and routine expense of the Sheriff's Office and the Police Departments, to be included in each proposed budget within the foreseeable future. The Sheriff's Office and the Police Departments expect this to be an integral part of future budgets to be approved during the period of this Agreement except for unanticipated needs or events which may prevent participation in this Agreement.

9. INDEMNITY:

- a. TO THE EXTENT ALLOWED UNDER APPLICABLE LAW, THE CITY OF SAN MARCOS, CITY OF KYLE, CITY OF BUDA AND HAYS COUNTY AGREE TO HOLD HARMLESS, INDEMNIFY, AND DEFEND EACH OTHER'S EMPLOYEES, AGENTS, OFFICERS, AND SERVANTS INCLUSIVELY FROM ANY AND ALL LAWSUITS, CLAIMS, DEMANDS, AND CAUSES OF ACTION OF ANY KIND ARISING FROM THE NEGLIGENT OR INTENTIONAL ACTS, ERRORS, OR

OMISSIONS OF THE CITIES AND COUNTY, THEIR OFFICERS, EMPLOYEES, OR AGENTS WITH RESPECT TO ACTIONS TAKEN UNDER THIS AGREEMENT.

- b. TO THE EXTENT ALLOWED UNDER APPLICABLE LAW, TEXAS STATE UNIVERSITY – SAN MARCOS WILL NOT BE INCLUDED IN THIS INDEMNITY STATEMENT. AS AN AGENCY OF THE STATE, TSU-SM HAS DIFFERENT LIABILITY PROTECTIONS AS IT IS NOT A POLITICAL SUBDIVISION, BY DEFINITION, OF THE STATE, AS IS THE CASE WITH HAYS COUNTY, THE CITY OF SAN MARCOS, THE CITY OF KYLE AND THE CITY OF BUDA. NONE OF THE PARTIES TO THIS AGREEMENT WAIVE ANY OF THEIR RIGHTS OR DEFENSES UNDER TEXAS LAW.

10. TERM AND TERMINATION:

- a. This is the first Interlocal Agreement for the Hays County Gang Task Force entered into between the parties herein identified. All other Interlocal Agreements for the creation and operation of a joint Hays County Gang Task Force between the parties to this Agreement that were created prior to the Effective Date of this Agreement, if any, are hereby revoked and voluntarily terminated by the parties to this Agreement.
- b. Subject to the availability of funding as set forth above in Section 8(b), this agreement shall remain in force and effect for annual periods effective each September 30th, unless any of the parties give the other party written notice of its intention to terminate this Agreement at least ninety (90) days in advance of an anniversary of that date.
- c. Upon any termination of this Agreement, each item of equipment purchased for the Gang Task Force will be kept and maintained by the agency that originally purchased that equipment.

11. PUBLIC INFORMATION OFFICER: The Hays County Sheriff's Office will be responsible for releasing any information to the media as it relates to the HCGTF and HCGTF operations.

12. SEVERABILITY: If any portion of this Agreement is determined by a court of competent jurisdiction to be invalid for any reasons, the remaining provisions shall remain in full force and effect.

13. SURVIVAL: Notwithstanding any termination of this Agreement, the following Sections, and the terms and conditions contained therein, shall remain in effect: 8, 9, 10, 11, 12, 13, 14, and 15.

14. WAIVER BY PARTY: Unless otherwise provided in writing by the waiving party, a waiver by any of the parties to this Agreement of any covenant, term, condition, agreement, right, or duty that arises under this Agreement shall be considered a one-time waiver and shall not be construed to be a waiver of any succeeding breach thereof or any other covenant, term, condition, agreement, right, or duty that arises under this Agreement.

15. ENTIRE AGREEMENT; AMENDMENT: This Agreement (including any and all Exhibits attached hereto) constitutes the entire agreement between the parties hereto with respect to the subject matter hereof. Any amendments to this Agreement must be made in writing and signed by the parties to this Agreement prior to the performance of any terms or conditions contained in said amendments.

The parties to this Interlocal Agreement for a Hays County Gang Task Force hereby agree to the terms and conditions contained herein on this the 30th day of September, 2010, as is evidenced by their signatures, below.

THE CITY OF SAN MARCOS

COUNTY OF HAYS

Jim Nuse, City Manager

Bert Cobb, M.D, County Judge

Howard Williams, Chief of Police

Gary Cutler, Sheriff

THE CITY OF KYLE

**TEXAS STATE UNIVERSITY
SAN MARCOS**

Lanny Lambert, City Manager

Joanne H. Smith,
Vice President for Student Affairs

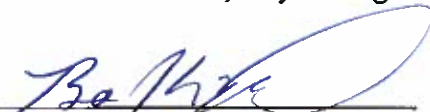
Jeff Barnett, Chief of Police

Ralph C. Meyer, Chief of Police

THE CITY OF BUDA



Kenneth Williams, City Manager



Bo Kidd, Chief of Police

EXHIBIT A – RESPECTIVE AGENCY EXPENDITURES

1. Salaries, benefits and insurance of assigned personnel
2. Vehicles and operating expenses for assigned personnel
3. Vehicular and portable radio equipment and operating expenses for assigned personnel
4. Liability insurance coverage for assigned personnel
5. Overtime pay and benefits for assigned personnel
6. Non-Gang Task Force related training as required by agency
7. Gang Task Force related training as determined by the Coordinator, Chiefs of Police and Sheriff
8. Non-Gang Task Force related travel required by agency
9. Gang Task Force related travel as determined by the Coordinator, Chiefs of Police and/or Sheriff
10. Gang Task Force equipment and supplies as determined by the Coordinator, Chiefs of Police and/or Sheriff



CITY OF KYLE, TEXAS

Handicap Access Power Door Opener at City Hall

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize Staff to solicit bids for the handicap access power door opener for City Hall east door and City Council Chamber door ~
Samantha LeMense, Council Member District 5

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Handicap Access Power Door Opener at City Hall, Email](#)



Grace Nino <gracenino@cityofkyle.com>

LeMense agenda item

Kerry Urbanowicz <kerryu@cityofkyle.com>

Wed, Mar 13, 2013 at 2:31 PM

To: Grace Nino <gracenino@cityofkyle.com>

Cc: Lanny Lambert <l.lambert@cityofkyle.com>, Amelia Sanchez <asanchez@cityofkyle.com>, Perwez Moheet <pmoheet@cityofkyle.com>, JAMES EARP <jrearp@cityofkyle.com>

All -

Here is the email I sent Lanny. I will be very happy to discuss this with the City Council next Tuesday night.

From the foyer into the chambers? Close to \$5,000. There is more involved then you would think. The only thing we would not need on this door that we need on the exterior doors is a key-switch to turn it off when we lock the doors at night. That would save on the electricians cost as well.



On Thu, Feb 21, 2013 at 4:17 PM, Lanny Lambert <l.lambert@cityofkyle.com> wrote:
What about for the interior Council Chamber door? lanny

On Thu, Feb 21, 2013 at 3:27 PM, Kerry Urbanowicz <kerryu@cityofkyle.com> wrote:

> Lanny -

> We had Hull Supply & Services come by to look at these doors to give us an
> estimate to add push-button access to the City Hall. They have been the ones
> that gave us a previous estimate. They are members of the Buy Board
> Purchasing Co-op and I asked them put these estimates through the Buy Board
> process.

>

> As this is being considered as a service and not to meet ADA guidelines, we
> asked for 2 estimates.

>

> To add a push-button entry system on the door going out to Center St near
> the elevator, we are looking between \$6,000 - \$6,500.

>

> To add a push-button entry system on the door going out to Front St, because
> of the access-swipe card reader, we are looking between \$9,000 - \$9,500.

>

> These estimates include Hull parts, labor and us hiring an electrician.

>

> If this is something you want us to add to the 2014 budget for
> consideration, please let me know as we are working on gathering estimates
> for projects for the next 5-years. If you want us to do this during the
> current budget year, we will need to find the funds as we did not budget for
> this in the approved budget.

>

> Hope this is what you were looking for.

>

> Kerry

[Quoted text hidden]

Item # 25



CITY OF KYLE, TEXAS

Amendment No. 1 to Professional Services (Dianna Tinkler) for Bunton Creek WW Interceptor, Ph. 3

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize execution of Amendment Number 1 to the Professional Services Agreement with Dianna L. Tinkler increasing the contract amount by \$11,400.00 for a revised total contract amount not to exceed \$41,185.00 for right-of-way acquisition services associated with the Bunton Creek Wastewater Interceptor, Phase 3 Project ~ *Steven Widacki, P.E., City Engineer*

Other Information: DLT is working with Neptune-Wilkinson Associates, Inc. on the Bunton Creek WW Interceptor, Ph. 3, which is to serve the Bunton Creek basin of the City's wastewater service area.

This amendment to the right-of-way acquisition services contract is to incorporate a change in scope to include resolution of wastewater alignment issues with landowners, meeting with a new landowner due to a re-routing of the alignment (Kasch Tract/ Walton Development), and obtaining right-of-entry agreements from landowners to allow performance of the design services scope of the contract.

The project includes the construction of a wastewater line beginning at the Plum Creek Interceptor just outside the City's wastewater treatment plant. The proposed line will extend north from the Plum Creek basin, and crossing Plum Creek to the Bunton Creek basin. It will then continue northeast paralleling Bunton Creek crossing Bunton Creek Road, then Goforth Road and the GBRA Water Transmission Line and end near the Southlake Ranch development intercepting the existing 27-inch line. The project will consist of approximately 15,022 linear feet of 36-inch and 30-inch pipe and eliminate the Bunton Creek and Southlake Ranch lift stations. Crossings of Plum Creek, Bunton Creek Road, Goforth Road and the GBRA Water Transmission Line will be made in bored or tunneled sections.

These professional services (as well as the constructed WW improvements) will be completed using WW Impact Fee funds.

City Staff recommends approval of these services.

Attached: Amendment No. 1 from DLT (1 pp.)

Budget Information: A Fiscal Note is attached.

Cover Memo

Item # 26

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Amend #1 ROW Acgu Svcs DLT](#)

 [Fiscal Note](#)

AMENDMENT NO. 1 TO RIGHT OF WAY SERVICE CONTRACT

PROJECT: Bunton Creek Wastewater Interceptor

Original AGREEMENT dated May 2, 2012, and executed May 17, 2012, by and between the City of Kyle, hereinafter called "CITY", and Dianna L. Tinkler hereinafter called "TINKLER". All terms and conditions of the original AGREEMENT shall remain in full effect.

- 1. **General Nature of Project Described in Agreement between CITY and TINKLER:**
Right of way services for seven (7) parcels being six (6) permanent wastewater easements and one (1) temporary construction easement
- 2. **Scope of Services to be performed by TINKLER:**
Amend right of way services contract to incorporate a change in scope to include resolving wastewater alignment issues with landowners, meeting with new landowner due to wastewater re-route, and obtaining signed right of entry agreements from landowners as requested by the City
- 3. The compensation to be paid to TINKLER for providing the services called for herein shall be in accordance with the billing schedule in the original Agreement in the amount of \$29,785.00 and Amendment No. 1 in the amount \$11,400.00. The total Right of Way Services Contract is not to exceed \$41,185.00.

IN WITNESS WHEREOF, this Agreement is accepted on the date last written below, subject to the terms and conditions above stated and the provisions set forth herein.

DIANNA L. TINKLER

CITY OF KYLE

SIGNED: _____

SIGNED: _____

TYPED NAME: Dianna L. Tinkler

TYPED NAME: _____

TITLE: OWNER

TITLE: _____

DATE: _____

DATE: _____

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: March 19, 2013
CONTACT CITY DEPARTMENT: Engineering
CONTACT CITY STAFF: Steven Widacki, City Engineer

SUBJECT: Authorize the execution of amendment number 1 to the professional services agreement with DIANNA L. TINKLER increasing the contract amount by \$11,400.00, for a revised total contract amount not to exceed \$41,185.00 for right-of-way acquisition services associated with Bunton Creek Wastewater Interceptor, Phase 3 Project.

CURRENT YEAR FISCAL IMPACT:

This increase in the professional services contract amount with DIANNA L. TINKLER for right-of-way acquisition services will require expenditure of funds from accumulated wastewater impact fees.

1. City Department:	Engineering
2. Project Name:	Bunton Creek Wastewater Interceptor
3. Budget/Accounting Code(s):	342-889-57224
4. Funding Source:	Wastewater Impact Fee Fund
5. Current Fund Balance:	\$ 7,607,841.98 (As of 3-13/2013)
6. Total Appropriations:	\$ 1,267,416.89
7. Unencumbered Balance:	\$ 6,340,425.09
8. Amount of This Action:	<u>\$(11,400.00)</u>
9. Remaining Balance:	<u>\$ 6,329,025.09</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for this amendment to the professional services contract by increasing the contract amount by \$11,400.00 for a revised total of \$41,185.00 will be provided from accumulated wastewater impact fees.

The City Council's approval of this item will also authorize staff to appropriate and apply accumulated funds from the Wastewater Impact Fee Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION:


The following funding commitments have been recently authorized by the City Council for the expenditure of Wastewater Impact Fee Funds:

- In 2010, the City Council approved an engineering services contract with HANRAHAN PRITCHARD ENGINEERING, INC., in the amount of \$31,550.00 (as amended) to provide design phase services, survey phase services, construction

plans services, and bidding and construction administrative phase services for the Bunton Creek Wastewater Interceptor project (ACC Wastewater Line).

- On January 3, 2012, the City Council approved a professional services agreement with LNV, INC., in an amount not to exceed \$173,540.00 to perform right-of-way acquisition services for the Southside Wastewater Improvements Project (Blanco Basin and Elliot Branch).
- On May 15, 2012, the City Council authorized negotiation of a professional services agreement with RPS ESPEY CONSULTANTS, INC., to perform engineering services associated with "e 11-12-01" City of Kyle Southside and Elliot Branch Wastewater Interceptor Improvements project. The negotiated contract for RPS ESPEY totaled \$320,977.00 under this City Council authorization.
- On May 15, 2012, the City Council approved a professional services agreement with DIANNA L. TINKLER in an amount not to exceed \$29,785.00 to perform right-of-way acquisition services for the Bunton Creek Wastewater Interceptor, Phase 3.
- On May 15, 2012, the City Council approved a professional services agreement with ECS TEXAS, LLP (ECS) in an amount not to exceed \$4,401.25 to perform engineering services associated with subsurface exploration for the Bunton Creek Wastewater Interceptor.
- On June 19, 2012, the City Council approved a professional services agreement with HOLT ENGINEERING, INC., (HEI) in an amount not to exceed \$33,707.00 to perform geotechnical engineering services associated with the Bunton Creek Wastewater Interceptor, Phase 3.
- On January 22, 2013, the City Council approved a construction contract to SMITH CONTRACTING, INC., of Austin, TX, in an amount not to exceed \$790,425.00 for the Bunton Creek Wastewater Interceptor, Phase 3.
- Pending Items:
 1. City Council authorization for amendment number 1 to the professional services agreement with DIANNA L. TINKLER increasing the contract amount by \$11,400.00, for a revised total contract amount not to exceed \$41,185.00 for right-of-way acquisition services associated with Bunton Creek Wastewater Interceptor, Phase 3.
 2. City Council authorization for amendment number 1 to the professional services agreement with LNV, INC., increasing the contract amount by \$10,020.00, for a revised total contract amount not to exceed \$183,560.00 for right-of-way acquisition services associated with Southside Wastewater Improvements Project.

Item # 26

 3/13/2013
Perwez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Amendment No. 1 to Professional Services (LNV) for Southside WW Improvements

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize execution of Amendment Number 1 to the Professional Services Agreement with LNV, Inc., increasing the contract amount by \$10,020.00 for a revised total contract amount not to exceed \$183,560.00 for right-of-way acquisition services associated with the Southside Wastewater Improvements Project ~ *Steven Widacki, P.E., City Engineer*

Other Information: LNV, Inc., is assisting RPS Espey on the Southside WW Improvements project which is to provide service to the City's south side wastewater service areas.

This amendment to the right-of-way acquisition services contract is to add acquisition services to three (3) additional parcels not originally included in the scope of the contract.

The WW lines and LS to be constructed as part of this project consist of the following: a) Blanco Basin - Gravity Line East of IH-35; b) Blanco Basin - Gravity Line West of IH-35; c) Blanco Basin - Phase I Lift Station, and: d) Elliott Branch Interceptor.

These professional services (as well as the constructed WW improvements) will be completed using WW Impact Fee funds.

City Staff recommends approval of these services.

Attached: Amendment No. 1 from LNV, Inc. (1 pp.)

Budget Information: A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Amend #1_LNV, Inc. K-11-12-1_2013.03.19](#)

[Fiscal Note](#)

Cover Memo

Item # 27

**AMENDMENT NO. 1 to
PROFESSIONAL SERVICES AGREEMENT
FOR LAND RIGHTS ACQUISITION SERVICES
KYLE SOUTHSIDE SEWER AND RELATED PROJECTS "K-11-12-1"**

Original AGREEMENT dated September 19, 2012, and executed September 20, 2012, by and between the City of Kyle, hereinafter called "CITY" and LNV, Inc. hereinafter called "CONSULTANT". All terms and conditions of the original AGREEMENT shall remain in full effect.

1. General nature of Project described in AGREEMENT between CITY and CONSULTANT:
Acquisition services for thirty (30) parcels.
2. Scope of services to be performed by CONSULTANT:
Acquisition services for an additional three (3) parcels.
3. The compensation to be paid to CONSULTANT for providing the services herein shall be in accordance with the billing schedule in the original AGREEMENT in the amount of \$153,960.00 and AMENDMENT NO. 1 in the amount of \$10,020.00. The total Land Rights Acquisition Services contract modified amount is not to exceed \$163,980.00.

IN WITNESS WHEREOF, this AGREEMENT is accepted on the date last written below, subject to the terms and conditions above stated and the provisions set forth herein.

**CONSULTANT:
LNV, Inc.**

**OWNER:
City of Kyle**

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: March 19, 2013
CONTACT CITY DEPARTMENT: Engineering
CONTACT CITY STAFF: Steven Widacki, City Engineer

SUBJECT: Authorize the execution of amendment number 1 to the professional services agreement with LNV, INC., increasing the contract amount by \$10,020.00, for a revised total contract amount not to exceed \$183,560.00 for right-of-way acquisition services associated with Southside Wastewater Improvements Project.

CURRENT YEAR FISCAL IMPACT:

This increase in the professional services contract amount with LNV, INC for right-of-way acquisition services will require expenditure of funds from accumulated wastewater impact fees.

1. City Department:	Engineering
2. Project Name:	Southside Wastewater Improvements
3. Budget/Accounting Code(s):	342-888-57223
4. Funding Source:	Wastewater Impact Fee Fund
5. Current Fund Balance:	\$ 7,607,841.98 (As of 3-13/2013)
6. Total Appropriations:	\$ 1,278,816.89
7. Unencumbered Balance:	\$ 6,329,025.09
8. Amount of This Action:	<u>\$(10,020.00)</u>
9. Remaining Balance:	<u>\$ 6,319,005.09</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for this amendment to the professional services contract by increasing the contract amount by \$10,020.00 for a revised total of \$183,560.00 will be provided from accumulated wastewater impact fees.

The City Council's approval of this item will also authorize staff to appropriate and apply accumulated funds from the Wastewater Impact Fee Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION:


The following funding commitments have been recently authorized by the City Council for the expenditure of Wastewater Impact Fee Funds:

- In 2010, the City Council approved an engineering services contract with HANRAHAN PRITCHARD ENGINEERING, INC., in the amount of \$31,550.00 (as amended) to provide design phase services, survey phase services, construction

plans services, and bidding and construction administrative phase services for the Bunton Creek Wastewater Interceptor project (ACC Wastewater Line).

- On January 3, 2012, the City Council approved a professional services agreement with LNV, INC., in an amount not to exceed \$173,540.00 to perform right-of-way acquisition services for the Southside Wastewater Improvements Project (Blanco Basin and Elliot Branch).
- On May 15, 2012, the City Council authorized negotiation of a professional services agreement with RPS ESPEY CONSULTANTS, INC., to perform engineering services associated with "e 11-12-01" City of Kyle Southside and Elliot Branch Wastewater Interceptor Improvements project. The negotiated contract for RPS ESPEY totaled \$320,977.00 under this City Council authorization.
- On May 15, 2012, the City Council approved a professional services agreement with DIANNA L. TINKLER in an amount not to exceed \$29,785.00 to perform right-of-way acquisition services for the Bunton Creek Wastewater Interceptor, Phase 3.
- On May 15, 2012, the City Council approved a professional services agreement with ECS TEXAS, LLP (ECS) in an amount not to exceed \$4,401.25 to perform engineering services associated with subsurface exploration for the Bunton Creek Wastewater Interceptor.
- On June 19, 2012, the City Council approved a professional services agreement with HOLT ENGINEERING, INC., (HEI) in an amount not to exceed \$33,707.00 to perform geotechnical engineering services associated with the Bunton Creek Wastewater Interceptor, Phase 3.
- On January 22, 2013, the City Council approved a construction contract to SMITH CONTRACTING, INC., of Austin, TX, in an amount not to exceed \$790,425.00 for the Bunton Creek Wastewater Interceptor, Phase 3.
- Pending Items:
 1. City Council authorization for amendment number 1 to the professional services agreement with DIANNA L. TINKLER increasing the contract amount by \$11,400.00, for a revised total contract amount not to exceed \$41,185.00 for right-of-way acquisition services associated with Bunton Creek Wastewater Interceptor, Phase 3.
 2. City Council authorization for amendment number 1 to the professional services agreement with LNV, INC., increasing the contract amount by \$10,020.00, for a revised total contract amount not to exceed \$183,560.00 for right-of-way acquisition services associated with Southside Wastewater Improvements Project.

Item # 27

 3/13/2013
Perwez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

City Managers Report

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Update on Various Capital Improvement Projects, Road Projects, Building Program, and/or General Operational Activities ~ *Lanny Lambert, City Manager*

- Discuss Annexation Calendar

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download



CITY OF KYLE, TEXAS

Racial Profiling Report

Meeting Date: 3/19/2013
Date time: 7:00 PM

Subject/Recommendation: Presentation of the Police Department's Annual Racial Profiling Report for 2012 ~ *Jeff Barnett, Chief of Police*

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [2012 Racial Profiling Memo](#)
 - [Racial Profiling Chapter 64](#)
 - [2012 Racial Profiling Report](#)
-



KYLE POLICE DEPARTMENT

Memorandum

To: Lanny Lambert, City Manager

Cc: James Earp, Assistant City Manager

Amelia Sanchez, City Secretary

Grace Nino, Executive Assistant

From: Jeff Barnett, Chief of Police

Date: February 28, 2013

Re: 2012 Annual Racial Profiling Report

The Kyle Police Department is submitting the 2012 Racial Profiling Report as required by the Texas Code of Criminal Procedure. This report is required to be submitted to the governing body on or before March 1st of each year. Please find the following documents for your review and presentation to the City Council:

- Kyle Police Department Racial Profiling Policy Chapter 64;
- Kyle Police Department Annual Report – 2012 Data

As you may recall, the State of Texas enacted a law requiring certain actions on behalf of the local agency and the individual law enforcement officers when conducting traffic or pedestrian stops. The Kyle Police Department has a policy that prohibits officers from engaging in racial profiling as defined by the state law, and our officers are directed to capture certain types of data pertaining to traffic and pedestrian detentions that result in a citation or arrest. The Kyle Police Department is assigned to the Tier 1 – Partial Exemption reporting category because our police vehicles that routinely engage in traffic and pedestrian stops are outfitted with audio and video equipment. These videos are retained for a period of not less than 90 days, and they are reviewed throughout the year by supervisory staff as required by the statute.

The Kyle Police Department does have a publicly promoted process by which an individual may file a complaint if the individual believes that a Kyle Police Officer has engaged in racial profiling. Furthermore, the Kyle Police Department did not receive any complaints of racial profiling during this reporting period.

KYLE POLICE DEPARTMENT

Memorandum

In reviewing the data, the Kyle Police Department conducted a total of 8,066 motor vehicle stops. The following table represents the percentage of individuals stopped by race/ethnicity:

Race/Ethnicity	Percent of Total Stops
African	5.40
Asian	0.88
Caucasian	56.00
Hispanic	37.40
Middle Eastern	0.35
Native American	0.00

Of the 8,066 motor vehicle stops, 56 vehicle searches were conducted. Of those 56 searches, 20 of them were consensual, while 36 of them were based upon probable cause. Of the same 8,066 traffic stops, in only 26 of the instances was the race/ethnicity of the vehicle operator known to the police officer prior to the vehicle stop.

This report has been filed with the Texas Commission on Law Enforcement as required. It is my understanding that this report will be provided to the City Council prior to the March 1st deadline, and I will be prepared to make any presentations as directed by you in the future.

Please let me know if you would like any further information concerning this report. Thank you very much.

TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: KYLE POLICE DEPT.
Reporting Date: 02/28/2013
TCLEOSE Agency Number: 209202
Chief Administrator: JEFFREY B. BARNETT
Agency Contact Information: Phone: 512-268-0859
 Email: phernandez@cityofkyle.com
 Mailing Address:
 KYLE POLICE DEPT.
 P.O. Box 40
 Kyle, TX 78640

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

KYLE POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the KYLE POLICE DEPT. from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the KYLE POLICE DEPT. if the individual believes that a peace officer employed by the KYLE POLICE DEPT. has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the KYLE POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the KYLE POLICE DEPT.'s policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

I certify these policies are in effect.

Executed by: **JEFFREY B. BARNETT**

Chief Administrator

KYLE POLICE DEPT.

Date: 02/28/2013

KYLE POLICE DEPT. Motor Vehicle Racial Profiling Information**Number of motor vehicle stops:**

1. **7874** citation only
2. **140** arrest only
3. **52** both
4. **8066 Total** (4, 11, 14 and 17 must be equal)

Race or Ethnicity:

5. **435** African
6. **71** Asian
7. **4516** Caucasian
8. **3016** Hispanic
9. **28** Middle Eastern
10. **0** Native American
11. **8066 Total** (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

12. **26** Yes
13. **8040** No
14. **8066 Total** (lines 4, 11, 14 and 17 must be equal)

Search conducted?

15. **56** Yes
16. **8010** No
17. **8066 Total** (lines 4, 11, 14 and 17 must be equal)

Was search consented?

18. **20** Yes
19. **36** No
20. **56 Total** (must equal line 15)

KYLE POLICE DEPARTMENT GENERAL ORDERS MANUAL RACIAL PROFILING

CHAPTER 64 RACIAL PROFILING

PURPOSE:

The purpose of this directive is to affirm the Kyle Police Department's commitment to unbiased policing; to provide guidelines for officers in their enforcement of local, state and federal laws; to ensure that citizen contacts are performed in a professionally unbiased manner, and to safeguard and protect the rights of officers and citizens alike in the legitimate performance of our law enforcement mission.

GUIDING PRINCIPLE:

Members of the Kyle Police Department to police and protect the community in a proactive manner, to diligently investigate suspected violations of law, suspicious persons and circumstances, and enforce local, state, and federal law in a responsible and professional manner without regard to race, ethnicity or national origin. The practice of "Racial Profiling" by any member(s) of the Kyle Police Officers is unacceptable and strictly prohibited in the performance of an officer's duties; including traffic contacts, field contacts, criminal investigations and in asset seizure/forfeiture efforts.

1. Definitions

- a. Racial Profiling: A law enforcement initiated action based upon an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- b. Reasonable Suspicion: Also known as articulable suspicion. Suspicion that is more than a mere hunch and is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his / her training and experience, and/or reliable information received from a credible outside source.
- c. Race or Ethnicity: Means heritage of a particular descent, including Caucasian {W}, African {B}, Hispanic {H}, Asian {A}, Native American/Indian {I}, Middle Eastern {ME} descent.
- d. Pedestrian Stop: An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.
- e. Department: Shall mean the Kyle Police Department.

PROCEDURES:

1. General Provisions

- a. No person shall be detained without reasonable suspicion except where otherwise provided for in the law; i.e. detaining those individuals who present an immediate danger to themselves or to prevent injury.
- b. Officers shall make arrests only on the basis of probable cause that an individual has committed a specific offense.

Chapter 64 – Racial Profiling

**KYLE POLICE DEPARTMENT GENERAL ORDERS MANUAL
RACIAL PROFILING**

- c. Each police vehicle regularly used to make traffic stops will record each traffic stop using audio/video equipment, if so equipped.
 - d. Race, ethnicity, or national origin **may be** legitimate factors in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching or detaining, but at no time will it be the sole factor in justifying the stop or detention.
 - e. This directive shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be lost, ill or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.
2. Requirements for Traffic Stops:
- a. Effective January 1, 2002, a peace officer who makes a traffic stop which results in the issuance of a citation or an arrest shall record and report the following information:
 - (1) The race or ethnicity of the individual detained; and
 - (2) Whether the officer conducted a search as a result of the stop, and if so, whether the person detained consented to the search.
 - (3) Whether a search was conducted and, if so, whether the individual detained consented to the search
 - (4) Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual.
3. Compilation and Reporting of Information Collected:
- a. The Department shall compile the information received in the reports collected under Section V. and submit an annual summary report to its governing body no later than March 1 of each year.
 - b. This report will not include identifying information about a Kyle Police Officer who makes a stop or an individual who is stopped or arrested by the police officer.
4. Exemption of Reporting Requirements when Use of Police Video and Audio Equipment:
- a. A Kyle Police Officer is exempt from the reporting requirements under C.C.P. Article 2.133 and the Department is exempt from the compilation, analysis, and reporting requirements under C.C.P. Article 2.134 if:
 - (1) The Kyle Police Department police vehicle regularly used to make traffic and pedestrian stops is equipped with a video camera and the voice activated microphone equipment, and
 - (2) Each traffic and pedestrian stop capable of being recorded is recorded; or
 - (3) The governing body of the City of Kyle and the Kyle Police Department certifies to the Department of Public Safety that the agency needs funds for equipment and the department does not receive sufficient state funds or equipment, as determined by DPS, to accomplish the purposes of this requirement.
 - b. The Department shall retain the video and audio equipment documentation of each traffic or pedestrian stop for at least 90 days after the date of the stop. The tapes

Chapter 64 – Racial Profiling

**KYLE POLICE DEPARTMENT GENERAL ORDERS MANUAL
RACIAL PROFILING**

will be properly labeled with the start/end dates of recording and kept in a secured cabinet.

- c. Any police vehicle as defined in Section VII. A. (1.) (2.) that is found to have inoperable video/audio equipment will not placed into service for normal patrol duty or used for traffic or pedestrian stops until the equipment is repaired or replaced and fully capable of video/audio recording.
 - d. If a complaint is filed with the department alleging that a Kyle Police Officer has engaged in racial profiling with respect to a traffic or pedestrian stop, the department shall retain the video and audio recording of the stop until final disposition of the complaint.
5. Complaints of Racial Profiling:
- a. An individual stopped, detained or arrested on the basis of suspected racial profiling or other improper treatment may file a complaint with the Kyle Police Department. No member of the department shall discourage, intimidate, or coerce any individual from filing such a complaint, nor discriminate against the person for filing such complaint.
 - b. Any officer contacted by a person who wishes to file a complaint regarding racial profiling shall obtain the name and phone number of the person making the complaint, if they will provide it, and forward this information to his / her immediate supervisor.
 - c. Police Supervisors shall investigate all complaints of alleged racial profiling. In the event that a complaint of racial profiling filed by an individual involves an occurrence that was recorded on audio or video, the investigating supervisor shall, upon commencement of the investigation of the complaint and upon written notification by the officer, promptly provide a copy of the recording to the peace officer that is subject of the complaint. All such complaints shall be reviewed within a reasonable period of time and the results of the investigation and review shall be filed with the Chief of Police and the complainant notified of the outcome.
 - d. The department shall provide education to the public concerning the racial profiling complaint process through its public information officer or person designated by the Chief of Police.

6. Review Process:

Sworn supervisors and the Division Head of Patrol shall periodically review randomly selected sampling of video and audio recordings made recently by all peace officers employed by this department. At minimum, this review should be at least 10% of all stops. In addition to reviewing stops and arrests pursuant to the statutory requirements, reviewing supervisors will also assess the individual officer's violator approach, interpersonal skills, officer safety skills, positioning of the patrol vehicle etc. for training purposes, employee coaching or discipline. Any specific incident meriting further consideration for racial profiling review by this process shall be forwarded to the Chief of Police for an Internal Affairs unit review.

By March 1 of each year, an annual administrative review of agency practices, collected data, and citizen complaints of racial profiling will be performed by the Division Head and forwarded to the Chief of Police.

7. Corrective Action:

Chapter 64 – Racial Profiling

**KYLE POLICE DEPARTMENT GENERAL ORDERS MANUAL
RACIAL PROFILING**

- a. The prohibition against racial profiling, as stated before, does not preclude the use of race, ethnicity, or national origin as factors in a detention decision; however detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:
 - (1) Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity, or national origin.
 - (2) Detaining the driver of a vehicle based on the determination that a person of that particular race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
 - (3) Detaining an individual based upon the determination that a person of that particular race, ethnicity or national origin does not belong in a specific part of town or a specific place.
 - b. Any Kyle Police Officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include a counseling, reprimand, diversity/sensitivity training or other appropriate training, paid or unpaid suspension; termination of employment, or other action(s) as deemed appropriate by the Chief of Police.
8. Training of Law Enforcement Personnel:
- a. All officers shall complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.
 - b. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.

Statutory References: Article 2.131-2.137 of the Code of Criminal Procedures.