

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 6/4/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 30th day of May, 2013 prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Regular Meeting - May 14, 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. Presentation of Employee of the Month for the Month of May ~ *Lanny Lambert, City Manager*

- *Jane Perez, Utility Billing Supervisor*

 [Attachments](#)

3. Presentation of Kyle Leadership Academy Certifications ~ *Jerry Hendrix, Director of Community Development*

- *Richard Baggett, Level 3*

 [Attachments](#)

4. Presentation of Kyle Chamber of Commerce Quarterly Report for Reporting Period January 2013 through March 2013 ~ *Cale Baese, President, Kyle Area Chamber of Commerce & Visitor's Bureau*

 [Attachments](#)

V. Appointments

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

- *Majure Whitney*

 [Attachments](#)

6. Consideration of Nomination(s) for Appointment to the Safety & Emergency Services Committee ~ *Lucy Johnson, Mayor*

- *Diane Hulan*
- *Damon Fogley*

 [Attachments](#)

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

- *Lucy Constable*

 [Attachments](#)

VI. Consent Agenda

8. Ratify award and execution of a Purchase Order issued to SIGN CRAFTERS, INC., of San Marcos, Texas, in an amount not to exceed \$1,303.13 to design, engrave, and install signage throughout the interior of Police Department's headquarters ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

9. Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, LP, of Austin, Texas in an amount not to exceed \$3,413.00 for materials and delivery of engineered playground wood fiber mulch for playscapes at Steeplechase Park and Waterleaf Park ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

10. Authorize execution of addendum number 1 to the maintenance agreement with THYSSENKRUPP ELEVATOR of Austin, Texas, to set a fixed monthly charge at a reduced rate of \$200.00, an annual price cap of 5%, and to extend the contract period by two years ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

11. Possible action regarding finding 8 boxes of used VHS tapes and 1 box of used books to be of little to no value, and directing the Library Director to dispose of the used surplus by gifting it to the Library Thrift Shop where they can be liquidated and/or disposed of ~ *Connie Brooks, Library Director*

 [Attachments](#)

12. Authorize award and execution of a professional services agreement with CARLSON, BRIGANCE & DOERING, INC., of Austin, Texas, in an amount not to exceed \$1,000.00 for surveying services ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

13. Hometown Kyle Phase 3 Section 6 (FP-13-009)
6.88 acres; 25 lots
Location: Extension of Sweet Gum Drive
Owner: RH of Texas, LP
Agent: Steven Ihnen, P.E., GICE, Inc.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to statutorily disapprove the plat.

(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the City Council).

 [Attachments](#)

14. Hometown Kyle Phase 4 Section 2 (FP-13-004)
10.464 acres; 41 Lots
Located off of Chapparo Drive adjacent to Phase II
Owner: RH of Texas
Agent: Steven Ihnen, P.E., GICE, Inc.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the plat.

 [Attachments](#)

15. Plum Creek Phase 1 Section 12A - Preliminary (PP-13-002) & Final (FP-13-008)
3.589 acres; 2 Lots
Location: Fronting on a proposed extension of Benner approx 2000 feet west of FM 1626, south of Kohler's Crossing.
Owner: Mountain Plum, Ltd.
Agent: Alan Rhames, P.E., Axiom Engineering, Inc.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the preliminary and final plat.

 [Attachments](#)

16. The Villas at Creekside - Final Plat (FP-13-006)
3.847 acres; 30 Townhome Lots
Located at 104 Creekside Trail
Owner: FHC Consolidates, 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 5-0 to approve the plat.

 [Attachments](#)

17. Meadows at Kyle Phase Two (FP-13-010)
14.673 acres; 60 Lots
Located on the north side of Windy Hill Rd. approximately 1 mile east of IH-35
Owner: Continental Homes of Texas, LP
Agent: John Hines, P.E., Gray Engineering, Inc.
~Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to statutorily disapprove the plat.

(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the City Council).

 [Attachments](#)

18. Windmill Center Subdivision (FP-12-009)
5.74 acres; 3 lots
Located on the east side of IH-35 north of intersection Goforth Road
Owner: Dennis Artale
Agent: Hugo Elizondo, Jr. P.E., Cuatro Consultants
~Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to approve the plat.

 [Attachments](#)

19. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING MEADOWS AT KYLE PHASE ONE SUBDIVISION IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ Steven D. Widacki, City Engineer

 [Attachments](#)

20. *(SecondReading)* AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, (“CITY”) APPROVING IMPLEMENTATION OF THE FEBRUARY 11, 2013 INTERIM RATE ADJUSTMENT FILING PURSUANT TO THE TEXAS UTILITIES CODE § 104.301 OF TEXAS GAS SERVICE COMPANY, A DIVISION OF ONEOK, INC. (“TGS” OR “COMPANY”); AND DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE ~ *Jerry Hendrix, Director of Community Development*

 [Attachments](#)

21. Consideration and Possible Action to Approve an Interlocal Agreement regarding Asset Forfeitures within Hays County ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

VII. Consider and Possible Action

22. A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE JUNE 1, 2013, RUNOFF ELECTION OF THE CITY OF KYLE, TEXAS ~ *Frank Garza, City Attorney*

 [Attachments](#)

23. Authorize the City Manager to negotiate and execute a professional services agreement with PADGETT, STRATEMANN & CO., LLP of Austin, Texas, to provide independent financial audit services to the City of Kyle for fiscal years ending September 30, 2013, 2014, and 2015 with two 1-year extension options ~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

24. Authorize Solicitation of Request for Qualifications (RFQ) for Professional Services for Engineering and Related Services for the five (5) Roadway Projects consisting of Bunton Creek Road, North Burlison Street, Goforth Road, Lehman Road and Marketplace Avenue, Approved by the Bond Election held May 11, 2013. **Related to Agenda Item No. 25** ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

25. Authorize the City Manager to begin the process for the issuance of General Obligation Bonds, Series 2013 in the amount of \$5,400,000.00 plus an estimated \$108,200.00 for cost of issuance by August 31, 2013 to pay for engineering, design, and related services associated with the five (5) roadway improvement projects consisting of Bunton Creek Road, North Burlison Street, Goforth Road, Lehman Road, and MarketPlace Avenue as authorized by the voters of Kyle, Texas on May 11, 2013. **Related to Agenda Item No. 24** ~ *Perwez A. Moheet, CPA,*

Director of Finance

 [Attachments](#)

26. Authorize award of a Construction Contract to JKB CONSTRUCTION COMPANY, LLC of Austin, Texas, in an amount not to exceed \$348,489.00 and authorize water impact fee credits (offsets) in the amount of \$348,489.00 for the Plum Creek Section 11 and 12, 12-Inch CIP Water Line Improvements consistent with Section 4.05d of the Plum Creek Development Agreement ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

27. Consider a variance request by Mauricio Quintero-Rangel, on behalf of Daniel Rivera, to Section 41.141 of the City of Kyle Code which requires all electrical, telephone, cable television and similar lines shall be placed underground to allow for overhead electric at 1626 Roland Lane, Kyle, Texas ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to deny the variance request.

 [Attachments](#)

28. Consider a variance request by Mauricio Quintero-Rangel, on behalf of Daniel Rivera, to Section 41-137 of the City of Kyle code which requires all subdivisions which front on a local or collector street to dedicate land for one-half of the required right-of-way of an adjacent local and collector street and pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage to not require the payment of the road improvement fee at 1626 Roland Lane Kyle, Texas ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to deny the variance request.

 [Attachments](#)

29. Consider a variance request by Mauricio Quintero-Rangel, on behalf of Daniel Rivera, to Chapter 41- Subdivisions of the City of Kyle code which requires all plats not considered a short-form plat to submit a concept plan, preliminary plan, and final plat to allow for the submittal of just a final plat for a proposed subdivision located at 1626 Roland Lane~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the variance request.

 [Attachments](#)

30. Rojo Subdivision - Final Plat (FP-13-002)
15 acres; 5 Lots
Located on Roland Lane approx 1000 feet east of CR 136
Owner: Daniel Rivera

Agent: Mauricio Quintero-Rangel, P.E.
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to approve the plat with the condition that the three variances be granted or meet the requirements of the subdivision ordinance.

 [Attachments](#)

31. RV Land (SD-13-006)
10 acres; 1 Lot
Located at 23401 N. IH-35
Owner: Joe Lance Stewart
Agent: Jim Herbert, P.E.
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to approve the site plan with the condition that all outstanding Engineer and Public Works Comments be addressed.

- Public Hearing

 [Attachments](#)

32. Consider a variance request by Joe Lance Stewart for property located at 23401 N. IH-35 to allow for a reduction in the number and size of trees.
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to approve the variance request with the planting of 50 trees and 166 shrubs in lieu of 80 trees 2 inch in caliper at the cost of \$100 per caliper inch and the money shall go to the Parks Department for planting within the City and 93 shrubs would be purchased at a cost negotiated by the Parks Director and also planted within the City.

 [Attachments](#)

33. (First Reading) AN ORDINANCE AMENDING ORDINANCE NO. 438 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.95 ACRES FROM 'R-1' RESIDENTIAL-1 TO 'RS' RETAIL SERVICE DISTRICT ON PROPERTY LOCATED AT 905 OLD HWY 81 NORTH, IN HAYS COUNTY, TEXAS. (MARIA CASTILLO - Z-13-002); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission recommended denial of the request for Retail

Services and recommended approval of Community Commercial Zoning Designation.

- Public Hearing

 [Attachments](#)

34. *(First Reading)* AN ORDINANCE AMENDING ORDINANCE NO. 438 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 7.634 ACRES FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-3-3' APARTMENTS RESIDENTIAL 3 ON PROPERTY LOCATED SOUTH OF AMBERWOOD S. AND IH-35 FRONTAGE ROAD, IN HAYS COUNTY, TEXAS. (SOUTH CORRIDOR PARK, LTD Z-13-005); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to deny the request of R-3-3 and recommended approval of R-3-2 Zoning.

- Public Hearing

 [Attachments](#)

35. *(First Reading)* AN ORDINANCE AMENDING ORDINANCE NO. 438 (ZONING) OF THE CITY OF KYLE, TEXAS FOR THE PURPOSE OF REZONING APPROXIMATELY 7.890 ACRES FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-3-3' APARTMENTS RESIDENTIAL 3 ON PROPERTY LOCATED NORTH OF AMBERWOOD S. AND IH-35 FRONTAGE ROAD, IN HAYS COUNTY, TEXAS. (SOUTH CORRIDOR PARK, LTD - Z-13-004); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT HIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson Director of Planning*

Planning and Zoning Commission voted 4-1 to deny the rezone request.

- Public Hearing

 [Attachments](#)

36. Consider a request by DDR DB Kyle, LP (Chicken Express - 5493 Kyle Center Drive) for a Conditional Use Permit to construct a 3,216.33 square foot building located within the Interstate Highway 35 Corridor District.

Owner: DDR DB Kyle, LP
Agent: Hugo Elizondo, Jr., P.E., Cuatro Consultants
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the conditional use permit.

- Public Hearing

 [Attachments](#)

37. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES, MISCELLANEOUS OFFENSES OF THE CITY OF KYLE SO AS TO ADD ARTICLE IX MASS GATHERINGS AND ESTABLISH PERMIT REQUIRMENTS, APPLICATION PROCESS AND REGULATE NOISE LEVELS FROM SUCH EVENTS, DECLARING A PUBLIC PURPOSE, ESTABLISHING A PENALTY AND SETTING AN EFFECTIVE DATE ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

38. Adoption of policy for the application and scheduling of messages on the LED marquee located on Mary Kyle Hartson City Square Park ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

39. Consideration and Possible Action on the Economic Development Incentive Request by Project Fern ~ *Diana Blank, Director of Economic Development*

 [Attachments](#)

VIII. City Managers Report

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

1. Discuss City Council Retreat scheduled for June 22, 2013
2. Discuss Bond Calendar
3. Discuss Street Construction Management

 [Attachments](#)

IX. Executive Session

41. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.071, Consultation with City Attorney regarding Enforcement Action between the City of Kyle and Aqua Operations, Inc.

 [Attachments](#)

42. Convene into Executive Session pursuant to Section 551.087, Tex. Gov't Code, 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, (Project Fern)

 [Attachments](#)

43. Reconvene into Public Session and take action as appropriate in the Council's discretion regarding Enforcement Action between the City of Kyle and Aqua Operations, Inc.

 [Attachments](#)

44. 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, (Project Fern)

 [Attachments](#)

X. 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 - May 14, 2013

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: City Council Regular Meeting - May 14, 2013 ~ *Amelia Sanchez, City Secretary*

Other Information: This item is for formal approval of the minutes from the May 14th 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 - May 14, 2013](#)

REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on May 14, 2013, at 7:00 pm at Kyle City Hall, with the following persons present:

Mayor Lucy Johnson
Mayor Pro Tem Diane Hervol
Council Member Becky Selbera
Council Member David Wilson
Lanny Lambert, City Manager
Jerry Hendrix, Director of Communications
Perwez Moheet, Finance Director
Diana Blank, Director of Economic Development
Josh Moreno, Grant Writer City of Kyle
Robert Olvera, IT
Jeff Barnett, Police Chief
Frank Garza, City Attorney

CALL MEETING TO ORDER

Mayor Johnson called the meeting to order at 7:06 P.M.

ROLL CALL

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

Mayor Johnson stated that Council Member LeMense was ill and would not attend and that Council Member Selbera would arrive late. Mayor Johnson moved to excuse Council Member LeMense's absence due to illness. Council Member Pickett seconds the motion. All aye. Motion carried.

APPROVAL OF MINUTES

CITY COUNCIL REGULAR MEETING - MAY 7, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

Mayor Pro Tem Hervol moved to approve the City Council Regular Meeting - May 7, 2013 minutes. Council Member Wilson seconds the motion. All aye. Motion carried.

CITIZEN COMMENT PERIOD WITH CITY COUNCIL

Mayor Johnson opened the citizens comment period at 7:08 P.M. and called for comments on items not on the agenda or posted for public hearing. With no one wishing to speak Mayor Johnson closed Citizen's Comments at 7:08 P. M.

CITY COUNCIL REGULAR MEETING

May 14, 2013 – Page 2

Kyle City Hall

PRESENTATION

THE KYLE CITY COUNCIL WILL RECOGNIZE COUNCIL MEMBER BRAD PICKETT FOR HIS DEDICATION AND SERVICE TO THE CITY OF KYLE ~ *LUCY JOHNSON, MAYOR*

Mayor Johnson and Council presented outgoing Council Member Pickett with a plaque and proclamation in thanks for his dedication and service to the City of Kyle.

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

Council Member Wilson and Council presented a certificate of appreciation to Kelly Hoag for her work and dedication to the citizen's of Kyle.

RECOGNITION OF OUTGOING ECONOMIC DEVELOPEMENT & TOURISM COMMITTEE MEMBERS ROSS WOOD AND VICKI RUBSAM FOR THEIR LEADERSHIP AND DEDICATION TO THE CITY OF KYLE ~ *DIANE HERVOL, MAYOR PRO TEM*

Mayor Pro Tem Hervol and Council recognized Ross Wood, (not in attendance) and Vicki Rubsam for their leadership and dedication to the City of Kyle.

Mayor Johnson skips to item # 6.

RECOGNITION OF THE 3RD GRADUATING CLASS OF THE KYLE CITIZEN'S POLICE ACADEMY ~ *JEFF BARNETT, CHIEF OF POLICE*

- *Michele Christie*
- *Eric Gordon Sr.*
- *Zulema Ibarra*
- *James (Jim) Kasee*
- *Lora Kasee*
- *Janis Sills*
- *Jeffery Swietek*
- *David Wintermute*
- *Stanley Zygmunt*
- *Olga Hernandez*
- *Edgar Rodrigues*

CITY COUNCIL REGULAR MEETING
 May 14, 2013 – Page 3
 Kyle City Hall

Mayor Johnson stated that the class had a surprise for Chief Barnett and they presented him a plaque in appreciation.

PRESENTATION OF KYLE LEADERSHIP ACADEMY CERTIFICATIONS ~ *JERRY HENDRIX, DIRECTOR OF COMMUNITY DEVELOPM*

- *Kelly Hoag - Level 2*
- *Dallas Lee - Level 3*
- *Richard Rominger Level 3*

Mayor Johnson presents certificates to Kelly Hoag, Richard Rominger, and Dallas Lee.

PROCLAMATIONS

PROCLAMATION OF THE CITY OF KYLE, TEXAS PROCLAIMING THE WEEK OF MAY 12-18, 2013 AS "POLICE WEEK" IN THE CITY OF KYLE, TEXAS ~ *LUCY JOHNSON, MAYOR*

Mayor Johnson asked Police Chief Barnett and all Officers present to join her and Council while she read a Proclamation of the City of Kyle, Texas Proclaiming the week of May 12 - 18, 2013 as "Police Week" in the City of Kyle, Texas.

PROCLAMATION OF THE CITY OF KYLE RECOGNIZING MAY 27, 2013 AS "MEMORIAL DAY" IN THE CITY OF KYLE, TEXAS ~ DAVID WILSON, COUNCIL MEMBER DISTRICT 4

Council Member Wilson asked that the family of Mr. Lopez, members of Central Texas AMVETS 115 and members of VFW Post 12058 come forward and read a Proclamation of the City of Kyle recognizing May 27, 2013 as "Memorial Day" in the City of Kyle, Texas.

Mayor Johnson goes back to item #5.

PRESENTATION REGARDING ROCK THE PORCH: A PUBLIC ART INITIATIVE FROM PLUM CREEK ~ KELSEY KEMPER, PR, PLUM CREEK

Casey and Kelsey Kemper provided a presentation on a Public Art Initiative called Rock the Porch involving the creation of artistic rocking chairs by local artists, groups or individuals, deadlines for applications and guidelines for interested participants.

CONSENT AGENDA

CITY COUNCIL REGULAR MEETING
May 14, 2013 – Page 4
Kyle City Hall

(SECOND READING) APPROVE AN ORDINANCE TO AMEND THE CITY'S APPROVED BUDGET FOR FISCAL YEAR 2012-13 BY INCREASING APPROPRIATIONS IN THE WATER UTILITY CIP FUND 331 BY \$472,707.00 AND INCREASING THE AMOUNT OF TRANSFER FROM THE WATER AND WASTEWATER UTILITY OPERATING FUND 310 BY THE SAME AMOUNT IN ORDER TO PROVIDE FUNDING FOR ENGINEERING SERVICES, EASEMENT ACQUISITION, AND CONSTRUCTION COSTS ASSOCIATED WITH THE RELOCATION OF AN EXISTING 12-INCH WATER LINE IMPACTED BY THE IH-35 AT YARRINGTON ROAD IMPROVEMENT PROJECT ~ *PERWEZ A. MOHEET, CPA, DIRECTOR OF FINANCE*

AUTHORIZE AWARD AND EXECUTION OF A PURCHASE ORDER TO PYRO ENGINEERING, INC OF BETHPAGE, NEW YORK, IN AN AMOUNT NOT TO EXCEED \$15,000.00 TO PROVIDE MATERIALS AND LABOR FOR THE JULY 4TH INDEPENDENCE DAY CELEBRATION FIREWORKS SHOW ~ *KERRY URBANOWICZ, DIRECTOR OF PARKS AND RECREATION*

AUTHORIZE AWARD AND EXECUTION OF A PURCHASE ORDER TO HINES POOL AND SPA OF AUSTIN, TX, IN AN AMOUNT NOT TO EXCEED \$11,500 TO SUPPLY CHEMICALS FOR USE AT THE KYLE PUBLIC POOL ~ *KERRY URBANOWICZ, DIRECTOR OF PARKS & RECREATION*

A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AGREEMENT ENTERED IN BY FANGGLE/Q4 MOBILE AND THE CITY OF KYLE, TEXAS, TO ALLOW THE DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE OF A MOBILE APP FOR THE KYLE PUBLIC LIBRARY; AS A PARTICIPANT IN THE MOBILE SOLUTIONS GRANT PROGRAM THROUGH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION ~ *Joshua Moreno, Grants Administrator*

RATIFY AWARD AND EXECUTION OF A PURCHASE ORDER ISSUED TO SIGN CRAFTERS, INC., OF SAN MARCOS, TEXAS, IN AN AMOUNT NOT TO EXCEED \$4,950.00 TO REMOVE OLD REFLECTIVE VINYL SIGNAGE AND INSTALL NEW SIGNAGE ON TEN MARKED POLICE VEHICLES ~ *JEFF BARNETT, CHIEF OF POLICE*

Mayor Pro Tem Hervol moved to Approve Consent Agenda **Item # 10** ~ Approve An Ordinance to amend the City's Approved Budget for Fiscal Year 2012-13 by increasing appropriations in the Water Utility CIP Fund 331 by \$472,707.00 and increasing the amount of transfer from the Water and Wastewater Utility Operating Fund 310 by the same amount in order to provide funding for engineering services, easement acquisition,

and construction costs associated with the relocation of an existing 12-inch water line impacted by the IH-35 at Yarrington Road improvement project

CITY COUNCIL REGULAR MEETING

May 14, 2013 – Page 5

Kyle City Hall

Item # 11 ~ Authorize award and execution of a Purchase Order to PYRO ENGINEERING, INC of Bethpage, New York, in an amount not to exceed \$15,000.00 to provide materials and labor for the July 4th Independence Day Celebration fireworks show; **Item # 12** ~ Authorize award and execution of a Purchase Order to HINES POOL and SPA of Austin, TX, in an amount not to exceed \$11,500 to supply chemicals for use at the Kyle Public Pool; **Item # 13** ~ A Resolution of the City of Kyle, Texas, Authorizing the City Manager to execute a contract agreement entered in by Fanggle/Q4 Mobile and the City of Kyle, Texas, to allow the development, implementation, and maintenance of a Mobile App for the Kyle Public Library; as a participant in the Mobile Solutions Grant Program through the Texas State Library and Archives Commission; and **Item # 14** ~ Ratify award and execution of a Purchase Order issued to SIGN CRAFTERS, INC., of San Marcos, Texas, in an amount not to exceed \$4,950.00 to remove old reflective vinyl signage and install new signage on ten marked police vehicles. Council Member Pickett seconds the motion. All aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE MAY 11, 2013, GENERAL ELECTION OF THE CITY OF KYLE, TEXAS ~ *Frank Garza, City Attorney*

Council Member Bryant moves to approve Canvassing the Returns and Declaring the results of the May 11, 2013, General Election of the City of Kyle, Texas. Council Member Pickett seconds the motion. All aye. Motion carried.

A RESOLUTION BY THE CITY COUNCIL OF CITY OF KYLE, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND ELECTION HELD MAY 11, 2013, AND CONTAINING PROVISIONS NECESSARY AND INCIDENTAL THERETO ~ *Frank Garza, City Attorney*

Council Member Wilson moved to approve A Resolution by the City Council of City of Kyle, Texas, Canvassing the Returns and Declaring the Results of a Bond Election held May 11, 2013. Council Member Bryant seconds the motion. All aye. Motion carried.

Council Member Selbera arrived at 7:58 P.M.

A RESOLUTION OF THE CITY OF KYLE, TEXAS, CALLING A RUNOFF ELECTION ON SATURDAY, JUNE 1, 2013, FOR THE PURPOSE OF ELECTING COUNCIL MEMBER AT LARGE, POSITION THREE; PROVIDING FOR EARLY

VOTING AND FOR NOTICE OF THE ELECTION; AND PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION AND SETTING AN EFFECTIVE DATE
~ *Frank Garza, City Attorney*

CITY COUNCIL REGULAR MEETING
May 14, 2013 – Page 6
Kyle City Hall

Council Member Pickett moved to Approve Resolution of the City of Kyle, Texas, calling a Runoff Election on Saturday, June 1, 2013, For the Purpose of Election Council Member at Large, Position Three; Providing for Early Voting and For Notice of the Election; and Providing for other matters relating to the Election and Setting an Effective Date. Mayor Pro Tem Hervol seconds the motion. Council Member Bryant was off the dais for the vote. All votes aye. Motion carried.

(First Reading) APPROVE AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING CHAPTER 50, "UTILITIES" OF THE CITY'S CODE OF ORDINANCES BY ADDING SECTIONS 50-1 TO 50-8, WHICH PROHIBITS ANY PERSON OR ENTITY FROM USING THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF THE CITY EXCEPT AS AUTHORIZED BY THE CITY OR BY STATE LAW; FIXING THE STREET RENTAL FEES TO BE PAID BY SUCH PERSONS TO THE CITY PURSUANT TO THE TEXAS TAX CODE; PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR A SAVINGS CLAUSE; AND CONTAINING OTHER TERMS AND CONDITIONS RELATING TO THE SUBJECT MATTER. ~
Frank Garza, City Attorney

PUBLIC HEARING

Mayor Johnson opens the Public Hearing at 8:04 P. M. to hear comments on An Ordinance of the City of Kyle, Texas amending Chapter 50, "Utilities" of the City's Code of Ordinances by adding Sections 50-1 to 50-8, which Prohibits an person or entity from using the streets, alleys, and public ground of the City except as authorized by the City or by State Law; Fixing the street rental fees to be paid by such persons the City pursuant to the Texas Tax Code. With no one wishing to speak Mayor Johnson closed the Public Hearing at 8:04 P.M.

Council Member Selbera moved to Approve An Ordinance of the City of Kyle, Texas amending Chapter 50, "Utilities" of the City's Code of Ordinances by adding Sections 50-1 to 50-8, which Prohibits an person or entity from using the streets, alleys, and public ground of the City except as authorized by the City or by State Law; Fixing the street rental fees to be paid by such persons the City pursuant to the Texas Tax Code. With no second motion failed.

Council Member Pickett left the meeting at 8:05 P.M.

CITY COUNCIL REGULAR MEETING

May 14, 2013 – Page 7

Kyle City Hall

Mayor Johnson moved to deny An Ordinance of the City of Kyle, Texas amending Chapter 50, "Utilities" of the City's Code of Ordinances by adding Sections 50-1 to 50-8, which Prohibits an person or entity from using the streets, alleys, and public ground of the City except as authorized by the City or by State Law; Fixing the street rental fees to be paid by such persons the City pursuant to the Texas Tax Code. Mayor Pro Tem Hervol seconds the motion. Motion carried with a vote of 4-1 with Council Member Selbera voting nay.

(First Reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ("CITY") APPROVING IMPLEMENTATION OF THE FEBRUARY 11, 2013 INTERIM RATE ADJUSTMENT FILING PURSUANT TO THE TEXAS UTILITIES CODE § 104.301 OF TEXAS GAS SERVICE COMPANY, A DIVISION OF ONEOK, INC. ("TGS" OR "COMPANY"); AND DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE
~ *Jerry Hendrix, Director of Community Development*

PUBLIC HEARING

Mayor Johnson opened the Public Hearing at 8:19 P.M. to hear comments on An Ordinance of the City Council of the City of Kyle, Texas, Approving implementation of the February 11, 2013 Interim Rate Adjustment Filing. With no one wishing to speak Mayor Johnson closed the Public Hearing at 8:19 P.M.

Mayor Johnson moved to Approve An Ordinance of the City Council of the City of Kyle, Texas, Approving implementation of the February 11, 2013 Interim Rate Adjustment Filing pursuant to the Texas Utilities Code 104.301 of Texas Gas Service Company, A Division of ONEOK, Inc. Mayor Pro Tem Hervol seconds the motion. Motion carried with a vote of 4-1 with Council Member Wilson voting nay.

A RESOLUTION OF THE CITY COUNCIL, OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, BULLETPROOF VEST PARTNERSHIP (BVP), FOR THE FY2013 APPLICATION FUNDING PERIOD ~ *Joshua Moreno, Grants Administrator*

Council Member Wilson moved to Approve A Resolution of the City Council, of the City of Kyle, Texas, authorizing the filing of a Grant Application with the U. S. Department of Justice Bureau of Justice Assistance, Office of Justice Programs Bulletproof Vests Partnership (BVP), for the FY 2013 application funding period. Mayor Pro Tem Hervol seconds the motion. All aye. Motion carried.

CITY COUNCIL REGULAR MEETING

May 14, 2013 – Page 8

Kyle City Hall

APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE KYLE POLICE DEPARTMENT AND THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES ~ *JEFF BARNETT, CHIEF OF POLICE*

Council Member Bryant moved to Approve Memorandum of Understanding between the Kyle Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives. Mayor Pro Tem Hervol seconds the motion. All votes aye. Motion carried.

CITY MANAGERS REPORT

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

1. Police Department Open House, May 16, 2013, 11:00 a.m.
2. Kyle Animal Control Pet Fair, June 1, 2013
3. Discuss City Council Retreat scheduled for June 22, 2013

City Manager Lanny Lambert reminded Council about the Police Department Open House on May 16, 2013 at 10:00 am, the Kyle Animal Control Pet Fair on June 1, 2013, and that an earlier start time had been adjusted at Council's request for their retreat on June 22, 2013 and giving more time to each department.

ADJOURN

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

The City Council meeting adjourned at 8:33 P.M.

Lucy Johnson, Mayor

Amelia Sanchez, City Secretary



CITY OF KYLE, TEXAS

Employee of the Month

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Presentation of Employee of the Month for the Month of May ~ *Lanny Lambert, City Manager*

- *Jane Perez, Utility Billing Supervisor*

Other Information:

Budget Information:

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

Attachments / click to download

 [Jane Perez](#)



Attachment number 1 of Page 1 of 1

Item # 2



CITY OF KYLE, TEXAS

Kyle Leadership Academy

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Presentation of Kyle Leadership Academy Certifications ~ *Jerry Hendrix, Director of Community Development*

- *Richard Baggett, Level 3*

Other Information:

Budget Information:

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

Attachments / click to download



CITY OF KYLE, TEXAS

Kyle Chamber Quarterly Report

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Presentation of Kyle Chamber of Commerce Quarterly Report for Reporting Period January 2013 through March 2013 ~ *Cale Baese, President, 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

- [Jan012013 - Mar312013 Tourism Funds](#)
 - [Jan012013 - Mar312013 Tourism Metrics](#)
 - [Jan012013 - Mar312013 Tourism Narrative](#)
-

Tourism Activity January 1 – March 31, 2012

Marketing:

Provided Kyle, Texas brochures and Guides to Kyle at the AAA Travel shows on February 9th (Houston South) and on February 10th (Houston North) with total attendance of 750 travelers.

Managed a trade show booth in Hurst Texas on February 23rd (near Ft. Worth) and in Lewisville, Texas on February 24th near Dallas with a total attendance of 710.

Managed a booth at the Negley 5K in the promotion of the Kyle-O-Meter 5k and Kyle, Texas (200+ attendees)

Distributed new Guide to Kyle, 4500 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 824 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 379 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.

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

January 1, 2013 - March 31, 2013

Texas Hotel/Motel Performance -- October 1, 2012 - December 31, 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	1,996/2,237	105.05	106.52	67.0	73.3	6.4
Austin	22,240	598,684/670,494	109.13	116.24	68.1	71.1	3.0
Buda	334	5,902/7,178	80.85	86.48	63.9	68.2	4.3
San Marcos	1,650	21,611/23,347	78.30	79.96	60.9	64.8	3.9
Pflugerville	64	1,295/1,556	80.94	81.89	68.5	81.3	12.8

2012 Quarterly Sales Receipts October-December 2012				2013 Monthly Lodging January 2013 Sales Receipts			
Hotel Name	2011	2012	% Change	Hotel Name	2012	2013	% Change
La Quinta Inn & Suites	\$255,921.90	313,181.66	18.28	La Quinta Inn & Suites	\$56,299.18	\$76,741.00	26.63
Best Western Inn & Suites	\$148,959.56	\$180,624.06	17.53	Best Western Inn & Suites	\$29,480.10	\$44,854.86	34.27

City of Kyle Sales Tax	
Jan-13	\$286,436—16.7% up from 2012
Feb-13	\$440,059—11.8% up from 2012
Marc-13	\$275,360—22.5% up from 2012

Website Traffic		
Jan-13	Feb-13	Mar-13
2,957	2,538	3,024
Total: 8,125		

Visitor Services		
Jan. 1, 2013 – March 31, 2013	# of Requests	YTD Total
Visitor Guide Requests	4500	4500
Additional Guide Dist.	824	824
Relocation Guides	379	379

Media Placement				
Media Type	Advertising Agency	Event/Service	Cost	Term
Print	Hays Highsteppers	2013 KFMF	\$75	1 Year
Print	Guide to Kyle	La Quinta & Best Western	\$375	1 Year
Online	TourTexas.com	2013 KFMF	\$600	2 months
Print	Visual Concepts	Kyle, TX Rack Cards	\$260	N/A
Print	Texas Highways	Kyle, TX Tourism	\$1650	1 quarter
Print	Guide to Kyle	2013 5k Kyle-O-Meter	\$375	1 Year
Print	Guide to Kyle	Fajita Fiesta	\$450	1 Year

Tourism (January 1, 2013 - March 31, 2013)					
Expense Category	Expense	Budget	\$ Over Budget	% of Budget	YTD % Budget
Employee Services					
Salaries/Benefits Exempt/Hourly	\$9,152.19	\$50,000.00	-\$40,847.81	18.30%	18.30%
Staff development- training	\$83.25	\$1,000.00	-\$916.75	8.33%	8.33%
Payroll Expenses	\$220.01	\$3,600.00	-\$3,069.73	6.00%	6.00%
Payroll Taxes	\$530.27	\$3,600.00	-\$3,581.84	14.70%	14.70%
Travel & meetings expenses	\$18.16	\$700.00	-\$681.84	2.59%	2.59%
Employee Mileage Expense	\$266.53	\$1,600.00	-\$1,333.47	16.66%	16.66%
Board Expenses	\$149.92	\$700.00	-\$550.08	21.42%	21.42%
Contract Services		\$500.00	-\$500.00		
Category Total	\$10,420.33	\$61,700.00	-\$51,481.52	16.90%	16.90%
Office, Operational Expenses					
Office Supplies	\$316.32	\$1,000.00	-\$683.68	31.63%	31.63%
Utility Services		\$2,000.00	-\$2,000.00		
Credit Card Fees	\$530.15	\$800.00	-\$269.85	66.27%	66.27%
Telephone	\$305.64	\$2,200.00	-\$1,894.36	13.89%	13.89%
Website		\$1,000.00	-\$1,000.00		
Janitorial Services	\$195.00	\$600.00	-\$905.00	17.73%	17.73%
Bank Charges		\$100.00	-\$100.00		
Equipment Rental	\$430.26	\$1,200.00	-\$769.74	35.86%	35.86%
Internet Access	\$159.45	\$500.00	-\$340.55	31.89%	31.89%
Legal & Professional Fees	\$1,235.37	\$2,800.00	-\$1,564.63	44.12%	44.12%
Liability Insurance	\$494.13	\$1,000.00	-\$505.87	49.41%	49.41%
Misc expenses	\$15.00	\$200.00	-\$185.00	7.50%	7.50%
Category Total	\$3,681.32	\$13,400.00	-\$10,218.68	27.47%	27.47%
Promotional Expenses					
Tourism Conferences Attendance		\$2,000.00	-\$2,000.00		
Promotional Items	\$228.86	\$2,000.00	-\$1,771.14	11.44%	11.44%
Kyle Fair Advertising	\$450.00	\$7,000.00	-\$6,550.00	6.43%	6.43%
Advertising Expense	\$3,451.15	\$9,100.00	-\$5,648.85	37.93%	37.93%
Fajita Fiesta Advertising	\$550.00	\$1,000.00	-\$450.00	55.00%	55.00%
Maps		\$1,000.00	-\$1,000.00		
Brochures		\$2,000.00	-\$2,000.00		
Tourism Recognition Application	\$280.00	\$400.00	-\$120.00	70.00%	70.00%
Tourism Postage	\$1,000.00	\$1,000.00		100.00%	100.00%
Postage (incl \$2K relo packets)	\$174.41	\$500.00	-\$325.59	34.90%	34.90%
Printing & Reproduction		\$500.00	-\$500.00		
Prizes and Awards		\$200.00	-\$200.00		
Category Total	\$6,134.42	\$26,700.00	-\$20,565.58	22.90%	22.90%
Event Sponsorship/Dues					
TACVB		\$300.00	-\$300.00		
Dues TTIA	\$300.00	\$300.00		100.00%	100.00%
Dues TX Hotel/Motel Assn	\$300.00	\$300.00		100.00%	100.00%
Dues TCCE	\$87.50	\$100.00	-\$12.50	87.50%	87.50%
Dues ACCE		\$150.00	-\$150.00		
Dues US Chamber		\$150.00	-\$150.00		Item # 4
Sponsorship of TTIA Conference		\$1,000.00	-\$1,000.00		

Kyle Fair Entertainment		\$9,000.00	-\$9,000.00		
Golf Tournament-Tourism Related	\$375.00	\$500.00	-\$125.00	75.00%	75.00%
5K-Tourism Related	\$375.00	\$500.00	-\$125.00	75.00%	75.00%
Vehicle Rental (Travel)	\$5.25	\$400.00	-\$394.75	1.31%	1.31%
Category Total	\$1,442.75	\$12,700.00	-\$11,257.25	11.36%	11.36%
Capital Expenses					
Computers, etc		\$500.00	-\$500.00		
Category Total		\$500.00	-\$500.00		
Grand Total	\$21,678.82	\$115,000.00	-\$94,023.03	18.85%	18.85%



CITY OF KYLE, TEXAS

Community Relations Committee Appointment

Meeting Date: 6/4/2013
Date time: 7:00 PM

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

- *Majure Whitney*

Other Information:

Budget Information:

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

Attachments / click to download

 [Majure Whitney Committee Application](#)



Grace Nino <gracenino@cityofkyle.com>

City of Kyle Texas Website submission: Committee Volunteer Application

City of Kyle Texas <webmaster@cityofkyle.com>

Mon, Apr 22, 2013 at 7:38 AM

To: gracenino@cityofkyle.com

Submitted on Monday, April 22, 2013 - 07:38
Submitted by anonymous user: [70.112.183.50]
Submitted values are:

Name: Majure (pron major) Whitney

Address: 189 ruby lake dr

E-Mail: wunpen00@austin.rr.comBest Phone Number to Reach You: [512-504-3449](tel:512-504-3449)

Sub Division: southlake ranch

Committees you are interested in: any

Professional, Education and Work Background:

retired military

retired federal agent

college grad

real estate agent

Previous or Current Community/Committee Involvements: hoa southlake ranch

Special Knowledge or Experience:

wide array of knowledge and experience in management, organization,
government, finances, human relations, and still maintain a sense of
humor.

How long have you been a Kyle resident? 5 1/2 yrs

Today's Date: 2013-04-22

Other Comments:

Item # 5



CITY OF KYLE, TEXAS

Safety & Emergency Services Committee Appointments

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration of Nomination(s) for Appointment to the Safety & Emergency Services Committee ~ *Lucy Johnson, Mayor*

- *Diane Hulan*
- *Damon Fogley*

Other Information:

Budget Information:

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

Attachments / click to download

- 📄 [Diane Hulan Committee Application](#)
 - 📄 [Damon Fogley Committee Application](#)
 - 📄 [Memo to Council from Chief Barnett](#)
-



KYLE POLICE DEPARTMENT

Memorandum

Date: April 10, 2013

To: Lanny Lambert, City Manager

From: Jeff Barnett, Chief of Police

Re: Safety & Emergency Services Committee
(Mass Gathering Ordinance & Committee Member Recommendations)

The Safety and Emergency Services Committee held a regularly scheduled meeting on Monday, April 8, 2013. Among the items discussed were a proposed Mass Gathering Ordinance and potential candidates to fill Place 7 of the committee.

Mass Gathering Ordinance – Proposed

I am enclosing a copy of the proposed Mass Gathering Ordinance. The committee would like for the Mayor and City Council to know that they have reviewed the proposed ordinance for many months, and much deliberation was taken on their part concerning the various sections. Specifically at point, the committee discussed the requirements for notification, attendance count, inspections, required information for review, etc. The committee fully understands that their proposed ordinance is a recommendation, and it is not binding. I would recommend that our legal counsel review the proposed language as well to ensure that it meets with his approval. The vote on this item was 4-0 in favor of the ordinance as presented with this memorandum.

Committee Member Applicants

The committee reviewed more than thirty (30) applications from citizens that have expressed an interest in participating on the S&ES Committee. The committee fully recognizes that the Mayor and City Council reserve the right to consider and appoint members to the committee as they deem appropriate. The committee has selected three potential committee members that they recommend for consideration. In order, the committee recommends Diane Hulan, Rusty Kruzelock, and Damon Fogley for consideration for Place 7, an at-large position that expires on September 30, 2013 (Vote 4-0). I am including the applications submitted by these individuals. Each of these citizens has expressed continued interest to participate on this committee. This is the only vacancy on the committee at this time.

I am including the meeting minutes (draft), mass gathering ordinance, and applications for committee participation for your review and use. Thank you.



Grace Nino <gracenino@cityofkyle.com>

City of Kyle Texas Website submission: Committee Volunteer Application

City of Kyle Texas <webmaster@cityofkyle.com>

Thu, Oct 18, 2012 at 6:50 AM

To: gracenino@cityofkyle.com

Submitted on Thursday, October 18, 2012 - 06:50

Submitted by anonymous user: [24.28.5.55]

Submitted values are:

Name: Dianne Hulan

Address: 233 San Felipe Dr. Kyle, Texas 78640

E-Mail: dianhul@aol.comBest Phone Number to Reach You: [512-663-3493](tel:512-663-3493)

Sub Division: Silverado

Committees you are interested in: The Safety and Emergency Services

Professional, Education and Work Background: I am retired from The American Red Cross as an Assistant Director as a disaster specialist. I am trained in NIMS. I have been trained in all aspects of emergency management. I had special training as a Government Liaison supervisor in disaster services.

Previous or Current Community/Committee Involvements: I currently volunteer for American Red Cross, disaster services. I was on several committees with the Red Cross for disaster services. I was a volunteer for the Walker County CERT. I was a member of the Galveston County Sheriff's Citizen Academy and a volunteer for the Galveston County Mammul Stranding Network.

Special Knowledge or Experience: I have worked several national disasters as a Government Liaison and several disasters as a client caseworker. I have had hundreds of hours of training in Emergency Management. I am a trained Health and Safety Instructor.

How long have you been a Kyle resident? Just over a year.

Today's Date: 2012-10-18

Other Comments: I would like to contribute to my community.

Item # 6



Grace Nino <gracenino@cityofkyle.com>

City of Kyle Texas Website submission: Committee Volunteer Application

City of Kyle Texas <webmaster@cityofkyle.com>

Sun, Feb 19, 2012 at 9:41 PM

To: gracenino@cityofkyle.com

Submitted on Sunday, February 19, 2012 - 21:41

Submitted by anonymous user: [162.89.0.60]

Submitted values are:

Name: Damon Fogley

Address: 232 Evening Star, Kyle

E-Mail: damon.fogley@gmail.com

Best Phone Number to Reach You: [512 913-6619](tel:512-913-6619)

Sub Division: woodlands park

Committees you are interested in: mainly safety and emergency services but also ethics, community relations

Professional, Education and Work Background:

paramedic Austin-Travis County EMS

Army Captain

B.A. Sociology

attending Grad School Texas State- Masters in public administration

Previous or Current Community/Committee Involvements: I have never been on a committee before but I would like to

Special Knowledge or Experience: 12 years experience in the public safety sector

How long have you been a Kyle resident? 4 years

Today's Date: 2012-02-19

Other Comments: I submitted a paper application to the mayor over a year ago and didn't hear anything back

Item # 6



CITY OF KYLE, TEXAS

Pie Festival Committee Appointment

Meeting Date: 6/4/2013
Date time: 7:00 PM

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

- *Lucy Constable*

Other Information:

Budget Information:

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

Attachments / click to download

 [Lucy Constable Committee Application](#)



Grace Nino <gracenino@cityofkyle.com>

City of Kyle Texas Website submission: Committee Volunteer Application

City of Kyle Texas <webmaster@cityofkyle.com>

Wed, Apr 10, 2013 at 9:56 AM

To: gracenino@cityofkyle.com

Submitted on Wednesday, April 10, 2013 - 09:56

Submitted by anonymous user: [70.112.176.189]

Submitted values are:

Name: Lucy Constable

Address: 253 otono loop

E-Mail: lucy_constable@hotmail.comBest Phone Number to Reach You: [5126190547](tel:5126190547)

Sub Division: Four Seasons Farm

Committees you are interested in:

Community Relations Committee

Parks and Recreation Committee

Ethics Committee

Professional, Education and Work Background:

US. Navy Veteran, 1997-2002

AAS Culinary Art and Restaurant Management

2007-Currently Employed; department training manager and administrator for the culinary department of The Hyatt Regency Lost Pines Resort

Previous or Current Community/Committee Involvements: I've always served on committees; MWR for the Navy, student board for my college, and now I served on several committees at the Hyatt. Most recently served as a judge for the Kyle Fajita Festival.

Special Knowledge or Experience:

Implementing and training of policies in the workplace, such as; attendance, safety and code of conduct.

Extensive culinary knowledge. Purchasing departmental goods. Expert homesteader. The list is really quit long. How long have you been a Kyle resident? Almost 2 yrs. Our family know inhabits 3 separate households here in Kyle.

Today's Date: 2013-04-10

Other Comments:

Item # 7



CITY OF KYLE, TEXAS

Ratify Purchase Order for KPD's Interior Building Signage

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Ratify award and execution of a Purchase Order issued to SIGN CRAFTERS, INC., of San Marcos, Texas, in an amount not to exceed \$1,303.13 to design, engrave, and install signage throughout the interior of Police Department's 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: Interior Signage for KPD](#)

📄 [Fiscal Note](#)



KYLE POLICE DEPARTMENT

Memorandum

Date: May 15, 2013

To: Perwez Moheet
Director of Finance

From: Pedro F. Hernandez Jr.
Police Captain

Re: Signs for police building

A handwritten signature in black ink, enclosed in a circle.

Perwez,

In preparation for the grand opening of the new police building, it was necessary to order several types of signs for both the interior and exterior of the building.

The signs identify to the general public and other visitors the specific offices within the police department as well as those areas that are restricted to authorized personnel only. Exterior signs provide general information such as the address, and non-emergency, emergency numbers to the police department as well as employee entrance.

A purchase order was requested and the costs of the signs were coded to office supplies 110-151-52111. Attached are the three estimates that were submitted by sign crafters. The total estimated cost is \$1263.13

* There is likely to be an additional 40.00 cost due to us requesting a two of a particular sign instead of the one listed on the quote.

If you have any questions please do not hesitate to contact me.

# 37560 =	\$ 440.00
# 37562 =	\$ 442.50
# 37563 =	\$ 380.63
	<hr/>
	\$1,263.13
<u>Add:</u>	\$ 40.00
	<hr/>
<u>TOTAL:</u>	<u>\$1,303.13</u>

Item # 8



Sign Crafters, Inc. TSCL #18033
 2401 IH 35 South
 San Marcos, TX 78666
 Ph: (512) 392-0900
 FAX: (512) 392-3363
 Email: info@signcrafters.net

Estimate #: 37560

Created Date: 5/10/2013 8:54:26AM	Prepared For: City of Kyle Police DepL
Salesperson: Scott Vaughan	Contact: Pedro Hernandez ,Captain
Email: scott@signcrafters.net	Office Phone: (512) 268-3232
Business 2: (512) 392-0900	Office Fax: (512) -
Business Fax 2: (512) 392-3363	Email: phernandez@cityofkyle.com
Entered by: Joe Panlagua	Address: PO Box 40 Kyle, TX 78640

Description: 4" X 12" Plastic Engraved Signs

		Quantity	Unit Price	Subtotal
1	Product: Engraved sign Description: (11) 4" x 12" Single faced plastic engraved signs each with different copy. Please see artwork. Quantity: 11 Side(s): Single Sided Product Code: engraved. Height: 4 in Width: 12 in Background Color: Custom Foreground Color: Black Font: Areal Text: AUTHORIZED PERSONNEL ONLY RECORDS/AUTHORIZED PERSONNEL ONLY WOMENS MENS CRIMINAL INVESTIGATIONS DIVISION POLICE CAPTAIN CHIEF OF POLICE SPECIAL SERVICES SERGEANT SPECIAL SERVICES BUREAU INTERVIEW ROOM 1 INTERVIEW ROOM 2	11	\$35.00	\$385.00

		Quantity	Unit Price	Subtotal
2	Product: Engraved sign Description: (1) 6" x 9" Single faced plastic engraved sign. Please see artwork. Quantity: 1 Side(s): Single Sided Product Code: engraved. Height: 6 in Width: 9 in Background Color: Custom Foreground Color: Black Font: Areal Text: FOR 24 HOUR ASSISTANCE PLEASE PICK UP THE PHONE (Braille).	1	\$55.00	\$55.00

Subtotal: \$440.00
Total: \$440.00

Payment Terms: All Payments are due at our offices within 30 days of order completion or additional interest of 1.5% per month will be assessed.

Client Reply Request

- Estimate Accepted "As Is". Please proceed with Order.
- Changes required, please contact me.

Other: _____
SIGN: _____ **Date:** / /

Print Date: 5/10/2013 11:18:10AM

SYSTEMEstimate_Estimate01

Graphic Control

Item # 8



Sign Crafters, Inc. TSCL #18033
 2401 IH 35 South
 San Marcos, TX 78666
 Ph: (512) 392-0900
 FAX: (512) 392-3363
 Email: info@signcrafters.net

Estimate #: 37562

Created Date: 5/10/2013 9:34:40AM	Prepared For: City of Kyle Police Dept.
Salesperson: Scott Vaughan	Contact: Pedro Hernandez ,Captain
Email: scott@signcrafters.net	Office Phone: (512) 288-3232
Business 2: (512) 392-0900	Office Fax: (512) -
Business Fax 2: (512) 392-3363	Email: phernandez@cityofkyle.com
Entered by: Joe Panlagua	Address: PO Box 40 Kyle, TX 78640

Description: Premium Vinyl

		Quantity	Unit Price	Subtotal
1	Product: Vinyl lettering premium Description: Vinyl lettering window graphics for front entrance. Vinyl to be applied first surface. Please see artwork for details. Quantity: 1 Side(s): Single Sided Product Code: Vinyl lettering premium. Height: 1 in Width: 1 in Background Color: n/a Foreground Color: White Font: Helvetica Text: KYLE POLICE DEPARTMENT 111 N. FRONT STREET 24 HOUR NON-EMERGENCY 512-288-3232 EMERGENCY 911	1	\$50.00	\$50.00
		Quantity	Unit Price	Subtotal
2	Product: Vinyl lettering premium Description: Vinyl lettering window graphics for front entrance. Vinyl to be applied first surface. Please see artwork for details. Quantity: 1 Side(s): Single Sided Product Code: Vinyl lettering premium. Height: 1 in Width: 1 in Background Color: n/a Foreground Color: Gold Font: Helvetica Text: 111	1	\$15.00	\$15.00
		Quantity	Unit Price	Subtotal
3	Product: Vinyl lettering premium Description: Vinyl lettering window graphics for rear entrance. Vinyl to be applied first surface. Please see artwork for details. Quantity: 1 Side(s): Single Sided Product Code: Vinyl lettering premium. Height: 1 in Width: 1 in Background Color: n/a Foreground Color: Gold Font: Helvetica Text: KYLE POLICE DEPARTMENT AUTHORIZED PERSONEL ONLY	1	\$40.00	\$40.00
		Quantity	Unit Price	Subtotal
4	Product: Vinyl lettering premium Description: Vinyl to be applied to dark grey metal door. Please see artwork. Quantity: 1 Side(s): Single Sided Product Code: Vinyl lettering premium. Height: 1 in Width: 1 in Background Color: n/a Foreground Color: Lt. Grey Font: Helvetica Text: AUTHORIZED PERSONEL ONLY	1	\$12.50	\$12.50

Item # 8



Sign Crafters, Inc. TSCL #18033
 2401 IH 35 South
 San Marcos, TX 78666
 Ph: (512) 392-0900
 FAX: (512) 392-3363
 Email: info@signcrafters.net

Estimate #: 37562

Page 2 of 2

		Quantity	Unit Price	Subtotal
5	Product: Vinyl lettering with printed graphi	1	\$40.00	\$40.00
	Description: Vinyl lettering graphics w/print			
	Quantity: 1			
	Side(s): Single Sided			
	Product Code: Vinyl lettering with printed graphics			
	Height: 8.5 in Width: 31 in			
	Foreground Color: Black/Blue Font: Custom			
	Text: (Badge) KYLE			
	POLICE			
	SERVICE WITH INTEGRITY			
		Quantity	Unit Price	Subtotal
6	Product: Install w/ pickup 1 man	3	\$95.00	\$285.00
	Description: Installation of sign using 1 man with pick-up truck.			
	Quantity: 3			
	Side(s): Single Sided			
	Product Code: Install w/ pickup 1 man.			
	Height: 0 in Width: 0 in			

Item # 8

Subtotal: \$442.50
 Total: \$442.50

Payment Terms: All Payments are due at our offices within 30 days of order completion or additional interest of 1.5% per month will be assessed.

Client Reply Request

- Estimate Accepted "As Is". Please proceed with Order.
- Changes required, please contact me.

Other: _____
 SIGN: _____ Date: / /

Print Date: 5/10/2013 11:27:43AM

SYSTEM/Estimate_Estimate01

Graphic Control



Sign Crafters, Inc. TSCL #18033
 2401 IH 35 South
 San Marcos, TX 78666
 Ph: (512) 392-0900
 FAX: (512) 392-3363
 Email: info@signcrafters.net

Estimate #: 37563

Created Date: 5/10/2013 9:54:32AM	Prepared For: City of Kyle Police Dept.
Salesperson: Scott Vaughan	Contact: Pedro Hernandez ,Captain
Email: scoll@signcrafters.net	Office Phone: (512) 268-3232
Business 2: (512) 392-0900	Office Fax: (512) -
Business Fax 2: (512) 392-3363	Email: phernandez@cityofkyle.com
Entered by: Joe Panlagua	Address: PO Box 40 Kyle, TX 78640

Description: Flat cut outs/18"x 24" Aluminum sign

		Quantity	Unit Price	Subtotal
1	Product: FCO 1/4" acrylic letters Description: FCO 1/4" acrylic letters to be installed above counter. Please see artwork for details. Quantity: 7 Side(s): Single Sided Product Code: FCO 1/4" acrylic letters. Height: 5 in Width: 5 in Background Color: n/a Foreground Color: Black Font: Helvetica Text: RECORDS	7	\$14.75	\$103.25
2	Product: Patterns (non-pounced) Description: Patterns (non-pounced). Quantity: 1 Side(s): Single Sided Product Code: Patterns (non-pounced). Height: 1 in Width: 1 in	1	\$30.00	\$30.00
3	Product: Aluminum .080 sign w/ vinyl Description: Vinyled .080" Aluminum. Please see artwork for details. Quantity: 1 Side(s): Double Sided Product Code: ALUM .080 w/ vinyl. Height: 18 in Width: 24 in Background Color: Silver Foreground Color: Red/Black Font: Helvetica Text: CAUTION POLICE VEHICLES EXITING	1	\$57.38	\$57.38
4	Product: Install w/ pickup 1 man Description: Installation of sign using 1 man with pick-up truck. Quantity: 2 Side(s): Single Sided Product Code: Install w/ pickup 1 man. Height: 0 in Width: 0 in	2	\$95.00	\$190.00

Item # 8



Sign Crafters, Inc. TSCL #18033

2401 IH 35 South
San Marcos, TX 78666
Ph: (512) 392-0900
FAX: (512) 392-3363
Email: Info@signcrafters.net

Estimate #: 37563

Page 2 of 2

Item # 8

Subtotal:

\$380.63

Total:

\$380.63

Payment Terms: All Payments are due at our offices within 30 days of order completion or additional interest of 1.5% per month will be assessed.

Client Reply Request

Estimate Accepted "As Is". Please proceed with Order.

Other: _____

Changes required, please contact me.

SIGN: _____ Date: / /

Print Date: 5/10/2013 11:34:13AM

SYSTEM\Estimate_Estimate01

Graphic Control

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 4, 2013
CONTACT CITY DEPARTMENT: Police Department
CONTACT CITY STAFF: Jeff Barnett, Chief of Police

SUBJECT: Ratify award and execution of a Purchase Order issued to SIGN CRAFTERS, INC., of San Marcos, Texas, in an amount not to exceed \$1,303.13 to design, engrave, and install signage throughout the interior of the Police Department's headquarter building.

Item # 8

CURRENT YEAR FISCAL IMPACT:

This Purchase Order to SIGN CRAFTERS, INC., will require expenditure of funds from the Police Department's approved FY 2012-13 operating budget as follows:


1. City Department: Police Department
2. Project Name: Interior Signage
3. Budget/Accounting Code(s): 110-151-52111 (Office Supplies)
4. Funding Source: General Fund
5. Current Appropriation: \$ 28,200.00
6. Unencumbered Balance: \$ 17,379.55
7. Amount of This Action: \$(1,303.13)
8. Remaining Balance: \$ 16,076.42

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order will be provided from the Police Department's approved FY 2012-13 operating budget.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 5/15/2013

Perwez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Meeting Date: 6/4/2013
Date time: 7:00 PM

Playground Mulch

Subject/Recommendation: Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, LP, of Austin, Texas in an amount not to exceed \$3,413.00 for materials and delivery of engineered playground wood fiber mulch for playscapes at Steeplechase Park and Waterleaf Park ~ *Kerry Urbanowicz, Director of Parks and Recreation*

Other Information: Going through the Buy Board Purchasing Co-op, this delivery of playground wood fiber mulch will ensure these two playgrounds have adequate fall-zone materials.

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

[Playground Mulch Quote](#)

[Fiscal Note](#)



QUOTE

103 Red Bird Lane
Austin, Texas
78745-3122

TO: City of Kyle
Attn: Kerry Urbanowicz
Address: P.O. Box 40
Kyle, Texas 78640
Phone: 512-262-3939
Fax: 512-262-3933
Email: kerryu@cityofkyle.com

BUY BOARD #346-10

DATE: May 08, 2013
QUOTE #: 050813-109-tfh

Ship To

Steeplechase Park & Waterleaf Park

QTY	DESCRIPTION OF EQUIPMENT	UNIT PRICE	TOTAL COST
110	C.Y. Playground Wood Fiber Mulch, Material Only, Delivered as follows:		\$2,138.00
	Approx 73 C.Y. Steeplechase Park, 295 Hallie Drive, Kyle, Texas 78640	additional for	\$75.00
	Approx 37 C.Y. Waterleaf Park, 500-723 Abundance Lane, Kyle, Texas 78640	split load	\$75.00
PLEASE PROVIDE CONTACT NAME & PHONE NUMBER WITH SIGNED QUOTE			
	Freight		\$1,125.00
TOTAL			\$3,413.00

THIS QUOTE IS VALID FOR 30 DAYS FROM DATE LISTED ON QUOTE

NOT INCLUDED: Sales Tax, Permits/Bonds (if required), Installation

Payment Terms: 100% due upon delivery of material and receipt of invoice

ESTIMATED DELIVERY: 1 to 2 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.

Tommy Harper, Partner

Commercial Play and Recreational Equipment

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 4, 2013
CONTACT CITY DEPARTMENT: Parks and Recreation
CONTACT CITY STAFF: Kerry Urbanowicz, Director

SUBJECT: Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, LP, of Austin, Texas in an amount not to exceed \$3,413.00 for materials and delivery of engineered playground wood fiber mulch for playscapes at Steeplechase Park and Waterleaf Park.

CURRENT YEAR FISCAL IMPACT:

A total of \$3,413.00 will be expended under this Purchase Order authorization for playground wood fiber mulch to be applied at the Steeplechase Park and Waterleaf Park as follows:

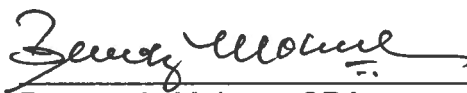
1. City Department: Parks and Recreation
2. Project Name: Playground Wood Fiber Mulch
3. Budget/Accounting Code(s): 110-133-53141 (Ground Maintenance/Repair)
4. Funding Source: General Fund
5. Current Appropriation: \$ 6,000.00
6. Unencumbered Balance: \$ 5,531.61
7. Amount of This Action: \$ (3,413.00)
8. Remaining Balance: \$ 2,118.61

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order to T.F. HARPER & ASSOCIATES, LP in the amount of \$3,413.00 will be provided from the FY 2012-13 Approved Budget of the Parks and Recreation Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 5/13/2013
Pervez A. Moheet, CPA - Date
Director of Finance

Item # 9



CITY OF KYLE, TEXAS

Addendum to Elevator Maintenance Contract for City Hall

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize execution of addendum number 1 to the maintenance agreement with THYSSENKRUPP ELEVATOR of Austin, Texas, to set a fixed monthly charge at a reduced rate of \$200.00, an annual price cap of 5%, and to extend the contract period by two years ~ *Kerry Urbanowicz, Director of Parks and Recreation*

Other Information: The current monthly charge is \$246.62 for elevator maintenance at City Hall. In addition, the current agreement does not limit or put a cap on the annual increase in monthly maintenance charge.

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

- [Addendum](#)
- [Maintenance Agreement](#)
- [Fiscal Note](#)

Maintenance Agreement Addendum

Maintenance Agreement Addendum

This addendum shall be made a part of the existing elevator maintenance agreement dated November 6, 2006, contract number **TK-US33884**, and in the event of conflict with other terms, conditions, purchase orders or contract documents, this addendum shall govern. All terms and conditions set forth in the existing elevator maintenance agreement will remain in full force and effect and apply to this addendum where no conflict exists.

Amended Scope of Services.

This addendum recognizes a change in the monthly billing rate of the above referenced agreement. The new monthly billing rate will be \$200.00/month. In addition, the term of the existing contract will extended for two (2) years.

As part of this addendum, there will be a 5% annual price cap for the remaining term of this agreement. The City of Kyle shall be made aware of any annual price escalations prior to the change taking effect.

Non Appropriation Clause

The City of Kyle Government's obligation for performance of this contract is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Government for any payment may arise for performance under this contract beyond October 1, until funds are made available to the Contracting Officer for performance and until the Contractor receives notice of any availability. If a Non-Appropriation of funds occurs, you will notify ThyssenKrupp immediately in writing.

Term. This addendum shall become effective starting June 1, 2013 and shall terminate March 12, 2019 with no automatic renewal. All other terms and conditions set forth in the existing elevator maintenance agreement referenced in the first paragraph herein shall remain in full force and effect.

Acceptance. Your acceptance of this addendum and its approval by an authorized manager of ThyssenKrupp Elevator will constitute exclusively the entire understanding of the parties with respect to the subject matter contained herein and it shall thereafter become part of the parties' agreement. All other prior representations or agreements, whether written or verbal, will be deemed to be merged herein and no other changes in or additions to this agreement will be recognized unless made in writing and properly executed by both parties. Should your acceptance be in the form of a purchase order or other similar document, the provisions of this agreement will govern, even in the event of a conflict.

This proposal is submitted for acceptance within thirty (30) days from the Date Submitted by the ThyssenKrupp Elevator representative indicated below.

No agent or employee shall have the authority to waive or modify any of the terms of this agreement without the prior written approval of an authorized ThyssenKrupp Elevator manager.

ThyssenKrupp Elevator Corporation:	City of Kyle	ThyssenKrupp Elevator Corporation Approval:
By: _____ (Signature of ThyssenKrupp Elevator Representative) <u>Matt Matthews</u> <u>Account Representative</u> <u>512-689-5730</u> <u>May 7, 2013</u>	By: _____ (Signature of Authorized Individual) (Print or Type Name) _____ (Print or Type Title) _____ (Date of Approval)	By: _____ (Signature of Authorized Individual) (Print or Type Name) _____ (Print or Type Title) _____ (Date of Approval)



ThyssenKrupp Elevator**Platinum Maintenance Agreement**

Purchaser: City of Kyle
P.O. Box 40
Kyle, TX 78640

Location: Kyle City Hall
100 West Center Street
Kyle, TX 78640

By: ThyssenKrupp Elevator
3615 Willow Springs Road
Austin, TX 78704
Telephone: (512) 447-9511
Fax: (512) 447-3433
E-Mail: brent.barrett@thyssenkrupp.com
Internet: www.thyssenkruppelevator.com

PLATINUM MAINTENANCE AGREEMENT

ThyssenKrupp Elevator agrees to maintain Purchaser's elevator equipment as outlined in this agreement. We will endeavor to provide a comprehensive maintenance program to maximize the performance, safety, and life span of your equipment.

Units To Be Maintained

Building Name	Unit Quantity	Manufacturer	Type of Unit	Unit ID or Serial #	Number of Floors
Kyle City Hall	One passenger	ThyssenKrupp Elevator	Oildraulic, 3000 Lb., 100 FPM	EU8926	2

ThyssenKrupp Elevator

Elevator Maintenance Agreement

**ThyssenKrupp**

ThyssenKrupp Elevator Platinum Maintenance Agreement

Preventative Maintenance Program

- Examine your elevator equipment for optimum operation.
 - Control and landing positioning systems
 - Signal fixtures
 - Machines, drives, motors, governors, sheaves, and ropes
 - Power units, pumps, valves, and jacks
 - Car and hoistway door operating devices and door protection equipment
 - Loadweighers, car frames and platforms, and counterweights
 - Safety mechanisms
- Lubricate equipment for smooth and efficient performance.
- Adjust elevator parts and components to maximize performance and safe operation.
- Document all work performed on Maintenance Tasks & Records logs provided with each controller.

Full Coverage Parts Replacement

- Relamp all signals as required (during regularly scheduled visits).
- Repair or replace components worn due to normal wear. Refer to "Other Considerations" section for items not covered.

Quality Assurance

To help increase elevator performance and decrease downtime, our technicians utilize the latest industry methods and technology available to us for your specific brand of elevator. They will be equipped with the tools, documentation and knowledge to troubleshoot your unique system, as well as access to a comprehensive parts replacement inventory system.

Behind our technicians is a team devoted to elevator excellence. Technicians are supported around the clock by a team of engineers and field support experts. Our North American technical support facilities continuously research advancements in the industry and in your equipment. Also, our internal quality control program ensures optimum and reliable operation of your elevator equipment.

Annual Safety Testing

Test equipment as outlined in the American National Standard Safety Code for Elevators and Escalators, ANSI A17.1, current edition as of the date this agreement begins. We will perform governor and safety tests on traction elevators once per year and relief pressure tests on hydraulic elevators once per year. You agree to pay for any costs of the inspector or inspection fees.

Service Hours & Service Requests During Normal Working Hours

We will visit your elevators on a regularly scheduled basis. These visits will be performed during normal business hours, Monday through Friday, 8:00 am to 4:30 pm (except scheduled holidays). We will respond to service requests during these hours at no extra charge. Service requests are defined as minor adjustments or emergency entrapments that can be accomplished in two hours or less (excluding travel time).

After Hours Service Requests

On service requests outside of normal business hours for services covered under this Agreement, we will absorb the straight time costs of labor, and you will be responsible for the difference between the straight time costs and overtime costs of labor. Labor costs include travel time, travel expenses, and time spent on the job.

VIEW® (Check box if included)

VIEW is ThyssenKrupp Elevator's customer oriented, online service activity reporting system. VIEW allows building owners and managers to monitor ThyssenKrupp's maintenance and service call activity. VIEW can be accessed via the Internet any time, day or night. You can 'VIEW' service tickets associated with a single elevator, for all the elevators at the location being serviced, or across an entire portfolio.

VISTA® (Check box if included)

VISTA Remote Monitoring is ThyssenKrupp Elevator's exclusive service for monitoring the status and performance of your elevator(s). VISTA monitors compatible equipment 24 hours a day, 7 days per week, 365 days per year. Constantly monitoring performance data on your equipment provides ThyssenKrupp Elevator the ability to respond to operational irregularities quicker and more efficiently. With VISTA, we can often dispatch a service technician to your location before any interruption in elevator service occurs. Service visits based on VISTA data will be made during normal business hours of normal business days.

SoundNet® (Check box if included)

SoundNet is ThyssenKrupp Elevator's 24-hour phone monitoring and emergency call service. Call representatives are trained to handle elevator calls; they can assess the situation and quickly dispatch a technician when necessary. If needed, they can stay on the line to reassure a stranded passenger that help is on the way. SoundNet maintains a computerized and hard copy record of time, date, and location of calls received and action taken for the benefit of passengers and building owners.

Item # 10

ThyssenKrupp Elevator

Platinum Maintenance Agreement

Product Information. You agree to provide ThyssenKrupp Elevator with current wiring diagrams that reflect all changes, parts catalogs, and maintenance instructions for the equipment covered by this agreement (exception: we will supply all of the above for new ThyssenKrupp elevators at no additional cost). You agree to authorize us to produce single copies of any programmable device(s) used in the equipment for the purpose of archival back-up of the software embodied therein. These items will remain your property.

Safety. You agree to instruct or warn passengers in the proper use of the equipment and to keep the equipment under continued surveillance by competent personnel to detect irregularities between elevator examinations. You agree to report immediately any condition that may indicate the need for correction before the next regular examination. You agree to shut down the equipment immediately upon manifestation of any irregularities in operation or appearance of the equipment, notify us at once, and keep the equipment shut down until the completion of any repairs. You agree to give us verbal notice immediately and written notice within ten (10) days after any occurrence or accident in or about the elevator. You agree to provide our personnel a safe place in which to work. We reserve the right to discontinue work in the building whenever, in our sole opinion, our personnel do not have a safe place in which to work. You agree to provide a suitable machine room including secured doors, waterproofing, lighting, ventilation and heat to maintain the room at a temperature of 50°F minimum to 90°F maximum. You also agree to maintain the elevator pit in a dry condition at all times. Should water or other liquids become present, you will contract with others for removal and the proper handling of such liquids.

Other. You agree not to permit others to make alterations, additions, adjustments, or repairs or replace any component or part of the equipment during the term of this agreement. You agree to accept our judgment as to the means and methods to be employed for any corrective work under this agreement, including that you agree if ThyssenKrupp Elevator's inspection of a piece of equipment serviced under this Agreement reveals an operational problem which jeopardizes the safety of the riding public, ThyssenKrupp Elevator may shut down the equipment until such time as the operational problem is resolved. ThyssenKrupp Elevator will immediately advise you in writing of such action, the reason for such action, and whether the proposed solution is covered by the terms of this agreement. In the event of the sale, lease or other transfer of the elevator(s) or equipment described herein, or the premises in which they are located, you agree to see that such successor is made aware of this agreement and assumes and agrees to be bound by the terms hereof for the balance of the agreement, and subject to termination as herein provided, or otherwise be liable for the full unpaid balance due for the full unexpired term of the agreement.

In consideration of ThyssenKrupp Elevator performing the services herein specified, you expressly agree to indemnify, defend, save harmless, discharge, release and forever acquit ThyssenKrupp Elevator, our officers, agents and employees from and against any and all claims, demands, suits, and proceedings brought against ThyssenKrupp Elevator or our employees, including but not limited to loss, damage, injury or death that are alleged to have arisen from the negligence of Purchaser or any others in connection with the presence, use, misuse, maintenance, installation, removal, manufacture, design, operation or condition of the equipment covered by this agreement, or the associated areas surrounding such equipment. Your duty to indemnify does not apply to claims or losses determined to be caused by or resulting from the negligence of ThyssenKrupp Elevator or our employees. You recognize that your obligation to ThyssenKrupp Elevator under this clause includes payment of all attorney's fees, court costs, judgments, settlements, interest and any other expenses of litigation arising out of such claims or lawsuits.

Insurance. You expressly agree to name ThyssenKrupp Elevator as an additional insured in your liability and any excess (umbrella) liability insurance policy(ies). Such insurance must insure us for those claims or losses referenced in the above paragraph, and for claims or losses arising from the sole negligence of ThyssenKrupp Elevator or our employees. You hereby waive the right of subrogation.

Items not covered. We do not cover cosmetic, construction, or ancillary components of the elevator system, including the finishing, repairing, or replacement of the cab enclosure, ceiling frames, panels, and/or fixtures, hoistway door panels, door frames, sills, car flooring, floor covering, lighting fixtures, ceiling light bulbs and tubes, main line power switches, breaker(s), feeders to controller, hydraulic elevator jack outer casing, buried piping, alignment of elevator guide rails, smoke and fire sensors, fire service reports, communication devices, security systems not installed by us, batteries for emergency lighting and lowering, air conditioners, heaters, ventilation fans and all other items as set forth and excluded in this agreement.

Other conditions. With the passage of time, equipment technology and designs will change. We will not be required to make any changes or recommendations in the existing design or function of the unit(s). We shall not be obligated to service, make renewals or repairs upon the equipment by reason of obsolescence, misuse of the equipment, another's negligence, loss of power, blown fuse(s), tripped stop switch(es), theft, vandalism, explosion, fire, power failure, water damage, storm, lightning, nuisance calls, acts of civil or military authorities, strikes, lockouts, acts of God, or any other reason or cause beyond our control. In the event any component of the elevator becomes obsolete or outmoded, or is no longer manufactured by the original manufacturer, it shall be your obligation to replace the obsolete or outmoded component at your expense. We will not be obligated to install new attachments or parts upon the equipment as recommended or directed by insurance companies, any governmental agency or authority, or any third party.

Should your system require any of the safety tests on the commencement date of this agreement, ThyssenKrupp Elevator assumes no responsibility for the operation of the governor or safeties on traction elevators, or the hydraulic system on hydraulic elevators under the terms of this agreement until the test has been made. We shall not be liable for damage to the building structure resulting from the performance of safety tests. Should the respective system fail any of the required tests, it shall be your sole responsibility to make necessary repairs and to place the equipment in a condition that will be acceptable for coverage under the terms of this agreement.

ThyssenKrupp Elevator shall not be liable for any loss, damage or delay caused by acts of government, labor, troubles, strikes, lockouts, fire, explosions, theft, riot, civil commotion, war, malicious mischief, acts of God, or any cause beyond its control, and in no event shall ThyssenKrupp Elevator be liable for any damages, nor any consequential, special, or indirect damages. ThyssenKrupp Elevator shall automatically receive an extension of time commensurate with any delay regarding the aforementioned.

In the event a third party is retained to enforce, construe or defend any of the terms and conditions of this agreement or to collect any monies due hereunder, either with or without litigation, the prevailing party shall be entitled to recover all costs and reasonable attorney's fees.

You hereby waive trial by jury.

Item # 10

ThyssenKrupp Elevator**Platinum Maintenance Agreement**

In the event any portion of this agreement is deemed invalid or unenforceable by a court of law, public policy or statute, such finding shall not affect the validity or enforceability of any other portion of this agreement.

Our rights under this agreement shall be cumulative and our failure to exercise any rights given hereunder shall not operate to forfeit or waive any of said rights and any extension, indulgence or change by us in the method, mode or manner of payment or any of its other rights shall not be construed as a waiver of any of its rights under this agreement.

Price. The price for the services as stated in this agreement shall be **One hundred eighty five dollars (\$185.00)** per month, excluding taxes, payable monthly in advance.

Term. This agreement is effective for five (5) years starting March 13, 2007 and is non-cancelable, except with thirty (30) days written notice for reasons of non-performance. "Non-performance" is defined as our inability to remedy any deficiencies within thirty (30) days after receiving written notification from you. To ensure continuous service, this agreement will be automatically renewed for successive five (5) year periods, unless either party timely serves written notice upon the other party of its intention to cancel at least ninety (90) days before the end of the initial five (5) year period, or ninety (90) days before the end of any subsequent five (5) year renewal period. Notice shall be sent by certified mail, return receipt requested. Time is of the essence.

Early Payment Discount. If you pay in advance for twelve (12) months of service on the units covered in this agreement, you may take a 3% discount from the annual price.

Annual Price Adjustments. As the costs we incur for providing elevator service may increase, we will adjust the price of your service accordingly, annually, effective on the date a field labor increase is implemented. We will adjust your monthly price based on the percentage change in the average rate paid to elevator examiners. This rate consists of the hourly rate paid to examiners plus fringe benefits and union welfare granted in place of or in addition to the hourly rate. Fringe benefits include pensions, vacations, paid holidays, group insurance, sickness and accident insurance, and hospital insurance.

Pricing may also increase or decrease in the event the equipment is modified from its present state.

Overdue Invoices. A service charge of 1½% per month, or the highest legal rate, whichever is less, shall apply to overdue accounts. If you do not pay any sum within sixty (60) days from the billing date, we may also choose to do one of the following: 1) suspend all service until all amounts due have been paid in full, or 2) declare all sums for the unexpired term of this agreement due immediately and terminate this agreement. If ThyssenKrupp Elevator elects to suspend service, we shall not be responsible for damages or injuries to persons or property from the lack of service. Upon resumption of service, you will be responsible for payment to ThyssenKrupp Elevator of any costs we incur as a result of the suspension of service. Time is of the essence.

Acceptance. Your acceptance of this agreement and its approval by an authorized manager of ThyssenKrupp Elevator will constitute exclusively and entirely the agreement for the services herein described. All other prior representations or agreements, whether written or verbal, will be deemed to be merged herein and no other changes in or additions to this agreement will be recognized unless made in writing and properly executed by both parties. Should your acceptance be in the form of a purchase order or other similar document, the provisions of this agreement will govern in the event of a conflict. This proposal is hereby accepted in its entirety and shall constitute the entire agreement as contemplated by you and us.

No agent or employee shall have the authority to waive or modify any of the terms of this agreement without the written approval of an authorized ThyssenKrupp Elevator manager.

ThyssenKrupp Elevator Company:

City of Kyle

ThyssenKrupp Elevator Approval:

By:

(Signature of Authorized Individual)

By:

(Signature of Authorized Individual)

By:

(Signature of Authorized Individual)

ThyssenKrupp Representative
Brent Barrett/Sales Representative
(512) 447-9511

Jimmy Haverda
(Print or Type Name)
DIRECTOR PUBLIC WORKS
(Print or Type Title)

Nancy Crumley
(Print or Type Name)
Service Sales/Operidge
(Print or Type Title)

9-14-06

(Date of Submittal)

11/06/06

(Date of Approval)

11-7-06

(Date of Approval)

Item # 10

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 4, 2013
CONTACT CITY DEPARTMENT: Parks and Recreation
CONTACT CITY STAFF: Kerry Urbanowicz, Director

SUBJECT: Authorize execution of addendum number 1 to the maintenance agreement with THYSSENKRUPP ELEVATOR of Austin, Texas, in order to set a fixed charge at a reduced rate of \$200.00 per month, an annual price cap of 5%, and to extend the contract period by two years to March 12, 2019.

CURRENT YEAR FISCAL IMPACT:

The current maintenance charge is \$246.62 per month and the annual price increase is not capped. A monthly savings of at least \$46.62 will be realized under the amended agreement for elevator maintenance at City Hall in addition to placing a 5% annual price cap.


- | | |
|-------------------------------|--------------------------------------|
| 1. City Department: | Parks and Recreation |
| 2. Project Name: | City Hall Elevator Maintenance |
| 3. Budget/Accounting Code(s): | 110-250-53154 (Maintenance-Building) |
| 4. Funding Source: | General Fund |
| 5. Current Appropriation: | \$ 3,800.00 |
| 6. Unencumbered Balance: | \$ 1,064.03 |
| 7. Amount of This Action: | \$ (600.00) (July-Sept. 2013) |
| 8. Remaining Balance: | <u>\$ 464.03</u> |

FUNDING SOURCE OF THIS ACTION:

The funding source for this amendment to the Purchase Order issued to THYSSENKRUPP ELEVATOR in the amount of \$200.00 per month remains the same and will be provided from the FY 2012-13 Approved Budget of the Parks and Recreation Department (General Fund). The remainder of the agreement will be covered from future approved annual operating budgets of the Parks and Recreation Department.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 5/13/2013
Perwez A. Moheet, CPA - Date
Director of Finance

Item # 10



CITY OF KYLE, TEXAS

Meeting Date: 6/4/2013
Date time: 7:00 PM

Library used surplus

Subject/Recommendation: Possible action regarding finding 8 boxes of used VHS tapes and 1 box of used books to be of little to no value, and directing the Library Director to dispose of the used surplus by gifting it to the Library Thrift Shop where they can be liquidated and/or disposed of ~ *Connie Brooks, Library Director*

Other Information:

Budget Information:

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

Attachments / click to download



CITY OF KYLE, TEXAS

Surveying Professional Services Agreement

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize award and execution of a professional services agreement with CARLSON, BRIGANCE & DOERING, INC., of Austin, Texas, in an amount not to exceed \$1,000.00 for surveying services ~ *Sofia Nelson, Director of Planning*

Other Information:

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

- [Neptune Bid](#)
 - [Byrn and Associates](#)
 - [CARLSON Brigance Doering](#)
 - [Fiscal Note](#)
-

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click a file in this PDF Package to view it.**


Carlson, Brigance & Doering, Inc.

Civil Engineering ❖ Surveying

 CBD Project Number NA

 Date 5-14-2013

Debbie Guerra
City of Kyle
 100 W Center St.
 Kyle, Texas 78640
 Email: dguerra@cityofkyle.com

RE: Annexation of 5 Properties along E RR 150
Surveying Proposal

Please find the below proposal to prepare field notes and sketch for annexation of 5 tracts of land referenced by HCAD ID #'s R14882, R14940, R14929, R14944, R45950.

Preparation of Field Notes and Sketch

\$800.00 + Tax

Your signature below will serve as acceptance of this proposal and authorization to proceed. If you should have any questions, please feel free to contact me.

Sincerely,

CARLSON, BRIGANCE & DOERING, INC.

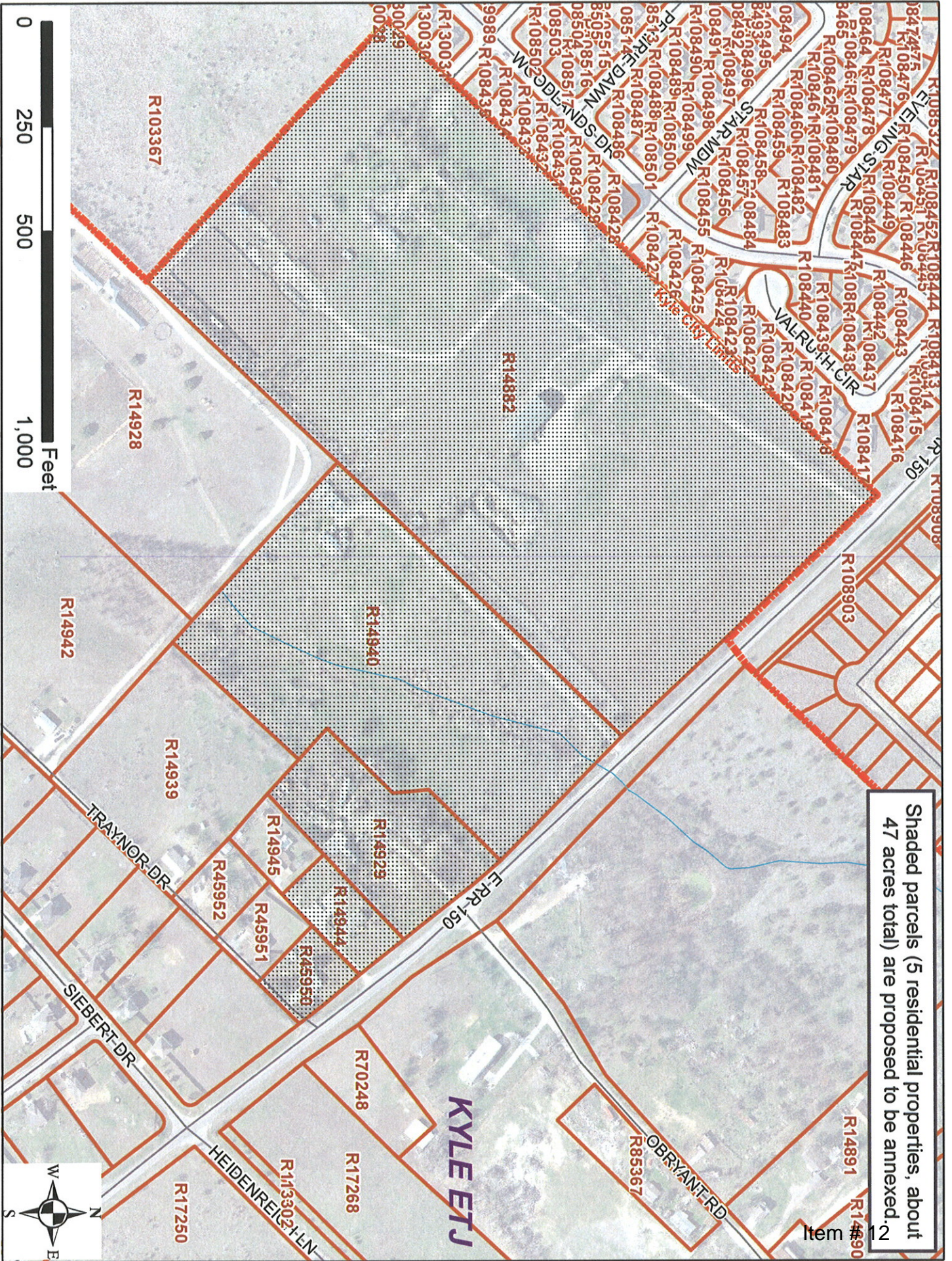
 Douglas R. Rummel, Jr., P.E., R.P.L.S.
 Vice President

Acknowledgement:

 City of Kyle

_____ Date

Item # 12



Shaded parcels (5 residential properties, about 47 acres total) are proposed to be annexed.

Item # 1

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 4, 2013
CONTACT CITY DEPARTMENT: Planning Department
CONTACT CITY STAFF: Sofia Nelson, Director

SUBJECT: Authorize award and execution of a professional services agreement with CARLSON, BRIGANCE & DOERING, INC., of Austin, Texas, in an amount not to exceed \$1,000.00 for surveying services.

CURRENT YEAR FISCAL IMPACT:

The payment for survey services by CARLSON, BRIGANCE & DOERING, INC., under this professional services agreement will be paid and accounted for as follows:

1. City Department: Planning Department
2. Project Name: Survey Services
3. Budget/Accounting Code(s): 110-118-55113 (Engineering Services)
4. Funding Source: General Fund
5. Current Appropriation: \$ 2,000.00
6. Unencumbered Balance: \$ 2,000.00
7. Amount of This Action: \$ (1,000.00)
8. Remaining Balance: \$ 1,000.00


Item # 12

FUNDING SOURCE OF THIS ACTION:

The funding source for this professional services agreement will be provided from the FY 2012-13 Approved Budget of the Planning Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 5/23/2013
Pervez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Meeting Date: 6/4/2013
Date time: 7:00 PM

Hometown Kyle Phase 3 Section 6

Subject/Recommendation: Hometown Kyle Phase 3 Section 6 (FP-13-009)
6.88 acres; 25 lots
Location: Extension of Sweet Gum Drive
Owner: RH of Texas, LP
Agent: Steven Ihnen, P.E., GICE, Inc.
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to statutorily disapprove the plat.

(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the City Council).

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

Hometown Kyle Phase 4 Section 2

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Hometown Kyle Phase 4 Section 2 (FP-13-004)
10.464 acres; 41 Lots
Located off of Chapparo Drive adjacent to Phase II
Owner: RH of Texas
Agent: Steven Ihnen, P.E., GICE, Inc.
~Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to approve the plat.

Other Information: Please see attachments

Budget Information: N/A

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

Attachments / click to download

[Plat](#)

[staff memo](#)

NOTES:
 NO PORTION OF THIS PROJECT IS WITHIN A
 100-YEAR FLOOD PLAIN AS PER FEMA PANEL
 48209C0385F EFFECTIVE SEPTEMBER 2, 2005.

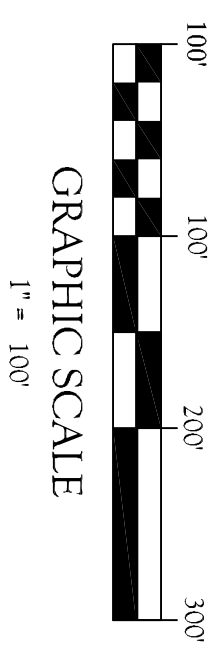
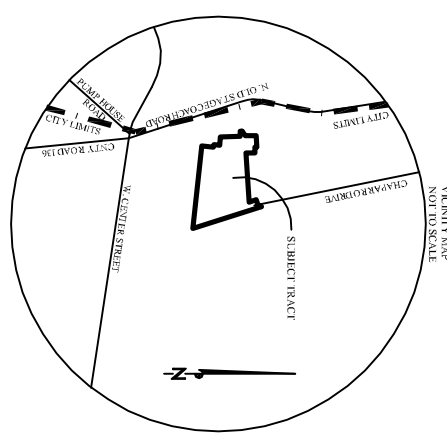
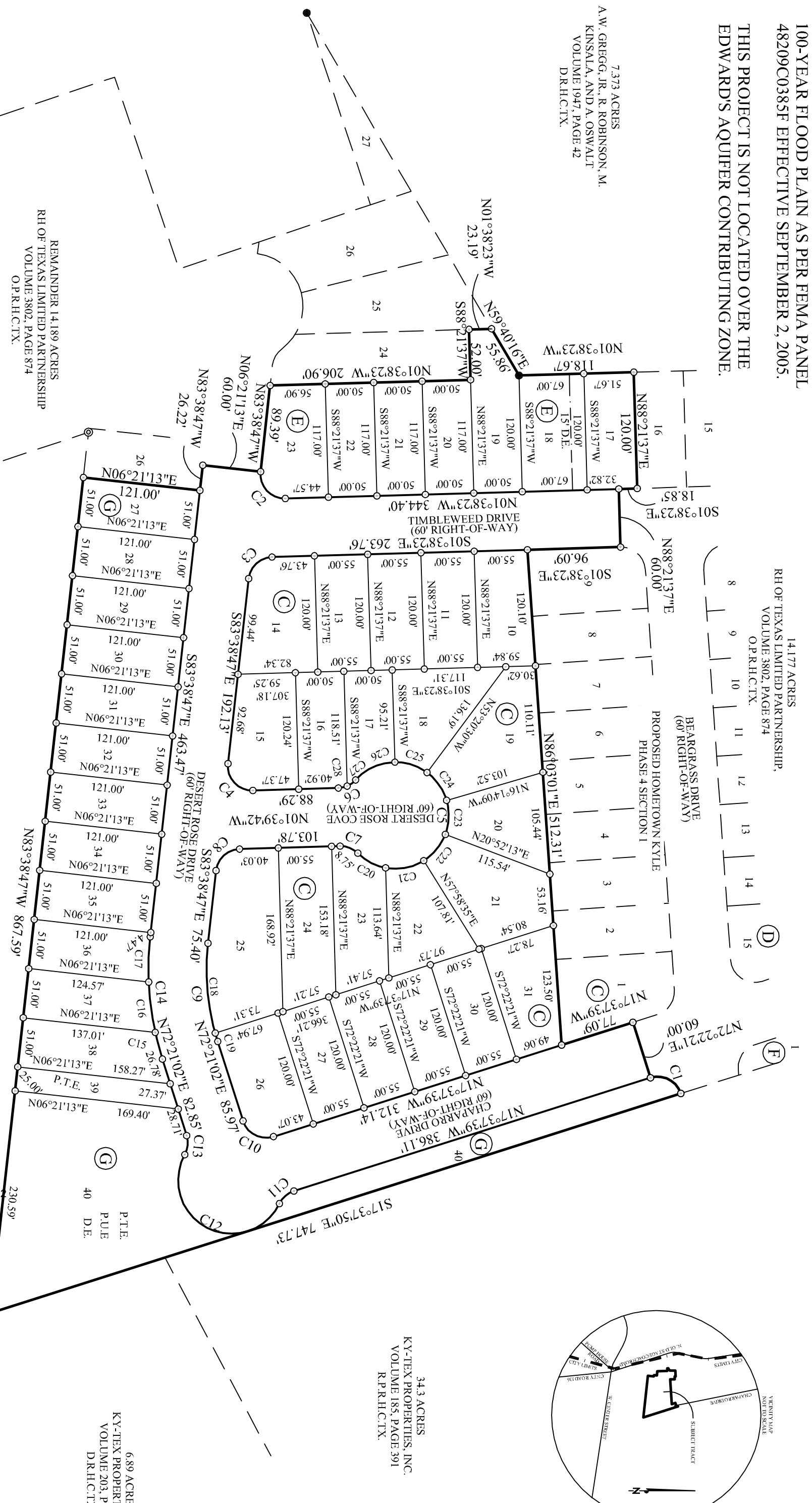
THIS PROJECT IS NOT LOCATED OVER THE
 EDWARDS' AQUIFER CONTRIBUTING ZONE.

7.373 ACRES
 A.W. GREGG, JR., R. ROBINSON, M.
 KINSALA, AND A. OSWALT
 VOLUME 1947, PAGE 42
 D.R.H.C.T.X.

14.177 ACRES
 RL OF TEXAS LIMITED PARTNERSHIP
 VOLUME 3802, PAGE 874
 O.P.R.H.C.T.X.

BEARGRASS DRIVE
 (60' RIGHT-OF-WAY)

PROPOSED HOMETOWN KYLE
 PHASE 4 SECTION 1



JOHN PHARASS SURVEY NO. 13
 HAYS COUNTY, TEXAS
 APRIL 2013

OWNER/DEVELOPER
 RL OF TEXAS LIMITED PARTNERSHIP
 1101 ARROW POINT DRIVE
 SUITE 101
 CEDAR PARK, TEXAS 78613

ENGINEER
 GICE
 3600 W. PARMER LANE, SUITE 212
 AUSTIN, TEXAS 78727

SURVEYOR
 DELTA SURVEY GROUP, INC.
 8213 BRODIE LANE, SUITE 102
 AUSTIN, TEXAS 78745

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	25.00'	39.27'	35.35'	N27°22'09"E	90°00'03"
C2	25.00'	42.76'	37.73'	N47°21'25"E	97°59'36"
C3	25.00'	35.78'	32.81'	S42°38'35"E	82°00'24"
C4	25.00'	42.77'	37.74'	N47°20'45"E	98°00'54"
C5	55.00'	262.19'	75.63'	S88°20'18"W	273°08'06"
C6	25.00'	20.32'	19.76'	N24°56'43"W	46°34'03"
C7	25.00'	20.32'	19.76'	S21°37'20"W	46°34'03"
C8	25.00'	35.77'	32.80'	S42°39'15"E	81°59'06"
C9	245.00'	102.64'	101.89'	N84°21'07"E	24°00'11"
C10	25.00'	39.26'	35.33'	N27°21'41"E	89°58'41"
C11	25.00'	20.32'	19.76'	S40°54'41"E	46°34'03"
C12	55.00'	175.78'	109.96'	N27°21'41"E	183°06'47"
C13	25.00'	20.32'	19.76'	N84°21'57"W	46°34'03"
C14	305.00'	127.77'	126.84'	N84°21'07"E	24°00'11"
C15	305.00'	28.50'	28.49'	N75°01'39"E	5°21'14"
C16	305.00'	52.56'	52.50'	N82°38'29"E	9°52'26"
C17	305.00'	46.71'	46.67'	S88°02'03"E	8°46'31"
C18	245.00'	93.60'	93.03'	N85°24'33"E	21°53'18"
C19	245.00'	9.04'	9.04'	N73°24'28"E	2°06'52"
C20	55.00'	32.95'	32.46'	N27°44'30"E	34°19'41"
C21	55.00'	40.85'	39.92'	N10°42'07"W	42°33'34"
C22	55.00'	35.78'	35.16'	N50°37'15"W	37°16'41"
C23	55.00'	35.73'	35.11'	N87°52'20"W	37°13'31"
C24	55.00'	35.64'	35.02'	S54°57'10"W	37°07'28"
C25	55.00'	35.53'	34.91'	S17°53'05"W	37°00'42"
C26	55.00'	45.70'	44.40'	S24°25'30"E	47°36'29"
C27	25.00'	11.02'	10.93'	N35°35'58"W	25°15'32"
C28	25.00'	9.30'	9.24'	N12°18'57"W	21°18'31"

20.0 ACRES
 HAYS CONSOLIDATED INDEPENDENT
 SCHOOL DISTRICT
 VOLUME 513, PAGE 822
 R.P.R.H.C.T.X.

LEGEND

- 1 INCH IRON PIPE FOUND
- 1/2 INCH IRON ROD WITH "HAYS ISD" CAP FOUND
- 1/2 INCH IRON ROD FOUND
- 1/2 INCH IRON ROD WITH "DELTA SURVEY" CAP SET
- BL BUILDING SETBACK LINE
- P.T.E. PUBLIC TRAIL EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- R.O.W. RIGHT OF WAY
- D.E. DRAINAGE EASEMENT
- O.P.R.H.C.T.X. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- P.R.H.C.T.X. PUBLIC RECORDS, HAYS COUNTY, TEXAS
- D.R.H.C.T.X. DEED RECORDS, HAYS COUNTY, TEXAS
- BLOCK DESIGNATION

BLOCK	LOT	AREA (SQ)	ZONING
E	17	6201	R-1-2
E	18	8040	R-1-2
E	19	7793	R-1-2
E	20	5850	R-1-2
E	21	5850	R-1-2
E	22	5850	R-1-2
E	23	7434	R-1-2
E	24	6890	R-1-2
C	10	6600	R-1-2
C	11	6600	R-1-2
C	12	6600	R-1-2
C	13	8774	R-1-2
C	14	8774	R-1-2
C	15	7956	R-1-2
C	16	6007	R-1-2
C	17	5161	R-1-2
C	18	7769	R-1-2
C	19	9850	R-1-2
C	20	7186	R-1-2
C	21	9492	R-1-2
C	22	7243	R-1-2
C	23	7475	R-1-2
C	24	8858	R-1-2
C	25	12829	R-1-2
C	26	8036	R-1-2
C	27	6600	R-1-2
C	28	6600	R-1-2
C	29	6600	R-1-2
C	30	6600	R-1-2
C	31	7640	R-1-2
G	1	46370	R-1-2
G	2	4096	R-1-2
G	3	7506	R-1-2
G	4	6661	R-1-2
G	5	6226	R-1-2
G	6	6171	R-1-2
G	7	6171	R-1-2
G	8	6171	R-1-2
G	9	6171	R-1-2
G	10	6171	R-1-2
G	11	6171	R-1-2
G	12	6171	R-1-2
G	13	6171	R-1-2
G	14	6171	R-1-2

Delta Survey Group Inc.
 8213 Brodie Lane Ste. 102 Austin, TX 78745
 office: (512) 282-5200 fax: (512) 282-5230

**HOMETOWN KYLE
 PHASE 4 SECTION 2**

SHEET
 1
 OF
 2

STATE OF TEXAS §
KNOW ALL THESE MEN BY PRESENTS:
COUNTY OF HAYS §

THAT, RH OF TEXAS LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH HOME ADDRESS AT 1101 ARROW POINT DRIVE, SUITE 101, CEDAR PARK, TEXAS 78613, OWNER OF THAT CERTAIN 14.177 ACRE TRACT OF LAND OUT OF THE SAMUEL PHARASS SURVEY 14, ABSTRACT 360 AND THE JOHN PHARASS SURVEY 13, ABSTRACT 361, SITUATED IN HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED OCTOBER 25, 2004, AND RECORDED IN VOLUME 2567, PAGE 514, OFFICIAL PUBLIC RECORDS, HAYS COUNTY TEXAS, AND OWNER OF THAT CERTAIN 14.189 ACRE TRACT OF LAND OUT OF THE JOHN PHARASS SURVEY 13, ABSTRACT 361, SITUATED IN HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED JANUARY 6, 2010, AND RECORDED IN VOLUME 3802, PAGE 874, OFFICIAL PUBLIC RECORDS, HAYS COUNTY TEXAS, TOGETHER DO HEREBY SUBDIVIDE A COMBINED TOTAL OF 10.464 ACRES OF LAND OUT OF THE JOHN PHARASS SURVEY 13, ABSTRACT 361, TO BE KNOWN AS "HOMETOWN KYLE SUBDIVISION, PHASE 4 SECTION 2", IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS, PUBLIC TRAILS, AND EASEMENTS SHOWN HEREON.

IN WITNESS WHEREOF THE SAID RH HOMES OF TEXAS LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS VICE PRESIDENT, SCOTT TEETER, THEREUNTO DULY AUTHORIZED, THIS ___DAY OF _____, 20__ A.D.

ROYCE O. RIPPY, VICE PRESIDENT, LAND
1101 ARROW POINT DRIVE
SUITE 101
CEDAR PARK, TEXAS 78613

STATE OF TEXAS §
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED ROYCE O. RIPPY, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ___DAY OF _____, 20__ A.D.

(NOTARY PUBLIC IN AND FOR STATE OF TEXAS)

(PRINT OR TYPE NOTARY'S NAME)

STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS:

THAT, LIZ Q. GONZALES, CLERK OF HAYS COUNTY COURT DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDS IN MY OFFICE ON THE ___DAY OF _____, 20__ A.D. IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET _____, PAGE(S) _____ WITNESS MY HAND AND SEAL OF OFFICE OF COUNTY CLERK OF SAID COUNTY ON THIS THE ___DAY OF _____, 20__ FILED FOR RECORD AT _____ O'CLOCK __.M. THIS THE ___DAY OF _____, 20__ A.D.

LIZ Q. GONZALES
COUNTY CLERK
HAYS COUNTY, TEXAS

THIS FINAL PLAT (HOMETOWN KYLE SUBDIVISION, PHASE 4 SECTION 2) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION. Attachment number 1 in Page 2 of 2

DATED THIS ___DAY OF _____, 20__

BY: _____ ATTEST:
CHAIRPERSON

STATE OF TEXAS §
COUNTY OF HAYS §

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN THEREON.

PRELIMINARY NOT FOR RECORDATION

JOHN C. NIELSEN DATE
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5541 - STATE OF TEXAS
DELTA SURVEY GROUP, INC.
8213 BRODIE LANE, SUITE 102
AUSTIN, TEXAS 78745

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HERBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

STEVE L. IHNEN DATE
PROFESSIONAL ENGINEER
No. 81976 STATE OF TEXAS
GARRETT-IHNEN CIVIL ENGINEERS
3600 WEST PARMER LANE, STE 212
AUSTIN, TEXAS 78727

II, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AND RECOMMEND APPROVAL.

STEVEN WIDACKI, P.E. DATE
CITY OF KYLE
100 WEST CENTER
KYLE, TX 78640

I, THE UNDERSIGNED, MAYOR OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF KYLE AND RECOMMEND APPROVAL.

LUCY JOHNSON
MAYOR

I HERBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF HOMETOWN KYLE SUBDIVISION, PHASE 4 SECTION 2 ADDITION TO THE CITY OF KYLE, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE ON THE ___DAY OF _____, 20__ SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF KYLE, TEXAS.

WITNESS MY HAND THIS ___DAY OF _____, 20__.

AMELIA SANCHEZ
CITY SECRETARY

GENERAL NOTES:

1. A 20-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ADJACENT AND PARALLEL TO THE FRONT OF ALL LOTS EXCEPT FOR SIDE YARDS AND CORNER LOTS.
2. A 10-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ADJACENT AND PARALLEL TO THE RIGHT-OF-WAY WHERE THERE IS A 15-FOOT BUILDING LINE SHOWN ON THE FACE OF THE PLAT.
3. A 10-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE REAR PROPERTY LINES.
4. A 5-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE SIDE PROPERTY LINES.
5. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, SITE DEVELOPMENT PERMITS AND BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE.
6. SIDEWALKS SHALL BE BUILT ALONG BOTH SIDES OF ALL STREETS WITHIN THE HOMETOWN KYLE SUBDIVISION, PHASE 4 SECTION 2. ALL SIDEWALKS SHALL BE A MINIMUM OF 4-FEET IN WIDTH AND BUILT IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY OF KYLE. HANDICAP RAMPS ARE TO BE BUILT AS PART OF THE SUBDIVISION CONSTRUCTION AND SHALL BE IN PLACE PRIOR TO SUBDIVISION ACCEPTANCE. SIDEWALKS ACROSS FRONTAGE OF ALL HOMEOWNERS ASSOCIATION LOTS AND EASEMENTS LOTS SHALL BE BUILT AS PART OF SUBDIVISION STREET CONSTRUCTION.
7. NO OBJECTS INCLUDING SIGNAGE, BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERECTED WITHIN ANY DRAINAGE EASEMENT WITHOUT PRIOR APPROVAL OF THE CITY OF KYLE.
8. EACH PROPERTY OWNER OF A LOT ON WHICH DRAINAGE EASEMENT(S) ARE PLATTED SHALL BE RESPONSIBLE FOR KEEPING GRASS AND WEEDS NEATLY CUT AND EASEMENT AREA FREE OF DEBRIS AND TREE/BRUSH REGROWTH.
9. OWNER(S) OF PROPERTY WITH DRAINAGE AND UTILITY EASEMENT(S) SHALL ALLOW ACCESS FOR INSPECTIONS, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
10. PLACEMENT OF FILL MATERIAL, OR STRUCTURES, OR CHANNEL MODIFICATIONS WITHIN 100-YEAR FLOOD PLAIN IS PROHIBITED.
11. MAINTENANCE AND UPKEEP OF DETENTION BASINS AND RELATED APPURTENANCES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION LOTS UPON WHICH FACILITIES ARE LOCATED.
12. ACCESS TO EVERY LOT IS LIMITED TO ONLY STREETS PLATTED AS PART OF THIS SUBDIVISION. ACCESS TO ANY LOT FROM F.M. 150 OR OLD STAGECOACH ROAD IS PROHIBITED.
13. ALL SETBACKS SHALL CONFORM TO THE CITY OF KYLE ZONING ORDINANCE
14. LOT 1, BLOCK G, IS A PUBLIC UTILITY EASEMENT, DRAINAGE EASEMENT AND PUBLIC TRAIL EASEMENT AND SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
15. LOT 2, BLOCK G, IS A PUBLIC TRAIL EASEMENT AND SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

DESCRIPTION OF A 10.464 ACRE TRACT PREPARED BY DELTA SURVEY GROUP INC., IN SEPTEMBER 2012, LOCATED IN THE JOHN PHARASS SURVEY NO. 13, HAYS COUNTY, TEXAS AND BEING A PORTION OF A 14.177 ACRE TRACT CONVEYED TO RH OF TEXAS LIMITED PARTNERSHIP, AS DESCRIBED IN VOLUME 2567, PAGE 514, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 14.189 ACRE TRACT CONVEYED TO RH OF TEXAS IN VOLUME 3802, PAGE 874 OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, SAID 10.464 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1 inch iron pipe found for the north corner of that 20.00 acre tract conveyed to Hays County Independent School District (HCISD) and recorded in Volume 513 Page 822, Real Property Records, Hays County, Texas, same being the southwest corner of a 6.89 acre tract conveyed to Ky-Tex Properties, Inc. in Volume 203, Page 26, Deed Records, Hays County, Texas for the southeast corner of this tract and the **POINT OF BEGINNING**;

THENCE with the north line of the said HCISD tract, same being the south line of 14.177 acre and said 14.189 acre tract N83°38'47"W, a distance of 867.59 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set;

THENCE leaving said common line and crossing said 14.189 acre tract the following seven (7) courses and distances:

1. N06°21'13"E, a distance of 121.00 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
2. N83°38'47"W, a distance of 26.22 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
3. N06°21'13"E, a distance of 60.00 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
4. N83°38'47"W, a distance of 89.39 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
5. N01°38'23"W, a distance of 206.90 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
6. S88°21'37"W, a distance of 52.00 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set, and
7. N01°38'23"W, a distance of 23.19 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set in the south line of that 7.373 acre tract conveyed to A.W. Gregg, Jr., R. Robinson, M. Kinsala, and A. Oswalt in Volume 1947, Page 42, Deed Records, Hays County, Texas, same being a north line of the said 14.189 acre tract;

THENCE with the south and east lines of said 7.373 acre tract, same being a north and west lines of said 14.189 acre tract the following two (2) courses and distances:

1. N59°40'16"E, a distance of 55.86 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set, and
2. N01°38'23"W, a distance of 118.67 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set in said common line;

THENCE leaving said common line and crossing said 14.177 acre tract and said 14.189 acre tract the following eight (8) courses and distances:

1. N88°21'37"E, a distance of 120.00 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
2. S01°38'23"E, a distance of 18.85 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
3. N88°21'37"E, a distance of 60.00 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
4. S01°38'23"E, a distance of 96.09 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
5. N86°03'01"E, a distance of 512.31 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
6. N17°37'39"W, a distance of 77.09 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
7. N72°22'21"E, a distance of 60.00 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set, and
8. With a curve to the right a distance of 39.27 feet, through a central angle of 90°00'03", having a radius of 25.00 feet, and whose chord bears N27°22'09"E, a distance of 35.35 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set in the east line of the said 14.177 acre tract, same being the west line of a 34.3 acre tract conveyed to Ky-Tex Properties, Inc. in Volume 185, Page 391, Deed Records, Hays County, Texas, for the northeast corner of this tract;

THENCE with the west line of said 34.3 acre tract and the west line of the aforesaid 6.89 acre tract, S17°37'50"E, a distance of 747.73 feet to the **POINT OF BEGINNING** and containing 10.464 acres of land more or less.

BEARING BASIS: Texas State Plane Coordinate System, South Central Zone, NAD83/HARN



8213 Brodie Lane Ste. 102 Austin, TX. 78745
office: (512) 282-5200 fax: (512) 282-5230

HOMETOWN KYLE
PHASE 4 SECTION 2

Item # 14

SHEET
2
OF
2

MEMORANDUM

TO: City Council

FROM: Sofia Nelson, Director of Planning

DATE: May 28, 2013

SUBJECT: Hometown Kyle Phase 4 Section 2

Planning and Zoning Commission Recommendation: On May 28th the Planning and Zoning Commission recommended approval of the request.

BACKGROUND

Site Information and Proposal

The proposed subdivision is approximately 10.4 acres in size and is one of three sections within phase 4 of the Hometown Kyle Subdivision. The proposed subdivision plans for the creation of 43 lots and access to the project will be through the extension of Chapparo Drive and the construction of three new residential streets. The subdivision is consistent with the requirements of the development agreement for this project and the R-1-2 zoning designation for the property.

Utilities

City of Kyle will provide water and wastewater utilities to the site.

Access

The proposed development will be made accessible via residential streets.

Parkland

The parkland dedication requirements for Hometown Kyle Phases 1 - 4 were met when the developer built the trail from Chapparo Dr to Wallace Middle School and from Wallace MS to FM-150.

STAFF RECOMMENDATION:

Staff is recommending approval of the request for the following reasons:

- The plat is consistent with all zoning requirements for the property.
- The proposed provision and configuration of roads, water, wastewater, drainage and easements and rights-of-way appear to be adequate for the proposed subdivision.



CITY OF KYLE, TEXAS

Plum Creek Phase 1 Section 12A - Preliminary & Final Plat

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Plum Creek Phase 1 Section 12A - Preliminary (PP-13-002) & Final (FP-13-008)
3.589 acres; 2 Lots
Location: Fronting on a proposed extension of Benner approx 2000 feet west of FM 1626, south of Kohler's Crossing.
Owner: Mountain Plum, Ltd.
Agent: Alan Rhames, P.E., Axiom Engineering, Inc.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the preliminary and final plat.

Other Information: Please see attachments

Budget Information: N/A

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

Attachments / click to download

- [staff memo](#)
- [Preliminary Plan](#)
- [Plat](#)

MEMORANDUM

TO: City Council

FROM: Sofia Nelson, Director of Planning

DATE: May 28, 2013

SUBJECT: Plum Creek Phase 1 Section 12-A Preliminary and Final Plat

Planning and Zoning Commission Recommendation: On May 28th the Planning and Zoning Commission recommended approval of the request.

BACKGROUND

The subject property is approximately 3.589 acres and is proposed to be subdivided into two commercial lots. The property is located along Koehler's Crossing and is directly in front of the Plum Creek Golf Course Clubhouse.

ACCESS

The subject property is located on the corner of Benner Drive and Koehler's Crossing. The subdivision plat contains a cross access easement between the two lots.

UTILITIES

Water and Wastewater service will be provided by the City of Kyle. The appropriate utility easements have been requested and shown on the plat.

STAFF RECOMMENDATION

Staff has reviewed the plat for consistency with the Plum Creek PUD development standards. Staff is recommending approval of both the preliminary and final plats conditional on final public works and engineering comments being cleared.

PLUM CREEK PHASE I, SECTION 12A - PRELIMINARY PLAT

STATE OF TEXAS §
COUNTY OF TRAVIS §
KNOW ALL MEN BY THESE PRESENTS, THAT WE, PLUM CREEK DEVELOPMENT PARTNERS, LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 200 CONGRESS AVENUE, SUITE 9A, AUSTIN, TEXAS 78701, BEING THE OWNER OF 1,246 ACRES OF LAND IN THE JOHN COOPER SURVEY NO. 13, A-100 AND THE JESSE DAY SURVEY, A-152, HAYS COUNTY, TEXAS, SAID 1,246 ACRES BEING A PORTION OF THE REMAINDER OF A CERTAIN 95,616 ACRE TRACT OF LAND DESIGNATED AS PARCEL 1 IN VOLUME 2881, PAGE 599, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF A CERTAIN 190,110 ACRE TRACT OF LAND DESIGNATED AS TRACT II, PARCEL 2 IN VOLUME 4072, PAGE 566, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; AND MOUNTAIN PLUM LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 4040 BROADWAY, SUITE 501, SAN ANTONIO, TEXAS 78290, BEING THE OWNER OF 2,343 ACRES OF LAND IN THE JOHN COOPER SURVEY NO. 13, A-100 AND THE JESSE DAY SURVEY, A-152, HAYS COUNTY, TEXAS, SAID 2,343 ACRES BEING A PORTION OF THE REMAINDER OF A CERTAIN 849,267 ACRE TRACT DESCRIBED IN THE DEED TO WILLIAM NEGLEY, LIFE TENANT OF RECORD IN VOLUME 322, PAGE 589, DEED RECORDS OF HAYS COUNTY, TEXAS; AND ALSO IN THE DEED TO MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME 2047, PAGE 133, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 1,246 ACRE AND SAID 2,343 ACRE TRACTS, CONTAINING A TOTAL OF 3,589 ACRES, AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE **PLUM CREEK PHASE I, SECTION 12A** SUBDIVISION TO THE CITY OF KYLE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL PUBLIC RIGHTS OF WAY, WATER COURSES, DRAINS, EASEMENTS (EXCLUDING LANDSCAPE EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

WHEREOF THE SAID PLUM CREEK DEVELOPMENT PARTNERS, LTD., OWNER, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, **BGI PLUM CREEK DEVELOPERS, LTD.**, THEREUNTO DULY AUTHORIZED, GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, **BENCHMARK LAND DEVELOPMENT, INC.**, AND WHEREOF THE SAID MOUNTAIN PLUM LTD., HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE MANAGERS OF MP GENERAL, L.L.C., ITS GENERAL PARTNER, **RICHARD B. NEGLEY** AND **LAURA N. GILL**, THEREUNTO DULY AUTHORIZED.

PLUM CREEK DEVELOPMENT PARTNERS, LTD.,
A TEXAS LIMITED PARTNERSHIP
BY: BGI PLUM CREEK DEVELOPERS, LTD.,
A TEXAS LIMITED PARTNERSHIP, GENERAL PARTNER
BY: BENCHMARK LAND DEVELOPMENT, INC.,
A TEXAS CORPORATION, GENERAL PARTNER
BY: DAVID C. MAHN, VICE PRESIDENT

MOUNTAIN PLUM LTD.
A TEXAS LIMITED PARTNERSHIP
BY: MP GENERAL, L.L.C., GENERAL PARTNER
A TEXAS LIMITED LIABILITY COMPANY
BY: RICHARD B. NEGLEY, MANAGER
BY: LAURA N. GILL, MANAGER

STATE OF TEXAS §
COUNTY OF TRAVIS §
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DAVID C. MAHN, VICE PRESIDENT OF BENCHMARK LAND DEVELOPMENT, INC., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

_____ DAY OF _____, 2013.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____
(PRINTED NAME OF NOTARY)

STATE OF TEXAS §
COUNTY OF BEXAR §
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, RICHARD B. NEGLEY, MANAGER OF MOUNTAIN PLUM, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

_____ DAY OF _____, 2013.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____
(PRINTED NAME OF NOTARY)

STATE OF TEXAS §
COUNTY OF BEXAR §
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, LAURA N. GILL, MANAGER OF MOUNTAIN PLUM, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

_____ DAY OF _____, 2013.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____
(PRINTED NAME OF NOTARY)

STATE OF TEXAS §
COUNTY OF HAYS §
KNOW ALL MEN BY THESE PRESENTS:

THAT, LIZ GONZALEZ, CLERK OF HAYS COUNTY COURT, DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDS IN MY OFFICE ON THE _____ DAY OF _____, 2013, A.D., IN THE PLAT RECORDS OF SAID

COUNTY AND STATE IN PLAT CABINET _____, PAGE(S) _____.

WITNESS MY HAND AND SEAL OF OFFICE OF COUNTY CLERK OF SAID COUNTY ON THIS THE _____ DAY OF _____, 2013, A.D.

FILED FOR RECORD AT _____ O'CLOCK ____M. THIS THE _____ DAY OF _____, 2013, A.D.

Attachment number 2 in Page 1 of 2

BY: _____
LIZ GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH THE COMMISSION'S APPROVAL IS REQUIRED.

BY: _____
CHAIRPERSON

THIS PLAT (PLUM CREEK PHASE I, SECTION 12A) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COMMISSION.

DATED THIS _____ DAY OF _____, 2013.

BY: _____
ATTEST:

SECRETARY

THIS PLAT (PLUM CREEK PHASE I, SECTION 12A) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.

DATED THIS _____ DAY OF _____, 2013.

BY: _____
ATTEST:

SECRETARY

STATE OF TEXAS §
COUNTY OF TRAVIS §
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PLAT AND ALL PLANS AND SPECIFICATIONS WHICH ARE INCLUDED WITH THE PLAT ARE, TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPLETE AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY ORDINANCES, CODES, PLANS, AND RELEVANT STATE STANDARDS.

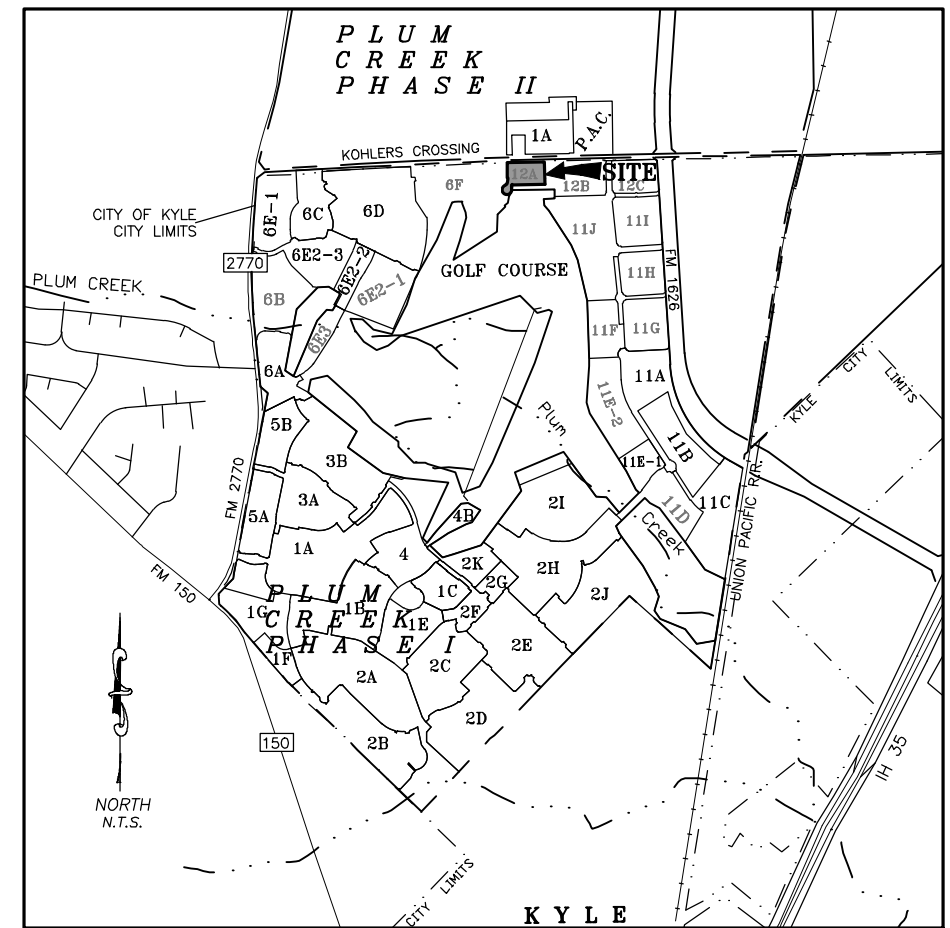
FOR REVIEW ONLY

BY: _____
ALAN D. RHAMES, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 72089 - STATE OF TEXAS
AXIOM ENGINEERS INC.
13276 RESEARCH BLVD., ST. 208
AUSTIN, TEXAS 78750
512-506-9335

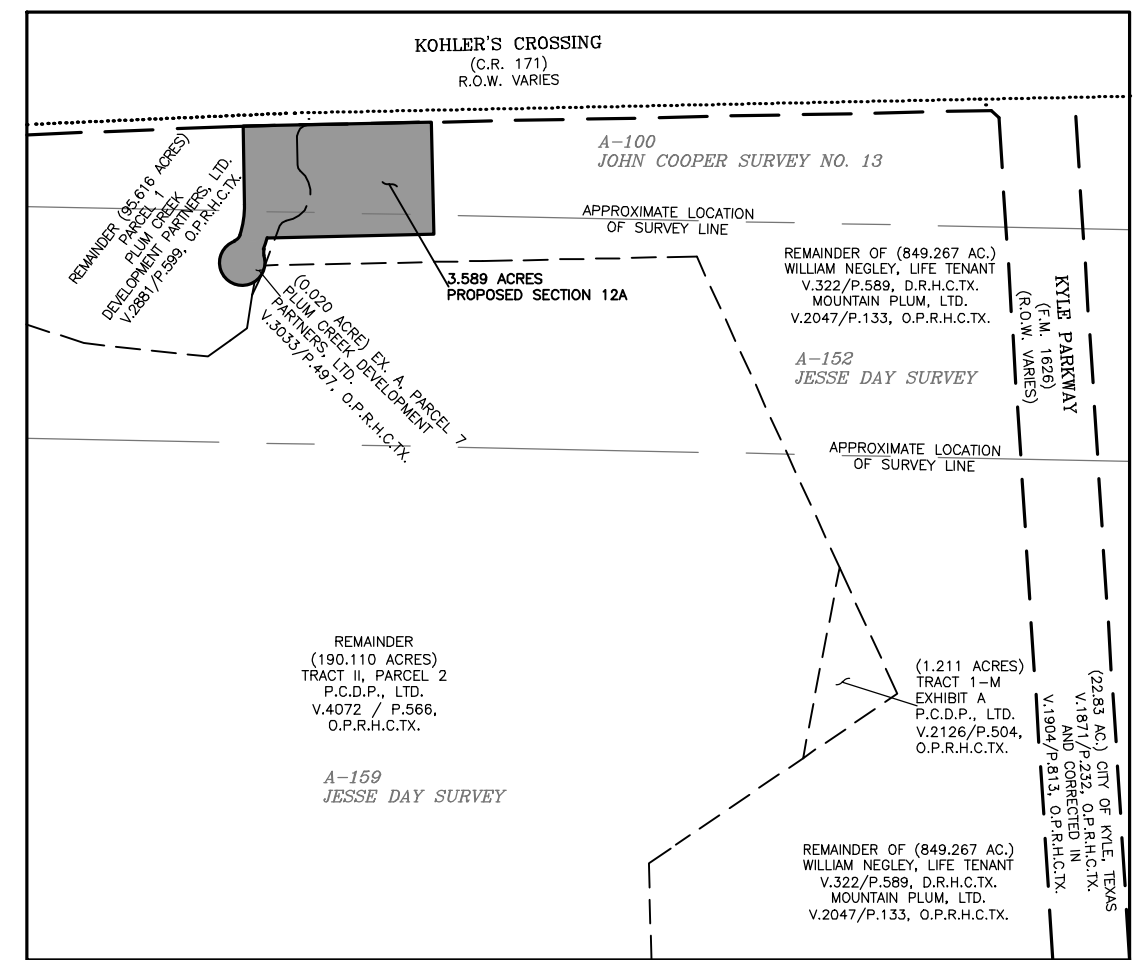
STATE OF TEXAS §
COUNTY OF TRAVIS §
I, JOHN D. BARNARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

FOR REVIEW ONLY

BY: _____
JOHN D. BARNARD
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5749 - STATE OF TEXAS
LOOMIS PARTNERS
3101 BEE CAVES RD., SUITE 100
AUSTIN, TEXAS 78746
512-327-1180



LOCATION MAP
NOT TO SCALE



SITE MAP
SCALE: 1" = 500'

NOTES:

1. TOTAL ACREAGE: 3.589 ACRES.
2. THE TOTAL AREA OF PUBLIC STREET RIGHT OF WAY (BENNER) TO BE DEDICATED IN THIS SUBDIVISION IS 0.754 ACRE.
3. TOTAL NUMBER OF LOTS: 2
4. PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCE 308 AND 311.
5. SIDEWALKS ALONG OR WITHIN BENNER OR KOHLER'S CROSSING RIGHT OF WAY SHALL BE INSTALLED BY LOT OWNER / DEVELOPER AT THE TIME OF LOT DEVELOPMENT.
6. OFFSITE WATER AND WASTEWATER LINES MUST BE CONSTRUCTED AND ACCEPTED BY THE CITY OF KYLE PRIOR TO OCCUPANCY OF ANY BUILDING(S) ON THIS PROPERTY.
7. ALL UTILITIES WITHIN THIS SUBDIVISION SHALL BE UNDERGROUND.
8. NO OBJECT INCLUDING BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERECTED WITHIN DRAINAGE EASEMENTS.
9. ALL OPEN SPACES, DRAINAGE EASEMENTS AND LANDSCAPE EASEMENT AREAS SHALL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS, AND IT SHALL BE THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS RESPONSIBILITY FOR KEEPING AREAS NEATLY CUT AND FREE OF DEBRIS AND ALL TREE/BRUSH REGROWTH.
10. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS 1 AND 2 IN THIS SUBDIVISION, APPROVAL OF SITE DEVELOPMENT PLAN FROM THE CITY OF KYLE AND PLUM CREEK DEVELOPMENT PARTNERS, LTD. IS REQUIRED.
11. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS 1 AND 2 IN THIS SUBDIVISION, SITE DEVELOPMENT AND/OR BUILDING PERMITS WILL BE REQUIRED FROM THE CITY OF KYLE.

FLOOD NOTE:

NO PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE I, SECTION 12A) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAPS FOR HAYS COUNTY TEXAS (CITY OF KYLE: 481108) COMMUNITY-PANEL NUMBER 48209C 0270F, EFFECTIVE DATE: SEPTEMBER 2, 2005, AND COMMUNITY-PANEL NUMBER 48209C 0290F, EFFECTIVE DATE: SEPTEMBER 2, 2005.

PUBLIC UTILITY INFORMATION:

THIS SUBDIVISION IS SERVICED BY THE FOLLOWING UTILITIES:

WATER: CITY OF KYLE 100 W. CENTER ST. KYLE, TEXAS 78640	ELECTRIC: PEDERNALES ELECTRIC COOP 1810 FM 150 WEST KYLE, TEXAS 78640	PHONE: VERIZON 6601 F.M. 3237 WIMBERLEY, TEXAS 78738
---	---	--

WASTEWATER: CITY OF KYLE 100 W. CENTER ST. KYLE, TEXAS 78640	GAS: CENTERPOINT ENERGY 326 CHEATHAM STREET SAN MARCOS, TEXAS 78666
--	---

SHEET 1 OF 2

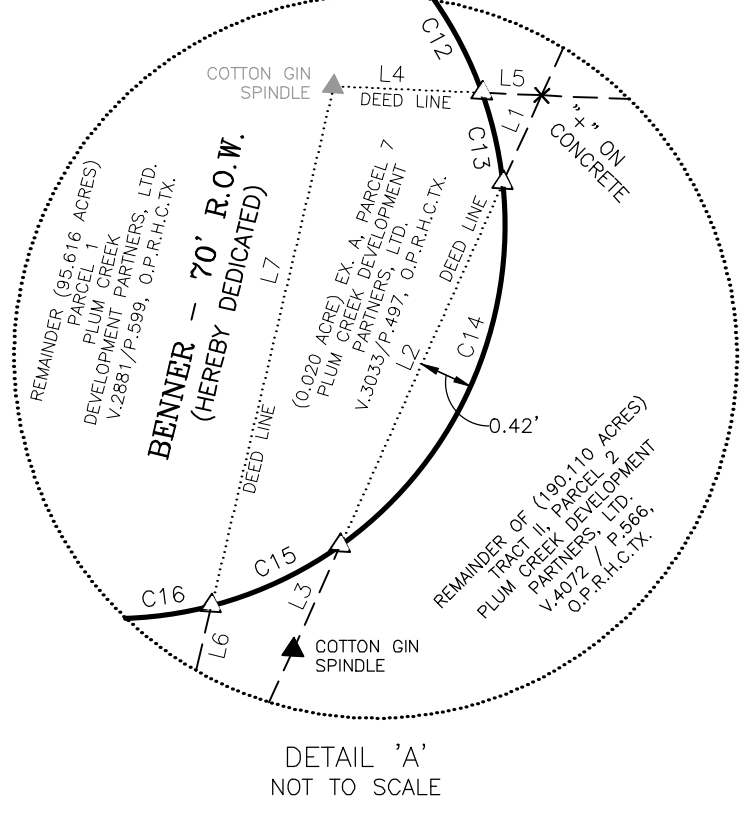
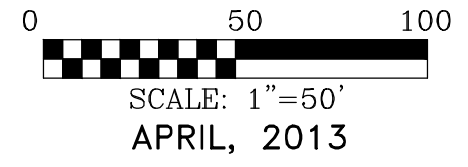
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	SCALE: N.T.S.	CHECKED BY: J.D.B.	FB #: 320
	JOB #: 5549	DRAWING #: PLUM-12A-PLAT	PLAN #: 1115-A
NO.	REVISION	BY	DATE



ENGINEERING • LAND SURVEYING • ENVIRONMENTAL CONSULTING •
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PRELIMINARY PLAT
PLUM CREEK
PHASE I - SECTION 12A
HAYS COUNTY, TEXAS

PLUM CREEK PHASE I, SECTION 12A - PRELIMINARY PLAT



CURVE TABLE				
CURVE	RADIUS	ARC	CH. BEARING	CH. DISTANCE
C1	310.00'	31.82'	S 18°13'58" W	31.81'
C2	25.00'	17.20'	S 01°28'02" W	16.86'
C3	59.50'	279.17'	N 63°49'31" W	85.00'
C4	25.00'	22.79'	N 44°28'42" E	22.01'
C5	240.00'	81.89'	N 08°35'35" E	81.49'
C6	310.00'	120.95'	S 09°59'45" W	120.19'
C7	310.00'	89.13'	N 07°03'18" E	88.83'
C8	20.00'	21.37'	S 51°05'06" W	20.37'
C9	75.00'	171.37'	S 16°14'34" W	136.45'
C10	20.00'	16.77'	S 25°11'56" E	16.28'
C11	30.00'	47.12'	S 43°49'05" W	42.43'
C12	59.50'	25.12'	S 06°08'44" E	24.93'
C13	59.50'	8.01'	S 09°48'18" W	8.00'
C14	59.50'	14.14'	S 20°28'07" W	14.10'
C15	59.50'	29.15'	S 41°18'36" W	28.86'
C16	59.50'	202.75'	N 27°02'01" W	117.95'
C17	225.00'	41.28'	S 25°43'27" W	41.22'
C18	270.00'	96.67'	N 10°28'58" E	96.15'
C19	5.00'	15.71'	S 89°46'25" E	10.00'
C20	280.00'	100.25'	S 10°28'58" W	99.71'
C21	5.00'	15.71'	N 69°15'38" W	10.00'

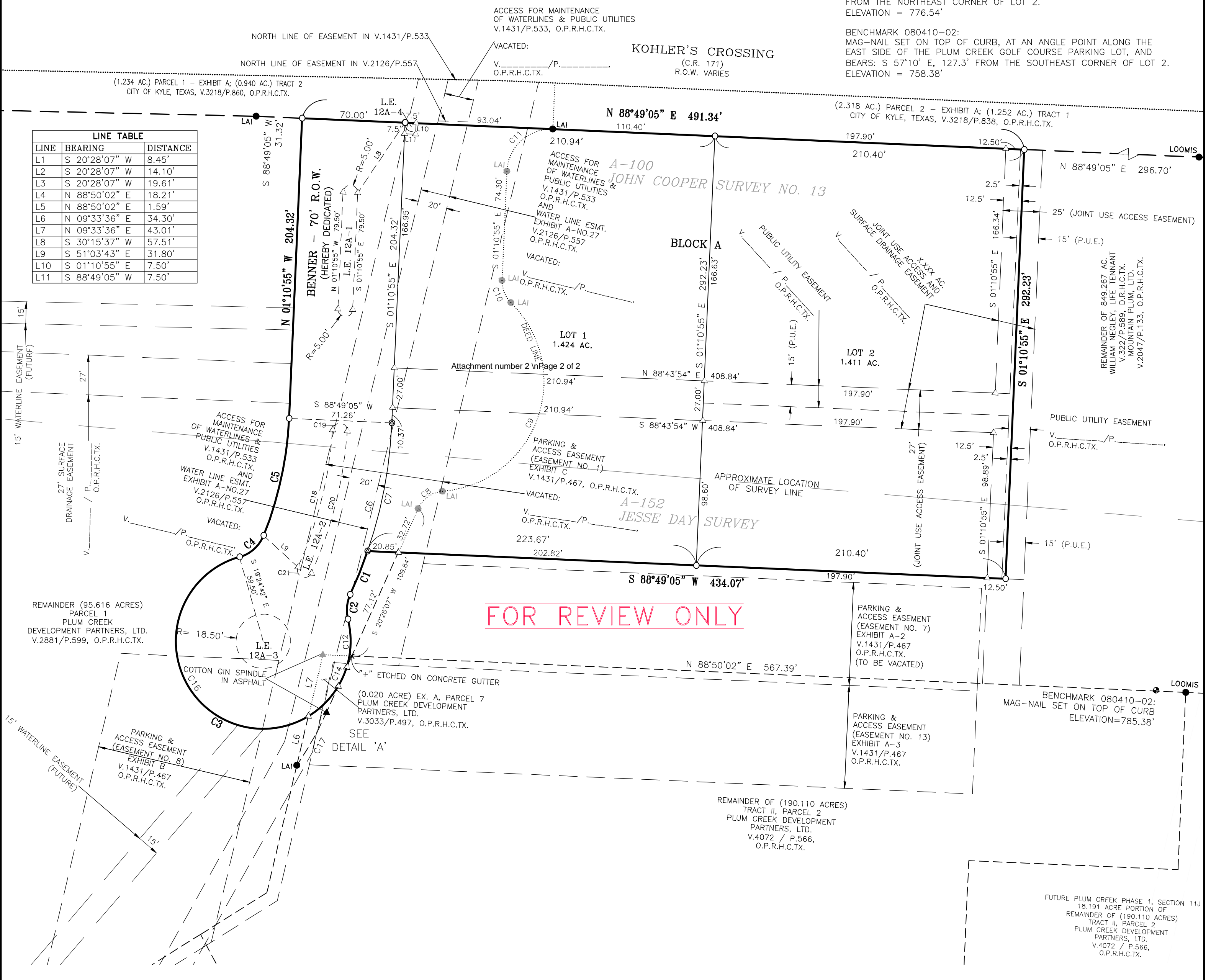
- LEGEND**
- LAI 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LAI" PREVIOUSLY SET
 - LOOMIS 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LOOMIS" PREVIOUSLY SET
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LOOMIS" SET
 - ⊙ MAG-NAIL W/ WASHER STAMPED "LOOMIS" SET
 - D.R.H.C.TX. DEED RECORDS OF HAYS COUNTY, TEXAS
 - O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 - () RECORD INFORMATION
 - L.E. LANDSCAPE EASEMENT
 - P.U.E. PUBLIC UTILITY EASEMENT

- NOTES:**
- BEARING BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
 - DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS, TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
 - THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999907.

BENCHMARK LIST: - DATUM - NAVD88

BENCHMARK 080410-01:
SQUARE SET AT THE NORTHEAST CORNER OF A STONE PLUM CREEK SIGN, AT THE SOUTHWEST CORNER OF THE INTERSECTION OF KOHLER'S CROSSING AND KYLE PARKWAY, AND BEARS: N 89°45'15" E, 1453' FROM THE NORTHEAST CORNER OF LOT 2. ELEVATION = 776.54'

BENCHMARK 080410-02:
MAG-NAIL SET ON TOP OF CURB, AT AN ANGLE POINT ALONG THE EAST SIDE OF THE PLUM CREEK GOLF COURSE PARKING LOT, AND BEARS: S 57°10' E, 127.3' FROM THE SOUTHEAST CORNER OF LOT 2. ELEVATION = 758.38'



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 20°28'07" W	8.45'
L2	S 20°28'07" W	14.10'
L3	S 20°28'07" W	19.61'
L4	N 88°50'02" E	18.21'
L5	N 88°50'02" E	1.59'
L6	N 09°33'36" E	34.30'
L7	N 09°33'36" E	43.01'
L8	S 30°15'37" W	57.51'
L9	S 51°03'43" E	31.80'
L10	S 01°10'55" E	7.50'
L11	S 88°49'05" W	7.50'

FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-12\SEC-12A\WORK\PLAT\PLUM-12A-PLAT_PRELIM.DWG			
DATE: 04-29-13	DRAWN BY: G.T.	CREW: CAF, MK	
SCALE: 1"=50'	CHECKED BY: J.D.B.	FB #: 320	
JOB #: 5549	DRAWING #: PLUM-12A-PLAT	PLAN #: 1115-A	
NO.	REVISION	BY	DATE

LOOMIS PARTNERS

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**PRELIMINARY PLAT
PLUM CREEK
PHASE I - SECTION 12A
HAYS COUNTY, TEXAS**

PLUM CREEK PHASE I, SECTION 12A - FINAL PLAT

STATE OF TEXAS §
COUNTY OF TRAVIS §
KNOW ALL MEN BY THESE PRESENTS, THAT WE, PLUM CREEK DEVELOPMENT PARTNERS, LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 200 CONGRESS AVENUE, SUITE 9A, AUSTIN, TEXAS 78701, BEING THE OWNER OF 1,246 ACRES OF LAND IN THE JOHN COOPER SURVEY NO. 13, A-100 AND THE JESSE DAY SURVEY, A-152, HAYS COUNTY, TEXAS, SAID 1,246 ACRES BEING A PORTION OF THE REMAINDER OF A CERTAIN 95,616 ACRE TRACT OF LAND DESIGNATED AS PARCEL 1 IN VOLUME 2881, PAGE 599, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF A CERTAIN 190,110 ACRE TRACT OF LAND DESIGNATED AS TRACT II, PARCEL 2 IN VOLUME 4072, PAGE 566, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; AND MOUNTAIN PLUM LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 4040 BROADWAY, SUITE 501, SAN ANTONIO, TEXAS 78290, BEING THE OWNER OF 2,343 ACRES OF LAND IN THE JOHN COOPER SURVEY NO. 13, A-100 AND THE JESSE DAY SURVEY, A-152, HAYS COUNTY, TEXAS; SAID 2,343 ACRES BEING A PORTION OF THE REMAINDER OF A CERTAIN 849,267 ACRE TRACT DESCRIBED IN THE DEED TO WILLIAM NEGLEY, LIFE TENANT OF RECORD IN VOLUME 322, PAGE 589, DEED RECORDS OF HAYS COUNTY, TEXAS, AND ALSO IN THE DEED TO MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME 2047, PAGE 133, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 1,246 ACRE AND SAID 2,343 ACRE TRACTS, CONTAINING A TOTAL OF 3,589 ACRES, AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE **PLUM CREEK PHASE I, SECTION 12A** SUBDIVISION TO THE CITY OF KYLE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL PUBLIC RIGHTS OF WAY, WATER COURSES, DRAINS, EASEMENTS (EXCLUDING LANDSCAPE EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

WHEREOF THE SAID PLUM CREEK DEVELOPMENT PARTNERS, LTD., OWNER, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, **BGI PLUM CREEK DEVELOPERS, LTD.**, THEREUNTO DULY AUTHORIZED, GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, **BENCHMARK LAND DEVELOPMENT, INC.**, AND WHEREOF THE SAID MOUNTAIN PLUM LTD., HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE MANAGERS OF MP GENERAL, L.L.C., ITS GENERAL PARTNER, **RICHARD B. NEGLEY** AND **LAURA N. GILL**, THEREUNTO DULY AUTHORIZED.

PLUM CREEK DEVELOPMENT PARTNERS, LTD.,
A TEXAS LIMITED PARTNERSHIP
BY: BGI PLUM CREEK DEVELOPERS, LTD.,
A TEXAS LIMITED PARTNERSHIP, GENERAL PARTNER
BY: BENCHMARK LAND DEVELOPMENT, INC.,
A TEXAS CORPORATION, GENERAL PARTNER
BY: _____
DAVID C. MAHN, VICE PRESIDENT

MOUNTAIN PLUM LTD.
A TEXAS LIMITED PARTNERSHIP
BY: MP GENERAL, L.L.C., GENERAL PARTNER
A TEXAS LIMITED LIABILITY COMPANY
BY: _____
RICHARD B. NEGLEY, MANAGER
BY: _____
LAURA N. GILL, MANAGER

STATE OF TEXAS §
COUNTY OF TRAVIS §
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DAVID C. MAHN, VICE PRESIDENT OF BENCHMARK LAND DEVELOPMENT, INC., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

_____ DAY OF _____, 2013.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____
(PRINTED NAME OF NOTARY)

STATE OF TEXAS §
COUNTY OF BEXAR §
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, RICHARD B. NEGLEY, MANAGER OF MOUNTAIN PLUM, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

_____ DAY OF _____, 2013.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____
(PRINTED NAME OF NOTARY)

STATE OF TEXAS §
COUNTY OF BEXAR §
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, LAURA N. GILL, MANAGER OF MOUNTAIN PLUM, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

_____ DAY OF _____, 2013.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____
(PRINTED NAME OF NOTARY)

STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS:
THAT, LIZ GONZALEZ, CLERK OF HAYS COUNTY COURT, DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDS IN MY OFFICE ON THE _____ DAY OF _____, 2013, A.D., IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET _____, PAGE(S) _____.

WITNESS MY HAND AND SEAL OF OFFICE OF COUNTY CLERK OF SAID COUNTY ON THIS THE _____ DAY OF _____, 2013, A.D.

FILED FOR RECORD AT _____ O'CLOCK ____M. THIS THE _____ DAY OF _____, 2013.

BY: _____
LIZ GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH THE COMMISSION'S APPROVAL IS REQUIRED.

BY: _____
CHAIRPERSON

THIS PLAT (PLUM CREEK PHASE I, SECTION 12A) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COMMISSION.

DATED THIS _____ DAY OF _____, 2013.

BY: _____
ATTEST:

SECRETARY

THIS PLAT (PLUM CREEK PHASE I, SECTION 12A) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.

DATED THIS _____ DAY OF _____, 2013.

BY: _____
ATTEST:

SECRETARY

STATE OF TEXAS §
COUNTY OF TRAVIS §
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PLAT AND ALL PLANS AND SPECIFICATIONS WHICH ARE INCLUDED WITH THE PLAT ARE, TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPLETE AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY ORDINANCES, CODES, PLANS, AND RELEVANT STATE STANDARDS.

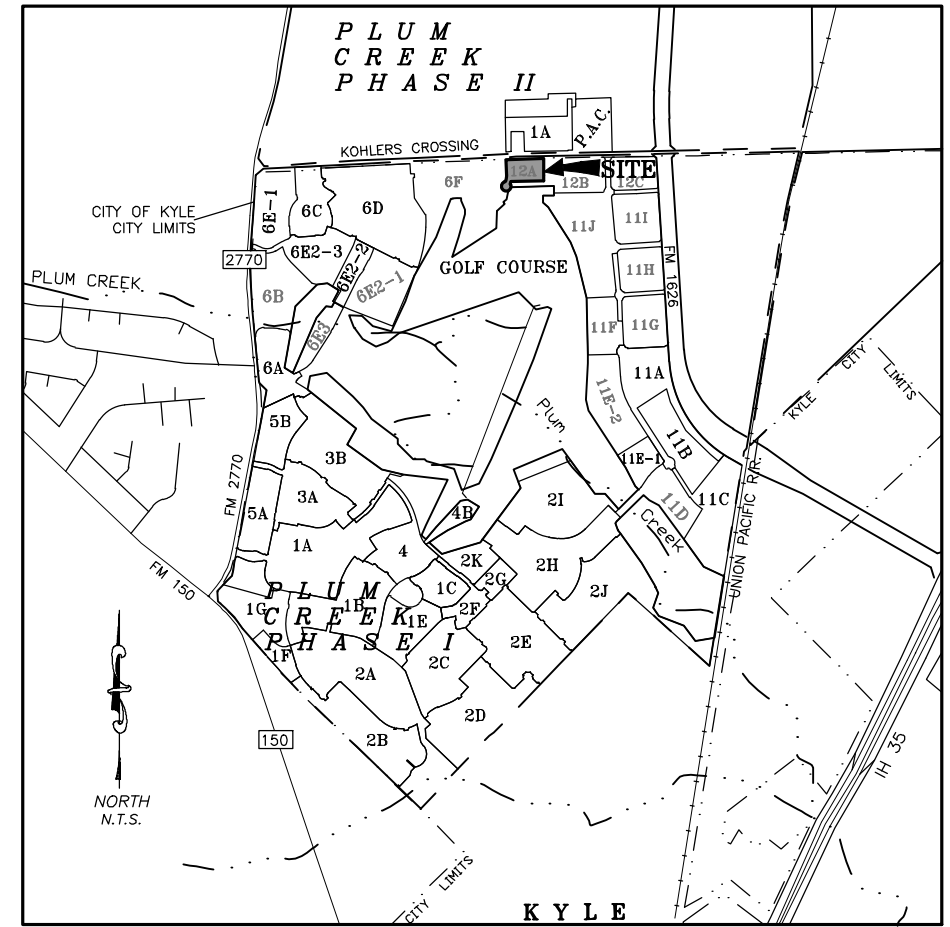
FOR REVIEW ONLY

BY: _____
ALAN D. RHAMES, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 72089 - STATE OF TEXAS
AXIOM ENGINEERS INC.
13276 RESEARCH BLVD., ST. 208
AUSTIN, TEXAS 78750
512-506-9335

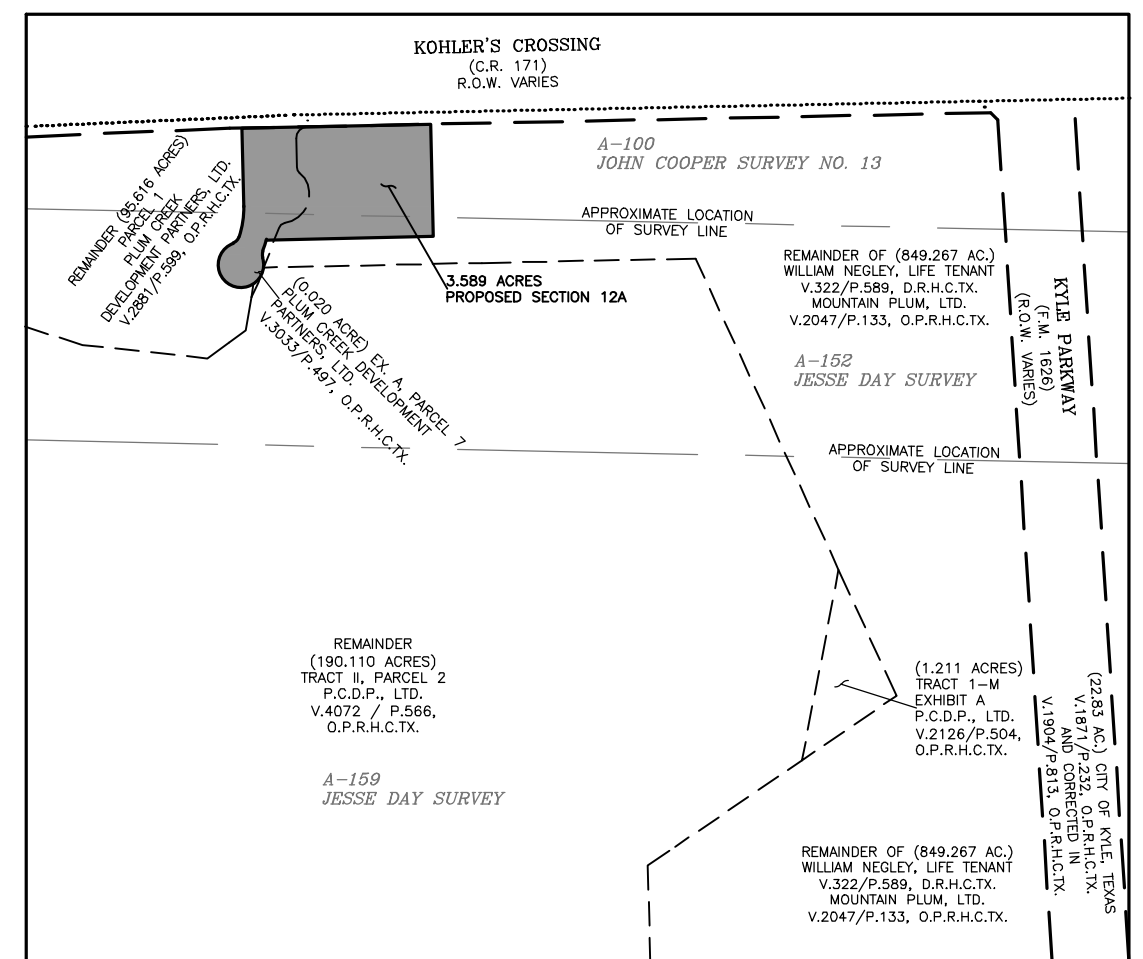
STATE OF TEXAS §
COUNTY OF TRAVIS §
I, JOHN D. BARNARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

FOR REVIEW ONLY

BY: _____
JOHN D. BARNARD
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5749 - STATE OF TEXAS
LOOMIS PARTNERS
3101 BEE CAVES RD., SUITE 100
AUSTIN, TEXAS 78746
512-327-1180



LOCATION MAP
NOT TO SCALE



SITE MAP
SCALE: 1" = 500'

NOTES:

- TOTAL ACREAGE: 3,589 ACRES.
- THE TOTAL AREA OF PUBLIC STREET RIGHT OF WAY (BENNER) TO BE DEDICATED IN THIS SUBDIVISION IS 0.754 ACRE.
- TOTAL NUMBER OF LOTS: 2
- PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCE 308 AND 311.
- SIDEWALKS ALONG OR WITHIN BENNER OR KOHLER'S CROSSING RIGHT OF WAY SHALL BE INSTALLED BY LOT OWNER / DEVELOPER AT THE TIME OF LOT DEVELOPMENT.
- OFFSITE WATER AND WASTEWATER LINES MUST BE CONSTRUCTED AND ACCEPTED BY THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS RESPONSIBILITY FOR KEEPING AREAS NEATLY CUT AND FREE OF DEBRIS AND ALL TREE/BRUSH REGROWTH.
- ALL UTILITIES WITHIN THIS SUBDIVISION SHALL BE UNDERGROUND.
- NO OBJECT INCLUDING BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERECTED WITHIN DRAINAGE EASEMENTS.
- ALL OPEN SPACES, DRAINAGE EASEMENTS AND LANDSCAPE EASEMENT AREAS SHALL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS, AND IT SHALL BE THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS RESPONSIBILITY FOR KEEPING AREAS NEATLY CUT AND FREE OF DEBRIS AND ALL TREE/BRUSH REGROWTH.
- PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS 1 AND 2 IN THIS SUBDIVISION, APPROVAL OF SITE DEVELOPMENT PLAN FROM THE CITY OF KYLE AND PLUM CREEK DEVELOPMENT PARTNERS, LTD. IS REQUIRED.
- PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS 1 AND 2 IN THIS SUBDIVISION, SITE DEVELOPMENT AND/OR BUILDING PERMITS WILL BE REQUIRED FROM THE CITY OF KYLE.

FLOOD NOTE:

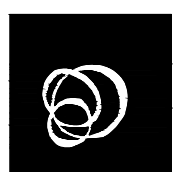
NO PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE I, SECTION 12A) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAPS FOR HAYS COUNTY TEXAS (CITY OF KYLE: 481108) COMMUNITY-PANEL NUMBER 48209C 0270F, EFFECTIVE DATE: SEPTEMBER 2, 2005, AND COMMUNITY-PANEL NUMBER 48209C 0290F, EFFECTIVE DATE: SEPTEMBER 2, 2005.

PUBLIC UTILITY INFORMATION:

THIS SUBDIVISION IS SERVICED BY THE FOLLOWING UTILITIES:

WATER: CITY OF KYLE 100 W. CENTER ST. KYLE, TEXAS 78640	ELECTRIC: PEDERNALES ELECTRIC COOP 1810 FM 150 WEST KYLE, TEXAS 78640	PHONE: VERIZON 6601 F.M. 3237 WIMBERLEY, TEXAS 78738
WASTEWATER: CITY OF KYLE 100 W. CENTER ST. KYLE, TEXAS 78640	GAS: CENTERPOINT ENERGY 326 CHEATHAM STREET SAN MARCOS, TEXAS 78666	

FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-12\SEC-12A\WORK\PLAT\PLUM-12A-PLAT_FINAL.DWG	DATE: 04-29-13	DRAWN BY: G.T.	CREW: CAF, MK
SCALE: N.T.S.	CHECKED BY: J.D.B.	PB #: 320	
JOB #: 5549	DRAWING #: PLUM-12A-PLAT	PLAN #: 1115	
NO.	REVISION	BY	DATE

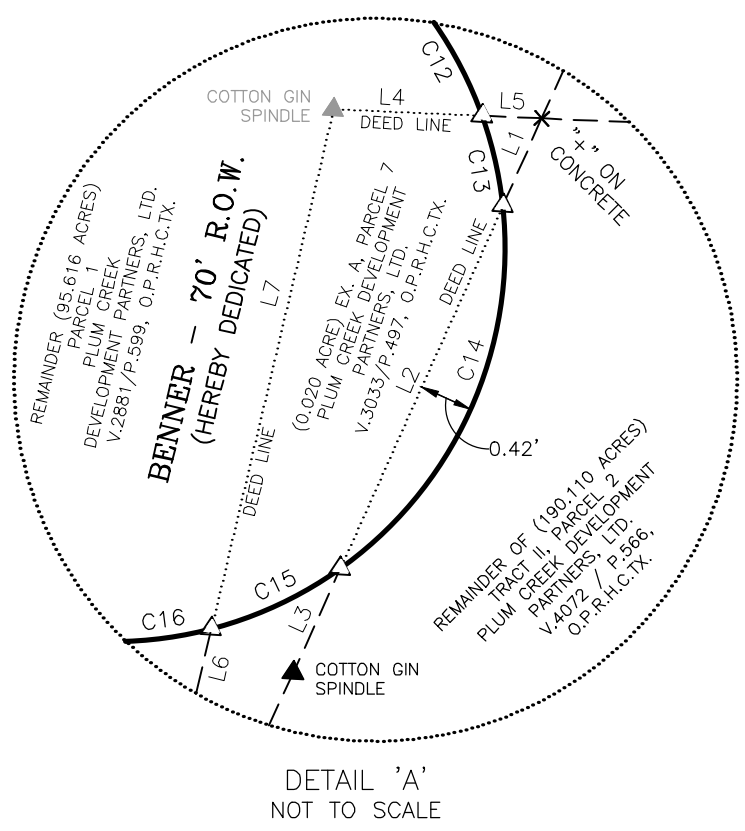
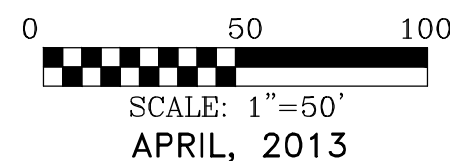


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[TEL] 512.327.1180 [FAX] 512.327.4062 [WWW] www.loomis-partners.com

**FINAL PLAT
PLUM CREEK
PHASE I - SECTION 12A
HAYS COUNTY, TEXAS**

PLUM CREEK PHASE I, SECTION 12A - FINAL PLAT



CURVE TABLE				
CURVE	RADIUS	ARC	CH. BEARING	CH. DISTANCE
C1	310.00'	31.82'	S 18°13'58" W	31.81'
C2	25.00'	17.20'	S 01°28'02" W	16.86'
C3	59.50'	279.17'	N 63°49'31" W	85.00'
C4	25.00'	22.79'	N 44°28'42" E	22.01'
C5	240.00'	81.89'	N 08°35'35" E	81.49'
C6	310.00'	120.95'	S 09°59'45" W	120.19'
C7	310.00'	89.13'	N 07°03'18" E	88.83'
C8	20.00'	21.37'	S 51°05'06" W	20.37'
C9	75.00'	171.37'	S 16°14'34" W	136.45'
C10	20.00'	16.77'	S 25°11'56" E	16.28'
C11	30.00'	47.12'	S 43°49'05" W	42.43'
C12	59.50'	25.12'	S 06°08'44" E	24.93'
C13	59.50'	8.01'	S 09°48'18" W	8.00'
C14	59.50'	14.14'	S 20°28'07" W	14.10'
C15	59.50'	29.15'	S 41°18'36" W	28.86'
C16	59.50'	202.75'	N 27°02'01" W	117.95'
C17	225.00'	41.28'	S 25°43'27" W	41.22'
C18	270.00'	96.67'	N 10°28'58" E	96.15'
C19	5.00'	15.71'	S 89°46'25" E	10.00'
C20	280.00'	100.25'	S 10°28'58" W	99.71'
C21	5.00'	15.71'	N 69°15'38" W	10.00'

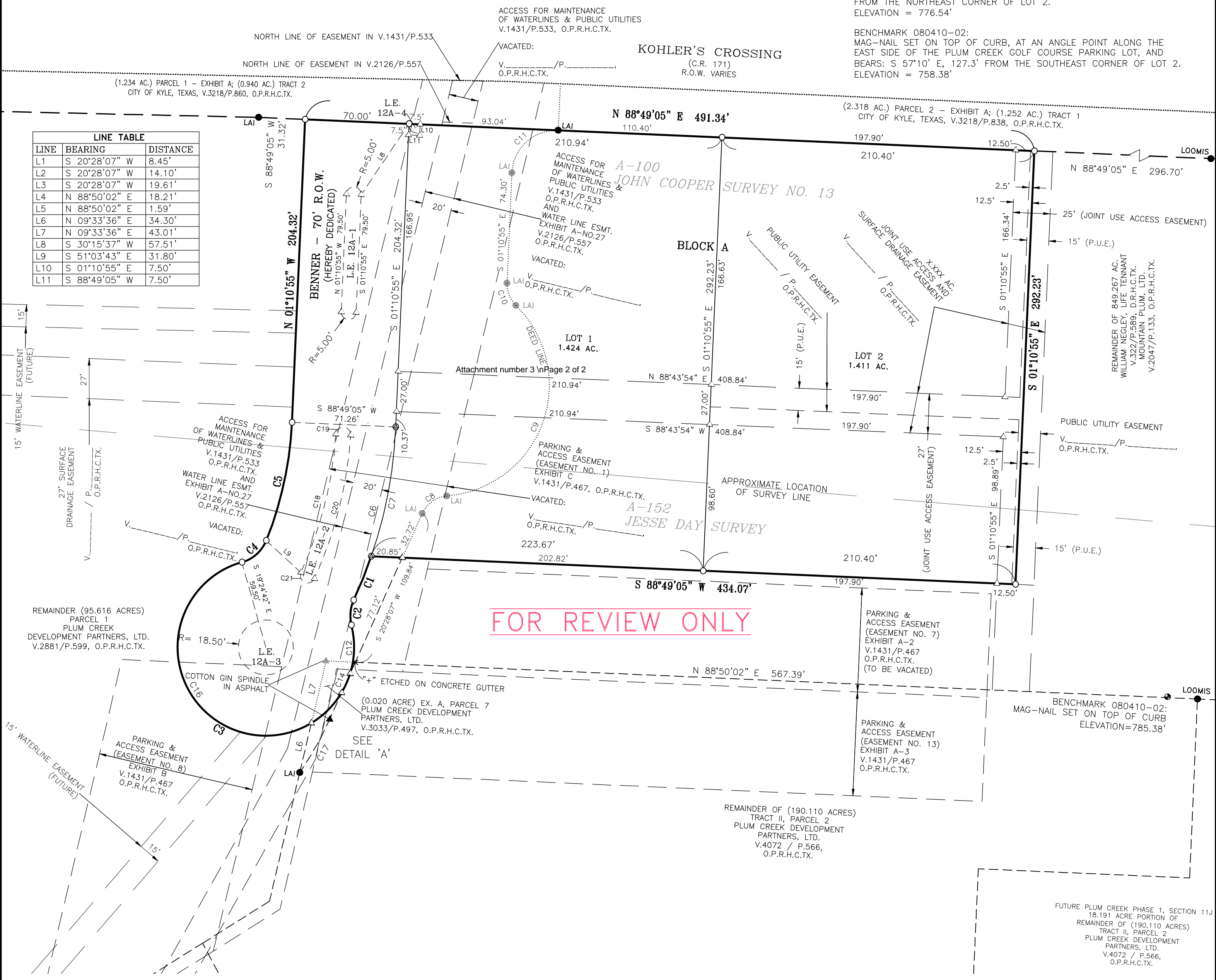
- LEGEND**
- LAI 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LAI" PREVIOUSLY SET
 - LOOMIS 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LOOMIS" PREVIOUSLY SET
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LOOMIS" SET
 - ⊙ MAG-NAIL W/ WASHER STAMPED "LOOMIS" SET
 - D.R.H.C.TX. DEED RECORDS OF HAYS COUNTY, TEXAS
 - O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 - () RECORD INFORMATION
 - L.E. LANDSCAPE EASEMENT
 - P.U.E. PUBLIC UTILITY EASEMENT

- NOTES:**
- BEARING BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
 - DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS, TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
 - THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999907.

BENCHMARK LIST: - DATUM - NAVD88

BENCHMARK 080410-01:
SQUARE SET AT THE NORTHEAST CORNER OF A STONE PLUM CREEK SIGN, AT THE SOUTHWEST CORNER OF THE INTERSECTION OF KOHLER'S CROSSING AND KYLE PARKWAY, AND BEARS: N 89°45'15" E, 1453' FROM THE NORTHEAST CORNER OF LOT 2. ELEVATION = 776.54'

BENCHMARK 080410-02:
MAG-NAIL SET ON TOP OF CURB, AT AN ANGLE POINT ALONG THE EAST SIDE OF THE PLUM CREEK GOLF COURSE PARKING LOT, AND BEARS: S 57°10' E, 127.3' FROM THE SOUTHEAST CORNER OF LOT 2. ELEVATION = 758.38'



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 20°28'07" W	8.45'
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FILE: H:\SURVEY\PLUM_CK_PH1\SECTION-12\SEC-12A\WORK\PLAT\PLUM-12A-PLAT_FINAL.DWG			
DATE: 04-29-13	DRAWN BY: G.T.	CREW: CAF, MK	
SCALE: 1"=50'	CHECKED BY: J.D.B.	FB #: 320	
JOB #: 5549	DRAWING #: PLUM-12A-PLAT	PLAN #: 1115	
NO.	REVISION	BY	DATE

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FINAL PLAT
PLUM CREEK
PHASE I - SECTION 12A
HAYS COUNTY, TEXAS



CITY OF KYLE, TEXAS

The Villas at Creekside - Final Plat

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: The Villas at Creekside - Final Plat (FP-13-006)
3.847 acres; 30 Townhome Lots
Located at 104 Creekside Trail
Owner: FHC Consolidates, 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 5-0 to approve the plat.

Other Information: Please see attachments

Budget Information: N/A

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

Attachments / click to download

[Plat](#)

[Plat](#)

[staff memo](#)

MEMORANDUM

TO: City Council

FROM: Sofia Nelson, Director of Planning

DATE: May 28, 2013

SUBJECT: The Villas at Creekside- Final Plat

Planning and Zoning Commission Recommendation: On May 28th the Planning and Zoning Commission recommended approval of the request.

BACKGROUND

Site Information and Proposal

The subject property occupies 3.8 acres and is located along Creekside Drive, north of the FM 150 and Creekside Drive intersection. The proposed project will re-subdivide the land into 30 lots for townhome units with the R-1-T zoning classification along with a new street named Creekside Villa Drive which is a 60-foot right-of-way to serve the new development.

Utilities

County line Water Supply Corporation will provide water service and City of Kyle will provide wastewater service to the site.

Access

The proposed development will be made accessible by Creekside Trail.

Parkland

The applicant is proposing to pay the fee-in-lieu of parkland dedication. This will be a fee of \$36,000.00 (30 lots x \$600 for Park Land and 30 Lots x \$600 for Park Development).

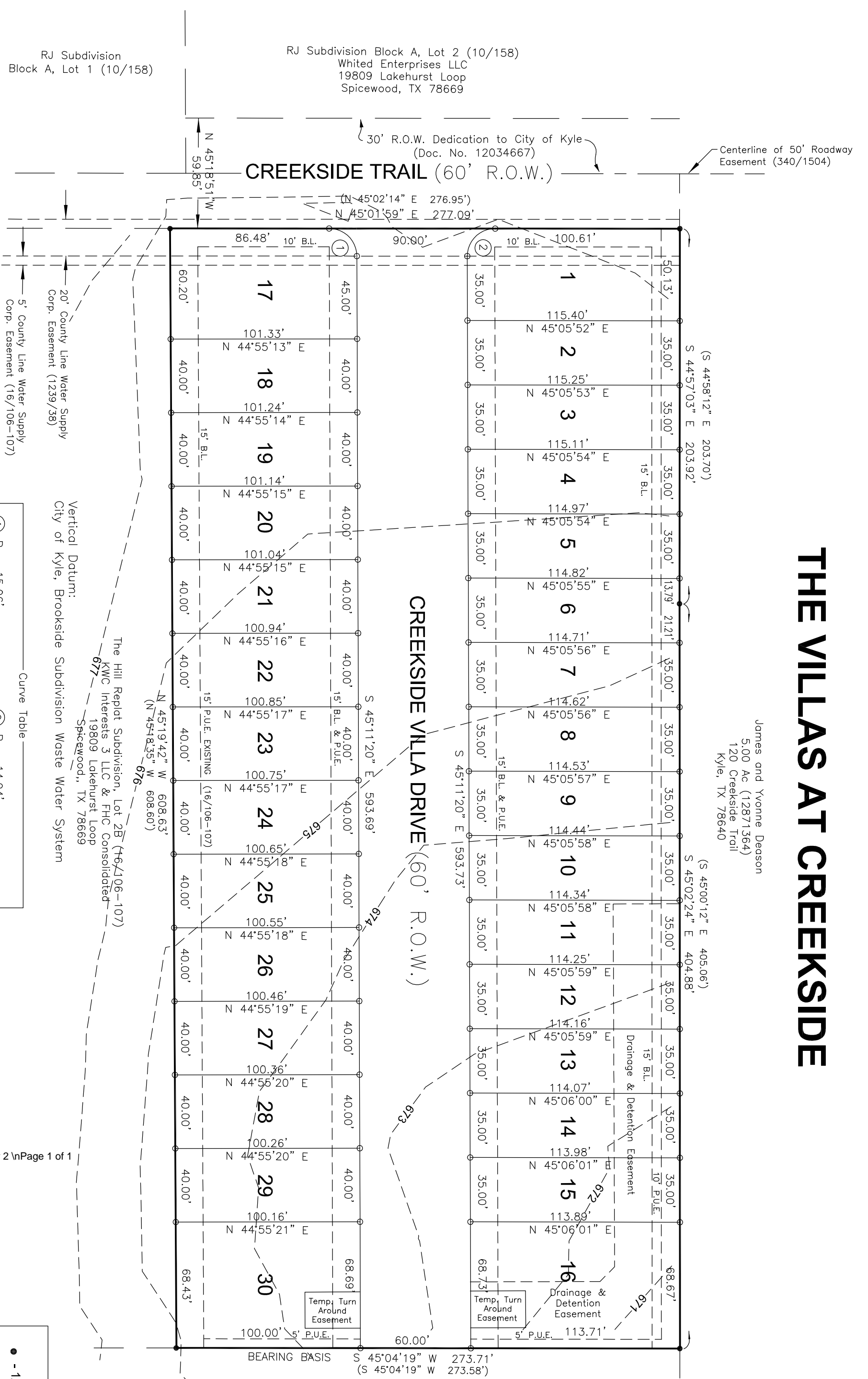
STAFF RECOMMENDATION:

Staff is recommending approval of the request for the following reasons:

- The plat is consistent with all zoning requirements for the property.
- The proposed provision and configuration of roads, water, wastewater, drainage and easements and rights-of-way have been reviewed and approved by the Public Works Director and City Engineer.

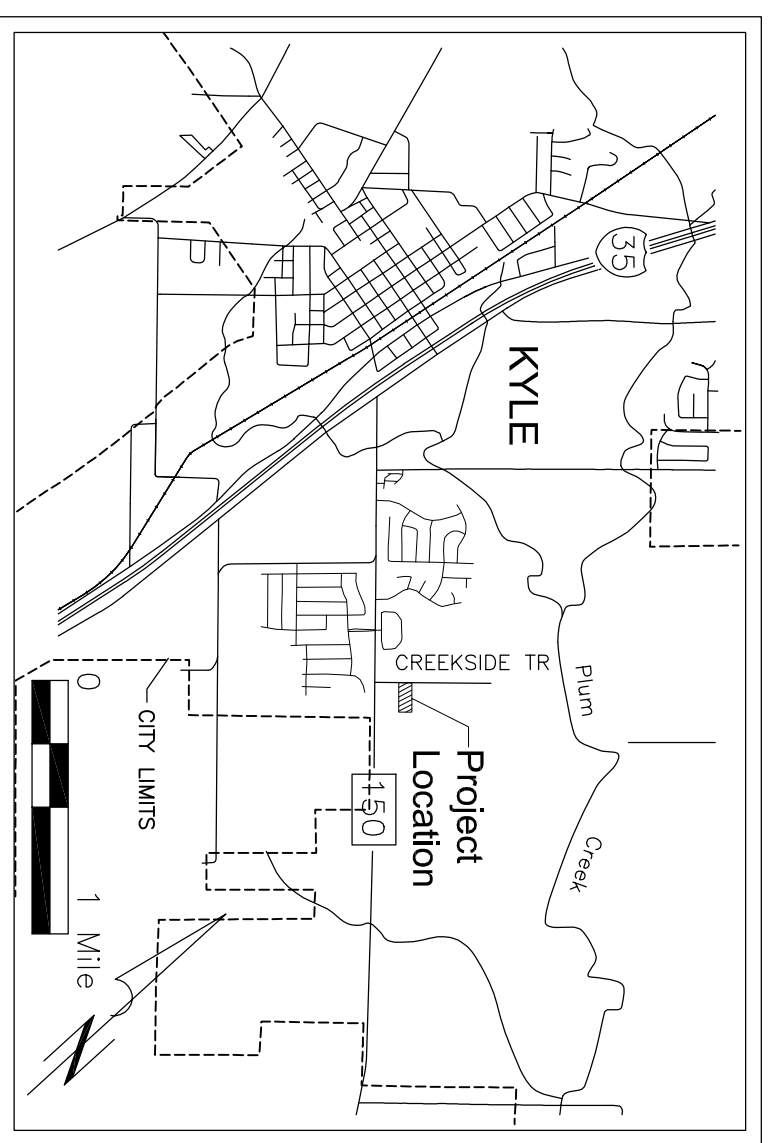
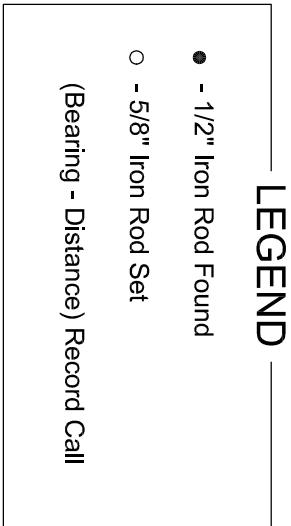
THE VILLAS AT CREEKSIDE

James and Yvonne Deason
5.00 Ac (12871364)
120 Creekside Trail
Kyle, TX 78640



Curve Table

① R = 15.06'	② R = 14.94'
A = 23.59'	A = 23.53'
T = 15.00'	T = 15.00'
C = N 89°55'20" E 21.25'	C = S 00°04'41" E 21.17'
A = 89°46'41"	A = 90°13'19"



Location Map

Owners: FHC Consolidated, LP and KWC Interests 3, LLC
Address: 19089 Lakemurst Loop, Spicewood, TX 78669
Phone: (512)-773-3208 Fax: NA
Average: 3.847 Ac.
Survey: The Hill Replat of Lots 1 and 2
Number of lots and proposed use: 30 Townhouse Lots
Date: 4-5-2013
Surveyor: Melvin B. Hodgkiss, P.E., RPLS No. 2808
Phone: (512)-892-6303 Fax: (512)-892-6303
Engineer: Kelly Kilber, P.E., Pro-Tech Engineering Group, Inc.
Phone: (512)-353-3335 Fax: (512)-396-0224

- GENERAL NOTES:**
- Proposed water and wastewater utilities:
 - Water: County Line Special Utility District
 - Wastewater: City of Kyle
 - No obstructions shall be placed in drainage easements.
 - Sidewalks shall be installed on the subdivision side of Creekside Trail and on both sides of Creekside Villa Drive. Those sidewalks not abutting a residential, commercial or industrial lot shall be installed when the adjoining street is constructed. Where there are double frontage lots, sidewalks on the street to which access is prohibited are required to be installed when the street in the subdivision is constructed. (Ord. #439, Article V, Sec. 10; Kyle Code)
 - No portion of this subdivision lies within the boundaries of the 100 year flood plain according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 48209C0405 F, dated September 2, 2005.
 - A fifteen (15) foot P.U.E. is hereby dedicated adjacent to all street ROW, a five (5) foot P.U.E. is hereby dedicated along each side lot line and a ten (10) foot P.U.E. is hereby dedicated adjacent to all rear lot lines on all lots.
 - A ten (10) foot wide P.U.E. and drainage easement exists on all non-street lot lines for Lot 2C, of record in The Hill Replat of Lots 1 and 2, Vol 16, Pgs. 106-107E.
 - The Temporary Turn-Around Easements shown herein shall remain in place until such time as Creekside Villa Drive is extended into the adjacent property as a public street and at that time the Temporary Turn-Around Easements shall be automatically vacated.
 - All drainage and detention easements are hereby dedicated to the Villas at Creekside HOA.
 - Property owner (association) shall maintain and cut the grass in the right of ways and easements that are within or abut to their development.

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, That I Barbara Humble, on behalf of FHC CONSOLIDATED, a Texas Limited Partnership, with its mailing address at 19809 Lakemurst Loop, Spicewood, Texas, being a joint owner with KWC INTERESTS 3, LLC of Lot 2C, THE HILL REPLAT OF LOTS 1 AND 2, a subdivision in Hays County, Texas, of record in Book 16, Pages 106 and 106, Plat Records of Hays County, Texas and conveyed to it by deed dated April 7, 2009, and recorded in Volume 3627, Page 646, Hays County Deed Records, DO HEREBY SUBDIVIDE LOT 2C, to be known as THE VILLAS AT CREEKSIDE, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public the streets and easements shown hereon.

IN WITNESS WHEREOF the said FHC Consolidated, a Texas Limited Partnership, has caused these presents to be executed by its President, Barbara Humble, and thereunto duly authorized,

by: Barbara Humble, President

STATE OF TEXAS
COUNTY OF HAYS

This instrument was acknowledged before me on the _____ day of _____, 2013 by Barbara Humble, President of FHC Consolidated, a Texas Limited Partnership on behalf of said partnership.

Notary Public, State of Texas

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, That I Kelly Whited, on behalf of KCW INTERESTS 3, LLC, with its mailing address at 19809 Lakemurst Loop, Spicewood, Texas, being a joint owner with FHC CONSOLIDATED a Texas Limited Partnership of Lot 2C, THE HILL REPLAT OF LOTS 1 AND 2, a subdivision in Hays County, Texas, of record in Book 16, Pages 106 and 107, Plat Records of Hays County, Texas and conveyed to it by deed dated April 7, 2009, and recorded in Volume 3627, Page 646, Hays County Deed Records, DO HEREBY SUBDIVIDE LOT 2C, to be known as THE VILLAS AT CREEKSIDE, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public the streets and easements shown hereon.

IN WITNESS WHEREOF the said KCW INTERESTS 3, LLC, has caused these presents to be executed by its President, Kelly Whited, and thereunto duly authorized,

by: Kelly Whited, President

STATE OF TEXAS
COUNTY OF HAYS

This instrument was acknowledged before me on the _____ day of _____, 2013 by Kelly Whited, President of KCW INTERESTS 3, LLC, a Texas Limited Liability Company on behalf of said company.

Notary Public, State of Texas

THE VILLAS AT CREEKSIDE

STATE OF TEXAS
COUNTY OF HAYS

I, the undersigned, a registered professional land surveyor in the State of Texas, hereby certify, that this plat is true and correct, that it was prepared from an actual survey of the property made under my supervision on the ground, and that all necessary survey monuments are correctly set or found as shown hereon and all easements of record are shown or noted on the plat and said plat complies with Ordinance No. 439 of the City Code of Kyle, Texas.

Melvin B. Hodgkiss, RPLS No. 2808, Firm No. 10057500 Date _____
Registered Professional Land Surveyor

STATE OF TEXAS
COUNTY OF HAYS

STATE OF TEXAS COUNTY OF HAYS I, the undersigned, City Engineer of the City of Kyle, hereby certify that this subdivision plat conforms to the requirements of the City of Kyle subdivision ordinance and hereby recommend approval.

Dated this ____ day of _____, 2013. _____
City Engineer

STATE OF TEXAS
COUNTY OF HAYS

I, the undersigned, Director of Public Works for the City of Kyle, hereby certify that this subdivision plat conforms to the requirements of the City of Kyle subdivision ordinance and hereby recommend approval.

Dated this ____ day of _____, 2013. _____
Director of Public Works

STATE OF TEXAS
COUNTY OF HAYS

This final plat has been submitted to and considered by the Planning and Zoning Commission of the City of Kyle, Texas, and is hereby approved by such Planning and Zoning Commission.

Dated this ____ day of _____, 2013. _____
Chairperson Planning and Zoning Commission

STATE OF TEXAS
COUNTY OF HAYS

I, hereby certify that the above and foregoing plat of the THE VILLAS AT CREEKSIDE an addition to the City of Kyle, Texas, was approved by the City Council of the City of Kyle on the ____ day of _____, 2013. Said addition shall be subject to all requirements of the subdivision ordinance of the City of Kyle, Texas.

Dated this ____ day of _____, 2013. _____
City Secretary

STATE OF TEXAS
COUNTY OF HAYS

I, Liz Gonzalez, County Clerk of Hays County, Texas do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed fro record in my office on the ____ day of _____ A.D., 2013, at _____ o'clock ____ M., in Plat Records of Hays County, Texas in Book _____, Page _____.

WITNESS MY HAND AND SEAL OF OFFICE this the ____ day of _____ A.D., 2013.

Liz Gonzalez, County Clerk
Hays County, Texas

Boundary Survey Description:
Being 3.847 acres of land out of and a part of the M.B. Atkinson Survey, Abstract No. 21, in Hays County, Texas and being part of a 17.248 acre tract described in Volume 1139, Page 863-867 of the Deed Records of Hays County, Texas and said 3.847 acres being more particularly described by metes and bounds as follows:

BEGINNING FOR REFERENCE at a 1/2" iron rod found in the Northeast R.O.W. line of Farm to Market No. 150, said rod bearing S 45°40'03" E a distance of 172.10 feet to a concrete highway R.O.W. monument, and said iron rod being the south corner of said 17.248 acres;
THENCE N 45°18'37" W with the Northeast R.O.W. line of F.M. No. 150 for a distance of 350.00 feet to a 1/2" iron rod found;
THENCE leaving the Northeast R.O.W. line of F.M. No. 150, N 45°03'40" E for a distance of 325.00 feet to a 1/2" iron rod found;
THENCE N 45°04'19" E for a distance of 160.00 feet to a 1/2" iron rod found for the POINT OF BEGINNING and the south corner hereof;
THENCE N 45°19'42" W for a distance of 608.63 feet to a 1/2" iron rod found in the east R.O.W. line of Creekside Trail for the west corner hereof;
THENCE N 45°01'59" E with the east R.O.W. line of Creekside Trail a distance of 277.09 feet to a 1/2" iron rod found for the north corner hereof;
THENCE with the southeast line of said 17.248 acres in two courses and distances as follows: (1) S 44°57'03" E a distance of 203.92 feet to a 1/2" iron rod found; (2) S 45°02'24" E a distance of 404.88 feet to a 1/2" iron rod found for the east corner hereof;
THENCE S 45°04'19" W for a distance of 273.71 feet to the POINT OF BEGINNING, and containing 3.847 acres in Hays County, Texas.



CITY OF KYLE, TEXAS

Meeting Date: 6/4/2013
Date time: 7:00 PM

Meadows at Kyle Phase Two

Subject/Recommendation: Meadows at Kyle Phase Two (FP-13-010)
14.673 acres; 60 Lots
Located on the north side of Windy Hill Rd. approximately 1 mile east of IH-35
Owner: Continental Homes of Texas, LP
Agent: John Hines, P.E., Gray Engineering, Inc.
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to statutorily disapprove the plat.

(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the City Council).

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

Windmill Center Subdivision

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Windmill Center Subdivision (FP-12-009)
5.74 acres; 3 lots
Located on the east side of IH-35 north of intersection Goforth Road
Owner: Dennis Artale
Agent: Hugo Elizondo, Jr. P.E., Cuatro Consultants
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the plat.

Other Information: See attachments

Budget Information: N/A

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

Attachments / click to download

[staf memo](#)

[Plat](#)

MEMORANDUM

TO: City Council

FROM: Sofia Nelson, Director of Planning

DATE: May 28, 2013

SUBJECT: Windmill Center Subdivision Final Plat

Planning and Zoning Commission Recommendation: On May 28th the Planning and Zoning Commission voted to approve the request.

BACKGROUND

Site Information and Proposal

The subject property occupies 5.74 acres and is located along the IH-35 northbound feeder road, north of the intersection of Goforth and I-35. The subdivision is proposed to be divided into 3 commercial lots and the property is zoned Retail Services.

Utilities

Water and wastewater will be provided by the City of Kyle.

Access

The proposed development will take access off of the northbound frontage road of I-35.

Parkland

Commercial subdivisions are not required to dedicate parkland.

STAFF RECOMMENDATION:

Staff is recommending approval of the request for the following reasons:

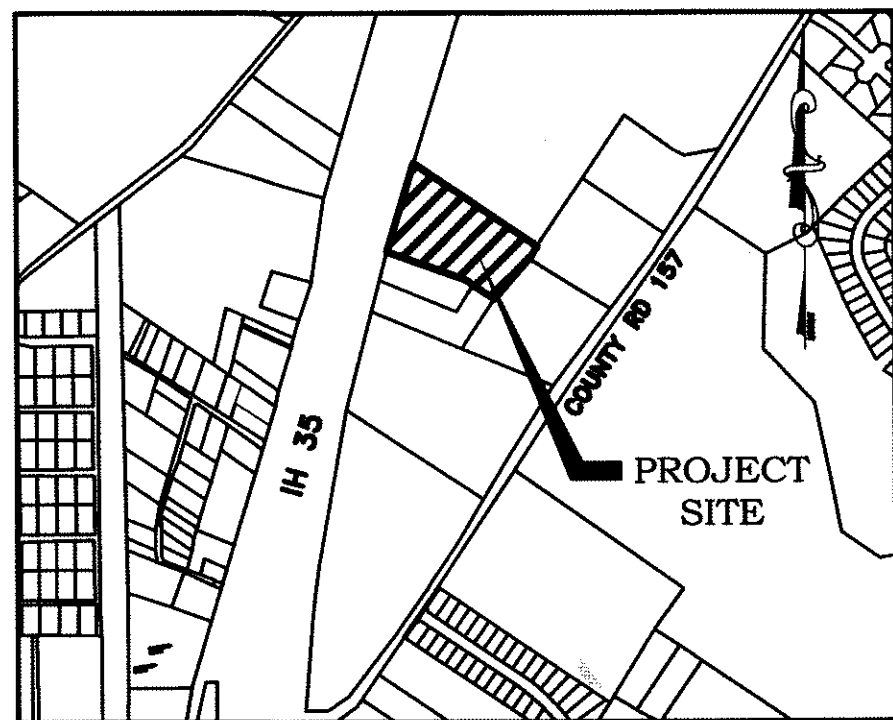
- The plat is consistent with all zoning requirements for the property.
- The proposed provision and configuration of roads, water, wastewater, drainage and easements and rights-of-way appear to be adequate for the proposed subdivision.

WINDMILL CENTER SUBDIVISION

5.574 ACRES
HAYS COUNTY, TEXAS

SUMMARY

TOTAL ACREAGE = 5.574 AC.
NO. OF COMMERCIAL LOTS = 3



LOCATION MAP
N.T.S.

LEGEND

- DENOTES BENCHMARK (SEE NOTE)
- DENOTES 1/2" ST. SK. SET
- ◐ DENOTES 1/2" ST. SK. FND.
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT

BEGINNING AT A 1/2 INCH IRON ROD FOUND AT THE NORTHERLY CORNER OF SAID 5.574 ACRE TRACT OF LAND CONVEYED TO DENNIS ARTALE AND CHARLES ARTALE, RECORDED IN CORRECTION GENERAL WARRANTY DEED, RECORDED IN VOLUME 3413, PAGE 23, DEED RECORDS HAYS COUNTY, TEXAS, SAME BEING MOST WESTERLY CORNER OF LOT 7, BLOCK B, THE PARK AT STEEPLCHASE, A SUBDIVISION AS RECORDED BY PLAT IN BOOK 10, PAGE 290-294, PLAT RECORDS, HAYS COUNTY, TEXAS, SAID POINT LYING ON THE EAST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 35, SOUTH 48°07'00" EAST, ALONG THE NORTHEAST LINE OF THIS TRACT COMMON WITH THE SOUTHWEST LINE OF LOT 7, BLOCK B, OF SAID STEEPLCHASE SUBDIVISION, A DISTANCE OF 788.03 FEET TO A 1/4 INCH IRON ROD FOUND LYING ON THE NORTHWEST LINE OF A 2.99 ACRE TRACT CONVEYED TO A.J. PECHACEK AND WIFE, BETTY PECHACEK, BY DEED RECORDED IN VOLUME 312, PAGE 263, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SAID POINT ALSO LYING ON THE SOUTHWEST CORNER OF LOT 7, BLOCK B, OF SAID STEEPLCHASE SUBDIVISION, COMMON WITH THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 43°54'31" WEST, ALONG THE SOUTHEAST LINE OF THIS TRACT COMMON WITH THE MOST NORTHERLY LINE OF 6.39 ACRE TRACT OF LAND AS CONVEYED TO LAURA LYNN SCHMELTEKOPF LEHMAN BY DEED RECORDED IN VOLUME 1162, PAGE 300, DEED RECORDS, HAYS COUNTY, TEXAS, A DISTANCE OF 335.15 FEET TO A 1/4 INCH IRON ROD FOUND, MARKING THE SOUTHWEST CORNER OF THIS TRACT;

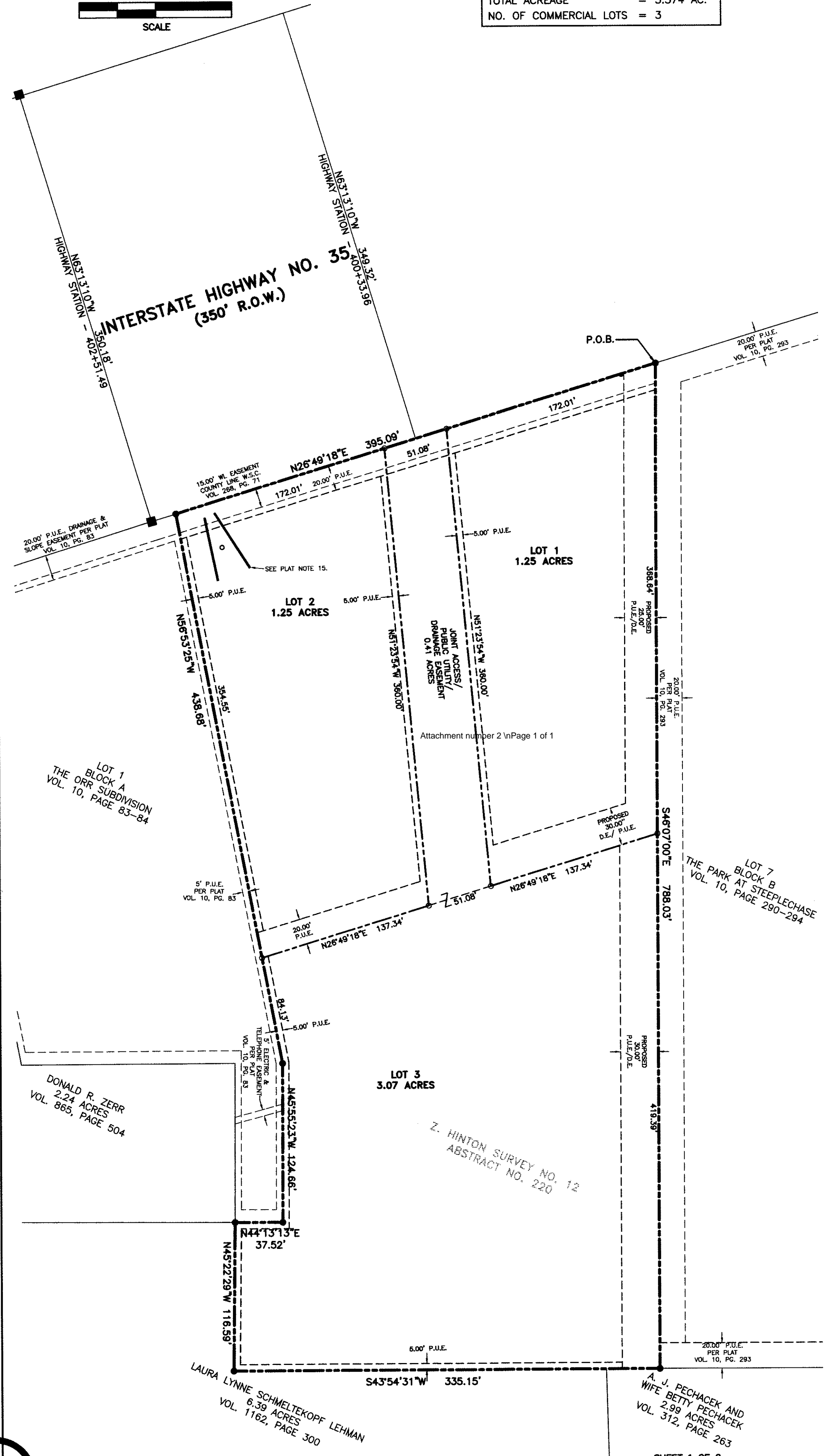
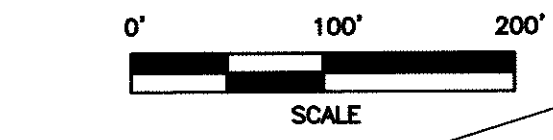
THENCE NORTH 45°22'29" WEST, ALONG THE SOUTHWEST OF THIS TRACT, A DISTANCE OF 116.59 FEET TO A 1/4 INCH IRON ROD MARKING AN ANGLE CORNER OF SAID LAURA LYNN SCHMELTEKOPF LEHMAN TRACT COMMON WITH THE SOUTHEAST CORNER OF A 2.24 ACRE TRACT CONVEYED BY DEED TO DONALD R. ZERR RECORDED IN VOLUME 865, PAGE 504, DEED RECORDS, HAYS COUNTY, TEXAS, ALSO MARKING AN ANGLE CORNER OF LOT 1, BLOCK A, OF THE ORR SUBDIVISION RECORDED IN VOLUME 10, PAGES 83-84, OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, FOR AN ANGLE CORNER OF THIS TRACT;

THENCE NORTH 44°13'13" FOR A DISTANCE OF 37.52 FEET TO A 1/4 INCH IRON ROD FOUND AT THE MOST EASTERLY CORNER OF THE SAID LOT 1, BLOCK A, FOR AN INTERIOR CORNER OF THIS TRACT;

THENCE NORTH 45°55'23" FOR A DISTANCE OF 124.66 FEET TO A 1/4 INCH IRON ROD FOUND AT AN ANGLE CORNER OF LOT 1, BLOCK A, FOR AN ANGLE CORNER OF THIS TRACT;

THENCE NORTH 56°53'25" WEST ALONG THE SOUTH LINE OF THIS TRACT COMMON WITH THE NORTH LINE OF LOT 1, BLOCK A, A DISTANCE OF 438.68 FEET, TO A 1/4 INCH IRON ROD FOUND, MARKING THE NORTHEAST CORNER OF LOT 1, BLOCK A, OF SAID ORR SUBDIVISION, SAID POINT LYING ON THE SOUTHEAST RIGHT OF WAY OF INTERSTATE NO. 35, FOR THE WEST CORNER OF THIS TRACT;

THENCE NORTH 26°49'18" EAST ALONG THE WEST LINE OF THIS TRACT AND EAST RIGHT OF WAY LINE OF INTERSTATE NO. 35, A DISTANCE OF 395.09 FEET TO THE POINT OF BEGINNING HEREOF, AND CONTAINING 5.574 ACRES OF LAND, MORE OR LESS.



Attachment number 2 in Page 1 of 1

LOT 1
1.25 ACRES

LOT 2
1.25 ACRES

LOT 3
3.07 ACRES

THE PARK AT STEEPLCHASE
VOL. 10, PAGE 290-294

THE ORR SUBDIVISION
VOL. 10, PAGE 83-84

DONALD R. ZERR
2.24 ACRES
VOL. 865, PAGE 504

Laura Lynne Schmeltekopf Lehman
6.39 ACRES
VOL. 1162, PAGE 300

A.J. PECHACEK AND WIFE BETTY PECHACEK
2.99 ACRES
VOL. 312, PAGE 263

Z. HINTON SURVEY NO. 12
ABSTRACT NO. 226

Attachment number 2 in Page 1 of 1



WINDMILL CENTER SUBDIVISION

5.574 ACRES
HAYS COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT DENNIS ARTALE, AND CHARLES ARTALE, OWNERS OF 5.574 ACRES OF LAND OUT OF THE Z. HILTON SURVEY NO. 12 SITUATED IN HAYS COUNTY, TEXAS, BEING THAT CERTAIN TRACT CONVEYED TO DENNIS ARTALE AND CHARLES ARTALE BY CORRECTION GENERAL WARRANTY DEED RECORDED IN VOLUME 3413, PAGE 23, DEED RECORDS HAYS COUNTY, TEXAS, BEING THE BALANCE OF THAT CERTAIN 7.58 ACRE TRACT OF LAND CONVEYED TO LARRY HUFFORD, JR. AND WIFE SUSANNA C. HUFFORD BY DEED RECORDED IN VOLUME 1190, PAGE 567 AND THE UNDIVIDED 10% INTEREST OF THE BALANCE OF THAT CERTAIN 7.572 ACRE TRACT OF LAND AS CONVEYED TO STEVEN J. BELL BY DEED RECORDED IN VOLUME 1730, PAGE 271, DEED RECORDS HAYS COUNTY TEXAS, DO HEREBY SUBDIVIDE 7.322 ACRES TO BE KNOWN AS WINDMILL CENTER SUBDIVISION, IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND THIS _____ DAY OF _____, 201__.
DENNIS ARTALE, OWNER

BY: DENNIS ARTALE, OWNER
3200 DOE RUN, AUSTIN, TEXAS 78748
PHONE: 512-775-8414

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED DENNIS ARTALE, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 201__.

(SEAL) _____
NOTARY PUBLIC'S SIGNATURE

WITNESS MY HAND THIS _____ DAY OF _____, 201__.
CHARLES ARTALE, OWNER

BY: CHARLES ARTALE, OWNER
STATE OF TEXAS
COUNTY OF _____

BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED CHARLES ARTALE, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 201__.

(SEAL) _____
NOTARY PUBLIC'S SIGNATURE

PLAT NOTES:

1. NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF A 100 YEAR FLOODPLAIN AS INDICATED ON THE NATIONAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL # 48209C0405 F DATED SEPTEMBER 2, 2005, HAYS COUNTY, TEXAS.
2. THIS TRACT IS WITHIN THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOUNDARIES.
3. THIS PROJECT CURRENTLY LIES WITHIN THE CITY OF KYLE CITY LIMITS.
4. PUBLIC UTILITY EASEMENTS ARE DESIGNATED AS FOLLOWS:
FRONT: 15' P.U.E.
SIDE: 5' P.U.E.
REAR: 10' P.U.E.
5. SETBACKS NOT SHOWN ON LOTS SHALL CONFORM TO THE CITY OF KYLE ZONING ORDINANCE.
6. THE FULLY DEVELOPED, CONCENTRATED STORM WATER RUNOFF FOR THE 100 YEAR STORM AND THE 100 YEAR REGULATORY FLOODPLAIN SHALL BE CONTAINED WITHIN DRAINAGE EASEMENTS.
7. NO PORTION OF THIS SITE LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
8. UTILITY PROVIDERS: WATER: CITY OF KYLE
WASTEWATER: CITY OF KYLE
ELECTRICITY: PEDERNALES ELECTRIC COMPANY
TELEPHONE: VERIZON
GAS: CENTERPOINT ENERGY INC.
9. OBSTRUCTION IN DRAINAGE EASEMENTS IS PROHIBITED
10. ALL EASEMENTS OF RECORD ARE SHOWN OR NOTED ON THE PLAN.
11. PROPERTY OWNERS ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF DETENTION POND.
12. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF IH-35. THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED. WHERE THERE ARE DOUBLE FRONTAGE LOTS, SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREETS IN THE SUBDIVISION ARE CONSTRUCTED.
13. PRIOR TO ANY CONSTRUCTION ON ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, SITE DEVELOPMENT PERMITS AND BUILDING PERMIT WILL BE OBTAINED FROM THE CITY OF KYLE.
14. DRIVEWAY ACCESS TO LOT 1 AND LOT 2 WILL BE PROVIDED THROUGH THE JOINT ACCESS EASEMENT ON LOT 3.
15. THE BILLBOARD CURRENTLY LOCATED ON LOT 2 IS A LEGAL NON-CONFORMING USE AND IF MOVED WILL NO LONGER BE LEGAL NON-CONFORMING AND WILL HAVE TO BE REMOVED.

STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, THAT IT IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN HEREIN.

5-22-13
GEORGE E. LUCAS,
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4160
STATE OF TEXAS
435 LITTLE LAKE ROAD
HUTTO, TEXAS 78634
PHONE: 512-635-4857
FAX: 512-312-5399

STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

5/22/13
HUGO ELIZONDO, JR., REGISTERED PROFESSIONAL ENGINEER NO. 69781
CUATRO CONSULTANTS, LTD.
3601 KYLE CROSSING, SUITE B
KYLE, TEXAS 78640
PHONE: 512-312-5040
FAX: 512-312-5399

STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED CITY ENGINEER OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AND HEREBY RECOMMEND APPROVAL.

CITY ENGINEER

I, THE UNDERSIGNED DIRECTOR OF PUBLIC WORKS OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF KYLE AND HEREBY RECOMMEND APPROVAL.

DIRECTOR OF PUBLIC WORKS

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS _____ DAY OF _____, 201__.

CHAIRPERSON

I HEREBY CERTIFY THAT THE ABOVE FOREGOING PLAT OF WINDMILL CENTER SUBDIVISION TO THE CITY OF KYLE, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE ON THE _____ DAY OF _____, SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF KYLE, TEXAS.

WITNESS MY HAND THE _____ DAY OF _____, 201__.

CITY SECRETARY

STATE OF TEXAS
COUNTY OF HAYS

I, LIZ Q. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE

ON THE _____ DAY OF _____, A.D.,
201__, AT _____ O'CLOCK _____ M., IN THE PLAT RECORDS OF
HAYS COUNTY, TEXAS IN BOOK _____, PAGE _____
WITNESS MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, A.D., 201__.

LIZ Q. GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS





CITY OF KYLE, TEXAS

Meadows at Kyle Phase One Subdivision Improvement Acceptance

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING MEADOWS AT KYLE PHASE ONE SUBDIVISION IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Steven D. Widacki, City Engineer*

Other Information: Please see attachments

Budget Information: N/A

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Attachments / click to download

- [Resolution](#)
- [Exhibit A](#)
- [Exhibit B](#)
- [Exhibit C](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING MEADOWS AT KYLE PHASE ONE SUBDIVISION IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the developer of this subdivision has completed construction of the improvements in general accordance with plans approved by the City of Kyle; and

WHEREAS, the subdivision improvements are defined as water, wastewater, street and drainage systems installed within public rights-of-way and any dedicated drainage or public utility easements within the subdivision; and

WHEREAS, the contractor has also provided the City a two (2) year maintenance bond in an amount of thirty five percent (35%) of the cost of the construction for any repairs that may be necessary during a two-year period from the date of acceptance by City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS hereby accepts the public improvements and certifies completion of the improvements for Meadows at Kyle Phase One. The current maintenance surety is hereby \$571,342.91 being thirty five percent of the total cost of required improvements, to be held for two years from this date.

SECTION 1. That the subdivision improvements within Meadows at Kyle Phase One are hereby accepted for operation and maintenance.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

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

CITY OF KYLE, TEXAS

Lucy Johnson, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

STAFF ACCEPTANCE MEMO



CITY OF KYLE

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

May 20, 2013

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

**RE: Meadows at Kyle, Phase One
FINAL ACCEPTANCE**

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

A final walkthrough was completed on May 14, 2013, and the documented punch list items have been completed for the project. The grading, drainage, water, wastewater and street improvements have been constructed in substantial accordance with the City's subdivision ordinance and technical specifications. Additionally, record drawings have been provided to the City.

A Maintenance Bond (No. HSIFSU0595892) has been provided for a period of two (2) years.

Sincerely,

A handwritten signature in blue ink that reads "Steven D. Widacki".

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

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

Item # 19

May 16, 2013

ENGINEER'S CONCURRENCE
FOR
PROJECT ACCEPTANCE

PROJECT: Meadows at Kyle Phase One
Water, Wastewater, Street & Drainage Improvements

Owner's Name and Address

Consultant Engineer's Name & Address

Continental Homes of Texas, L.P.

Gray Engineering, Inc.

10700 Pecan Park Blvd., Suite 400

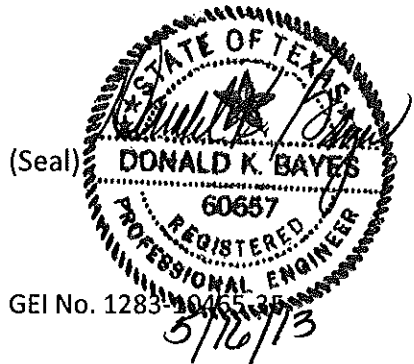
8834 N. Capital of Texas Hwy, Ste. 140

Austin, Texas 78750

Austin, Texas 78759

On this day, the undersigned professional engineer, my representative, or I met with representative of the Owner and the Project Contractor and made a visual inspection of the above-referenced project. No discrepancies in approved construction plans or deficiencies in construction were visible or brought to my attention by the parties at the meeting except those listed below. I, therefore, recommend acceptance of this project by the City of Kyle, once the following listed items are corrected to the satisfaction of the Engineer.

Achieve revegetation in all disturbed areas.



Donald K. Bayes
Donald K. Bayes, P.E.

60657

Texas Registration Number

Item # 19

MEADOWS AT KYLE (51 LOTS)

Description	Contract Quantity	Unit Price	Total Contract Amount
Street			
MOBILIZATION	1	30,000.00	\$ 30,000.00
CLEARING & GRUBBING	6.19	2,100.00	\$ 12,999.00
EXCAVATION (ROW)	17591	4.05	\$ 71,243.55
SUBGRADE PREPARATION	15781	3.05	\$ 48,132.05
15" CRUSHED LIMESTONE BASE	5698	11.20	\$ 63,817.60
20" CRUSHED LIMESTONE BASE	7199	14.80	\$ 106,545.20
27" CRUSHED LIMESTONE BASE	2884	20.20	\$ 58,256.80
2" HMAC	9795	10.45	\$ 102,357.75
2" HMAC @ WINDY HILL TURN LANE	2654	12.40	\$ 32,909.60
CURB & GUTTER	4110	8.80	\$ 36,168.00
CURB & GUTTER @ WINDY HILL TURN LANE	1041	9.70	\$ 10,097.70
RIBBON CURB	146	9.50	\$ 1,387.00
4' SIDEWALKS	932	13.70	\$ 12,768.40
CURB RAMPS	8	1,000.00	\$ 8,000.00
CONCRETE VALLEY GUTTERS	3	5,055.00	\$ 15,165.00
TRAFFIC CONTROL	1	13,000.00	\$ 13,000.00
SAWCUT EXISTING PAVEMENT	52	10.00	\$ 520.00
REMOVE EXISTING HMAC	2484	3.50	\$ 8,694.00
ROW GRADING	3550	4.03	\$ 14,312.11
CONCRETE RIP RAP	82	66.70	\$ 5,469.40
ROCK RIP RAP	117	25.00	\$ 2,925.00
MORTAR TRED ROCK RIP RAP	24	53.50	\$ 1,284.00
REMOVE EXISTING GUARD RAIL	595	3.50	\$ 2,082.50
TYPE I DRIVEWAY	1	4,000.00	\$ 4,000.00
STRIPING/SIGNAGE	1	10,000.00	\$ 10,000.00
REGRADE EXISTING BAR DITCH	415	7.50	\$ 3,112.50
METAL BEAM GUARD FENCE	622	34.00	\$ 21,148.00
2-7x3 BOX CULVERT EXTENSIONS	10	1,080.00	\$ 10,800.00
2-7X3 HEADWALLS	2	4,500.00	\$ 9,000.00
REMOVE EXISTING 7X3 HEADWALLS	1	3,500.00	\$ 3,500.00
STREET SIGNS	16	235.00	\$ 3,760.00
STOP SIGNS/BARS	3	450.00	\$ 1,350.00
BARRICADES	2	750.00	\$ 1,500.00
12' DRIVEWAY APPROACH	1	1,700.00	\$ 1,700.00
CONCRETE POSTAL PAD	1	650.00	\$ 650.00
STAKING	5581	1.10	\$ 6,139.10
SUB-TOTALS			\$ 734,794.26
Drainage & Grading			
PADDING OF LOTS TO FHA GRADING PLAN	1	75,000.00	\$ 75,000.00
18" RCP	865	32.00	\$ 27,680.00
18" RCP CL-IV	105	33.50	\$ 3,517.50
24" RCP	429	41.00	\$ 17,589.00
24" RCP CL-IV	122	46.00	\$ 5,612.00
24" CL-IV RCP - IN POND	75	52.00	\$ 3,900.00
36" RCP	83	67.00	\$ 5,561.00
5' x 3' BOX CULVERT	437	161.00	\$ 70,357.00
3' X 2' BOX CULVERT (WINDY HILL)	330	105.00	\$ 34,650.00
INLETS-10 FOOT	11	3,455.00	\$ 38,005.00

Item # 19

MEADOWS AT KYLE (51 LOTS)

Description	Contract Quantity	Unit Price	Total Contract Amount
4' DIA. MANHOLE	2	3,100.00	\$ 6,200.00
5' DIA. MANHOLE	1	3,900.00	\$ 3,900.00
6' DIA. MANHOLE	1	5,100.00	\$ 5,100.00
4' CURB; 5' X 5' AREA INLET	1	3,900.00	\$ 3,900.00
5' X 3' HEADWALL	1	5,400.00	\$ 5,400.00
2-3' X 2' 6:1 S.E.T.	2	7,515.00	\$ 15,030.00
36" HEADWALL	1	4,300.00	\$ 4,300.00
24" HEADWALL	1	3,000.00	\$ 3,000.00
24" SLOPED END TREATMENTS	2	1,400.00	\$ 2,800.00
ADJUST MANHOLE TO GRADE	4	500.00	\$ 2,000.00
CLEARING/GRUBBING	2.34	2,100.00	\$ 4,914.00
EXCAVATION/EMBANKMENT	11302	2.70	\$ 30,515.40
12" CLAY LINER	5635	1.10	\$ 6,198.50
REVEGETATION/6" TOPSOIL	9912	0.80	\$ 7,929.60
ACCESS GATE	1	1,305.00	\$ 1,305.00
0' PERIMETER FENCE	1837	22.50	\$ 41,332.50
ROCK RIP RAP	157	8.60	\$ 1,350.20
CONCRETE RIP RAP ACCESS DRIVE	96	58.00	\$ 5,568.00
MORTARED ROCK RIP RAP	409	53.30	\$ 21,799.70
OUTFALL STRUCTURE	1	8,000.00	\$ 8,000.00
CONCRETE RETARDS	2	750.00	\$ 1,500.00
STAKING - IN POND	1	1,000.00	\$ 1,000.00
TRENCH SAFETY - IN POND	75	2.00	\$ 150.00
STAKING	2371	1.10	\$ 2,608.10
TRENCH SAFETY	2371	1.00	\$ 2,371.00
SUB-TOTAL			\$ 470,043.50
Water			
12" X 8" TSV WET CONNECTION	1	5,000.00	\$ 5,000.00
8" PVC C900 DR-14	2107	27.20	\$ 57,310.40
6" DIP FIRE LEAD	75	35.00	\$ 2,625.00
5-1/4" FIRE HYDRANT	5	2,100.00	\$ 10,500.00
8" GATE VALVE	8	910.00	\$ 7,280.00
6" GATE VALVE	5	705.00	\$ 3,525.00
DOUBLE SERVICE	22	825.00	\$ 18,150.00
SINGLE SERVICE	5	750.00	\$ 3,750.00
2" IRRIGATION SERVICE	4	2,125.00	\$ 8,500.00
2" AIR RELEASE VALVE	2	2,125.00	\$ 4,250.00
4" IRRIGATION SLEEVES	358	8.00	\$ 2,864.00
ADJUST VALVE CASTINGS	14	250.00	\$ 3,500.00
TESTING	2182	1.20	\$ 2,618.40
TRENCH SAFETY	2540	0.70	\$ 1,778.00
SUB-TOTAL			\$ 131,650.80
Wastewater			
8" PVC SDR26 0-8	2693	24.00	\$ 64,632.00
8" PVC SDR26 8-10	906	24.50	\$ 22,197.00
8" PVC SDR26 10-12	660	25.50	\$ 16,830.00
8" CLEANOUT ASSEMBLY	2	700.00	\$ 1,400.00
6" PVC SDR26 10-12	10	25.50	\$ 255.00
20" BORE & ENCASEMENT	106	320.00	\$ 33,920.00
20" STEEL ENCASEMENT	61	80.00	\$ 4,880.00
CONCRETE TRENCH CAP	150	90.00	\$ 13,500.00

Item # 19

MEADOWS AT KYLE (51 LOTS)

Description	Contract Quantity	Unit Price	Total Contract Amount
CONCRETE STABILIZATION	80	30.00	\$ 2,400.00
MANHOLES	16	2,700.00	\$ 43,200.00
EXTRA MANHOLE DEPTH	33	230.00	\$ 7,590.00
DROP CONNECTION	1	810.00	\$ 810.00
BOLTED RING AND COVERS	6	150.00	\$ 900.00
VENTED STRUCTURE	1	850.00	\$ 850.00
DOUBLE SERVICE	23	1,450.00	\$ 33,350.00
SINGLE SERVICE	5	1,040.00	\$ 5,200.00
CLEARING/GRUBBING	1.5	2,100.00	\$ 3,150.00
REVEGETATION - OFFSITE WW	7113	1.20	\$ 8,535.60
CONNECT TO EXISTING MANHOLE	1	1,200.00	\$ 1,200.00
MORTARED ROCK RIP RAP	167	53.50	\$ 8,934.50
ROCK RIP RAP	117	26.00	\$ 3,042.00
STAKING	2045	1.10	\$ 2,249.50
STAKING - OFFSITE	2330	1.20	\$ 2,796.00
TESTING	4375	1.20	\$ 5,250.00
TRENCH SAFETY	4375	1.00	\$ 4,375.00
SUB-TOTAL			\$ 291,446.60
Erosion			
REVEGETATION/TOPSOIL	5000	0.80	\$ 4,000.00
SCE	1	1,100.00	\$ 1,100.00
SILT FENCE	5755	2.00	\$ 11,510.00
INTERCEPTOR DIKE	317	5.00	\$ 1,585.00
ROCK BERM	275	18.00	\$ 4,950.00
INLET PROTECTION	11	75.00	\$ 825.00
CONCRETE WASHOUT	1	1,000.00	\$ 1,000.00
SUB-TOTAL			\$ 24,970.00
Change Order 02			
Rebar for Curb and Gutter	5297	1.78	\$ 9,428.66
Credit for 18" Sleeve (Goforth WSC)	-1	1,977.00	\$ (1,977.00)
Credit for Windy Hill RD Changes	-1	10,115.00	\$ (10,115.00)
8' Perimeter Fence	-1837	22.50	\$ (41,332.50)
18" Black Base Patches in Windy Hill	124	161.20	\$ 19,988.80
Milling of Edges and Cleanup of Millings	1	6,547.00	\$ 6,547.00
Revegetation of ROW in Front of Lots	-3796	0.80	\$ (3,036.80)
			\$ (20,496.84)
SUB-TOTALS			\$ 1,632,408.32

Item # 19

PREPARED BY JUSTIN K. BYRN - PRESIDENT OF JKB CONSTRUCTION COMPANY LLC



 Justin K. Byrn

May 8, 2013

 Date

EXHIBIT B

MAINTENANCE BOND



MAINTENANCE BOND

Bond No.HSIFSU0595892

KNOW ALL MEN BY THESE PRESENTS: THAT WE, JKB Construction Company, LLC as Principal, and INTERNATIONAL FIDELITY INSURANCE COMPANY, a New Jersey Corporation of One Newark Center, 20th Floor, Newark, New Jersey, licensed to do business in the State of Texas as Surety, are held and firmly bound unto Continental Homes of Texas LP Obligee, in the full and just sum of Five Hundred Seventy One Thousand Three Hundred Forty Two Dollars and Ninety One Cents (\$571,342.91) Dollars lawful money of the United States of America to the payment of which sum, well and truly to be made, the Principal and the Surety bind themselves, their successors and assigns, jointly and severally, firmly by these presents.

SIGNED, SEALED AND DATED THIS 9th day of May, 2013

THE CONDITION OF THIS OBLIGATION IS THAT, WHEREAS the Principal entered into a contract with the Obligee for Meadows at Kyle Phase 1 (51 Lots). Streets, Drainage, Water, Wastewater, Erosion, Control & Restoration.

AND WHEREAS, the Obligee requires a guarantee from the Principal against defective materials and workmanship in connection with said Contract.

NOW, THEREFORE, if the Principal shall make any repairs or replacements which may become necessary during the period of Two (2) years from date of acceptance by the City of Kyle, TX., because of defective materials or workmanship in connection with said contract of which defectiveness the Obligee shall give the Principal and Surety written notice within (30) thirty days after discovery thereof, then this obligation shall be void; otherwise it shall be in full force and effect.

All suits at law or proceedings in equity to recover on this bond must be instituted within twelve (12) months after the expiration of the maintenance period provided for herein.

Witness _____

JKB Construction Company, LLC

By: _____

INTERNATIONAL FIDELITY INSURANCE COMPANY



Witness Concellia Orr

Kenneth Nitsche
Kenneth Nitsche, Attorney-in-Fact

Item # 19

POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR
NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

CRAIG PARKER, ROBERT JAMES NITSCHKE, DAVID P. FERGUSON, ROBERT K. NITSCHKE,
NINA K. SMITH, VIOLET FROSCH, GARY A. NITSCHKE, KENNETH NITSCHKE

Giddings, TX.

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting called and held on the 7th day of February, 1974.

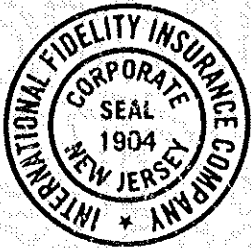
The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

Item # 19



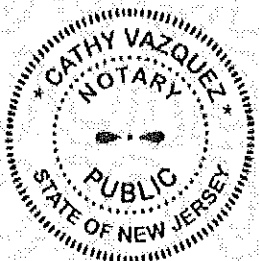
IN TESTIMONY WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 16th day of October, A.D. 2007.

INTERNATIONAL FIDELITY INSURANCE COMPANY

STATE OF NEW JERSEY
County of Essex

Secretary

On this 16th day of October 2007, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said the he is the therein described and authorized officer of the INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires March, 27, 2014

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect

IN TESTIMONY WHEREOF, I have hereunto set my hand this 9th day of May, 2013

Assistant Secretary

International Fidelity Insurance Company
One Newark Center
Newark, NJ 07102



DUAL OBLIGEE RIDER

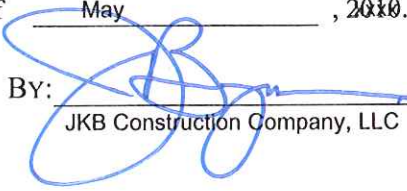
TO BE ATTACHED TO AND MADE PART OF BOND NO. HSIFSU0595892

The name of City of Kyle, Texas, shall be added to Said bond as a named Co-Obligee.

The Surety shall not be liable under this Bond to the Obligees, or either of them, unless the said Obligee, or either of them, shall make payments to the Principal strictly in accordance with the terms of said Contract as to payments, and shall perform all the other obligations to be performed under said Contract at the time and in the manner therein set forth.

The aggregate liability of Surety hereunder to the Obligee or their assigns is limited to the penal sum above stated, and Surety, upon making any payment hereunder, shall be subrogated to, and shall be entitled to an assignment of, all rights of the payee, either against Principal or against any other party liable to the payee in connection with the loss which is the subject of the payment.

Signed and Sealed this 9th day of May, ~~2010~~ 2013

BY:  _____
JKB Construction Company, LLC, PRINCIPAL

SEAL

BY: _____
Continental Homes of Texas, LP, OBLIGEE

SEAL

BY: _____
City of Kyle, Texas, CO-OBLIGEE

SEAL

INTERNATIONAL FIDELITY INSURANCE COMPANY SEAL

BY:  _____
Kenneth Nitsche, ATTORNEY-IN-FACT

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Giddings, TX.

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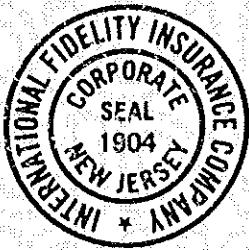
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Item # 19



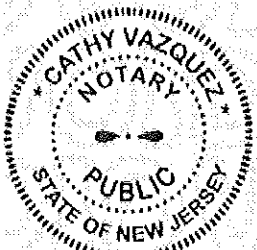
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IN TESTIMONY WHEREOF, I have hereunto set my hand this 9th day of May, 2013

Assistant Secretary

IMPORTANT NOTICE

TO OBTAIN INFORMATION OR MAKE A COMPLAINT:

You may call International Fidelity Insurance Company's toll-free telephone number for information or to make a complaint at:

800-333-4167

You may also write to International Fidelity Insurance Company at:

**Attn: Claims Department
One Newark Center, 20th Floor
Newark, NJ 07102**

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

800-252-3439

You may write the Texas Department of Insurance at:

**P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 475-1771
Web: <http://www.tdi.state.tx.us>
E-mail: ConsumerProtection@tdi.state.tx.us**

PREMIUM OR CLAIM DISPUTES:

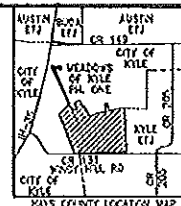
Should you have a dispute concerning your premium or about a claim you should contact your Agent or International Fidelity Insurance Company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR BOND.

This notice is for information only and does not become a part or a condition of the attached document and is given to comply with Texas legal and regulatory requirements.

EXHIBIT C
SUBDIVISION MAP

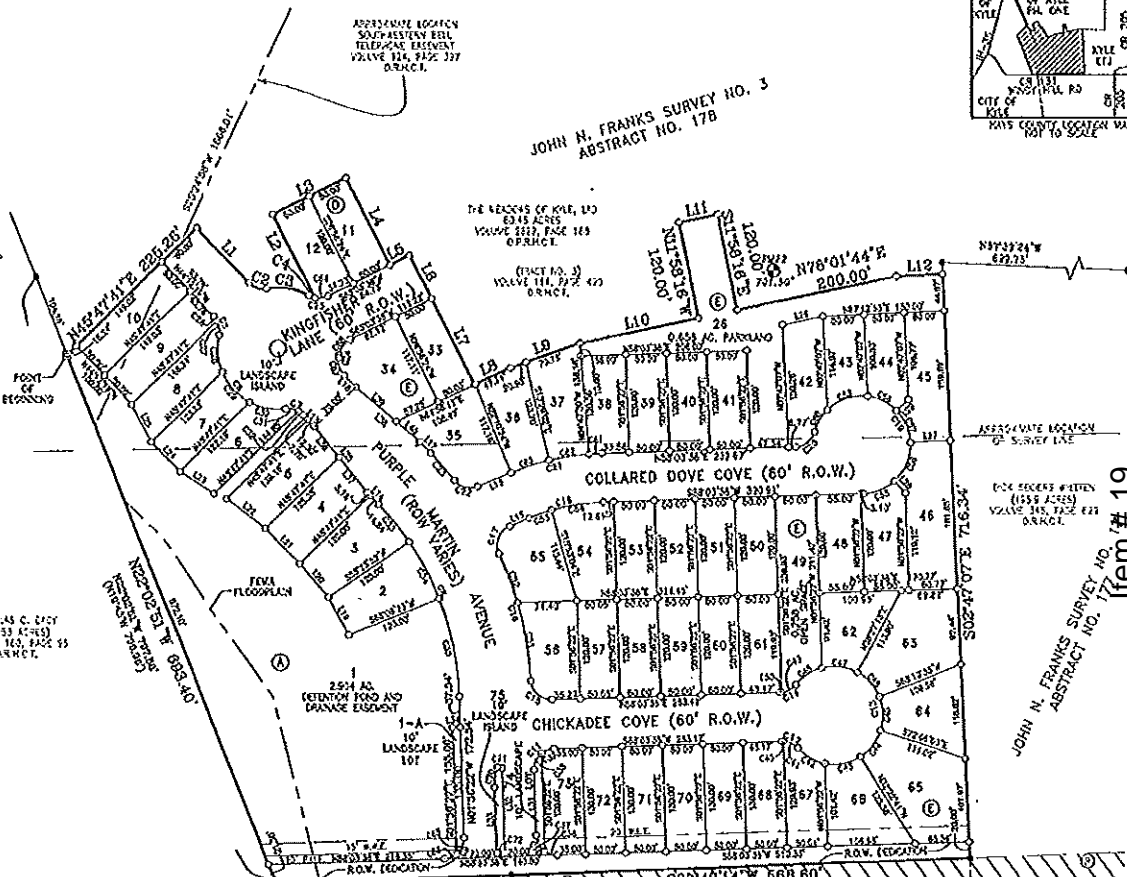
MEADOWS AT KYLE PHASE ONE



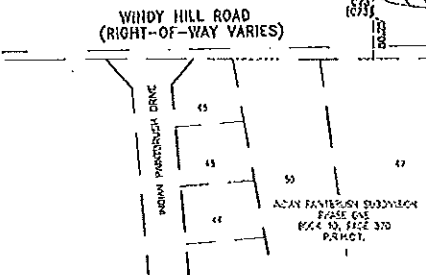
SCALE: 1" = 100'
OCTOBER 2011
HAYS COUNTY, TEXAS

LEGEND:

- 1/2" IRON ROD FOUND WITH CAP
- 1/2" IRON ROD SET WITH CAP UNLESS OTHERWISE NOTED
- CONCRETE IMPAVMENT FOUND
- CONCRETE IMPAVMENT SET
- ▲ CALCULATED POINT
- ⊙ BLOCK NUMBER
- ⊙ BENCHMARK SET
- ERECTION SETBACK LINE
- WASTEWATER EASEMENT
- DRAINAGE EASEMENT
- FLOOD UTILITY EASEMENT
- WATER LINE EASEMENT
- DEED RECORDS HAYS COUNTY TEXAS
- FLAT RECORDS HAYS COUNTY TEXAS
- OFFICIAL PUBLIC RECORDS HAYS COUNTY TEXAS
- REAL PROPERTY RECORDS HAYS COUNTY TEXAS



LINEAR FEET OF NEW STREET
KINGBIRD LANE 155 L.F.
PURPLE MARTIN AVENUE 815 L.F.
COLLARED DOVE COVE 352 L.F.
CHICKADEE COVE 118 L.F.
TOTAL: 2038 L.F.



L.K. MILLER SURVEY NO. 2
ABSTRACT NO. 337

CASPER E. SAGER AND FLORENDA SAGER
(12,377 ACRES)
VOLUME 1152, PAGE 212
D.M.C.T.

MEADOWS AT KYLE PHASE ONE
OWNER: CONTINENTAL HOMES OF TEXAS, L.P.
12554 RATA VISTA CIRCLE
AUSTIN, TX 78727
ACREAGE: 16,140 ACRES
SURVEY: JOHN H. FRANKS SURVEY NO. 17 A-177 AND JOHN H. FRANKS SURVEY NO. 3 A-178
CITY: KYLE
COUNTY: HAYS
NUMBER OF BLOCKS: 3 BLOCKS
NUMBER OF LOTS: 51 52 LOTS (8,242 ACRES), 1 PARCEL (0.655 ACRES), 1 FLOOD/D.E. (2,524 ACRES), 1 OPEN SPACE (0.255 ACRES), 2 LANDSCAPE LOTS (0.649 ACRES) AND 2 LANDSCAPE ISLANDS (0.015 ACRES)
LINEAR FEET OF NEW STREETS: 2038 L.F.
DATE: DECEMBER, 2011
SUBDIVISION: 1435 SOUTH LOOP 4
DASSA, TEXAS 76710
ENGINEER: GRAY & ASSOCIATES, INC.
8117 SMOKE CREEK BLVD., SUITE 200
AUSTIN, TEXAS 78717-7522

REAL NOTES:

1. ALL DEVELOPMENT WITHIN THIS SUBDIVISION MUST ADHERE TO THE CITY OF KYLE 2007/07 SUBDIVISION ORDINANCE AND THE DEVELOPMENT AGREEMENT APPROVED APRIL 17, 2007, INCLUDING AMENDMENTS.
2. BUILDING CONTRACT LAMINATION SHALL BE FORTY PERCENT (40%) AND SHALL BE COMPARATIVE PER PLANTED SUBDIVISION. ONCE A CERTIFICATE OF OCCUPANCY IS ISSUED FOR A LOT, THE LOT SHALL NOT BE PERMITTED TO ADD BUILDING CONTRACT IN EXCESS OF FORTY PERCENT (40%) UNLESS A VARIANCE IS OBTAINED FROM THE CITY'S BOARD OF ADJUSTMENT.

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN ARE GRID BEARINGS. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
2. BEARING BASIS IS BASED ON TEXAS STATE PLANE (TEXAS CENTRAL ZONE 4203), HAD 83. PROJECT REFERENCE CONTROL POINTS WERE ESTABLISHED FROM AND REFERENCED TO ALSTON 8322 CORN STATION, JOHNSON CITY CORN STATION AND LEBSTERA CORN STATION. COMBINED SCALE FACTOR 1.0003.

ENGINEER'S NOTES:
EV 22: 1/2" IRON ROD SET WITH CAP (F.M.), APPROXIMATELY 63 FEET NORTH OF THE NORTHWEST CORNER OF LOT 42, BLOCK "E"; ELEV. = 701.32'
EV 21: "X" INScribed AT THE NORTHWEST CORNER OF A CONCRETE DRAINAGE STRUCTURE IN THE SOUTH FRONT-OF-WAY OF COUNTY RD. 131 (ANDY HILL RD.), APPROXIMATELY 75' SOUTHWEST OF THE THE SOUTHWEST CORNER OF LOT 45, BLOCK "E"; ELEV. = 653.03'

PROJECT: MEADOWS AT KYLE PHASE ONE
JOB NUMBER: 11-1002-14
DATE: DEC, 2011
SCALE: 1" = 100'
SURVEYOR: G. BENE ZAMORA
TECHNICIAN: SECURA/OLF
DRAWING: PK-011-01121
FIELD NOTES:
PARTY CHECK:
FIELD BOOKS:

Zamora, L.L.C.
Professional Land Surveyors
1435 South Loop 4 • Buda, Texas 78610
Telephone (512) 295-6201 • Fax (512) 295-6091

PROJECT NO: 1281-1018214
FILE NO:
DATE: DECEMBER 2011
SCALE: 1" = 100'
DESIGNED BY: BRIAN BH
CHECKED BY: JB
REVISED BY:
GRAY & ASSOCIATES, INC.
Consulting Engineers
6217 SHILOH CREEK BLVD., SUITE 200
JAESON, TEXAS 78757-7522
(512) 552-8311 FAX (512) 414-9234
TELEX 512M / 6915

MEADOWS AT KYLE PHASE ONE
16,140 ACRES OF LAND OUT OF THE JOHN H. FRANKS SURVEY NO. 17 ABST. NO 177 AND JOHN H. FRANKS SURVEY NO. 3 ABST. NO. 178
HAYS COUNTY, TEXAS

SHEET
1
OF
3
ZWA PLAT No.
11-1002-14

MEADOWS AT KYLE PHASE ONE

LEGAL DESCRIPTION

DESCRIPTION OF A 16.140 ACRE TRACT OF LAND SITUATED IN THE JOHN N. FRANKS SURVEY NO. 3, ABSTRACT NO. 178 AND THE JOHN N. FRANKS SURVEY NO. 17, ABSTRACT NO. 177, IN HAYS COUNTY, TEXAS, BEING A PORTION OF TRACT CERTAIN 62.64 ACRES TRACT OF LAND CONVEYED TO THE MEADOWS AT KYLE, LTD. BY WARRANTY DEED DATED DECEMBER 30, 2001 AND RECORDED IN VOLUME 2329, PAGE 166, DEED RECORDS OF HAYS COUNTY, TEXAS, SAID 16.140 ACRE TRACT AS SHOWN ON THE ACCOMPANYING PLAN, IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT SET IN THE WEST LINE OF SAID 62.64 ACRES TRACT AND THE EAST LINE OF A CALLED 22.85 ACRES TRACT OF LAND CONVEYED TO ROBERT C. DICKY OF RECORD IN VOLUME 169, PAGE 43 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SAME BEING THE MOST WESTERLY NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM THENCE A 1/2 INCH IRON ROD FOUND AT AN ANGLE POINT IN THE WEST LINE OF SAID 62.64 ACRES TRACT AND THE EAST LINE OF SAID 62.64 ACRES TRACT BEARS N 20°02'11" W FOR A DISTANCE OF 104.16 FEET;

THENCE DEPARTING THE WEST LINE OF SAID 62.64 ACRES TRACT AND THE EAST LINE OF SAID 62.64 ACRES TRACT AND OTHER AND ACROSS SAID 62.64 ACRES TRACT, THE FOLLOWING BETWEEN (1) COURSES AND DISTANCES:

L.1 N 45°47'41" E FOR A DISTANCE OF 225.24 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

L.2 S 41°12'16" E FOR A DISTANCE OF 25.70 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A) AT THE BEGINNING OF A CURVE TO THE LEFT,

A.1 ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 24.71 FEET, SAID CURVE HAVING A RADIUS OF 65.00 FEET, A CENTRAL ANGLE OF 65°37'49" AND A CHORD BEARING OF S 72°31'15" E FOR A CHORD DISTANCE OF 25.72 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A) AT THE BEGINNING OF A CURVE TO THE RIGHT,

A.2 ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 63.68 FEET, SAID CURVE HAVING A RADIUS OF 78.00 FEET, A CENTRAL ANGLE OF 47°21'48" AND A CHORD BEARING OF S 8°04'22" E FOR A CHORD DISTANCE OF 25.72 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A) AT THE BEGINNING OF A CURVE TO THE LEFT,

A.3 ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 8.88 FEET, SAID CURVE HAVING A RADIUS OF 65.00 FEET, A CENTRAL ANGLE OF 18°29'15" AND A CHORD BEARING OF S 67°43'02" E FOR A CHORD DISTANCE OF 8.83 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

A.4 N 65°48'24" W FOR A DISTANCE OF 114.63 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

N.1 N 45°47'41" E FOR A DISTANCE OF 102.03 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

R.1 S 26°43'21" E FOR A DISTANCE OF 100.03 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

N.2 N 65°48'24" E FOR A DISTANCE OF 24.71 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

I.1 S 27°35'37" E FOR A DISTANCE OF 63.69 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

I.2 S 26°43'21" E FOR A DISTANCE OF 118.75 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

I.3 N 65°48'24" E FOR A DISTANCE OF 48.85 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

I.4 N 78°45'10" E FOR A DISTANCE OF 91.63 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

I.5 N 77°45'54" E FOR A DISTANCE OF 109.22 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

I.6 N 41°59'15" W FOR A DISTANCE OF 120.60 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

I.7 N 20°10'41" E FOR A DISTANCE OF 80.00 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

I.8 S 14°56'16" E FOR A DISTANCE OF 120.00 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A),

I.9 N 78°01'44" E FOR A DISTANCE OF 205.00 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A), AND

I.10 N 67°16'55" E FOR A DISTANCE OF 67.03 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (17A) IN THE EAST

LINE OF SAID 62.64 ACRES TRACT AND THE WEST LINE OF THE REMAINDER OF A CALLED 165.9 ACRES TRACT OF LAND CONVEYED TO DICK SHERIFFS TRUSTEE OF RECORD IN VOLUME 215, PAGE 459, DEED RECORDS OF HAYS COUNTY, TEXAS, SAME BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM THENCE A 1/2 INCH IRON ROD WITH CAP SET FOUND (17A) FOR AN INTERIOR TIL CORNER OF SAID 43.16 ACRES BEARS N 04°47'07" W FOR A DISTANCE OF 14.90 FEET;

THENCE R 02°47'07" E FOR A DISTANCE OF 216.54 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND (17A) IN THE NORTH LINE OF COUNTY ROAD 151, A VARIABLE WIDTH RIGHT-OF-WAY AS DESCRIBED IN VOLUME 1418, PAGE 111 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING THE MOST SOUTHWESTLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE WITH THE NORTH LINE OF SAID COUNTY ROAD 151 AND THE MOST SOUTHWESTLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. S 67°47'14" W FOR A DISTANCE OF 66.93 FEET TO A 1/2 INCH IRON ROD FOUND AT THE BEGINNING OF A CURVE TO THE RIGHT, AND

2. ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 60.10 FEET, SAID CURVE HAVING A RADIUS OF 1032.43 FEET, A CENTRAL ANGLE OF 01°55'45" AND A CHORD BEARING OF S 65°35'41" W FOR A CHORD DISTANCE OF 241.09 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND (17A) AT THE SOUTHWEST CORNER OF SAID CALLED 22.85 ACRES TRACT, BEING ALSO THE SOUTHWEST CORNER OF SAID 185.9 ACRES TRACT, BEING ALSO THE SOUTHWEST CORNER OF SAID 62.64 ACRES TRACT AND BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT BEING IN AN OLD FENCE;

THENCE DEPARTING THE NORTH LINE OF SAID COUNTY ROAD 151, WITH AN OLD FENCE OF THE EAST LINE OF SAID 62.64 ACRES TRACT, BEING ALSO THE WEST LINE OF SAID 62.64 ACRES TRACT AND BEING THE WEST LINE OF THE HEREIN DESCRIBED TRACT, BEING ALSO THE WEST LINE OF SAID 62.64 ACRES TRACT AND BEING THE WEST LINE OF THE HEREIN DESCRIBED TRACT, FROM THENCE A 1/2 INCH IRON ROD WITH CAP FOUND (17A) FOR A DISTANCE OF 429.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.140 ACRES OF LAND.

CURVE	LENGTH	RADIUS	CURVE	CHORD BEARING		CHORD
				ANGLE	DISTANCE	
C1	221.10	10178.14	129°55'	N28°35'11" E	211.69	
C2	291.31	11111.11	127°42'	S38°53'02" W	251.51	
C3	247.71	25.00	65°12'35"	S72°31'15" E	237.71	
C4	53.69	25.00	42°11'51"	N52°41'22" W	51.51	
C5	8.88	25.00	18°29'15"	S47°43'02" E	8.83	
C6	24.71	25.00	65°37'49"	N17°28'20" W	23.72	
C7	143.43	25.00	107°43'27"	S17°21'14" E	132.69	
C8	23.18	15.00	53°03'24"	N77°11'17" W	22.54	
C9	281.23	335.00	47°15'31"	N17°58'21" W	255.93	
C10	39.27	25.00	67°20'00"	N12°01'50" E	35.25	
C11	39.27	25.00	67°20'00"	S16°58'22" E	35.25	
C12	39.27	25.00	67°20'00"	S43°03'58" W	35.38	
C13	143.43	25.00	127°42'	N17°28'20" W	251.51	
C14	272.54	60.00	272°19'14"	N21°28'54" E	272.54	
C15	272.54	60.00	272°19'14"	S21°28'54" W	272.54	
C16	21.83	25.00	47°40'47"	N52°41'22" W	21.83	
C17	33.31	25.00	47°48'15"	S47°43'02" E	33.69	
C18	101.73	415.00	27°42'52"	N17°28'20" W	100.81	
C19	32.14	25.00	67°42'51"	S17°28'10" W	28.18	
C20	55.35	275.00	37°11'09"	S72°53'25" E	51.65	
C21	246.81	60.00	272°31'43"	N21°28'54" E	246.81	
C22	31.81	25.00	72°58'45"	N17°28'10" W	29.70	
C23	118.04	330.00	27°14'02"	S72°53'25" E	115.93	
C24	32.14	25.00	73°32'21"	S17°28'10" W	29.57	
C25	41.18	445.00	64°11'58"	N17°28'10" W	41.18	
C26	3.77	25.00	22°28'2"	N17°28'10" W	3.77	
C27	24.71	25.00	52°15'52"	S47°43'02" E	23.72	
C28	6.18	25.00	18°29'15"	N17°28'10" W	6.27	
C29	18.43	35.00	47°14'54"	N27°41'17" W	18.01	
C30	18.43	35.00	35°17'00"	S28°13'01" E	18.47	
C31	59.00	25.00	38°19'12"	N17°28'10" W	54.77	
C32	48.43	25.00	35°35'38"	S17°28'10" W	45.74	
C33	16.78	25.00	36°02'28"	N27°41'17" W	16.52	
C34	7.41	25.00	16°58'20"	N17°28'10" W	7.39	
C35	59.55	355.00	9°35'11"	N27°41'17" W	59.43	
C36	73.05	330.00	12°42'41"	N17°28'10" W	71.83	
C37	123.32	335.00	48°48'48"	N17°28'10" W	123.70	
C38	16.09	25.00	32°52'12"	S27°41'17" E	15.81	
C39	23.18	25.00	52°07'45"	S28°13'01" E	22.38	
C40	23.18	25.00	52°07'45"	S17°28'10" W	22.38	
C41	18.01	25.00	38°19'12"	S47°43'02" E	18.81	
C42	19.84	25.00	47°18'31"	N17°28'10" W	19.41	
C43	38.88	60.00	37°12'58"	S27°41'17" E	39.23	
C44	44.91	60.00	47°44'54"	N17°28'10" E	43.90	
C45	41.69	60.00	34°33'22"	N17°28'10" E	40.77	
C46	41.69	60.00	12°42'41"	N17°28'10" E	40.77	
C47	41.69	60.00	37°43'22"	N14°11'28" E	40.77	
C48	48.43	60.00	42°41'13"	N17°28'10" E	43.83	
C49	38.88	60.00	37°12'58"	S17°28'10" E	38.23	
C50	19.84	60.00	45°23'11"	N17°28'10" E	19.23	
C51	1.84	25.00	41°43'35"	S28°13'01" E	1.84	
C52	91.18	415.00	12°42'41"	N17°28'10" E	90.37	
C53	54.54	415.00	8°18'35"	N27°41'17" E	64.48	
C54	23.64	270.00	6°17'30"	S17°28'10" E	23.61	
C55	65.71	270.00	13°54'42"	S17°28'10" E	65.65	
C56	42.38	355.00	42°27'05"	N17°28'10" E	41.49	
C57	57.77	60.00	36°43'42"	N17°28'10" E	57.00	
C58	45.35	60.00	41°21'55"	N27°41'17" E	44.48	
C59	40.84	60.00	35°13'47"	N27°41'17" E	40.63	
C60	53.83	60.00	51°21'18"	S17°28'10" E	51.04	
C61	31.67	60.00	32°14'21"	S27°41'17" E	31.50	
C62	18.41	60.00	24°11'17"	S28°13'01" E	18.11	
C63	65.05	330.00	8°11'28"	S27°41'17" E	63.90	
C64	50.62	330.00	8°11'28"	S17°28'10" E	50.00	
C65	18.43	25.00	37°38'53"	N31°25'02" E	18.13	
C66	23.18	25.00	52°07'45"	N47°43'02" E	22.58	
C67	18.02	25.00	35°52'12"	S27°41'17" E	18.01	
C68	24.71	25.00	62°02'48"	S17°28'10" E	23.52	
C69	24.71	25.00	62°02'48"	S17°28'10" E	23.72	
C70	23.04	14.80	19°13'21"	N17°28'10" E	21.92	
C71	8.42	3.00	162°14'32"	S27°41'17" E	8.92	
C72	15.71	3.00	162°00'00"	S28°03'58" W	16.00	
C73	16.00	1358.13	0°06'28"	S27°41'17" E	16.00	
C74	16.83	11119.11	9°04'42"	S37°05'59" W	19.65	

LINE	BEARING	DISTANCE
L1	S14°12'10" W	93.78
L2	N27°41'17" E	114.69
L3	N65°48'24" E	105.00
L4	S17°28'10" W	120.00
L5	N63°01'51" E	26.71
L6	S27°35'37" E	60.00
L7	S27°55'24" E	118.75
L8	N65°55'12" E	43.83
L9	N78°45'10" E	91.63
L10	N77°45'54" E	109.22
L11	N41°59'15" W	60.00
L12	N20°10'41" E	80.00
L13	N17°28'10" W	20.00
L14	N17°28'10" W	20.00
L15	S17°28'10" W	125.2
L16	S37°43'02" E	48.74
L17	S18°12'19" E	20.00
L18	S17°28'10" E	20.00
L19	N27°41'17" W	32.72
L20	N17°28'10" W	61.14

LINE	BEARING	DISTANCE
L21	N41°12'10" W	61.00
L22	N52°41'22" W	62.70
L23	N52°41'22" W	51.60
L24	N45°48'24" E	20.00
L25	N17°28'10" W	61.81
L26	N17°28'10" E	50.83
L27	N17°28'10" E	50.00
L28	N17°28'10" E	20.00
L29	N45°48'24" E	20.00
L30	N17°28'10" W	61.00
L31	N21°28'54" E	270.53
L32	N01°55'22" W	103.53
L33	N01°55'22" E	49.60
L34	N58°01'50" E	10.00
L35	S38°38'07" E	103.03
L36	S38°38'07" E	43.93
L37	S38°38'07" E	55.10
L38	S47°45'51" E	103.03
L39	S47°45'51" E	63.24
L40	S47°45'51" E	37.78

Item # 19

PROJECT: MEADOWS AT KYLE
PHASE ONE
JOB NUMBER: 11-1002-14
DATE: DEC. 2011
SCALE: 1" = 100'
SURVEYOR: G. RENE ZAMORA
TECHNICIAN: SEGURA/GJP
DRAWING: YX-P1-SU-212
FIELD NOTES:
PARTY CHIEF:
FIELD BOOKS:



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Professional Land Surveyors
1435 South Loop 4 • Bush, Texas 78009
Telephone: (512) 295-8201 • Fax: (512) 295-8001

PROJECT NO: 1283-1049214
DATE: DECEMBER 2011
SCALE: 1" = 100'
GRAY & ASSOCIATES, INC.
Geospatial Engineers
2417 Shiloh Creek Blvd., Suite 200
Austin, Texas 78757-7592
(512) 851-5371 FAX (512) 851-2433
1828 JBS # 2019

DESIGNED BY:
DRAWN BY:
CHECKED BY: JH
REVISED BY:

MEADOWS AT KYLE
PHASE ONE
16.140 ACRES OF LAND OUT OF
THE JOHN N. FRANKS SURVEY NO.
17 ABST. NO 177 AND JOHN N.
FRANKS SURVEY NO. 3 ABST. NO.
178
HAYS COUNTY, TEXAS

SHEET
2
OF
3
ZWA PLAT No.
11-1002-14

MEADOWS AT KYLE PHASE ONE

THE STATE OF TEXAS)

THE COUNTY OF HAYS)

KNOW ALL MEN BY THESE PRESENTS THAT CONTINENTAL HOMES OF TEXAS, L.P., ACTING HEREIN BY AND THROUGH RICHARD MAIER, VICE-PRESIDENT, OWNER OF 16.140 ACRES OF LAND OUT OF THE JOHN N. FRANKS SURVEY NO. 17, ABSTRACT NO. 177 AND THE JOHN N. FRANKS SURVEY NO. 3, ABSTRACT NO. 178 SITUATED IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 62.18 ACRES TRACT OF LAND CONVEYED BY DEED RECORDED IN PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE SAID 16.140 ACRES OF LAND TO BE KNOWN AS:

MEADOWS AT KYLE, PHASE ONE

IN ACCORDANCE WITH THE PLAN SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED, AND DOES HEREBY DEEDICATE TO THE PUBLIC THE USE OF THE STRAITS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND THIS 19th DAY OF JUNE, 2012, A.D.

CONTINENTAL HOMES OF TEXAS, L.P.
16354 SANTA VISTA CIRCLE #100
AUSTIN, TEXAS 78727

RICHARD MAIER, VICE-PRESIDENT

THE STATE OF TEXAS)

THE COUNTY OF TRAVIS)

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RICHARD MAIER, VICE-PRESIDENT OF CONTINENTAL HOMES OF TEXAS, L.P., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBLICATED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL THIS 19th DAY OF JUNE, 2012, A.D.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

FACED NAME OF NOTARY MY COMMISSION EXPIRES ON _____

GENERAL NOTES:

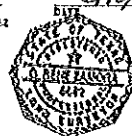
1. A PORTION OF LOT 1, BLOCK A, IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL FLOOD INSURANCE ADMINISTRATION RATE MAP COMMONLY KNOWN AS FIRM NO. 16550A001D FOR HAYS COUNTY, TEXAS, DATED SEPTEMBER 2, 2006. NO RESIDENTIAL LOTS ARE WITHIN THE DESIGNATED FLOOD HAZARD AREA.
2. THE PROVISIONS OF THE CITY OF KYLE UNIFIED DEVELOPMENT CODE AND THE PROVISIONS OF THE APPROVED DEVELOPER AGREEMENT SHALL GOVERN THIS PROJECT.
3. THE FULLY DEVELOPED CONCENTRATED STORM RUNOFF FOR 100 YEAR STORM SHALL BE CONTAINED WITHIN DRAINAGE EASEMENTS AND RIGHTS-OF-WAY.
4. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR ASSIGNS.
5. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT FURTHER RESTRICT ACCESS BY GOVERNMENTAL AUTHORITIES.
6. A 10' PUBLIC UTILITY EASEMENT IS HEREBY DEDICATED ALONG ALL STREET RIGHTS-OF-WAY. A 6" FIRE IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES OF ALL SINGLE FAMILY LOTS.
7. ALL STREETS IN THIS SUBDIVISION ARE PUBLIC STREETS.
8. RESIDENTIAL LOTS ARE LIMITED TO ONE SINGLE FAMILY DWELLING PER LOT.
9. FOR A MINIMUM TRAVEL DISTANCE OF 25' FROM THE ROADWAY EDGE, DRIVEWAY GRADERS MAY EXCEED 14% ONLY WITH EXPRESS APPROVAL OF SURVEYOR AND GEOMETRIC DESIGN PROPOSALS BY THE CITY OF KYLE.
10. ALL STREETS, BRIDGES, SIDEWALKS, EROSION CONTROL AND WATER AND WASTEWATER LINES ARE REQUIRED TO BE CONSTRUCTED AND INSTALLED TO CITY OF KYLE STANDARDS.
11. OPERATION AND MAINTENANCE OF THE DRAINAGE POND FACILITIES SERVING ALL SINGLE FAMILY LOTS WILL BE OWNED AND OPERATED BY THE HOMEOWNERS ASSOCIATION.
12. NO OBJECTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, FENCES, OR LANDSCAPING AND OTHER STRUCTURES SHALL BE PERMITTED IN DRAINAGE EASEMENTS. FENCES ARE ALLOWED ALONG LOT LINES ONLY, PROVIDED THEY DO NOT OBSTRUCT VIEW FOR SURFACE USE DRAINAGE EASEMENTS.
13. LOT 40, BLOCK E IS DESIGNATED AS AN OPEN SPACE LOT, AND SHALL BE DEED TO AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
14. LOT 1, BLOCK A IS DESIGNATED AS A DETENTION POND AND DRAINAGE EASEMENT AND SHALL BE DEED TO AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
15. LOT 20, BLOCK E IS DESIGNATED AS A PARKWAY AND SHALL BE DEED TO AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
16. LOTS 1-A, BLOCK A AND LOTS 74, BLOCK E ARE DESIGNATED AS LANDSCAPE LOTS. THESE LOTS SHALL BE DEED TO AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
17. FURNISHING DISCRETION REQUIRED FOR THIS SECTION SHALL BE IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT AND ASSOCIATED AMENDMENTS.
18. SIDEWALKS ARE REQUIRED ALONG BOTH SIDES OF ALL STREETS, AS FOLLOWS: LOCAL STREETS, 4' BOTH SIDES, COLLECTOR STREETS, 6' BOTH SIDES.
19. WATER SERVICE WILL BE PROVIDED BY CATORITH WATER SUPPLY CORPORATION.
20. WASTEWATER SERVICE WILL BE PROVIDED BY THE CITY OF KYLE.
21. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, SITE DEVELOPMENT PERMITS AND EROSION PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE.
22. THERE ARE NO ENVIRONMENTALLY SENSITIVE AREAS DISCOVERED WITHIN THIS SITE.
23. PUBLIC UTILITY EASEMENTS TO BE USED FOR UTILITY SERVICE PROVIDED TO LOTS WITHIN THIS SUBDIVISION ONLY NOT ALLOWED FOR PASS-THROUGH OR FUTURE LARGER SERVICES OUTSIDE DEVELOPMENT.
24. RIGHT-OF-WAY TO BE DEDICATED TO THE CITY OF KYLE AS PUBLIC STREET RIGHT-OF-WAY ADJACENT TO C.R. 131 (HUNDY HILL RD.).
25. FOR THE PURPOSE OF MAINTAINING CITY OF KYLE FACILITIES IN THE 16' WASTEWATER EASEMENT (SEE) ON BLOCK A, LOTS 1-A, 1-B, 1-C, AND 1-D, CONSTRUCTED SIDEWALKS, PATHS, EDGEWALKER PATHS, LANDSCAPING AND/OR RECONSTRUCTION OF SAID SIDEWALKS, PATHS, EDGEWALKER PATHS, LANDSCAPING AND/OR RECONSTRUCTION FACILITIES IN MENTIONED 16' WASTEWATER EASEMENT AFTER DISCUSSION EVER IN CITY'S MAINTENANCE/REPAIR/OPERATIONS OF CITY OWNED FACILITIES IS THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNER AND/OR HOME OWNERS ASSOCIATION.

THE STATE OF TEXAS)

THE COUNTY OF TRAVIS)

I, O. KEENE ZAMORA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND ABILITY, AND THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION.

O. Keene Zamora
O. KEENE ZAMORA, P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 65842
STATE OF TEXAS
ZAMORA, L.L.C. (LLP)
1433 SOUTH LOOP 4
BLVD, TEXAS 78701
PHONE: (512) 293-6201, FAX: (512) 293-6591



THE STATE OF TEXAS)

THE COUNTY OF TRAVIS)

I, JOHN D. HINES, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAN AND ALL PLANS AND SPECIFICATIONS THEREIN ARE INCLUDED WITH THIS PLAN AND TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPETENCY AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY OF KYLE ORDINANCES, CODES, PLANS, AND RELEVANT STATE STANDARDS.

WITNESS MY HAND THIS 19th DAY OF JUNE, 2012, A.D.

GRAY & ASSOCIATES, INC.
8317 SHOAL CREEK BLVD., SUITE 400
AUSTIN TEXAS 78757
(512)524-0311 FAX(512)451-2333
1676 FIRM # 2316



John D. Hines
JOHN D. HINES
REGISTERED PROFESSIONAL ENGINEER NO. 66291

DATE June 19, 2012

THE STATE OF TEXAS)

THE COUNTY OF HAYS)

I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AS AMENDED AND HEREBY RECOMMEND APPROVAL.

STEVEN D. WISICKI, P.E. DATE _____
CITY ENGINEER

THE STATE OF TEXAS)

THE COUNTY OF HAYS)

I, LILY GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 19th DAY OF JUNE, 2012 A.D., AT _____ O'CLOCK PM, AND WAS RECORDED ON THE 19th DAY OF JUNE, 2012 A.D., AT _____ O'CLOCK PM, IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN BOOK _____, PAGE _____.

LILY GONZALEZ, COUNTY CLERK
HAYS COUNTY, TEXAS

THIS PLAN, MEADOWS AT KYLE PHASE ONE, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COUNCIL.

DATED THIS _____ DAY OF _____, 2012, A.D.

ATTEST:

BY:

LUCY JOHNSON
MAYOR LUCY JOHNSON
CITY OF KYLE, TEXAS

CITE PLEASE
PLANNING AND ZONING COMMISSION CHAIR, CITY OF KYLE, TEXAS

STEVEN D. WISICKI
CITY ENGINEER, CITY OF KYLE, TEXAS

JUDITH RINCHEE
SECRETARY, CITY OF KYLE, TEXAS

Item # 19

PROJECT: MEADOWS AT KYLE PHASE ONE
JOB NUMBER: 11-1002-14
DATE: DEC, 2011
SCALE: 1" = 100'
SURVEYOR: O. KEENE ZAMORA
TECHNICIAN: SEGURA/GIF
DRAWING: WC-B1-SH-01
FIELD NOTES:
PARTY SHEET:
RECORD BOOKS:

ZWA
Zamora, L.L.C.
Professional Land Surveyors
1433 South Loop 4 • Duda, Texas 76601
Telephone: (512) 293-6201 • Fax: (512) 293-6591

PROJECT NO: 1283-1048214	DESIGNED BY:
DATE: DECEMBER 2011	DRAWN BY:
SCALE: 1" = 100'	CHECKED BY: JB
	PERISED BY:
GRAY & ASSOCIATES, INC. Consulting Engineers 8317 Shoal Creek Blvd., Suite 200 Austin, Texas 78757-3122 (512)524-0311 FAX(512)451-2333 1676 FIRM # 2316	

**MEADOWS AT KYLE
PHASE ONE**
16.140 ACRES OF LAND OUT OF
THE JOHN N. FRANKS SURVEY NO.
17 ABST. NO 177 AND JOHN N.
FRANKS SURVEY NO. 3 ABST. NO.
178
HAYS COUNTY, TEXAS

SHEET
3
OF
3
ZWA PLAT No.
11-1002-14



CITY OF KYLE, TEXAS

Texas Gas Service

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation:

(SecondReading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, (“CITY”) APPROVING IMPLEMENTATION OF THE FEBRUARY 11, 2013 INTERIM RATE ADJUSTMENT FILING PURSUANT TO THE TEXAS UTILITIES CODE § 104.301 OF TEXAS GAS SERVICE COMPANY, A DIVISION OF ONEOK, INC. (“TGS” OR “COMPANY”); AND DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE ~ *Jerry Hendrix, Director of Community Development*

Other Information:

Budget Information:

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[Texas Gas Service Ordinance](#)

ORDINANCE: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, (“CITY”) APPROVING IMPLEMENTATION OF THE FEBRUARY 11, 2013 INTERIM RATE ADJUSTMENT FILING PURSUANT TO THE TEXAS UTILITIES CODE § 104.301 OF TEXAS GAS SERVICE COMPANY, A DIVISION OF ONEOK, INC. (“TGS” OR “COMPANY”); AND DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, on February 11, 2013, TGS made an interim rate adjustment filing pursuant to the Texas Utilities Code §104.301 with the City; and,

WHEREAS, in accordance with the Texas Utilities Code § 104.301, the proposed interim rate adjustment will go into effect for meters read on or after May 27, 2013, with no further action by the City; and,

WHEREAS, in accordance with the Texas Utilities Code § 104.301, the proposed interim rate adjustment is subject to full review and, if appropriate, refund at the time of the next general rate case; and,

WHEREAS, allowing the proposed interim rate adjustment to go into effect is in the public interest;

WHEREAS, the City has conducted a ministerial review and the Company’s interim rate adjustment filing complies with the terms of Texas Utilities Code § 104.301

WHEREAS, the City Council finds that it is reasonable to allow the Company to defer recovery of expenses incurred by the City in connection with this proceeding until the next general rate case, such deferral to be without interest or return,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds that it is in the public interest to allow the interim rate adjustment as reflected in the attached Rate Schedules, attached hereto and incorporated herein as Exhibit “A,” to take effect on the proposed effective date of May 27, 2013.

Section 3. That TGS is authorized to recover in the next general rate case reasonable and necessary rate case expenses incurred in association with its interim rate adjustment filing.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That this Ordinance shall become effective from and after its passage.

PASSED AND APPROVED this _____ day of _____, 2013

CITY OF KYLE

Mayor, Lucy Johnson

ATTEST:

City Secretary, Amelia Sanchez

APPROVED AS TO FORM:

City Attorney, Frank Garza



CITY OF KYLE, TEXAS

Seizure Interlocal Agreement

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration and Possible Action to Approve an Interlocal Agreement regarding Asset Forfeitures within Hays County ~ *Jeff Barnett, Chief of Police*

Other Information:

Budget Information:

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[Seizure Interlocal Agreement 5.2013](#)

**Interlocal Agreement
Regarding Asset Forfeitures within Hays County**

STATE OF TEXAS §

COUNTY OF HAYS §

Pursuant to the provisions of Chapter 59 of the Texas Code of Criminal Procedure, which regulates the disposition of property forfeited to the State of Texas as contraband, and pursuant to Chapter 791 of the Texas Government Code, which regulates the execution of interlocal cooperation agreements, the Hays County Sheriff's Office, the San Marcos Police Department, the Kyle Police Department, the Buda Police Department, the Hays County Narcotics Task Force, the Texas State University Police Department (referred to herein as the "Agency"), and the Hays County Criminal District Attorney (referred to herein as "the Attorney Representing the State") enter into this agreement ("Agreement") regarding the disposition of said property or the proceeds from the sale thereof. The Agency and the Attorney Representing the State are collectively referred to in this Agreement as the "Parties."

I. Forfeited Property Under Chapter 481, Health and Safety Code, and Chapter 59, Texas Code of Criminal Procedure

With respect to all forfeited property seized in connection with a violation of Chapter 481, Health and Safety Code ("the Texas Controlled Substances Act"), and all other property seized by the Agency and forfeited in a proceeding under Article 59.05 of the Texas Code of Criminal Procedure, in consideration of the services rendered by the Parties to this Agreement for the seizure and forfeiture of the said contraband, the Agency that seizes contraband or otherwise forfeitable property (hereinafter "the Seizing Agency" whether one or more) and the Attorney Representing the State agree as follows, after the deduction of applicable court costs:

- A. No Answer Filed. The Seizing Agency shall retain 70%, to be deposited in the Seizing Agency's fund, and the Attorney Representing the State shall retain 30%, to be used for the official purposes of the Attorney's office, of all forfeited property and the proceeds from the sale thereof, in circumstances where no answer is filed for a forfeiture hearing and a default judgment is rendered in favor of the State. This section is applicable to violations of the Texas Controlled Substances Act and any other pertinent statute;
- a. Hays County Narcotics Task Force Case. Provided that the Hays County Narcotics Task Force is comprised of San Marcos Police Department officers and Hays County Sheriff's Office deputies, the 70% proportion of proceeds retained by the Hays County Narcotics Task Force shall be divided between the San Marcos Police Department and the Hays County Sheriff's Office as follows: 35% to the San Marcos Police Department, and 35% to the Hays County Sheriff's Office.

- B. Answer Filed.** The Seizing Agency shall retain 60%, to be deposited in the Seizing Agency's fund, and the Attorney Representing the State shall retain 40%, to be used for the official purposes of the Attorney's office, of all forfeited property and the proceeds from the sale thereof, in circumstances where an answer is filed for a forfeiture hearing. This section is applicable to violations of the Texas Controlled Substances Act and any other pertinent statute; or
- a. Hays County Narcotics Task Force Case. Provided that the Hays County Narcotics Task Force is comprised of San Marcos Police Department officers and Hays County Sheriff's Office deputies, the 60% proportion of proceeds retained by the Hays County Narcotics Task Force shall be divided between the San Marcos Police Department and the Hays County Sheriff's Office as follows: 30% to the San Marcos Police Department, and 30% to the Hays County Sheriff's Office.
- C. Trial Commences.** The Seizing Agency shall retain 50%, to be deposited in the Seizing Agency's fund, and the Attorney Representing the State shall retain 50%, to be used for the official purposes of the Attorney's office, of all forfeited property and the proceeds from the sale thereof, in circumstances where a trial on the forfeiture hearing commences. This section is applicable to violations of the Texas Controlled Substances Act and any other pertinent statute.
- a. Hays County Narcotics Task Force Case. Provided that the Hays County Narcotics Task Force is comprised of San Marcos Police Department officers and Hays County Sheriff's Office deputies, the 50% proportion of proceeds retained by the Hays County Narcotics Task Force shall be divided between the San Marcos Police Department and the Hays County Sheriff's Office as follows: 25% to the San Marcos Police Department, and 25% to the Hays County Sheriff's Office.
- D. Vehicles to be Auctioned.** In the event a Seizing Agency desires to auction a vehicle seized as contraband, the following procedure shall be in effect:
- a. (1) The Attorney Representing the State shall confirm with the Seizing Agency that the Agency wishes to auction the vehicle; (2) The Attorney Representing the State shall proceed with drafting the Final Judgment of Forfeiture and deliver it to a judge for signature; (3) Upon auction, the Seizing Agency shall remit an auction receipt to the Attorney Representing the State providing the proceeds derived from the auction of the vehicle; and (4) the Attorney Representing the State shall then receive payment, made payable to "Hays County" and delivered to the Hays County District Attorney's Office from buyer of vehicle at said auction; (5) the calculated percentages to be disbursed from the Hays County District Attorney's office (as determined from the percentage breakdowns in sections (I)(A)-(C) above) shall be made on the next disbursement issued by the Attorney Representing the State.

E. Vehicles Put into Service. In the event a Seizing Agency desires to retain a vehicle seized as contraband in order to use and operate the vehicle for official purposes, the following procedure shall be in effect:

- a. (1) The Attorney Representing the State shall confirm with the Seizing Agency that the Seizing Agency wishes to use the vehicle for official purposes; (2) Search NADA and/or KBB, as well as confer with the Seizing Agency to determine a reasonable estimated market value of the vehicle; (3) Calculate the percentage of the estimated market value to be disbursed to the Hays County District Attorney's Office; (4) Email an agent with authority at the Seizing Agency to confirm that, based on the estimated market value of the vehicle and the amount to be disbursed to the Hays County District Attorney's Office, the Seizing Agency still desires to use the vehicle for official purposes; (5) Once receiving confirmation, in writing, of the Seizing Agency's continued desire to use the vehicle for official purposes, the Attorney Representing the State shall proceed with drafting the Final Judgment of Forfeiture and deliver it to a judge for signature; and (6) the Attorney Representing the State shall then withhold the calculated percentage of the estimated market value to be disbursed to the Hays County District Attorney's Office (as determined from the percentage breakdowns in sections (I)(A)-(C) above) from the next disbursement issued by the Attorney Representing the State.
- b. If the situation arises where the next disbursement issued by the Attorney Representing the State will not cover the calculated percentage to be withheld, the Attorney Representing the State shall continue to withhold from future disbursements until the full percentage of estimated market value owed to the Hays County District Attorney's Office is paid in full.

II. Forfeited and Abandoned Property Under Chapter 18, Texas Code of Criminal Procedure

With respect to all forfeited property seized in connection with a violation of Chapter 18, in consideration of the services rendered by the Parties to this Agreement for the seizure and forfeiture of the said contraband, the Agency and the Attorney Representing the State agree as follows, after the deduction of applicable court costs:

- A. Abandoned, Non-Monetary Property—Article 18.17.** In the event an Agency seizes property other than contraband subject to forfeiture under Chapter 59, which is not held as evidence to be used in any pending case, and has since become unclaimed or abandoned, the Agency shall give notice to the Attorney Representing the State of the unclaimed or abandoned property. Upon notice, the Attorney Representing the State shall comply with the provisions set out in Article 18.17 regarding sending notice to the owner of the property. If the property is non-monetary and is still unclaimed or abandoned after the proper notice requirements are met, the Agency shall

retain the property and either use and operate the vehicle for official purposes or auction the property. The Agency is to retain all proceeds in regards to any auction made pursuant to Article 18.17.

- B. Abandoned, Monetary Property—Article 18.17.** In the event an Agency seizes property other than contraband subject to forfeiture under Chapter 59, which is not held as evidence to be used in any pending case, and has since become unclaimed or abandoned, the Agency shall give notice to the Attorney Representing the State of the unclaimed or abandoned property. Upon notice, the Attorney Representing the State shall comply with the provisions set out in Article 18.17 regarding sending notice to the owner of the property. If the property is monetary and is still unclaimed or abandoned after the proper notice requirements are met, the proceeds shall be distributed as follows: the Agency shall retain 70%, to be deposited in the Agency’s fund, and the Attorney Representing the State shall retain 30%, to be used for the official purposes of the Attorney’s office.
- C. Gambling Paraphernalia, Prohibited Weapons, and Criminal Instruments—Article 18.18.** In the event of a final conviction of a person for possession of a gambling device or equipment, altered gambling equipment, or gambling paraphernalia, for an offense involving an obscene device or material, for an offense involving child pornography, or for an offense involving a scanning device or re-coder, not later than the 30th day following conviction, either the court entering judgment on the conviction, the prosecuting attorney, or the law enforcement agency which seized the property shall file a motion for an order of destruction or forfeiture to the state.
- a. If there is no prosecution or conviction following the seizure, the magistrate to whom the return was made shall notify in writing the person found in possession of the property to show cause why the property seized should not be destroyed or forfeited. The magistrate, on the motion of the Agency, shall order the weapon destroyed or forfeited to the Agency unless a person shows cause as to why the property should not be destroyed or forfeited.
 - i. The Seizing Agency shall make a motion in a timely manner after the time at which the Seizing Agency is informed in writing by the Attorney Representing the State that no prosecution will arise from the seizure.
 - b. If a person timely appears to show cause why the property or proceeds should not be destroyed or forfeited, the magistrate shall conduct a hearing on the issue and determine the nature of the property or proceeds and the person’s interest therein. Unless the person proves by a preponderance of the evidence that the property or proceeds is not prohibited property and that he is entitled to possession, the magistrate shall dispose of the property or proceeds in accordance with Section C above.

D. Seized Weapons—Article 18.19. In the event the Agency seizes weapons in connection with an offense involving the use of a weapon or an offense under Penal Code Chapter 46, if there is no prosecution or conviction for an offense involving the weapon seized, the magistrate to whom the seizure was reported shall, before the 61st day after the date the magistrate determines that there will be no prosecution or conviction, notify in writing the person found in possession of the weapon that the person is entitled to the weapon upon written request to the magistrate. The magistrate shall order the weapon returned before the 61st day after the date the magistrate receives a request from the person. If the weapon is not requested before the 61st day after the date of notification, the magistrate shall, before the 121st day after the date of notification, order the weapon destroyed or forfeited to the state. If the magistrate does not order the return, destruction, or forfeiture of the weapon within the applicable period, the Seizing Agency may request an order of destruction or forfeiture of the weapon from the magistrate.

- a. A person either convicted or receiving deferred adjudication under Chapter 46 of the Penal Code is entitled to the weapon seized upon request to the court in which the person was convicted or placed on deferred adjudication. However, the court entering the judgment shall order the weapon destroyed or forfeited to the state if:
 - i. The person does not request the weapon before the 61st day after the date of the judgment of conviction or the order placing the person on deferred adjudication;
 - ii. The person has been previously convicted under Chapter 46 of the Penal Code;
 - iii. The weapon is a prohibited weapon defined under Chapter 46 of the Penal Code;
 - iv. The offense for which the person is convicted or receives deferred adjudication was committed in or on the premises of a playground, school, video arcade facility, or youth center; or
 - v. The court determines based on the prior criminal history of the defendant or based on the circumstances surrounding the commission of the offense that possession of the seized weapon would pose a threat to the community or one or more individuals
- b. If the person found in possession of a weapon is convicted of an offense involving the use of the weapon, before the 61st day after the date of conviction the court entering judgment of the conviction shall order destruction of the weapon or forfeiture. If the court entering judgment of conviction does not order the destruction or forfeiture of the weapon within the applicable period, the Agency may request an order of destruction or forfeiture of the weapon from a magistrate.
- c. This section does not apply to prohibited weapons. Prohibited weapons are treated according to Section C above.

- E. Regarding Sections A through D listed above, the Attorney Representing the State will issue the proper notices upon request of the Agency. The Attorney Representing the State will also draft and file the proper motions and orders upon request of the Agency.
- F. Publication costs in regards to Sections A and B listed above are to be administered by the Agency.

III. K-9 Response Situations

If, in connection with a seizure and forfeiture described in this Agreement, an Agency requests and obtains the services of a drug-detecting K-9 in service with another Agency, and that drug-detecting K-9 contributes to the evidentiary value of the seizure, the two Agencies shall confer on a case-by-case basis regarding what percentage of the forfeiture shall be disbursed to the Agency in which provided the drug-detecting K-9.

- A. Hays County Narcotics Task Force Case. Provided that the Hays County Narcotics Task Force is comprised of San Marcos Police Department officers and Hays County Sheriff's Office deputies, in the case that the Hays County Narcotics Task Force is the Agency providing the drug-detecting K-9, of the percentage determined by the two Agencies, the forfeiture distribution shall be further divided as follows: 50% of the proceeds attributable to the seizing agency to the San Marcos Police Department, and 50% of the proceeds attributable to the seizing agency to the Hays County Sheriff's Office.

IV. General Forfeiture Terms

- A. The Attorney Representing the State may transfer forfeited property, such as vehicles or other conveyances, to the Seizing Agency to maintain, repair, use, operate, and put into service for official business. The Parties may agree in writing to allocate such forfeited property in a manner that best serves the operational interests of the Parties.
- B. This Agreement shall apply to all contraband forfeited pursuant to Chapter 59 of the Texas Code of Criminal Procedure, and other seizures and forfeitures that occur from and after the effective date of this Agreement. In the absence of an individual written agreement for a specific seizure, the distribution of forfeited property, or the proceeds from the sale thereof, shall be in accordance with this Agreement.
- C. The Parties agree that special circumstances may dictate that the proceeds of forfeited property be shared with other law enforcement agencies. In those special circumstances, the Attorney Representing the State, the Agency, and the other law enforcement agency(s) may agree to allocate property or proceeds in accordance with a written agreement among the Attorney Representing the State, the Agency, and the other law enforcement agency(s), to be negotiated on a case-by-case basis.

- D.** If money is seized, the Attorney Representing the State shall, before disposition in accord with this Agreement, handle such funds in accordance with applicable statutes.
- E.** All disbursement of forfeited funds shall be made on a quarterly basis upon execution of a final judgment that has been duly served, and after the deduction of all reasonable costs associated with the maintenance of said forfeited property. Property shall be forfeited to the State when the forfeiture judgment is final and no motion for new trial or appeal has been filed.
 - a. The Seizing Agency shall remit an invoice depicting all reasonable costs associated with the maintenance of said forfeited property to the Attorney Representing the State upon the Attorney Representing the State's request.
- F.** The Parties and the subject matter of this Agreement, including the percentage allocations identified herein, are subject to legislative or regulatory changes.

IV. General Terms and Conditions

- A.** This Agreement shall become effective on the date it is signed by the last of the Parties to this Agreement. This Agreement shall remain in effect until terminated.
- B.** The Parties shall comply with all local, state, and federal laws and regulations applicable to the subject matter of this Agreement, including but not limited to Chapter 59 of the Texas Code of Criminal Procedure.
- C.** Any party may terminate this Agreement, at any time and for any reason, by giving the other party thirty (30) calendar days written notice. Property that is the subject of any forfeiture proceeding that commences prior to the termination date of this Agreement shall be disposed of pursuant to this Agreement. Any party may terminate this Agreement for cause with written notice to the other parties which shall become effective immediately upon the other party's receipt of the notice.
 - a. Termination by one of the parties to this Agreement shall not result in a termination of the entire Agreement. Rather, termination by one of the parties to this Agreement shall result in an amendment to the Agreement.
- D.** No modification or amendment to this Agreement shall become valid unless in writing and signed by both Parties.
- E.** Any failure of a Party to this Agreement, at any time, to enforce or require the strict keeping of any provision of this Agreement shall not constitute a waiver of such provision, and shall not affect or impair same or the right of that Party at any time to avail itself of same.

- F.** This Agreement constitutes the entire agreement between the Parties with regard to the matters made the subject of this Agreement. There are no verbal representations, inducements, or other agreements between the Parties.
- G.** The Attorney Representing the State is subject to audit and inspection, at any time during normal business hours and at a mutually agreed upon location. The Attorney Representing the State shall provide all reasonable facilities and assistance for the safe and convenient performance of any audit or inspection. The Attorney Representing the State shall keep all records and documents regarding this Agreement for the term of this Agreement and for four (4) years after the termination of this Agreement.
- H.** Any notice required or permitted under this Agreement shall be directed to the Parties at the addresses shown below and shall be deemed received: (1) when delivered in hand and a receipt granted; (2) three calendar days after it is deposited in the United States mail; or (3) when received if sent by confirmed facsimile or confirmed email.
- I.** The signatories hereby represent and warrant that they have full and complete authority to execute this Agreement.

J. *Dispute Resolution.*

i) Negotiation. The Parties will attempt in good faith to resolve promptly through negotiation any claim or controversy arising out of or relating to this Contract. If a controversy or claim should arise, the Parties agree to each select a Representative and to have those Representatives meet at least once to attempt in good faith to resolve the dispute. For such purpose, any Party may request the others to meet within ten (10) days, at a mutually-agreed-upon time and place. The Parties shall, within ten (10) days after the Effective Date of this Contract, each designate to the other their respective Representatives, who shall be an executive-level individual with authority to settle disputes. Each of the Parties may change the designation of its Representative, but shall maintain at all times during the term of this Contract a designated Representative and shall ensure that the other Parties are notified of any change in the designation of its Representative.

ii) Mediation. If the dispute has not been resolved within sixty (60) days after the first meeting of the designated Representatives (or such longer period of time as may be mutually agreed upon), any of the parties may refer the claim or controversy to non-binding mediation conducted by a mutually-agreed-upon party qualified to perform mediation of disputes related to the subject matter of this Agreement (herein referred to as the "Mediator") by sending a written mediation request to the other party. In the event that such a request is made, the Parties agree to participate in the mediation process. The Parties and the Mediator may join in the mediation any other party necessary for a mutually acceptable resolution of the dispute. Should the Mediator ever be unable or unwilling to continue to serve, the parties shall select a successor Mediator. The mediation procedure shall be determined by the Mediator in

consultation with the parties. The fees and expenses of the Mediator shall be borne equally by the parties.

iii) Litigation. If the dispute is not resolved within thirty (30) days after the commencement of mediation, or if no mediation has been commenced within ninety (90) days after the first meeting between Representatives (or such longer period of time as may be mutually agreed upon) any of the Parties may commence litigation to resolve the dispute in any Texas state court of competent jurisdiction, or in the United States District Court for the Western District of Texas to the extent said Court shall have jurisdiction over the matter.

(SIGNATURES FOLLOW ON THE NEXT PAGE(S))

Attorney Representing the State:

Hays County Sheriff's Office

Signature

Signature

Printed Name

Printed Name

Title

Title

San Marcos Police Department:

Signature

Printed Name

Title

Kyle Police Department:

Signature

Printed Name

Title

Buda Police Department:

Signature

Printed Name

Title

Hays County Narcotics Task Force:

Signature

Printed Name

Title

Texas State University Police Department:

Signature

Printed Name

Title

Date Agreement Executed: _____



CITY OF KYLE, TEXAS

Executive Session - Convene

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.071, Consultation with City Attorney regarding Enforcement Action between the City of Kyle and Aqua Operations, Inc.

Other Information:

Budget Information:

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Attachments / click to download



CITY OF KYLE, TEXAS

Executive Session-Economic Development

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Convene into Executive Session pursuant to Section 551.087, Tex. Gov't Code, 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, (Project Fern)

Other Information:

Budget Information:

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CITY OF KYLE, TEXAS

Executive Session, Reconvene

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Reconvene into Public Session and take action as appropriate in the Council's discretion regarding Enforcement Action between the City of Kyle and Aqua Operations, Inc.

Other Information:

Budget Information:

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Attachments / click to download



CITY OF KYLE, TEXAS

Executive Session-Economic Development-Reconvene

Meeting Date: 6/4/2013
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, (Project Fern)

Other Information:

Budget Information:

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

Attachments / click to download



CITY OF KYLE, TEXAS

Canvass Runoff Election

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE JUNE 1, 2013, RUNOFF ELECTION OF THE CITY OF KYLE, TEXAS ~ *Frank Garza, City Attorney*

Other Information:

Budget Information:

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

Attachments / click to download



CITY OF KYLE, TEXAS

Authorize Negotiation & Execution of PSA for Audit Services

Meeting Date: 6/4/2013

Date time: 7:00 PM

Subject/Recommendation: Authorize the City Manager to negotiate and execute a professional services agreement with PADGETT, STRATEMANN & CO., LLP of Austin, Texas, to provide independent financial audit services to the City of Kyle for fiscal years ending September 30, 2013, 2014, and 2015 with two 1-year extension options ~ *Perwez A. Moheet, CPA, Director of Finance*

Other Information: Article VIII, Section 8.13 of the City Charter requires that at the close of each fiscal year, an independent audit shall be made of all accounts of the City by a Certified Public Accountant experienced in auditing cities.

The City Charter requires under Section 8.13(c) of Article VIII that the City Council shall not select the same auditor for more than five (5) consecutive years and the auditor selected shall not be, or have been within the immediate preceding three (3) years, a business associate of the Certified Public Accountant or firm that performed the audit prior to such selection.

On April 22, 2013, the City issued a Request for Proposal (RFP) soliciting proposals from accounting firms qualified to perform the City's annual financial audit.

A total of five (5) proposals were received from the following public accounting firms in response to the Request for Proposals issued by the City of Kyle for independent financial audit services:

- Belt Harris Pechacek, LLLP, Houston, Texas
- BrooksCardiel, PLLC, Woodlands, Texas
- Padgett Stratemann & Co., LLP, Austin, Texas
- Patillo, Brown, & Hill, LLP, Waco, Texas
- White + Samaniego + Campbell, LLP, El Paso, Texas

The five proposals were evaluated and scored by City staff using the following criteria:

- Firm's Qualifications
- Staff Qualifications
- Examination Approach
- Audit Schedule
- Audit Fee

Cover Memo

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A copy of the City's Notice and Request for Proposals (RFP No. 2013-01-PM) for independent financial audit services is attached. This document provides complete details for:

1. Scope of services
2. Qualification requirements
3. Selection criteria
4. Project timeline

The first annual financial audit to be completed under this professional services agreement with Padgett, Stratemann & Co., LLP, will be for the fiscal year ending September 30, 2013. The annual audit fee as estimated and proposed by Padgett, Stratemann & Co., LLP to perform the annual examination of the City's financial statements and supporting records for the 3-year term of the agreement are as follows:

- Fiscal Year Ending 9-30-2013: \$47,900.00
- Fiscal Year Ending 9-30-2014: \$49,575.00
- Fiscal Year Ending 9-30-2015: \$51,300.00

The annual audit fee will be budgeted and expended in future operating budgets of the City's Financial Services Department.

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

 [RFP - Audit Services](#)

 [Fiscal Note](#)



CITY OF KYLE, TEXAS
REQUEST FOR PROPOSALS (RFP)

RFP NO. 2013-01-PM
INDEPENDENT FINANCIAL AUDIT SERVICES

DUE DATE:
APRIL 22, 2013 AT 10:00 A.M. (CST)

ISSUED BY:
FINANCIAL SERVICES DEPARTMENT

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**NOTICE OF REQUEST FOR PROPOSALS
RFP NO. 2013-01-PM**

The City of Kyle will accept sealed Proposals for Independent Financial Audit Services **until 10:00 A.M., April 22, 2013** in the City's Financial Services Department. **Proposals received after this time will not be considered.**

Proposals will be acknowledged on April 23, 2013 at 8:00 A.M. All persons are invited to attend the acknowledgement at the City of Kyle, Financial Services Department's Conference Room, Kyle City Hall, 100 W. Center Street, Kyle, Texas.

Please mark on the outside of the envelope and on any carrier's envelope: "RFP No. 2013-01-PM for Independent Financial Audit Services", and send to the attention of Mr. Perwez A. Moheet, CPA, Director of Finance, 100 W. Center Street, Kyle, Texas 78640 (physical location) or P.O. Box 40, Kyle, Texas, 78640 (mailing address).

The City of Kyle will not be responsible in the event that the U.S. Postal Service or any other courier system fails to deliver the sealed proposals to the City of Kyle by the given deadline above. Electronic transmission or facsimile of Proposals will not be acceptable.

The City of Kyle reserves the right to reject any or all responses and to waive irregularities contained therein and to accept any response deemed most advantageous to the City of Kyle.

Perwez A. Moheet, CPA
Director of Finance
City of Kyle, Texas

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ACKNOWLEDGEMENT FORM
(Complete & Submit Upon Receipt)

Request for Proposals for Independent Financial Audit Services

Please fax or mail this page upon receipt of the RFP package and legal notice.

Check one:

- Yes, I will be able to send a response based on RFP package received.**
- Yes, I will be able to send a response based on RFP package obtained from the City of Kyle's website.**
- No, I will not be able to send a response to this RFP for the following reason:**

If you are unable to send your response to this RFP, kindly indicate your reason above and return this form to Mr. Perwez A. Moheet, CPA, Director of Finance, City of Kyle via fax to: **(512) 262-3800**. This will ensure you remain active on our vendor list.

Date _____

Company: _____

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____

Email: _____

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ETHICS STATEMENT
(Complete and Return this Form with Response)

The undersigned firm, by signing and executing this RFP, certifies and represents to the City of Kyle that the firm has not offered, conferred or agreed to confer any pecuniary benefit, as defined by (1.07 (a) (6) of the Texas Penal Code, or any other thing of value as consideration for the receipt of information or any special treatment of advantage relating to this RFP; the firm also certifies and represents that the firm has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this RFP, the firm certifies and represents that firm has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of the City of Kyle concerning this RFP on the basis of any consideration not authorized by law; the firm also certifies and represents that firm has not received any information not available to other firms so as to give the undersigned a preferential advantage with respect to this RFP; the firm further certifies and represents that firm has not violated any state, federal, or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that firm will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value of any officer, trustee, agent or employee of the City of Kyle in return for the person having exercised their person's official discretion, power or duty with respect to this RFP; the firm certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent, or employee of the City of Kyle in connection with information regarding this RFP, the submission of this RFP, the award of this RFP or the performance, delivery or sale pursuant to this RFP.

THE FIRM SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY OF KYLE, ALL OF ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, ACTIONS, SUITS, DEMANDS, PROCEEDING, COSTS, DAMAGES AND LIABILITIES ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM ANY ACTS OR OMISSIONS OF FIRM OR ANY AGENT OR EMPLOYEE OF FIRM IN THE EXECUTION OR PERFORMANCE OF THIS RFP.

I have read all of the specifications and general RFP requirements and do hereby certify that all items submitted meet specifications.

FIRM: _____

OFFICER NAME: _____

OFFICER SIGNATURE: _____

ADDRESS: _____

CITY: _____

STATE: _____ ZIP CODE: _____

TELEPHONE: _____ TELEFAX: _____

FEDERAL ID#: _____ AND/OR SOCIAL SECURITY #: _____

DEVIATIONS FROM SPECIFICATIONS IF ANY:

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**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS
(Complete and Return this Form with Response)**

Name of Entity: _____

The prospective participant certifies to the best of their knowledge and belief that they, the principals in the firm, and the firm:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible from practicing public accountancy, and or voluntarily surrendered their license to practice public accountancy in the State of Texas and or the United States of America.
2. Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from conducting any business and or financial transactions by any department or agency of Federal, State, and or local government.
3. Have not been convicted of, had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
4. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, Local) with commission of any of the offenses enumerated in item 3 above of the certification; and
5. Have not within a five year period preceding this RFP had one or more public transactions (Federal, State, Local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Section 1001, a false statement may result in a fine up to a \$10,000.00 or imprisonment for up to five (5) years, or both.

Name and Title of Authorized Representative (Typed)

Signature of Authorized Representative

Date

I am unable to certify to the above statements. My explanation is attached.

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CONFLICT OF INTEREST QUESTIONNAIRE
For vendor or other person doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

OFFICE USE ONLY

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

Date Received

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

1. Name of person who has a business relationship with local governmental entity.

2. Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3. Name of local government officer with whom filer has employment or business relationship.

 Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

- A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?
 Yes No
- B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?
 Yes No
- C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?
 Yes No
- D. Describe each employment or business relationship with the local government officer named in this section.

4.

 Signature of person doing business with the governmental entity

 Date

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DESCRIPTION OF THE CITY

The City of Kyle is a political subdivision and municipal corporation of the State of Texas (the "State"), duly organized and existing under the laws of the State including the City's Home Rule Charter, initially adopted by the voters in the year 2000.

The City operates as a Home Rule City under a Council-Manager form of government with a City Council comprised of the Mayor and six Council Members. The City Manager is the chief executive officer for the City of Kyle. The City covers approximately 18.86 square miles and has an estimated population of 33,000 in 2013.

Kyle is a thriving community having easy access to major highway and roadways including Interstate Highway 35. Kyle is strategically located eight miles north of San Marcos, 20 miles south of Austin and 60 miles north of San Antonio. Kyle is the second largest city in Hays County and enjoys a south central location convenient to most major population and employment centers in Texas.

THE CITY COUNCIL

The governing body of the City, the City Council, is composed of a Mayor and six Council Members each elected for a term of three years. The Mayor and Council Members for Place 1, 3, and 5 are elected from the City at-large. Council Members for Place 2, 4, and 6 are elected from single member districts. The current members of the City Council are:

- Mayor: Lucy Johnson
- Mayor Pro Tem: Diane Hervol, Place/District 1
- Council Members:
 - Becky Selbera, Place/District 2
 - Bradley P. Pickett, Place/District 3
 - David Wilson, Place/District 4
 - Samantha Bellows-LeMense, Place/District 5
 - Ray Bryant, Place/District 6

STRATEGIC PLANNING & FINANCE COMMITTEE

The Strategic Planning & Finance Committee is the equivalent of an Audit & Finance Committee, and is currently composed of seven members appointed by the City Council:

- Chair: Greg Blackwell
- Vice Chair: Janine Smalley
- Members:
 - Thomas Brown
 - Alejandro Correa

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David Rabago
David Robertson
Brian Ziegler

City Council Liaison: Bradley P. Pickett
Place/District 3

City Staff Liaison: Perwez A. Moheet, CPA
Director of Finance

THE CITY OF KYLE ORGANIZATION

The City of Kyle provides all general municipal services within the City limits through the following City Departments:

1. Office of the City Manager
2. Building Inspection (Permits, Code Enforcement)
3. City Attorney
4. City Secretary
5. Communications (Public Information)
6. Economic Development
7. Emergency Medical Services (Contracted)
8. Engineering Services
9. Financial Services (Budget & Accounting, Utility Billing, and Municipal Court)
10. Human Resources
11. Information Technology
12. Parks & Recreation
13. Planning Services
14. Police
15. Public Library
16. Public Works (Water, Wastewater, Street Maintenance)

The approved budget for Fiscal Year 2012-13 totals \$42.2 million for all funds and includes 159.5 authorized full time equivalent positions. A copy of the City of Kyle's approved budget for Fiscal Year 2012-13 and other financial reports is available on the City's website at:

www.cityofkyle.com/finance

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CITY'S FINANCIAL SERVICES DEPARTMENT ORGANIZATION

The Financial Services Department is comprised of three divisions; Budget & Accounting, Utility Billing, and Municipal Court. An organization chart is provided in the Appendix section of this RFP.

Budget & Accounting: The responsibilities of the Budget & Accounting Division is carried-out by a total of 6.5 authorized full time equivalent positions. This includes managing accounting, financial reporting, and transaction processing functions such as cash receipt/bank deposits, accounts payable, accounts receivable, payroll, bank reconciliation, fixed assets, investments, general accounting, property tax and utility rates development, budget development and monitoring, financial analyses, and financial reporting.

Utility Billing: This division is primarily responsible for customer service, service turn-on and disconnects, meter reading, billing, and collection for water, wastewater, and solid waste services. This division has 6.0 authorized full time equivalent positions comprised of both administrative and field personnel.

Municipal Court: Responsibilities include adjudication of all Class C Misdemeanor violations within the City of Kyle limits including processing of warrants, citation dismissals, acceptance of payments, and payment plans. Provides administrative and bailiff support to the Municipal Court Judge for court sessions. This division is comprised of 4.5 authorized full time equivalent positions.

CITY OF KYLE'S FUND STRUCTURE

The City of Kyle's fund structure for accounting and financial reporting purposes for Fiscal Year 2012-13 is as follows:

<u>Fund Type/Account Group</u>	<u>No. of Funds</u>
General Fund	1 plus 5 sub-funds
Special Revenue Fund	10
Debt Service Fund	2
Capital Projects Fund	7
Enterprise Fund	1 plus 4 sub-funds
OPEB Fund	1
General Fixed Assets	1

A complete list of active and inactive Funds in the City's accounting system is attached in the Appendix section of the RFP.

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COMPREHENSIVE ANNUAL FINANCIAL REPORT

The City of Kyle issued its first Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2012. The City has submitted its FY 2012 CAFR for GFOA's Certificate of Achievement for Excellence in Financial Reporting and is currently under review.

A copy of the City's FY 2012 CAFR and other financial reports are available on the City's website at:

www.cityofkyle.com/finance

The City plans to submit its FY 2013 CAFR for GFOA's Certificate of Achievement for Excellence in Financial Reporting.

COMPONENT UNITS

The City of Kyle does not have any separate entities included and or reported as a component unit of the local government.

RETIREMENT SYSTEM

The City of Kyle is a participant in the Texas Municipal Retirement System. The City also offers an optional 457 Deferred Compensation Plan to its employees through the International City Manager's Association (ICMA).

COMPUTER SOFTWARE SYSTEMS

The City of Kyle currently utilizes the following computerized system software for the functions shown below:

- | | |
|------------------|---|
| 1. Springbrook | Fund Accounting |
| 2. Audit-City | Financial Statements |
| 3. STW | Utility Billing (water, wastewater & solid waste) |
| 4. Sensus | Water Meter Reading |
| 5. LT Systems | Municipal Court |
| 6. New World | Police Records Management & Dispatch |
| 7. Brazos | Traffic Citations |
| 8. Net Motion | Private Network for Police |
| 9. EdgeSoft | Permitting & Inspections |
| 10. GovPartners | Parks Reservation & Receipting |
| 11. Google Apps | Email, Calendar, Messaging |
| 12. Atrium | Library Cataloging & Book Checkout |
| 13. Envisionware | Library Public Computer Reservations |
| 14. Phone Tree | Customer Notifications by Telephone |
| 15. MuniAgenda | City Council Agenda |

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KEY DATES

DESCRIPTION OF EVENTS

April 2, 2013	RFP posted on the City's website and distributed to prospective firms or firms that had made a request previously.
April 22, 2013	Responses due 10:00 A.M. in the Financial Services Department.
TBD	Strategic Planning & Finance Committee Recommendation
May 21, 2013	City Council's selection of firm and award of contract. (Tentative)
September 30, 2013	Fiscal year end.
November 4, 2013	Commence audit field work
February 3, 2014	Audit Report and Management Letter Due
February 18, 2014	Presentation of Auditor's Report on Financial Statements to City Council

SCOPE OF SERVICES

The City of Kyle is requesting proposals from firms licensed to practice public accountancy in the State of Texas to examine its financial statements and to render an opinion on the fair presentation of the City's financial position and the changes in financial position and cash flows in conformity with accounting principles generally accepted in the United States of America.

The examination of the City of Kyle's financial statements should be made in accordance with:

- A. Auditing standards generally accepted in the United States of America as included in Statements on Auditing Standards, published by the American Institute of Certified Public Accountants.
- B. Standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.
- C. Provisions of relevant General Accounting Standards Board Statements.

The selected auditing firm will be required to prepare the following reports:

- A. Independent Auditor's Report.



- B. Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters in Accordance with Government Auditing Standards.
- C. All other reports required of the independent auditor examining the financial statements of the City of Kyle in accordance with the standards listed above.
- D. Exit conferences will be held with the City Manager and the Director of Finance.

The successful auditing firm will be expected to provide advisory guidance to City staff during their course of audit work for:

- A. Accounting and other technical matters as needed to keep the City of Kyle in compliance with any changes in governmental accounting and financial reporting standards.
- B. In the preparation of the City's CAFR so that it exhibits complete transparency and full disclosure in financial reporting and to be eligible to receive the GFOA's Certificate of Achievement for Excellence in Financial Reporting.

APPLICABILITY OF A-133 AUDIT REQUIREMENTS

The City of Kyle does not expect to receive nor does it expect to expend \$500,000 or more in federal awards during Fiscal Year 2012-13.

INDEPENDENT AUDITOR'S REPORT REQUIREMENTS

- A. The report should be addressed to the City Council of the City of Kyle, Texas.
- B. Reports of examinations of Financial Statements must:
 - 1) State the scope of examination and that the audit was performed in accordance with generally accepted auditing standards and,
 - 2) Must include an opinion as to whether the financial statements present fairly, in all material respects, and the respective changes in financial position and cash flows, in conformity with accounting principles generally accepted in the United States of America.
- C. Reports of compliance examinations must include a statement that the audit was conducted in accordance with applicable auditing standards. The audit report must state whether the examination disclosed instance of non-compliance with laws and regulations. Findings of non-compliance or ineligible expenses must be presented in enough detail for management to be able to clearly understand them.



- D. The independent auditor will present the audit report to the City Council at its 2nd meeting in February of each year of the contract.

CITY OF KYLE'S RESPONSIBILITIES DURING AUDIT

- A. The City of Kyle will provide and make available on-site office space, internet connectivity, power source, standard office supplies, use of copier/scanner, and postage to conduct the audit and related confirmations by mail.
- B. The City of Kyle will make available and accessible all documents, records, and systems requested by the independent auditors to conduct their examination.
- C. The City's accounting staff will be available to provide documents and reports for examination, reproduce documents, prepare specific schedules, etc.
- D. The City's accounting staff will be responsible for preparing, organizing, copying, and binding the final CAFR.

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AUDIT FEES

The proposal should provide an annual maximum not-to-exceed fee listed separately for each of the 3-year contract term. Please provide a maximum not-to-exceed audit fee separately for fiscal years ending September 30, 2013, September 30, 2014, and September 30, 2015. Do not provide a lump sum fee amount for the 3-year contract term.

TERM OF CONTRACT

The City of Kyle will enter into a 3-year contract term for Independent Financial Audit Services with two 1-year contract extension options. The term of the contract is subject to annual renewal and may be terminated at any time by either party with sufficient notice as stated in the contract.

The first year to be audited will be for Fiscal Year 2012-13 beginning October 1, 2012 and ending September 30, 2013.

EVALUATION CRITERIA

The City staff's recommendation to the City Council will be based on the proposal determined to offer the best value to the City of Kyle. The evaluation of the proposals will be made based on, but not limited to, the following criteria, in no particular order of priority or rating. These factors will be applied to all eligible, responsive firms in comparing the proposals received and selecting the audit firm.

The City of Kyle reserves the right to require oral presentations by any or all firms. In the event of oral presentations, a second matrix will be developed based on the selection criteria. A contract award may be made without oral presentation and or discussion with



firms after RFP responses are received by the City of Kyle. Therefore, RFP responses should be submitted on the most favorable terms.

All costs directly or indirectly related to preparation of a response or oral presentation, if any, required to supplement and/or clarify an item in the RFP shall be the sole responsibility of and shall be borne by the responding firm.

The City of Kyle will use the following criteria in selecting the best qualified firm:

- A. Knowledge of generally accepted accounting principles, auditing standards, financial policies, and procedures as applicable to governmental entities.
- B. Prior experience in auditing financial statements of similar sized or larger municipal governments in Texas.
- C. Proposing Firm's approach to the examination and the work plan for accomplishing the scope of services required in the RFP.
- D. Availability of trained personnel and technical resources required for conducting the audit and for providing consultation on accounting and other technical matters as needed to keep the City of Kyle current on any changes in governmental accounting and financial reporting standards.
- E. A demonstrated ability to provide assistance in obtaining the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.
- F. The all inclusive annual not-to-exceed maximum fee amount for each of the 3-year contract term for fiscal years ending September 30, 2013, September 30, 2014, and September 30, 2015.

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RIGHTS RESERVED BY THE CITY OF KYLE

- 1. If only one or no proposal is received by "submission date", the City has the right to accept, reject, re-solicit, accept and or extend the RFP by up to an additional two (2) weeks from original submission date.
- 2. The right to reject any or all proposals and to make award as they may appear to be advantageous to the City of Kyle.
- 3. The right to hold proposals for 90 days from submission date without action.
- 4. The right to extend beyond the original 90-day period prior to an award if agreed upon in writing by both parties.
- 5. The right to terminate all or any part of the unfinished portion of the work resulting from this solicitation within thirty (30) days written notice; upon



default by the firm, for delay or non-performance by the firm, or if it is deemed in the best interest of the City of Kyle for convenience.

6. The City of Kyle reserves the right to request additional information or to meet with representatives from responding firms to discuss points in the RFP before and after submission, any and all of which may be used in forming a recommendation.
7. The City of Kyle reserves the right to reject any and all proposals received, and to accept the proposal it considers in its best interest based upon the requirements and descriptions outlined in this RFP.

Any interpretation, correction, or change to the RFP will be made by ADDENDUM. Changes or corrections to this RFP will be issued by the City of Kyle's Financial Services Department and posted on the City's website.

Any Addendum issued by the City of Kyle will be emailed or faxed to all who have returned the RFP Acknowledgement Form. Addendum will be issued as expeditiously as possible. Addendum, if issued, will also be posted on the City's website.

It is the responsibility of the responding firms to determine whether all addendum have been reviewed and addressed in the proposal.

INFORMATION REQUESTED AND PROPOSAL CONTENT REQUIREMENTS

Any Firm interested in being considered for the Independent Financial Audit Services engagement is requested to submit on the firm's letterhead, a proposal which provides information on the following points, numbered, and with section headings as indicated below.

Responding firms should refer to section titled: Instructions to Prospective Responders for additional response guidelines. Please note that the contents of the successful proposal may become a part of subsequent contractual documents. Failure to accept this requirement may result in the cancellation of any contract award.

In order to simplify the review process, please organize your proposal according to the following outline:

A. Title Page

Show the Proposal subject, the name of the proposing firm, address, telephone number, name of contact person, size of the firm, and date.

B. Table of Contents

Include a clear identification of the material by section and by page number.

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C. Letter of Transmittal

1. Briefly state the Firm's understanding of the work to be done and provide clear commitment to perform the work within the time periods specified under key dates.
2. State the all-inclusive fee by fiscal year for which the work will be done for examining the City's financial statements and required supplementary information included in the CAFR.
3. State the name of the person who will be authorized to make representation for the firm, their title, address, and telephone numbers.
4. State that the person signing the transmittal letter is authorized to bind the firm and enter in a contract.
5. Identify and discuss any potential conflicts of interest of which the firm is aware not stated in the Conflict of Interest and Disclosure Statements.

D. Profile of the Responding Firm

1. State whether the firm is local, regional, national or international.
2. State the location of the office from which the work is to be performed and the number of partners, managers, supervisors, seniors, and other professional staff employed at that office.
3. Describe the range of activities performed by the local office such as auditing, accounting, tax, or management services.
4. Describe the local office's capacity to audit computerized systems, including the number and classifications of personnel skilled in computer sciences who will work on the audit.
5. Describe any reprimands or penalties that the firm may have received in recent years from the Texas State Board of Public Accountancy.
6. State the firm's experience in auditing utilities and governmental entities.
7. State the firm's professional affiliations and the results of the latest peer review.



8. Affirm that the firm has completed external quality review with unqualified opinion.

E. Summary of the Proposing Firms Qualifications

1. Identify the partner, audit manager, and supervisors who will work on the audit, including staff from other than the local office. Resumes including relevant experience and continuing education for each individual assigned to the audit should be included. (Resumes may be included as an appendix).
2. Describe the most recent local office auditing experience similar to the type of audit being requested. Include a reference list of local government audit clients and any GFOA Certificates of Achievement for Excellence in Financial Reporting awarded.

F. Proposing Firms Approach to the Examination

1. Submit a work plan to accomplish the scope of services required. The work plan should include time estimates for each significant segment of the work and the staff level position. Where possible, individual staff members should be named and their titles provided. The planned use of specialist should be specified.
2. State purpose and degree of utilization of City of Kyle personnel.

G. Compensation

State the total hours and hourly rate required by staff classification and the resulting all-inclusive maximum not-to-exceed fee amount for which the requested work will be completed. For additional details please refer to the section titled Audit Fees in this RFP.

H. Complete and include Internal Revenue Service Form W-9, Request for Taxpayer Identification Number and Certification.

The City of Kyle is requesting three (3) copies of the proposals including any attachments. Proposals should be enclosed in an envelope and clearly marked on the outside of the envelope or any carrier's envelope: "RFP No. 2013-01-PM Request for Proposals", to be mailed, sent by overnight courier, or hand delivered to the attention of:

Mr. Perwez A. Moheet, CPA
 Director of Finance
 City of Kyle
 100 W. Center Street, Kyle Texas 78640 (Physical Location)
 P.O. Box 40, Kyle, Texas 78640 (Mailing Address)



Proposals will be accepted only until 10:00 A.M., April 22, 2013.

NO PROPOSALS WILL BE ACCEPTED AFTER 10:00 A.M. ON APRIL 22, 2013, THE SUBMISSION DEADLINE.

Proposals will be acknowledged at 8:00 a.m., on April 23, 2013, in the Financial Services Department's Conference Room in City Hall located at 100 W. Center Street, Kyle, Texas 78640. Attendance by representatives of prospective firms is optional.

The City of Kyle is subject to the Texas Open Records Act. However, certain types of information may be exempt from disclosure under the Act. Firms submitting information which they deem confidential or proprietary must clearly mark and identify such information page by page. The City of Kyle will, to the extent allowed by applicable law, protect such information from disclosure. The final decision as to what information must be disclosed under the Open Records Act lies with the Texas Attorney General.

Questions or clarifications concerning the City of Kyle's RFP requirements should be directed by email only to:

Mr. Perwez A. Moheet, CPA
Director of Finance
City of Kyle
pmoheet@cityofkyle.com

Response to any questions, if appropriate, will be issued in the form of an addendum to all firms that have returned the RFP Acknowledgement Form and will also be posted on the City's website at:

<http://www.cityofkyle.com/rfps>

INSTRUCTIONS TO PROSPECTIVE FIRMS

The City of Kyle, Texas is requesting proposals from firms interested in providing independent financial audit services. Firms with relevant experience and qualifications are encouraged to submit their proposal and qualifications. Preparation of submittals will be at the expense of the Firm.

The following instructions should be followed by firms responding to this RFP:

1. Please respond specifically to all information requested in this Request for Proposals or indicate on the attached acknowledgement form why no response is given.

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2. Please limit response to relevant material; additional information must be submitted in the form of an attachment or appendix.
3. Identify the question being answered in the introduction to each response.
4. Respondents or their representatives are prohibited from communicating with any City of Kyle officials to include City Council members regarding the RFP from the time the RFP is released until it has been acted upon by the City Council.
5. Respondents or their representatives are prohibited from communicating with City of Kyle employees regarding the RFP, until the contract is awarded. Violation of this provision by the respondent or their agent will lead to disqualification of the respondent's RFP from consideration.
6. If there are any clarification questions regarding the scope of work and or any other requirements of this RFP, respondents or their representatives should submit written questions and forward those to the City's staff named as the contact person for this solicitation. All response by the City will be provided in the form of an addendum and will be posted on the City's website.

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APPENDIX





City of Kyle, Texas

AUTHORIZATION TO RELEASE REQUEST FOR PROPOSALS (RFP)

Date Submitted: April 1, 2013

Requesting Department: Financial Services Department

Type of RFP: Professional Services

Service Description: Independent Annual Financial Audit Services

Purpose & Summary Description:

The purpose of this Request for Proposals (RFP) is to seek proposals from qualified firms experienced and specialized in providing independent annual financial audit and related attestation services to municipalities and other local governments.

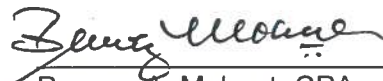
Article VIII Section 8.13(d) of the City Charter requires:

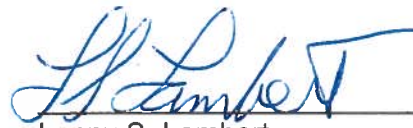
"The Council shall not select the same auditor for more than five (5) consecutive years and the auditor selected shall not be, or have been within the immediate preceding three (3) years, a business associate of the certified public accountant or firm that performed the audit prior to such selection."

It is anticipated that the City's new contract for independent audit and related attestation services will be effective June 1, 2013. Accordingly, staff will complete its evaluation of all qualified proposals received and make a recommendation for the selection of a firm to the City Council by May 21, 2013.

Recommended by:

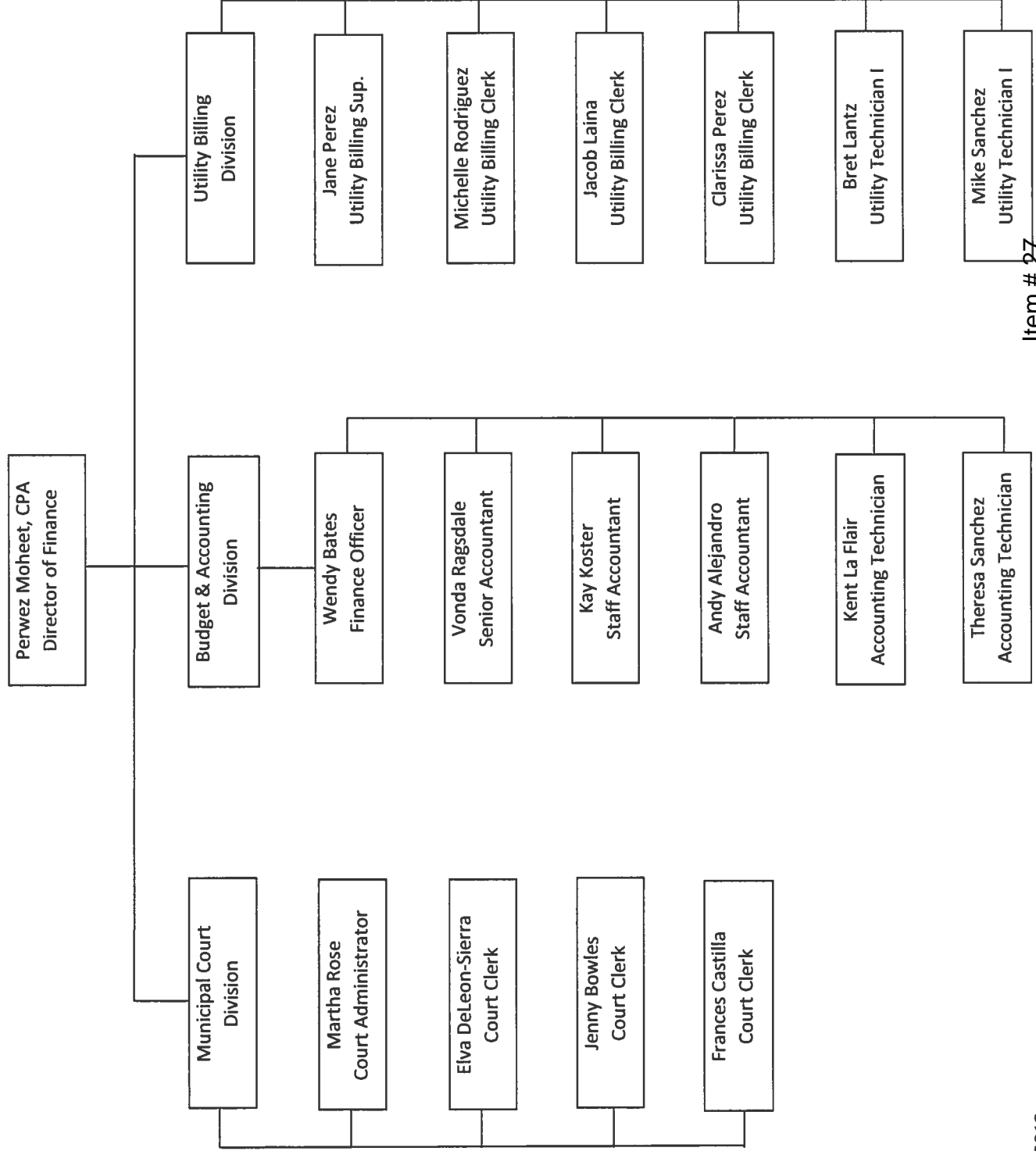
Approved by:

 4/1/2013
 Perwez A. Moheet, CPA - Date
 Director of Finance


 Lanny S. Lambert - Date
 City Manager

Item # 27

City of Kyle, Texas
 Organization Chart - Financial Services Department



City of Kyle, Texas
List of Funds
Fiscal Year 2012-13

Active Funds

Fund Number	Description	Type of Fund	Fund Balance As of 3/31/2013	Notes
110	General Fund	GF	\$ 7,235,675	City's Primary General Fund
112	Emergency Reserve Fund	GF	\$ 87,500	No day to day transactional activity
115	Road Improvement Fund	CP	\$ 1,721,764	Nominal transactional activity
127	Transportation Fund	GF	\$ (147,671)	No day to day transactional activity
131	Police Forfeiture Fund	SR	\$ 21,280	Nominal transactional activity
132	Police Special Revenue Fund	SR	\$ 6,495	Nominal transactional activity
133	Court Special Revenue Fund	SR	\$ 155,594	Nominal transactional activity
135	Hotel Occupancy Fund	SR	\$ 102,061	Nominal transactional activity
136	Economic Development Fund	GF	\$ (82,994)	No day to day transactional activity
138	Library Building Fund	SR	\$ 161,970	Limited day to day transactional activity
151	General Debt Service I&S Fund	DS	\$ 2,382,170	Nominal transactional activity
152	SIB/TIF Loan I&S Fund	DS	\$ 51,708	Nominal transactional activity
172	CIP Park Development Fund	CP	\$ 87,340	Nominal transactional activity
182	2007 CO Bond Fund	CP	\$ 717,830	Nominal transactional activity
184	2008 CO Bond Funds	CP	\$ 4,011,484	Nominal transactional activity
185	2009 Tax Notes Fund	CP	\$ 303,677	Nominal transactional activity
186	2009 GO Refunding	CP	\$ -	No day to day transactional activity
187	2010 CO Bond Funds	CP	\$ 793,743	No day to day activity - project complete
310	Utility Operating Fund	EF	\$ 48,059,811	City's Primary Enterprise Fund.
331	Water CIP - Current Rev Fund	EF	\$ 168,125	Nominal transactional activity
332	Water CIP - Impact Fee Fund	EF	\$ (650,781)	Nominal transactional activity
341	Sewer CIP - Current Rev Fund	EF	\$ 121,875	Nominal transactional activity
342	Sewer CIP - Impact Fee Fund	EF	\$ 7,244,886	Nominal transactional activity
410	General Gov't Grants Fund	SR	\$ 611,475	Nominal transactional activity
411	Water Reuse Feasibility Study	SR	\$ (3,272)	Grant activities completed
412	Train Depot Renov - Donation	SR	\$ 278,430	Nominal transactional activity
413	Mental Health Services Grant	SR	\$ (13,360)	Nominal transactional activity
414	Victims Coordinator Svcs Grant	SR	\$ 248	Nominal transactional activity
450	Public, Educ. & Gov't Access Fees	GF	\$ 35,417	Nominal transactional activity
610	Structural Demolition Services	GF	\$ -	No day to day transactional activity
810	OPEB Fund	AF	\$ 86,590	Limited transactional activity
910	General Gov't Fixed Assets	GF	\$ 78,987,172	Nominal transactional activity
999	Pooled Cash Fund - Operating	GF	\$ -	This fund is a rollup of the individual fund cash accounts. Should not be audited as a separate fund or cash will be doubled.

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Legend	
AF	Agency Fund
CP	Capital Projects Fund
DS	Debt Service Fund
EF	Enterprise Fund
GF	General Fund
SR	Special Revenue Fund

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

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Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number										
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>					-	<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>				

Employer identification number										
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>					-	<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>				

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶ _____	Date ▶ _____
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 6, 2013
CONTACT CITY DEPARTMENT: Financial Services
CONTACT CITY STAFF: Perwez A. Moheet, CPA
Director of Finance

SUBJECT: Authorize the City Manager to negotiate and execute a professional services agreement with PADGETT, STRATEMANN & CO., LLP of Austin, Texas, to provide independent financial audit services to the City of Kyle for fiscal years ending September 30, 2013, 2014, and 2015 with two 1-year extension options.

Item # 27

CURRENT YEAR FISCAL IMPACT:

The annual audit fee paid under this professional services agreement with PADGETT, STRATEMANN & CO., LLP will require expenditure of funds from the Financial Services Department's future approved operating budgets.

The annual audit fee as estimated and proposed by PADGETT, STRATEMANN & CO., LLP for the term of the agreement are as follows:

- Audit of FY 2013 & Fee Paid in FY 2014: \$47,900.00
- Audit of FY 2014 & Fee Paid in FY 2015: \$49,575.00
- Audit of FY 2015 & Fee Paid in FY 2016: \$51,300.00


In future fiscal years, the annual audit fee will be funded as follows:

1. City Department: Financial Services Department
2. Project Name: Annual Financial Audit Services
3. Budget/Accounting Code(s): 110-121-55114
4. Funding Source: General Fund
5. Amount of This Action: \$47,900.00 (FY 2014 Budget)
\$49,575.00 (FY 2015 Budget)
\$51,300.00 (FY 2016 Budget)

FUNDING SOURCE OF THIS ACTION:

The funding source for this professional service agreement to provide annual financial audit services in compliance with the requirements of the City Charter will be provided from the Financial Services Department's future approved operating budgets.

ADDITIONAL INFORMATION/COUNCIL ACTION:
N/A.

 5/21/2013

Perwez A. Moheet, CPA - Date
Director of Finance

Item # 27



CITY OF KYLE, TEXAS

RFQ for Engineering Services for Roadway Projects

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize Solicitation of Request for Qualifications (RFQ) for Professional Services for Engineering and Related Services for the five (5) Roadway Projects consisting of Bunton Creek Road, North Burleson Street, Goforth Road, Lehman Road and Marketplace Avenue, Approved by the Bond Election held May 11, 2013. **Related to Agenda Item No. 25** ~ *Steven Widacki, P.E., City Engineer*

Other Information: The City held an election regarding the bonds for the subject roadways on May 11, 2013 which resulted in the approval of the proposition submitted at the election. Based upon this approval it is appropriate to move forward with the process for obtaining professional services for engineering and related services for the subject roadways.

These professional services will be solicited via RFQ requesting response to the proposed North Burleson Street project. This project appears to be the most complicated of the proposed roadway projects. It is expected that responses to this project would cover the needed areas of expertise to cover any of all of the remaining projects.

Based upon scoring of the submittals it is proposed that the assignment of projects be given in order based upon anticipated fee amount of the projects for the top four (4) scoring firms. It is also suggested that interviews would be conducted of the next three (3) highest scoring firms for the assignment of fifth project.

City Staff recommends approval of the proposed RFQ solicitation and schedule.

The following documents are attached to provide detailed information:

1. RFQ for Professional Services
2. Schedule of Selection Process

Budget Information: A Fiscal Note is attached.

Attachments / click to download

- [Fiscal Note](#)
 - [Consultant Selection Schedule E11-13-01](#)
 - [RFQ Burleson Bunton Goforth Lehman Marketplace 2013 05 21 rev1](#)
-



2013 ROAD BOND PROJECTS

Request for Statement of Interest and Qualifications

North Burleson Street Improvements Project (RFQ: E 11-13-01)

City of Kyle Website Posting:	June 5, 2013 (Wednesday)
Advertisements:	Electronic State Business Daily June 6, 2013 through June 26, 2013
Pre-Submission Conference:	June 20, 2013 (Thursday)
Qualifications Due:	July 17, 2013 (Wednesday)
Selection Committee Rates Qualifications:	August 7, 2013 (Wednesday)
Selection Committee Conducts Interviews:	August 14, 2013 (Wednesday)
Selection Committee Selects Most Qualified:	August 15, 2013 (Thursday)
Negotiate Agreements:	August 16-September 17, 2013
Council Contract Award Selections:	October 1, 2013 (Tuesday)



2013 ROAD BOND PROJECTS

Request for Statement of Interest and Qualifications

North Burleson Street Improvements Project (RFQ: E 11-13-01)

General

The City of Kyle seeks qualified engineering firms to submit Statements of Interest and Qualifications (SIQ's) to provide engineering services related to the North Burleson Street Improvements project in Kyle. The purpose of this request is to identify a firm or firms qualified to design transportation improvements and prepare various engineering documents, which may include: plans, specifications and estimates; design schematics and exhibits; right-of-way documents; surveys; traffic control plans; water quality and environmental clearance documents; and other related documents as directed by the City. The SIQ's received in response to this request will be utilized by the City to select consulting firms for additional projects, including but not limited to the Bunton Creek Road Improvements project, the Goforth Road Improvements project, the Lehman Road Improvements project and the Marketplace Avenue Extension project. For the purposes of describing project approach, respondents are directed to address the North Burleson Street Improvements project only.

Technical Expertise

The City of Kyle has identified a project to widen North Burleson Street to a three-lane collector between the future connection to the Marketplace Avenue Extension and Miller Street, including a new connection to the IH-35 southbound frontage road. Additionally, local access will be provided for the properties fronting along the existing segment between the crossing of Plum Creek and the Union Pacific Railroad (UPRR). Work to be performed under this request shall consist of engineering services related to this project. Anticipated services to be performed include, but are not limited to: conducting appropriate environmental analyses; public participation; surveying; schematic and exhibit preparation; preparation of right-of-way documents; traffic control plans; drainage design; geotechnical engineering; structural engineering; development of plans, specifications and estimates, and construction phase services. In addition, the firm or firms selected under this request will be expected to coordinate with and obtain approval from the following entities:

Texas Department of Transportation (TxDOT)

Union Pacific Railroad

Any and all other relevant agencies.

Preference will be given to those firms which have demonstrated capabilities in successfully completing projects of similar scope and complexity, and routinely exceed expectations in terms of work product quality and project delivery.

PERSONS AND FIRMS PRACTICING ENGINEERING SERVICES IN THE STATE OF TEXAS MUST POSSESS PROPER REGISTRATION IN ACCORDANCE WITH TEXAS LAWS.

Selection Process

A committee composed of City Engineering Department personnel and others as deemed appropriate by the City will review each SIQ. The City will select the top four (4) scoring firms for award of a project and conduct oral interviews with up to the next three (3) firms ranked by the committee for the fifth and final project.

Based upon responses to this SIQ request and/or the results of the interviews, the committee will develop a list of qualified firms. The City of Kyle reserves the right to utilize the results of this request to select consultants for future transportation projects for a period of three (3) years from the date of this request.

The City of Kyle will not provide compensation or defray any costs incurred by any firm related to the response to this request. The City of Kyle reserves the right to negotiate with any and all persons or firms. The City of Kyle also reserves the right to reject any or all SIQ's, accept any SIQ deemed most advantageous, waive any irregularities or informalities in an SIQ received, and to revise the process and/or schedule as circumstances require.

Point of Contact

All responses to this request, as well as any questions, clarifications, or inquiries for general information are to be directed to:

Steven D. Widacki, P.E.
 City Engineer
 City of Kyle
 100 W. Center St.
 Kyle, TX 78640
sdwidacki@cityofkyle.com

Please note any questions, clarifications or inquiries are to be in writing via email or other mail carriers. The deadline for questions, clarifications or inquiries for general information will be Wednesday, July 3rd, 2013 at 12:00 PM.

The City will host one (1) informational meeting on Monday, July 1st, 2012 at 10:00 AM in the Falcon Room of the Kyle City Hall, 100 W. Center St.; Kyle, TX 78640. During this meeting, all questions which were previously submitted as described above will be answered. The duration of this meeting will be 1.0 hour.

Minimum Submission Requirements

The SIQ is limited to ten (10) single sided 8 ½ X 11 pages, using 12 pitch font. The SIQ must be submitted with a continuous binding (e.g. – spiral, GBC, etc.) along the left edge; no other binding will be accepted. The SIQ must include the following:

- Identification of the firm responding to the request. Location of the headquarters office for the firm should be indicated, as well as the office where work on City of Kyle project (s) would be performed.
- A brief description of the firm should be provided along with a list of major services offered by each team member.
- A summary demonstrating the firm's qualifications to satisfy all the technical areas

identified in the section “Technical Expertise” above.

- A representative list of clients with contact names and phone numbers.
- A representative list of projects. The list should include the project location, description, project construction cost, date of construction, services provided by your firm for the project, and an owner contact name and phone number.
- List of key firm members proposed to provide the requested services with a brief summary of their experience.
- Provide an Organization Chart for the proposed project team and project schedule. These two (2) items do not count in the ten (10) page limit.
- Resumes do not count in the ten (10) page limit. Resumes provided shall be limited to a maximum of two (2) pages for any individual project team member.
- Cover and back of submittal do not count in the ten (10) page limit.
- Submit one (1) original and five (5) copies.

Submittals must be mailed or hand delivered to:

Steven D. Widacki, P.E.
City Engineer
City of Kyle
100 W. Center St.
Kyle, TX 78640

Submittals must be received no later than Thursday, July 11th, 2013 at 4:00 PM.

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 4, 2013
CONTACT CITY DEPARTMENT: Engineering Services
CONTACT CITY STAFF: Steven Widacki, PE, Director

CITY COUNCIL MEETING AGENDA SUBJECT:

Authorize Solicitation of Request for Qualifications (RFQ) for Professional Services for Engineering and Related Services for the five (5) Roadway Projects consisting of Bunton Creek Road, North Burleson Street, Goforth Road, Lehman Road and Marketplace Avenue, Approved by the Bond Election held May 11, 2013.

CURRENT YEAR FISCAL IMPACT:

The first debt service payment on the will be due next fiscal year in February 2014.

FUNDING SOURCE OF THIS ACTION:

In a related agenda item for June 4, 2013 meeting, the City Council will also consider authorizing the City Manager to begin the process for the issuance of General Obligation Bonds, Series 2013 by August 31, 2013 in the amount of \$5,400,000.00 plus an estimated \$108,200.00 for the cost of issuance to pay for engineering, design, and related services associated with the five (5) roadway improvement projects consisting of Bunton Creek Road, North Burleson Street, Goforth Road, Lehman Road, and MarketPlace Avenue as authorized by the bond election held on May 11, 2013.

The semi-annual debt service (principal and interest) payments due on this bond issue will be paid from ad valorem tax receipts each fiscal year over the 20-year term of the bonds.

The property tax rate that will be set and adopted by the City Council in September 2013 will include an increase in the Interest and Sinking Fund (I&S) component of the property tax rate to adequately cover the principal and interest payments due on this new issue of General Obligation Bonds, Series 2013 in Fiscal Year 2014.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 5/23/2013

Perwez A. Moheet, CPA - Date
Director of Finance

Item # 28



CITY OF KYLE, TEXAS

Authorization to Issue GO Bonds for Engineering Services for Roadway Improvements

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize the City Manager to begin the process for the issuance of General Obligation Bonds, Series 2013 in the amount of \$5,400,000.00 plus an estimated \$108,200.00 for cost of issuance by August 31, 2013 to pay for engineering, design, and related services associated with the five (5) roadway improvement projects consisting of Bunton Creek Road, North Burleson Street, Goforth Road, Lehman Road, and MarketPlace Avenue as authorized by the voters of Kyle, Texas on May 11, 2013. **Related to Agenda Item No. 24** ~ *Perwez A. Moheet, CPA, Director of Finance*

Other Information:

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

[Fiscal Note](#)

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 4, 2013
CONTACT CITY DEPARTMENT: Financial Services
CONTACT CITY STAFF: Perwez A. Moheet, CPA
Director of Finance

CITY COUNCIL MEETING AGENDA SUBJECT:

Authorize the City Manager to begin the process for the issuance of General Obligation Bonds, Series 2013 by August 31, 2013 in the amount of \$5,400,000.00 plus an estimated \$108,200.00 for the cost of issuance to pay for engineering, design, and related services associated with the five (5) roadway improvement projects consisting of Bunton Creek Road, North Burleson Street, Goforth Road, Lehman Road, and MarketPlace Avenue as authorized by the bond election held on May 11, 2013.

CURRENT YEAR FISCAL IMPACT:

The first debt service payment on the will be due next fiscal year in February 2014.

FUNDING SOURCE OF THIS ACTION:

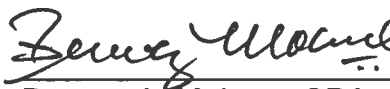
The semi-annual debt service (principal and interest) payments due on this bond issue will be paid from ad valorem tax receipts each fiscal year over the 20-year term of the bonds.

The property tax rate that will be set and adopted by the City Council in September 2013 will include an increase in the Interest and Sinking Fund (I&S) component of the property tax rate to adequately cover the principal and interest payments due on this new issue of General Obligation Bonds, Series 2013 in Fiscal Year 2014.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

Item # 29

 → 5/23/2013
Perwez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Plum Creek 12-Inch CIP Water Line Improvements

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize award of a Construction Contract to JKB CONSTRUCTION COMPANY, LLC of Austin, Texas, in an amount not to exceed \$348,489.00 and authorize water impact fee credits (offsets) in the amount of \$348,489.00 for the Plum Creek Section 11 and 12, 12-Inch CIP Water Line Improvements consistent with Section 4.05d of the Plum Creek Development Agreement ~ *Steven Widacki, P.E., City Engineer*

Other Information: Plum Creek Development Partners advertised for bids to be opened at 3:15 p.m. on Friday, March 29, 2013, at City Hall for construction of the **Plum Creek Section 11 and 12, 12-Inch CIP Water Line** improvements consisting of approximately 3,752 linear feet of 12-inch water line through the Plum Creek development. A total of three (3) bids were received and evaluated by Axiom Engineers, Inc. (AEI). Based upon the received bids, tabulation of same and evaluation by AEI, they are recommending award of contract to **JKB Construction Company, LLC** of Austin, Texas in the amount of \$348,489.00. This total is the base bid amount. No supplemental or alternate bid items were provided.

A copy of AEI's "Recommendation of Contract Award" and the attendant tabulation of the bids received are attached. City Staff recommends approval of award for the project.

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

[Recommend Award PC Sec 11 & 12 12-inch CIP WL 2013 04 16](#)

[Bid Tab PC Sec 11 & 12 12-inch CIP WL 2013 04 09](#)

[Cost Allocation PC Sec 11 & 12 12-inch CIP WL](#)

[Exhibit F CIP Agrmt PC Sec 11 & 12 12-inch CIP WL](#)

[Fiscal Note](#)

Cover Memo

Item # 30



April 16, 2013

Mr. Steve Widacki, P.E.
 City Engineer
 City of Kyle
 Kyle, Texas 78640

Re: City of Kyle & Plum Creek Capital Improvement Plan (CIP)
 12-Inch Water Line Extension Project

Dear Mr. Widacki:

Please see included as Attachment 1 a bid tab for the above referenced project. The project owner, Plum Creek Development Partners Ltd., wishes to proceed with construction of the subject water line under the CIP project provisions in their development agreement with the City of Kyle. For your records, we have included a copy (Attachment 2) of the Agreement Between the City of Kyle, Plum Creek Development Partners, Ltd., and William Negley, Trustee, for Development and Annexation of Phase I of the Plum Creek Ranch Property (the "Development Agreement"). The Development Agreement was signed by the Mayor of the City of Kyle on September 7, 2004. Under Section 1.47 of the Development Agreement, approved CIP expenses include, but are not limited to the following costs:

Design fees, construction cost, surveying fees, soils testing fees, insurance costs, expenses, attorney's fees, plan review fees and inspection fees.

These estimated fees are detailed in Attachment 3, lines 18 through 25. Note that fees for construction phase services are estimated.

The subject water line is an approved C.I.P. improvement under the Amended Capital Improvements Program Plum Creek Phase I & II – 2003. A copy of this Capital Improvements Plan is included as Attachment 4. Exhibit F of the Capital Improvements Plan (included as Attachment 5) depicts the subject water line as a CIP improvement. The line segment in question is highlighted on Attachment 5. The Capital Improvements Plan was accepted by the City of Kyle on June 17, 2003 as part of the approval of the 2003 Amended Master Plan. A copy of the 2003 Amended Master Plan is included as Attachment 6.

The subject project generally includes extension of a 12-inch water line from the intersection of Cromwell and Dorman northward to Kohlers Crossing, thence westward along the south side of Kohlers Crossing to an existing water line located opposite Benner. The contractor will also install several service stubs (with appropriate valves) to serve future development along the water line alignment. The original CIP alignment anticipated that the 12-inch water line would cross Kohlers Crossing at Cromwell. As this crossing would currently require a bore, we are proposing to extend the proposed water line westward along the south side of Kohlers to the existing water line at Benner. The existing line connects with the city's reservoir facility immediately to the north. The total length of 12-inch line proposed is 3,752 feet.

A bid invitation was advertised in the Hays Free Press on three consecutive weeks on March 7th through March 21st. Bids were opened on March 29th. One addendum containing minor clarifications to the bid was issued. Three bids were received as indicated below:

Austin Engineering Co., Inc.	\$515,535.00
Ross Construction, Inc.	\$398,958.50
JKB Construction Company LLC	\$348,489.00

The engineer's estimate for the project was \$448,562.50. All bidders acknowledged receipt of the addendum and all bids contained the required documentation. All bids are therefore considered responsive. We are recommending award of the contract to the low bidder, JKB Construction.

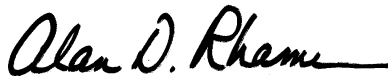
We have included as Attachment 3 a spreadsheet depicting the overall cost of the project including costs not directly construction related. With respect to the deleted Kohlers Crossing line segment, we have estimated the cost of the bore and associated piping (about 100 feet) and have equated that cost to an equivalent length of 12-inch line at the unit bid price of \$46 per foot. This general allocation approach is consistent with that indicated as acceptable (but requiring approval) by Joel Wilkinson, P.E. in his letter of October 2, 2011 (copy attached as Exhibit 7). The remaining length of 12-inch line not covered by the original CIP scope of work was therefore excluded from the city's portion of the cost in Exhibit 3. All non-construction costs were allocated based on the split of the construction cost between the City of Kyle and Plum Creek Development Partners, Ltd. The total estimated allocation to the City of Kyle is \$278,481.54. This amount is equal to approximately 132 LUEs at the current impact fee assessment of \$2,115 per LUE.

Consistent with Section 4.05d of the Plum Creek Development Agreement, we wish to request that the project be placed on the next available council agenda for approval to award the contract to the lowest bidder, schedule a preconstruction conference and commence construction. We also wish to request that the City issue LUE certificates according to Sections 4.04d and 4.05j of the Plum Creek Development Agreement. We would be happy to meet to review any aspect of this request.

If you have any questions, please feel free to call.

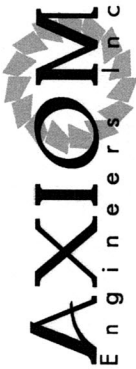
Very truly yours,

Axiom Engineers Inc.



Alan D. Rhames, P.E.

Attachment



13276 Research Boulevard, Suite 208
 Austin, Texas 78750
 Ph (512) 506-9335
 Fx (512) 506-9377
 TBPE Firm License No. F-43

Approved Bid Tab		Bid Date: March 29, 2013, 3:15 PM		Engineer's Estimate		Austin Engineering		Ross Construction		JKB Construction	
Plum Creek Section 11 & 12 12" CIP Water Line				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
Description	Quantity	Unit									
Erosion and Sedimentation Controls											
1	1	EA	\$900.00	\$900.00	\$1,200.00	\$900.00	\$900.00	\$1,100.00	\$900.00	\$1,100.00	\$1,100.00
2	24,403	SY	\$1.50	\$36,604.50	\$0.50	\$12,201.50	\$0.50	\$12,201.50	\$0.50	\$12,201.50	\$24,403.00
3	3867	LF	\$2.00	\$7,734.00	\$2.50	\$9,667.50	\$2.00	\$7,734.00	\$2.00	\$7,734.00	\$7,734.00
4	199	LF	\$20.00	\$3,980.00	\$32.00	\$6,368.00	\$15.00	\$2,985.00	\$15.00	\$2,985.00	\$3,582.00
5				\$49,218.50	\$29,437.00	\$23,820.50		\$36,819.00			
Water Improvements											
6	562	LF	\$35.00	\$19,670.00	\$39.00	\$21,918.00	\$28.00	\$15,736.00	\$28.00	\$15,736.00	\$12,364.00
7	280	LF	\$40.00	\$11,200.00	\$44.50	\$12,460.00	\$38.00	\$10,640.00	\$38.00	\$10,640.00	\$7,840.00
8	3752	LF	\$65.00	\$243,880.00	\$88.00	\$330,176.00	\$57.00	\$213,864.00	\$57.00	\$213,864.00	\$172,592.00
9	12	EA	\$3,500.00	\$42,000.00	\$2,700.00	\$32,400.00	\$3,400.00	\$40,800.00	\$3,400.00	\$40,800.00	\$34,080.00
10	35	EA	\$900.00	\$31,500.00	\$1,100.00	\$38,500.00	\$950.00	\$33,250.00	\$950.00	\$33,250.00	\$29,750.00
11	3	EA	\$1,100.00	\$3,300.00	\$1,460.00	\$4,380.00	\$1,400.00	\$4,200.00	\$1,400.00	\$4,200.00	\$3,660.00
12	9	EA	\$1,400.00	\$12,600.00	\$2,580.00	\$23,220.00	\$2,400.00	\$21,600.00	\$2,400.00	\$21,600.00	\$18,990.00
13	23	EA	\$1,200.00	\$27,600.00	\$650.00	\$14,950.00	\$1,000.00	\$23,000.00	\$1,000.00	\$23,000.00	\$25,300.00
14	4594	LF	\$1.00	\$4,594.00	\$1.00	\$4,594.00	\$2.00	\$9,188.00	\$2.00	\$9,188.00	\$4,594.00
15				\$396,344.00	\$482,598.00	\$372,278.00		\$309,170.00			
Miscellaneous											
16	1	LS	\$3,000.00	\$3,000.00	\$1,500.00	\$1,500.00	\$2,860.00	\$2,860.00	\$2,860.00	\$2,860.00	\$2,500.00
Total Bid (5 + 15 + 16)				\$448,562.50	\$513,535.00	\$398,958.50	\$348,489.00				

Alond Rhames
 STATE OF TEXAS
 ALOND RHAMES
 72080
 REGISTERED PROFESSIONAL ENGINEER
 04.09.13

Axiom Engineers Inc. recommends award of the contract to JKB Construction Company LLC

12" CIP Waterline Cost Allocation			JKB Construction Bid <small>Attachment number 3 Page 1 of</small>		City of Kyle Allocation			PCDPL Allocation			
Plum Creek Section 11 & 12 12" CIP Water Line											
Description	Quantity	Unit	Unit Cost	Total Cost	Unit Cost	Quantity	Total Cost	Unit Cost	Quantity	Total Cost	
<i>Erosion and Sedimentation Controls</i>											
1	Stab. Construction Entr.	1	EA	\$1,100.00	\$1,100.00	\$1,100.00	1	\$1,100.00	\$1,100.00	0	\$0.00
2	Revegetation	24,403	SY	\$1.00	\$24,403.00	\$1.00	22,931	\$22,931.00	\$1.00	1,472	\$1,472.00
3	Silt Fence	3867	LF	\$2.00	\$7,734.00	\$2.00	3,337	\$6,674.00	\$2.00	530	\$1,060.00
4	Rock Berm	199	LF	\$18.00	\$3,582.00	\$18.00	149	\$2,682.00	\$18.00	50	\$900.00
5	Total Erosion and Sedimentation Controls				\$36,819.00			\$33,387.00			\$3,432.00
<i>Water Improvements</i>											
6	6" Water Line	562	LF	\$22.00	\$12,364.00	\$22.00	0	\$0.00	\$22.00	562	\$12,364.00
7	8" Water Line	280	LF	\$28.00	\$7,840.00	\$28.00	0	\$0.00	\$28.00	280	\$7,840.00
8	12" Water Line *	3752	LF	\$46.00	\$172,592.00	\$46.00	3,242	\$149,132.00	\$46.00	510	\$23,460.00
9	Fire Hydrant	12	EA	\$2,840.00	\$34,080.00	\$2,840.00	9	\$25,560.00	\$2,840.00	3	\$8,520.00
10	6" GV&B	35	EA	\$850.00	\$29,750.00	\$850.00	9	\$7,650.00	\$850.00	26	\$22,100.00
11	8" GV&B	3	EA	\$1,220.00	\$3,660.00	\$1,220.00	0	\$0.00	\$1,220.00	3	\$3,660.00
12	12" GV&B	9	EA	\$2,110.00	\$18,990.00	\$2,110.00	8	\$16,880.00	\$2,110.00	1	\$2,110.00
13	12"x 6" Service Stub	23	EA	\$1,100.00	\$25,300.00	\$1,100.00	0	\$0.00	\$1,100.00	23	\$25,300.00
14	Trench Safety	4594	LF	\$1.00	\$4,594.00	\$1.00	3,242	\$3,242.00	\$1.00	1352	\$1,352.00
15	Total Water Improvements				\$309,170.00			\$202,464.00			\$106,706.00
<i>Miscellaneous</i>											
16	Traffic Control Plan	1	LS	\$2,500.00	\$2,500.00	\$2,500.00		\$0.00	\$2,500.00		\$2,500.00
17	Total (5 + 15 + 16)				\$348,489.00			\$235,851.00			\$112,638.00
	<small>*Allocates 752 LF of WL to Kyle for \$30K +100 LF bore cost deleted</small>							0.676781764		0.323218236	
<i>Other Development Costs (Some Estimated)</i>											
18	Engineering Cost	1	LS	\$42,000.00	\$42,000.00	\$42,000.00	0.677	\$28,434.00	\$42,000.00	0.323	\$13,566.00
19	Surveying Cost	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	0.677	\$3,385.00	\$5,000.00	0.323	\$1,615.00
20	Geotechnical Testing	1	LS	\$4,000.00	\$4,000.00	\$4,000.00	0.677	\$2,708.00	\$4,000.00	0.323	\$1,292.00
21	Insurance	1	LS	\$1,500.00	\$1,500.00	\$1,500.00	0.677	\$1,015.50	\$1,500.00	0.323	\$484.50
22	Expenses	1	LS	\$500.00	\$500.00	\$500.00	0.677	\$338.50	\$500.00	0.323	\$161.50
23	Attorney Cost	1	LS	\$2,500.00	\$2,500.00	\$2,500.00	0.677	\$1,692.50	\$2,500.00	0.323	\$807.50
24	Plan Review Fees	1	LS	\$500.00	\$500.00	\$500.00	0.677	\$338.50	\$500.00	0.323	\$161.50
25	Construction Inspection Fees	1	LS	\$6,969.78	\$6,969.78	\$6,969.78	0.677	\$4,718.54	\$0.00	0.323	\$0.00
26	Total Other Costs (18-25)				\$62,969.78			\$42,630.54			\$18,088.00
<i>Total</i>											
27	Total Allocated Cost (17+26)				\$411,458.78			\$278,481.54			\$130,726.00

These drawings are the property of Howard Engineers and shall not be used or reproduced in any form without the written consent of Howard Engineers, Inc.

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NO.	REVISION	DESCRIPTION	DATE

HOWARD ENGINEERS, INC.
 4303 Russell Drive
 Austin, Texas 78704
 Phone: (512) 446-0881
 Fax: (512) 446-0889
 Email: hef@howardengineers.com

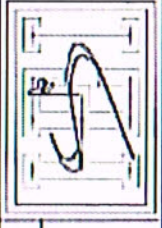
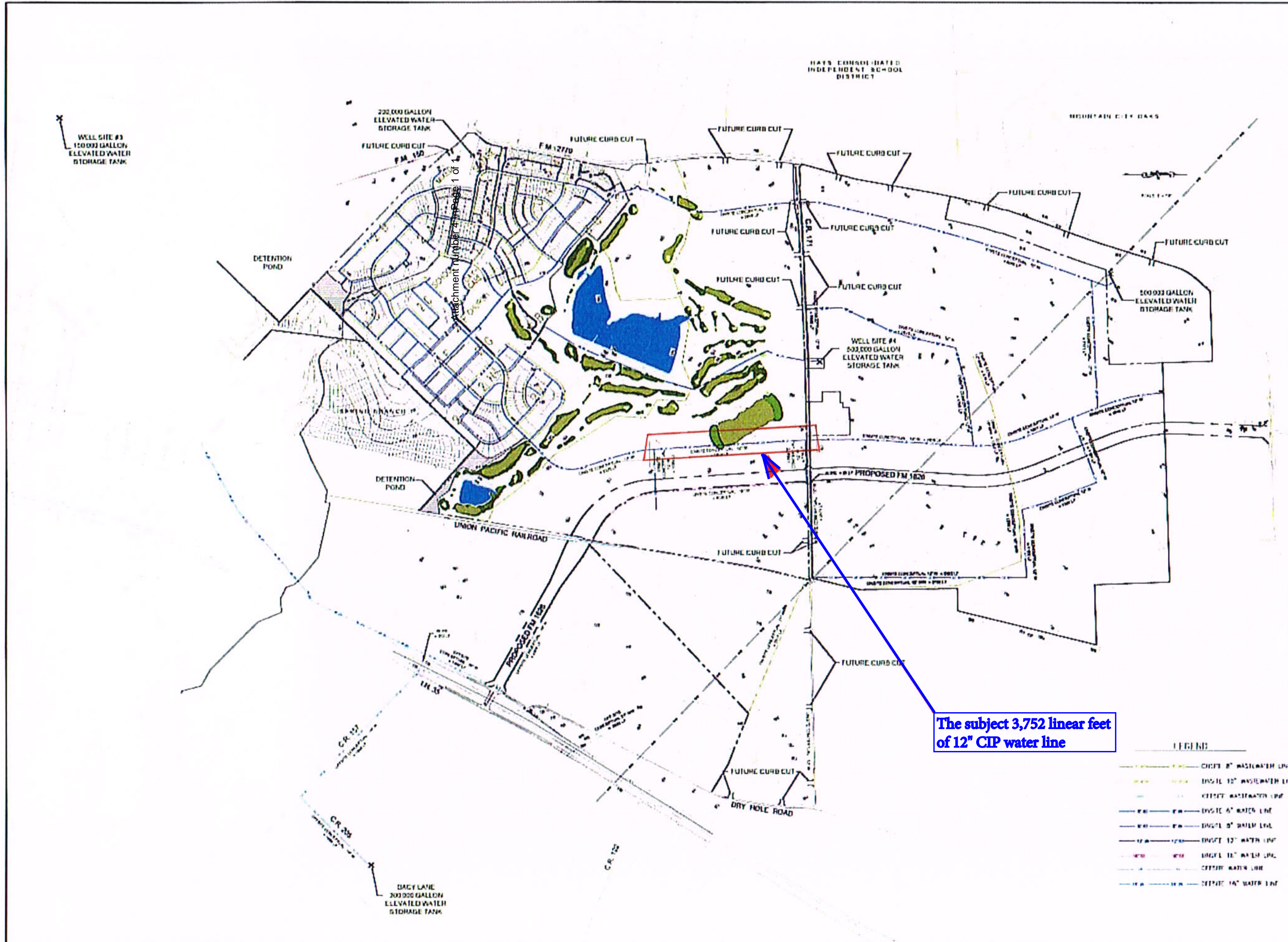


EXHIBIT F
CAPITAL IMPROVEMENT PLAN
PLUM CREEK
KYLE, TEXAS

APPROVED BY: WFD
 DRAWN BY: WFD
 DESIGNED BY: WFD
 DATE: FEBRUARY, 2003
 SHEET 1 OF 1

Item # 30



LEGEND

(Symbol)	EXIST'G 8" WASTEWATER LINE
(Symbol)	EXIST'G 12" WASTEWATER LINE
(Symbol)	EXIST'G WASTEWATER LINE
(Symbol)	EXIST'G 6" WATER LINE
(Symbol)	EXIST'G 8" WATER LINE
(Symbol)	EXIST'G 12" WATER LINE
(Symbol)	EXIST'G 16" WATER LINE
(Symbol)	EXIST'G WATER LINE
(Symbol)	PROPOSED 16" WATER LINE

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 4, 2013
CONTACT CITY DEPARTMENT: Engineering
CONTACT CITY STAFF: Steven Widacki, City Engineer

SUBJECT: Authorize award of a construction contract to JKB CONSTRUCTION COMPANY, LLC of Austin, Texas, in an amount not to exceed \$348,489.00 and authorize water impact fee credits (offsets) in the amount of \$348,489.00 for the Plum Creek Section 11 and 12, 12-Inch CIP Water Line Improvements consistent with Section 4.05d of the Plum Creek Development Agreement.

CURRENT YEAR FISCAL IMPACT:

All payments to JKB CONSTRUCTION COMPANY, LLC, for construction services associated with the 12-Inch CIP water line improvements totaling \$348,489.00 will be made directly by the Plum Creek Development and subsequently reimbursed by the City of Kyle in the form of water impact fee credits (offsets).

FUNDING SOURCE OF THIS ACTION:

The funding source for this construction contract award totaling \$348,489.00 will be provided by allowing water impact fee credits (offsets) to the Plum Creek Development in the same amount.


ADDITIONAL INFORMATION/COUNCIL ACTION:

It should be noted that the City's total financial obligation for water and wastewater CIP improvements associated with the Plum Creek Development has not been clearly determined at this time. It is Financial Services Department's estimate that the City's financial obligation may total ranging from \$12.0 million to \$15.0 million under the current development agreement.

At this time, the City is unable to determine the total amount of water and wastewater impact fee credits (offsets) authorized by the City of Kyle to Plum Creek Development since 1999 for the design and construction of water and wastewater infrastructure improvements within Plum Creek PUD, credits (offsets) used by Plum Creek Development to date, and the estimated project cost of CIPs that remain to be designed and constructed under the current development agreement.

An independent engineering review is required to determine the City's total financial obligation to reimburse Plum Creek Development for the cost of water and wastewater CIP improvements that have already been made and for CIP projects that are still to be designed and constructed in the future.

This independent engineering review will require reconciliation of (1) actual costs incurred by Plum Creek for eligible water and wastewater improvements to date, (2) estimated cost of eligible water and wastewater CIP projects that remains to be completed as part of the Plum Creek master plan, (3) the amount of water and wastewater impact fee credits (offsets) authorized by the City to date, and (4) the amount of water and wastewater impact fee credits (offsets) that have been used or applied to date by Plum Creek Development.

 5/23/2013
Perwez A. Moheet, CPA - Date
Director of Finance

Item # 30



CITY OF KYLE, TEXAS

Rojo Subdivision Variance Request for Overhead Electric

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Consider a variance request by Mauricio Quintero-Rangel, on behalf of Daniel Rivera, to Section 41.141 of the City of Kyle Code which requires all electrical, telephone, cable television and similar lines shall be placed underground to allow for overhead electric at 1626 Roland Lane, Kyle, Texas ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to deny the variance request.

Other Information: Please see attachments

Budget Information: N/A

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

Attachments / click to download

[Variance Request Letter](#)

[Staff Report](#)

MEMORANDUM

TO: City Council

FROM: Sofia Nelson, Director of Planning

DATE: May 28, 2013

SUBJECT: Rojo Subdivision and Variance Requests

Planning and Zoning Commission Recommendation: Planning and Zoning Commission voted 5-0 to approve the plat conditional on the three variances being granted or by meeting the requirements of the subdivision ordinance.

Planning and Zoning Commission Recommendation for variance regarding City of Kyle Platting Process: Planning and Zoning Commission voted 5-0 to recommend approval of the variance request regarding the City of Kyle Platting Process.

Planning and Zoning Commission Recommendation for a variance to the subdivision ordinance to require underground electric service: Planning and Zoning Commission voted 5-0 to deny the variance request.

Planning and Zoning Commission Recommendation to the required perimeter road fee required for subdivisions: The Planning and Zoning Commission voted 5-0 to deny the variance request

BACKGROUND

Site Information and Proposal

The subject property is approximately 15 acres in size and is located on Roland Lane approximately 1000 feet east of County Road 136 in the City's ETJ. The site is currently undeveloped; however the property owner is seeking to subdivide the existing 15 acres into 5 legal residential lots.

Utilities

The site will be served by an on-site septic system for each lot and will be utilizing private water wells for water service.

Access

The site currently does not have a driveway accessing Roland Lane, however does have 658 feet of street frontage. Each proposed lot will have individual access to Roland Lane and a driveway permit will have to be obtained from Hays County.

Parkland

The Parkland Dedication requirements allow an exemption to developments of 5 lots or less if they are not part of a larger development. This application has been determined to be exempt from park land dedication fees and park land development fees.

VariANCES

The applicant is seeking the following variances to the subdivision requirements:

- 1. The applicant is seeking a variance to the City of Kyle Platting process.**
 - The City of Kyle Subdivision Ordinance requires all subdivisions to provide a concept, preliminary plan, and final plat unless the following requirements apply:
 - (1) The lots must abut a dedicated and accepted city street for the required lot frontage;
 - (2) Topography of the tract is such that drainage-related facilities will not be required;
 - (3) Water and sewer mains of sufficient capacity are adjacent, or on the property, for tapping with service lines;
 - (4) All requirements in these regulations regarding preliminary and final plats shall be complied with, where applicable, without exception (i.e., without a variance from the requirements of this chapter).
 - Since the property does front on a city street and water and sewer mains of sufficient capacity are not adjacent or on the property for tapping the proposed subdivision does not meet the requirements to allow for the applicant to skip the concept and preliminary plat steps of the subdivision process. Since the property does not meet the above requirements the applicant is therefore required to submit the same plat three different times (concept plan, preliminary plat, and final plat) and submit 3 different fees to meet the requirements of the subdivision ordinances.
- 2. The applicant is seeking a variance to the subdivision ordinance to require underground electric service.**
 - Section 41-141 of the City Code requires Electrical, telephone and other lines. All electrical, telephone, cable television and similar lines shall be placed underground. Such lines shall be installed in accordance with the regulations and requirements established by each utility or service company, as applicable, and city ordinance. The city council may waive this requirement for good cause, and permit such lines to be installed above ground.
 - The applicant has identified the desired route to supply electricity to the site would be from the back of the lot. There is currently overhead power along Opal Lane and the applicant is requesting the ability to install overhead electric service lines perpendicular to Opal Lane towards the south and not along Opal Lane. The applicant is proposing to add a plat note to restrict overhead utilities within 150 feet from Roland Lane.
- 3. The applicant is seeking a variance to the required perimeter road fee required for subdivisions.**
 - *Perimeter streets.* The developer's obligations concerning perimeter streets are as follows:
 - Local, collector streets.*
 - Dedicate land for one-half of the required right-of-way of an adjacent local and collector street; and
 - Pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage.
 - The applicant is seeking to dedicate the required right-of-way but is requesting a variance to the required payment of the perimeter road fee.

STAFF RECOMMENDATION:

Sec.41-10 of the City of Kyle Subdivision Ordinance requires the following criteria be met when granting exceptions unless otherwise specified:

(a)It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.

(b)The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(c)No exception shall be granted unless the following conditions are met:

(1)That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;

(2)That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(3)That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.

(d)Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

(e)Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

Staff has reviewed each of the requested variances against the criteria identified for exceptions to the subdivision ordinance and has made the following findings:

1. Variance request to allow the applicant to vary from the subdivision platting process and submit only a final plat:

- (1)That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - *In staff's review of the variance request it appears that because the subdivision is to be platted in one phase that the process is redundant. However, it does not*

- appear that following the established subdivision process would have an adverse impact on the applicant's reasonable use of the property.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area.*
 - (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of the subdivision ordinance.*

2. Variance request to allow overhead electric service:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - The subject property is a long narrow lot, as are many of the lots in this area. It does not appear that there are special conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area.*
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land. It does appear that the allowance of overhead electric service may set a pattern for overhead electric service for future developments in the area.*

3. Variance to perimeter road fee

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - *In staff's review of the request it appears the requirement would make the development costs for the property more expensive however it does not appear that the payment of the perimeter road fee would have a substantial adverse impact on the applicant's reasonable use of his land.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area. However, if the variance is granted it does mean that overtime when the property is annexed*

into the City and the City has funds from other properties to upgrade the road the City will not have the amount required from this development.

- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.*

Staff is recommending approval of the plat conditional on the applicant being granted the above variances or meeting the requirements of the subdivision ordinance.

Mauricio Quintero-Rangel, P.E.

F-12164

11312 Robert Wooding Drive
Austin, Texas 78748

Tel. 512-659-4386
Fax 512-291-8714

February 10, 2013

CITY OF KYLE

Ms. Sofia Nelson, Director of Planning
City of Kyle Planning Department
City of Kyle
100 W. Center Street
PO Box 40, Kyle, Texas 78640

FEB 19 2013

PLANNING DEPARTMENT

Re: **Rojo Subdivision (FP-13-002)**
1626 Roland Lane, Kyle, Texas, 78640.
VARIANCE REQUEST TO CITY CODE SECTION 41.141 (e). UNDERGROUND UTILITIES.

Dear Ms. Nelson,

Mr. Daniel Rivera owns 15.000 acres of land and he wants to subdivide it in 5 legal lots. We currently have a subdivision plat application in review with the City of Kyle. One of the requirements to serve the subdivision is to provide electric and telephone service. We have contacted Pedernales Electric and have agree that best route to serve the proposed 5 residential lots is from the back of the lots, there is currently overhead power along Opal Lane (CR 138), see attached photos. It is our plan to bring overhead electric perpendicular to Opal Lane towards the proposed 5 residential lots. The owner has obtained electric easement to do this from the adjacent property owner. City Code Section 14.141 (e) regulates the placement of all utilities to be installed underground, this requirement does affect this subdivision. I understand this requirement for utilities placed along the Right of Way and near traffic areas, but for the proposed 5 residential lot subdivision, we would like to install overhead power lines perpendicular to Opal Lane towards the south and not along Opal Lane, also, we will not install any overhead utility within 150 of Roland Lane to attempt to comply with City Code Section 14.141 (e). A plat note has been added to restrict overhead utilities within 150 feet from Roland Lane. Roland Lane does not have any overhead utilities in front of the property but it does have overhead utilities just east of the property.

In regards to telephone service, there is underground cable from Verizon along Roland Lane, telephone cable will be installed underground to serve the proposed 5 residential lots.

Should you have any questions, please do not hesitate to contact me via phone at (512) 659-4386 or via e-mail me at mauricio_qr@hotmail.com.

Sincerely,

Mauricio Quintero-Rangel, P.E.,

cc: *file*
encl.: site photos





P.O. Box 100 Kyle, Texas 78640-0100
(512) 262-2161 • 1-888-554-4732
www.pec.coop

February 5, 2013

Mr. Mauricio Quintero-Rangel, P.E.
11312 Robert Wooding Dr.
Austin Texas 78748

Re: Roland Lane Tracts, Kyle, Texas

Dear Mr. Quintero-Rangel:

Thank you for your interest in establishing service with Pedernales Electric Cooperative. The Roland Lane Tracts of land in the Kyle area is within the Cooperative's service area. We will extend service to this location in accordance with our Line Extension and Service Policies, which requires that you apply for electric service, pay all fees, and grant or acquire all necessary easements before construction can begin.

If you have any questions, please call me at 1-800-868-4791, Extension 7525, Monday through Friday, between 8 a.m. and 5 p.m.

Sincerely,

George Esqueda
Kyle District Planning Supervisor

Item # 31



CITY OF KYLE, TEXAS

Rojo Subdivision Variance Request for Payment of Road Improvement Fee

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Consider a variance request by Mauricio Quintero-Rangel, on behalf of Daniel Rivera, to Section 41-137 of the City of Kyle code which requires all subdivisions which front on a local or collector street to dedicate land for one-half of the required right-of-way of an adjacent local and collector street and pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage to not require the payment of the road improvement fee at 1626 Roland Lane Kyle, Texas ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to deny the variance request.

Other Information: Please see attachments

Budget Information: N/A

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Attachments / click to download

- [Variance Request Letter](#)
- [perimeter Road Cost Estimate](#)
- [Staff Report](#)

MEMORANDUM

TO: City Council

FROM: Sofia Nelson, Director of Planning

DATE: May 28, 2013

SUBJECT: Rojo Subdivision and Variance Requests

Planning and Zoning Commission Recommendation: Planning and Zoning Commission voted 5-0 to approve the plat conditional on the three variances being granted or by meeting the requirements of the subdivision ordinance.

Planning and Zoning Commission Recommendation for variance regarding City of Kyle Platting Process: Planning and Zoning Commission voted 5-0 to recommend approval of the variance request regarding the City of Kyle Platting Process.

Planning and Zoning Commission Recommendation for a variance to the subdivision ordinance to require underground electric service: Planning and Zoning Commission voted 5-0 to deny the variance request.

Planning and Zoning Commission Recommendation to the required perimeter road fee required for subdivisions: The Planning and Zoning Commission voted 5-0 to deny the variance request

BACKGROUND

Site Information and Proposal

The subject property is approximately 15 acres in size and is located on Roland Lane approximately 1000 feet east of County Road 136 in the City's ETJ. The site is currently undeveloped; however the property owner is seeking to subdivide the existing 15 acres into 5 legal residential lots.

Utilities

The site will be served by an on-site septic system for each lot and will be utilizing private water wells for water service.

Access

The site currently does not have a driveway accessing Roland Lane, however does have 658 feet of street frontage. Each proposed lot will have individual access to Roland Lane and a driveway permit will have to be obtained from Hays County.

Parkland

The Parkland Dedication requirements allow an exemption to developments of 5 lots or less if they are not part of a larger development. This application has been determined to be exempt from park land dedication fees and park land development fees.

VariANCES

The applicant is seeking the following variances to the subdivision requirements:

- 1. The applicant is seeking a variance to the City of Kyle Platting process.**
 - The City of Kyle Subdivision Ordinance requires all subdivisions to provide a concept, preliminary plan, and final plat unless the following requirements apply:
 - (1) The lots must abut a dedicated and accepted city street for the required lot frontage;
 - (2) Topography of the tract is such that drainage-related facilities will not be required;
 - (3) Water and sewer mains of sufficient capacity are adjacent, or on the property, for tapping with service lines;
 - (4) All requirements in these regulations regarding preliminary and final plats shall be complied with, where applicable, without exception (i.e., without a variance from the requirements of this chapter).
 - Since the property does front on a city street and water and sewer mains of sufficient capacity are not adjacent or on the property for tapping the proposed subdivision does not meet the requirements to allow for the applicant to skip the concept and preliminary plat steps of the subdivision process. Since the property does not meet the above requirements the applicant is therefore required to submit the same plat three different times (concept plan, preliminary plat, and final plat) and submit 3 different fees to meet the requirements of the subdivision ordinances.
- 2. The applicant is seeking a variance to the subdivision ordinance to require underground electric service.**
 - Section 41-141 of the City Code requires Electrical, telephone and other lines. All electrical, telephone, cable television and similar lines shall be placed underground. Such lines shall be installed in accordance with the regulations and requirements established by each utility or service company, as applicable, and city ordinance. The city council may waive this requirement for good cause, and permit such lines to be installed above ground.
 - The applicant has identified the desired route to supply electricity to the site would be from the back of the lot. There is currently overhead power along Opal Lane and the applicant is requesting the ability to install overhead electric service lines perpendicular to Opal Lane towards the south and not along Opal Lane. The applicant is proposing to add a plat note to restrict overhead utilities within 150 feet from Roland Lane.
- 3. The applicant is seeking a variance to the required perimeter road fee required for subdivisions.**
 - *Perimeter streets.* The developer's obligations concerning perimeter streets are as follows:
 - Local, collector streets.*
 - Dedicate land for one-half of the required right-of-way of an adjacent local and collector street; and
 - Pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage.
 - The applicant is seeking to dedicate the required right-of-way but is requesting a variance to the required payment of the perimeter road fee.

STAFF RECOMMENDATION:

Sec.41-10 of the City of Kyle Subdivision Ordinance requires the following criteria be met when granting exceptions unless otherwise specified:

(a)It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.

(b)The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(c)No exception shall be granted unless the following conditions are met:

(1)That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;

(2)That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(3)That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.

(d)Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

(e)Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

Staff has reviewed each of the requested variances against the criteria identified for exceptions to the subdivision ordinance and has made the following findings:

1. Variance request to allow the applicant to vary from the subdivision platting process and submit only a final plat:

- (1)That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - *In staff's review of the variance request it appears that because the subdivision is to be platted in one phase that the process is redundant. However, it does not*

- appear that following the established subdivision process would have an adverse impact on the applicant's reasonable use of the property.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area.*
 - (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of the subdivision ordinance.*

2. Variance request to allow overhead electric service:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - The subject property is a long narrow lot, as are many of the lots in this area. It does not appear that there are special conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area.*
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land. It does appear that the allowance of overhead electric service may set a pattern for overhead electric service for future developments in the area.*

3. Variance to perimeter road fee

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - *In staff's review of the request it appears the requirement would make the development costs for the property more expensive however it does not appear that the payment of the perimeter road fee would have a substantial adverse impact on the applicant's reasonable use of his land.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area. However, if the variance is granted it does mean that overtime when the property is annexed*

into the City and the City has funds from other properties to upgrade the road the City will not have the amount required from this development.

- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.*

Staff is recommending approval of the plat conditional on the applicant being granted the above variances or meeting the requirements of the subdivision ordinance.

Mauricio Quintero-Rangel, P.E.

F-12164

11312 Robert Wooding Drive
Austin, Texas 78748Tel. 512-659-4386
Fax 512-291-8714

April, 6, 2013

CITY OF KYLE

Ms. Sofia Nelson, Director of Planning
City of Kyle Planning Department
City of Kyle
100 W. Center Street
PO Box 40, Kyle, Texas 78640

APR 08 2013

PLANNING DEPARTMENT

Re: **Rojo Subdivision**
1626 Roland Lane, Kyle, Texas, 78640.
VARIANCE REQUEST TO CITY CODE SECTION 41-137 REGARDING PARIMETER STREETS.

Dear Ms. Nelson,

Mr. Daniel Rivera owns 15.000 acres of land and he wants to subdivide it in 5 legal lots. His land is located on Roland Lane approximately 1000 feet east of County Road 136, in Kyle Texas. The property is within the extraterritorial jurisdiction of the City of Kyle. The site is currently undeveloped, and the owner would like to have it subdivided in five residential legal lots.

The property has 658 feet of frontage on Roland Lane, an existing improved, paved County Road. All Proposed lots will have individual driveway accessing Roland Lane. Roland Lane is an existing paved roadway with 21' pavement width and 38.75 feet Right of Way.

Based on current city code Section 41-137, the applicant shall improve or pay for half of the roadway improvements in front of the property being subdivided. This road is classified as collector and requires 38 feet of pavement and 60 feet of Right of Way. We are dedicating the Right of way as part of this plat, but the owner would like to ask for a waiver for the required roadway improvements or fee based on the following facts:

1. The existing Roadway is a County Road and not maintained by the City of Kyle.
2. The proposed subdivision plat only consists of 5 residential lots in 15 acres, and will not impact the existing traffic on the roadway such as a commercial development.
3. There are no plans to improve Roland Lane in the near future.

Should you have any questions, please do not hesitate to contact me via phone at (512) 659-4386 or via e-mail me at mauricio_qr@hotmail.com.

Sincerely,



0Mauricio Quintero-Rangel, P.E.,

cc: file

Mauricio Quintero-Rangel, P.E.

F-12164

11312 Robert Wooding Drive
Austin, Texas 78748

Tel. 512-659-4386
Fax 512-291-8714

April 6, 2013

Mr. Steven D. Widacki, P.E.
City of Kyle
100 W. Center Street
PO Box 40
Kyle, Texas 78640

Re: **Rojo Subdivision (FP-13-002)**
Roland Lane Street
Kyle, Texas, 78640.
PERIMETER ROAD IMPROVEMENTS ROADWAY

Dear Mr. Widacki,

I am presenting you with cost and quantities for perimeter road improvements for this project. Roland Lane existing pavement width is 21 feet, based on roadway classification, it should have 38 feet measured from face of curb to face of curb. The road frontage for this subdivision is 658 feet.

No.	ITEM DESCRIPTION	QTY.	UNIT	\$/UNIT	TOTAL
1	ROADWAY EXCAVATION	174	CY	\$ 14.00	\$ 2,436.00
2	FLEXIBLE BASE 6" THICK	116	CY	\$ 30.00	\$ 3,480.00
3	2" HMAC TYPE C	512	SY	\$ 10.00	\$ 5,120.00
4	CONCRETE CURB AND GUTTER	658	LF	\$ 9.75	\$ 6,415.50
				TOTAL=	\$ 17,451.50

Should you have any questions, please contact me at 512-659-4386 or via e-mail at mauricio_qr@hotmail.com

Sincerely,

Mauricio Quintero-Rangel, P.E.

Cc: file



CITY OF KYLE, TEXAS

Rojo Subdivision Variance Request for submittal of just a Final Plat

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Consider a variance request by Mauricio Quintero-Rangel, on behalf of Daniel Rivera, to Chapter 41- Subdivisions of the City of Kyle code which requires all plats not considered a short-form plat to submit a concept plan, preliminary plan, and final plat to allow for the submittal of just a final plat for a proposed subdivision located at 1626 Roland Lane~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve the variance request.

Other Information: Please see attachments

Budget Information: N/A

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

Attachments / click to download

[Variance Request Letter](#)

[Staff Report](#)

MEMORANDUM

TO: City Council

FROM: Sofia Nelson, Director of Planning

DATE: May 28, 2013

SUBJECT: Rojo Subdivision and Variance Requests

Planning and Zoning Commission Recommendation: Planning and Zoning Commission voted 5-0 to approve the plat conditional on the three variances being granted or by meeting the requirements of the subdivision ordinance.

Planning and Zoning Commission Recommendation for variance regarding City of Kyle Platting Process: Planning and Zoning Commission voted 5-0 to recommend approval of the variance request regarding the City of Kyle Platting Process.

Planning and Zoning Commission Recommendation for a variance to the subdivision ordinance to require underground electric service: Planning and Zoning Commission voted 5-0 to deny the variance request.

Planning and Zoning Commission Recommendation to the required perimeter road fee required for subdivisions: The Planning and Zoning Commission voted 5-0 to deny the variance request

BACKGROUND

Site Information and Proposal

The subject property is approximately 15 acres in size and is located on Roland Lane approximately 1000 feet east of County Road 136 in the City's ETJ. The site is currently undeveloped; however the property owner is seeking to subdivide the existing 15 acres into 5 legal residential lots.

Utilities

The site will be served by an on-site septic system for each lot and will be utilizing private water wells for water service.

Access

The site currently does not have a driveway accessing Roland Lane, however does have 658 feet of street frontage. Each proposed lot will have individual access to Roland Lane and a driveway permit will have to be obtained from Hays County.

Parkland

The Parkland Dedication requirements allow an exemption to developments of 5 lots or less if they are not part of a larger development. This application has been determined to be exempt from park land dedication fees and park land development fees.

VariANCES

The applicant is seeking the following variances to the subdivision requirements:

- 1. The applicant is seeking a variance to the City of Kyle Platting process.**
 - The City of Kyle Subdivision Ordinance requires all subdivisions to provide a concept, preliminary plan, and final plat unless the following requirements apply:
 - (1) The lots must abut a dedicated and accepted city street for the required lot frontage;
 - (2) Topography of the tract is such that drainage-related facilities will not be required;
 - (3) Water and sewer mains of sufficient capacity are adjacent, or on the property, for tapping with service lines;
 - (4) All requirements in these regulations regarding preliminary and final plats shall be complied with, where applicable, without exception (i.e., without a variance from the requirements of this chapter).
 - Since the property does front on a city street and water and sewer mains of sufficient capacity are not adjacent or on the property for tapping the proposed subdivision does not meet the requirements to allow for the applicant to skip the concept and preliminary plat steps of the subdivision process. Since the property does not meet the above requirements the applicant is therefore required to submit the same plat three different times (concept plan, preliminary plat, and final plat) and submit 3 different fees to meet the requirements of the subdivision ordinances.
- 2. The applicant is seeking a variance to the subdivision ordinance to require underground electric service.**
 - Section 41-141 of the City Code requires Electrical, telephone and other lines. All electrical, telephone, cable television and similar lines shall be placed underground. Such lines shall be installed in accordance with the regulations and requirements established by each utility or service company, as applicable, and city ordinance. The city council may waive this requirement for good cause, and permit such lines to be installed above ground.
 - The applicant has identified the desired route to supply electricity to the site would be from the back of the lot. There is currently overhead power along Opal Lane and the applicant is requesting the ability to install overhead electric service lines perpendicular to Opal Lane towards the south and not along Opal Lane. The applicant is proposing to add a plat note to restrict overhead utilities within 150 feet from Roland Lane.
- 3. The applicant is seeking a variance to the required perimeter road fee required for subdivisions.**
 - *Perimeter streets.* The developer's obligations concerning perimeter streets are as follows:
 - Local, collector streets.*
 - Dedicate land for one-half of the required right-of-way of an adjacent local and collector street; and
 - Pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage.
 - The applicant is seeking to dedicate the required right-of-way but is requesting a variance to the required payment of the perimeter road fee.

STAFF RECOMMENDATION:

Sec.41-10 of the City of Kyle Subdivision Ordinance requires the following criteria be met when granting exceptions unless otherwise specified:

(a)It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.

(b)The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(c)No exception shall be granted unless the following conditions are met:

(1)That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;

(2)That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(3)That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.

(d)Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

(e)Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

Staff has reviewed each of the requested variances against the criteria identified for exceptions to the subdivision ordinance and has made the following findings:

1. Variance request to allow the applicant to vary from the subdivision platting process and submit only a final plat:

- (1)That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - *In staff's review of the variance request it appears that because the subdivision is to be platted in one phase that the process is redundant. However, it does not*

- appear that following the established subdivision process would have an adverse impact on the applicant's reasonable use of the property.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area.*
 - (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of the subdivision ordinance.*

2. Variance request to allow overhead electric service:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - The subject property is a long narrow lot, as are many of the lots in this area. It does not appear that there are special conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area.*
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land. It does appear that the allowance of overhead electric service may set a pattern for overhead electric service for future developments in the area.*

3. Variance to perimeter road fee

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - *In staff's review of the request it appears the requirement would make the development costs for the property more expensive however it does not appear that the payment of the perimeter road fee would have a substantial adverse impact on the applicant's reasonable use of his land.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area. However, if the variance is granted it does mean that overtime when the property is annexed*

into the City and the City has funds from other properties to upgrade the road the City will not have the amount required from this development.

- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.*

Staff is recommending approval of the plat conditional on the applicant being granted the above variances or meeting the requirements of the subdivision ordinance.

Mauricio Quintero-Rangel, P.E.**F-12164**11312 Robert Wooding Drive
Austin, Texas 78748Tel. 512-659-4386
Fax 512-291-8714

December 19, 2012

Ms. Sofia Nelson, Director of Planning
City of Kyle Planning Department
City of Kyle
100 W. Center Street
PO Box 40, Kyle, Texas 78640

Re: **Rojo Subdivision**
1626 Roland Lane, Kyle, Texas, 78640.
**VARIANCE REQUEST TO PLATTING PRCESS TO SKIP CONCEPT PLAN AND
PRELIMINARY PLAN APPLICATIONS**

Dear Ms. Nelson,

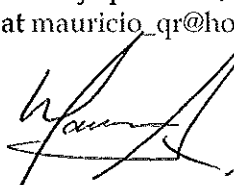
Mr. Daniel Rivera owns 15.000 acres of land and he wants to subdivide it in 5 legal lots. His land is located on Roland Lane approximately 1000 feet east of County Road 136, in Kyle Texas. The property is within the extraterritorial jurisdiction of the City of Kyle and therefore no zoning is applicable to the land. The site is currently undeveloped, and the owner would like to have it subdivided in five residential legal lots (average size 3.00 acres).

The property has 658 feet of frontage on Roland Lane, an existing improved, paved County Road. All Proposed lots will have individual driveway accessing Roland Lane, individual on site septic systems, individual water wells and will be served by Pedernales Electric. No portion of this site is located within the 100-year floodplain according to FEMA Map No. 48209C0385F effective September 2, 2005.

Based on the proposed lot configuration, lot size, and access to Roland Lane for all proposed lots, I am requesting a variance to the City of Kyle platting process, and I respectfully request a variance to the process to submit only a Final Plat application and not to submit a Concept Plan application or Preliminary Plan application, all concerns or questions that City staff may have can be addressed at Final Plat Stage given the simplicity of the proposed subdivision, I understand the requirements for Concept Plan and preliminary Plan applications for more complex subdivisions, but I don't see the need for this 5 lot subdivision without public improvements.

Should you have any questions, please do not hesitate to contact me via phone at (512) 659-4386 or via e-mail me at mauricio_qr@hotmail.com.

Sincerely,



Mauricio Quintero-Rangel, P.E.,

cc: file
encl.: Plat, Topographic and water and wastewater plan, Tax Map



CITY OF KYLE, TEXAS

Rojo Subdivision

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Rojo Subdivision - Final Plat (FP-13-002)
15 acres; 5 Lots
Located on Roland Lane approx 1000 feet east of CR 136
Owner: Daniel Rivera
Agent: Mauricio Quintero-Rangel, P.E.
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to approve the plat with the condition that the three variances be granted or meet the requirements of the subdivision ordinance.

Other Information: Please see attachments

Budget Information: N/A

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Attachments / click to download

- [Plat](#)
 - [Staff Report](#)
-

MEMORANDUM

TO: City Council

FROM: Sofia Nelson, Director of Planning

DATE: May 28, 2013

SUBJECT: Rojo Subdivision and Variance Requests

Planning and Zoning Commission Recommendation: Planning and Zoning Commission voted 5-0 to approve the plat conditional on the three variances being granted or by meeting the requirements of the subdivision ordinance.

Planning and Zoning Commission Recommendation for variance regarding City of Kyle Platting Process: Planning and Zoning Commission voted 5-0 to recommend approval of the variance request regarding the City of Kyle Platting Process.

Planning and Zoning Commission Recommendation for a variance to the subdivision ordinance to require underground electric service: Planning and Zoning Commission voted 5-0 to deny the variance request.

Planning and Zoning Commission Recommendation to the required perimeter road fee required for subdivisions: The Planning and Zoning Commission voted 5-0 to deny the variance request

BACKGROUND

Site Information and Proposal

The subject property is approximately 15 acres in size and is located on Roland Lane approximately 1000 feet east of County Road 136 in the City's ETJ. The site is currently undeveloped; however the property owner is seeking to subdivide the existing 15 acres into 5 legal residential lots.

Utilities

The site will be served by an on-site septic system for each lot and will be utilizing private water wells for water service.

Access

The site currently does not have a driveway accessing Roland Lane, however does have 658 feet of street frontage. Each proposed lot will have individual access to Roland Lane and a driveway permit will have to be obtained from Hays County.

Parkland

The Parkland Dedication requirements allow an exemption to developments of 5 lots or less if they are not part of a larger development. This application has been determined to be exempt from park land dedication fees and park land development fees.

VariANCES

The applicant is seeking the following variances to the subdivision requirements:

- 1. The applicant is seeking a variance to the City of Kyle Platting process.**
 - The City of Kyle Subdivision Ordinance requires all subdivisions to provide a concept, preliminary plan, and final plat unless the following requirements apply:
 - (1) The lots must abut a dedicated and accepted city street for the required lot frontage;
 - (2) Topography of the tract is such that drainage-related facilities will not be required;
 - (3) Water and sewer mains of sufficient capacity are adjacent, or on the property, for tapping with service lines;
 - (4) All requirements in these regulations regarding preliminary and final plats shall be complied with, where applicable, without exception (i.e., without a variance from the requirements of this chapter).
 - Since the property does front on a city street and water and sewer mains of sufficient capacity are not adjacent or on the property for tapping the proposed subdivision does not meet the requirements to allow for the applicant to skip the concept and preliminary plat steps of the subdivision process. Since the property does not meet the above requirements the applicant is therefore required to submit the same plat three different times (concept plan, preliminary plat, and final plat) and submit 3 different fees to meet the requirements of the subdivision ordinances.
- 2. The applicant is seeking a variance to the subdivision ordinance to require underground electric service.**
 - Section 41-141 of the City Code requires Electrical, telephone and other lines. All electrical, telephone, cable television and similar lines shall be placed underground. Such lines shall be installed in accordance with the regulations and requirements established by each utility or service company, as applicable, and city ordinance. The city council may waive this requirement for good cause, and permit such lines to be installed above ground.
 - The applicant has identified the desired route to supply electricity to the site would be from the back of the lot. There is currently overhead power along Opal Lane and the applicant is requesting the ability to install overhead electric service lines perpendicular to Opal Lane towards the south and not along Opal Lane. The applicant is proposing to add a plat note to restrict overhead utilities within 150 feet from Roland Lane.
- 3. The applicant is seeking a variance to the required perimeter road fee required for subdivisions.**
 - *Perimeter streets.* The developer's obligations concerning perimeter streets are as follows:
 - Local, collector streets.*
 - Dedicate land for one-half of the required right-of-way of an adjacent local and collector street; and
 - Pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage.
 - The applicant is seeking to dedicate the required right-of-way but is requesting a variance to the required payment of the perimeter road fee.

STAFF RECOMMENDATION:

Sec.41-10 of the City of Kyle Subdivision Ordinance requires the following criteria be met when granting exceptions unless otherwise specified:

(a)It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.

(b)The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(c)No exception shall be granted unless the following conditions are met:

(1)That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;

(2)That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(3)That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.

(d)Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

(e)Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

Staff has reviewed each of the requested variances against the criteria identified for exceptions to the subdivision ordinance and has made the following findings:

1. Variance request to allow the applicant to vary from the subdivision platting process and submit only a final plat:

- (1)That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - *In staff's review of the variance request it appears that because the subdivision is to be platted in one phase that the process is redundant. However, it does not*

- appear that following the established subdivision process would have an adverse impact on the applicant's reasonable use of the property.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area.*
 - (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of the subdivision ordinance.*

2. Variance request to allow overhead electric service:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - The subject property is a long narrow lot, as are many of the lots in this area. It does not appear that there are special conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area.*
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land. It does appear that the allowance of overhead electric service may set a pattern for overhead electric service for future developments in the area.*

3. Variance to perimeter road fee

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - *In staff's review of the request it appears the requirement would make the development costs for the property more expensive however it does not appear that the payment of the perimeter road fee would have a substantial adverse impact on the applicant's reasonable use of his land.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area. However, if the variance is granted it does mean that overtime when the property is annexed*

into the City and the City has funds from other properties to upgrade the road the City will not have the amount required from this development.

- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.*

Staff is recommending approval of the plat conditional on the applicant being granted the above variances or meeting the requirements of the subdivision ordinance.

FINAL PLAT ROJO SUBDIVISION

STATE OF TEXAS}}
COUNTY OF HAYS}}

KNOW ALL MEN BY THESE PRESENTS

THAT I, DANIEL RIVERA, OWNER OF A 15.000 ACRE TRACT, BEING A PART OF THE Z. HINTON SURVEY NO. 12 IN HAYS COUNTY, TEXAS AND BEING OUT OF AND PART OF THOSE TWO TRACTS OF LAND CONVEYED TO THE BELL LIVING TRUST IN A DEED RECORDED IN VOLUME 945, PAGE 579, DEED RECORDS, HAYS COUNTY, TEXAS, AS CONVEYED TO ME BY DEED RECORDS IN VOLUME 4499, PAGE 555, DEED RECORDS, HAYS COUNTY, TEXAS, HEREBY SUBMIT THE ATTACHED PLAT, TO BE KNOWN AS:

ROJO SUBDIVISION

SAID SUBDIVISION HAVING BEEN APPROVED FOR SUBDIVISION PURSUANT TO ORDINANCE NO. 439 OF THE CITY CODE OF KYLE, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS THE _____ DAY OF _____, 2013 A.D.

DANIEL RIVERA
7719 McANGUS RD
DEL VALLE, TEXAS 78617
PH. 512-563-2486
FAX: 1-866-800-5957

STATE OF TEXAS}}
COUNTY OF HAYS}}

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2013
BY DANIEL RIVERA.

NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: _____

DIRECTOR OF PUBLIC WORKS CERTIFICATION:

STATE OF TEXAS}}
COUNTY OF HAYS}}

KNOW ALL MEN BY THESE PRESENTS

THAT I, HARPER WILDER, THE DIRECTOR OF PUBLIC WORKS FOR THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO THE REQUIREMENTS OF THE CITY OF KYLE SUBDIVISION ORDINANCE AND HEREBY RECOMMEND APPROVAL.

HARPER WILDER
DIRECTOR OF PUBLIC WORKS

CITY MANAGER CERTIFICATION:

STATE OF TEXAS}}
COUNTY OF HAYS}}

KNOW ALL MEN BY THESE PRESENTS

THAT I, LANNY LAMBERT, CITY MANAGER, APPROVED THIS SUBDIVISION PLAT THIS _____ DAY OF _____, 2013, AND AUTHORIZE IT TO BE FILED BY THE COUNTY CLERK OF HAYS COUNTY, TEXAS.

LANNY LAMBERT
CITY MANAGER

CERTIFICATION OF THE CITY ENGINEER:

STATE OF TEXAS:
COUNTY OF HAYS:

I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF KYLE, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AS AMENDED AND HEREBY RECOMMEND APPROVAL.

STEVEN D. WIDACKI, P.E.
CITY ENGINEER

DATE

PLANNING AND ZONING COMMISSION CERTIFICATION:

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS _____ DAY OF _____, 2013.

CHAIRPERSON

CITY SECRETARY CERTIFICATION:

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF _____ ADDITION TO THE CITY OF KYLE, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE ON THE DAY OF _____, 2013. SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF KYLE, TEXAS.

WITNESS MY HAND THIS _____ DAY OF _____, 2013.

CITY SECRETARY

MAURICIO QUINTERO-RANGEL, P.E.

F-12164
11312 ROBERT WOODING DR.
AUSTIN, TEXAS 78748
(512) 659-4386 TEL.
(512) 291-8714 FAX

ENGINEER CERTIFICATION:

STATE OF TEXAS
COUNTY OF HAYS:

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

MAURICIO QUINTERO-RANGEL, P.E. DATE

PLAT NOTES:

1. A FIFTEEN (15) FOOT PUE IS HEREBY DEDICATED ADJACENT TO ALL STREET ROW, A FIVE (5) FOOT PUE IS HEREBY DEDICATED ALONG EACH SIDE LOT LINE AND A TEN (10) FOOT PUE IS HEREBY DEDICATED ADJACENT TO ALL REAR LOT LINES ON ALL LOTS.
2. NO OBJECTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, FENCES OR LANDSCAPING SHALL BE ALLOWED IN A DRAINAGE EASEMENT EXCEPT AS APPROVED BY THE CITY OF KYLE.
3. ALL EASEMENTS OF RECORD ARE SHOWN ON THE PLAN.
4. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, FLOOD HAZARD AREA PERMITS MUST BE OBTAINED FROM HAYS COUNTY.
5. THIS SUBDIVISION IS LOCATED IN THE SAN MARCOS WATERSHED.
6. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
7. THIS SUBDIVISION LIES WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF KYLE.
8. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD PLAIN AS DELINEATED ON HAYS COUNTY COMMUNITY PANEL # FM48209C0385F, DATED SEPTEMBER 2, 2005. Attachment number 2 in Page 1 of 2
9. THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.
10. IN ORDER TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED ACCESS ONTO A PUBLICLY DEDICATED ROADWAY UNLESS (A) A DRIVEWAY PERMIT HAS BEEN ISSUED BY THE ROAD DEPARTMENT OF HAYS COUNTY AND (B) THE DRIVEWAY SATISFIES THE MINIMUM SPACING REQUIREMENT FOR DRIVEWAYS SET FORTH IN CHAPTER 721 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS."
11. WHEN REQUIRED, LOTS SHALL HAVE A MINIMUM DRIVEWAY CULVERT SIZE OF 18".
12. ELECTRIC UTILITY SERVICE WILL BE PROVIDED BY PEDERNALES ELECTRIC.
13. TELEPHONE SERVICE WILL BE PROVIDED BY VERIZON.
14. ALL ELECTRICAL, TELEPHONE, CABLE AND SIMILAR UTILITIES WITHIN 150 FEET OF ROLAND LANE MUST BE INSTALLED UNDERGROUND.
15. WATER WELLS MUST BE LOCATED AT LEAST 50 FEET FROM PROPERTY LINES.
16. LOTS 2, 3 AND 4 WILL BE RESTRICTED TO AN ADVANCED ON SITE SEWAGE FACILITY.

SEWAGE DISPOSAL/INDIVIDUAL WATER SUPPLY CERTIFICATION, TO-WIT:

1. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE-APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAIN WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.
2. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES.
3. NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

JAMES C. GARZA
DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

DATE

TOM POPE, R.S., C.F.M.
HAYS COUNTY FLOODPLAIN ADMINISTRATOR

DATE

STATE OF TEXAS }}
COUNTY OF HAYS }}

I, THE UNDERSIGNED, DIRECTOR OF HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL HAYS COUNTY REQUIREMENTS AS STATED IN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KYLE.

CLINT GARZA
DIRECTOR, HAYS COUNTY DEVELOPMENT SERVICES

DATE

STATE OF TEXAS}}
COUNTY OF HAYS}}

I, LIZ Q. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2013 A.D. AT _____ O'CLOCK _____ M, AND DULY RECORDED ON THE _____ DAY OF _____ 2013 A.D. AT _____ O'CLOCK _____ M. PLAT RECORDS OF SAID COUNTY AND STATE AS DOCUMENT NUMBER _____.

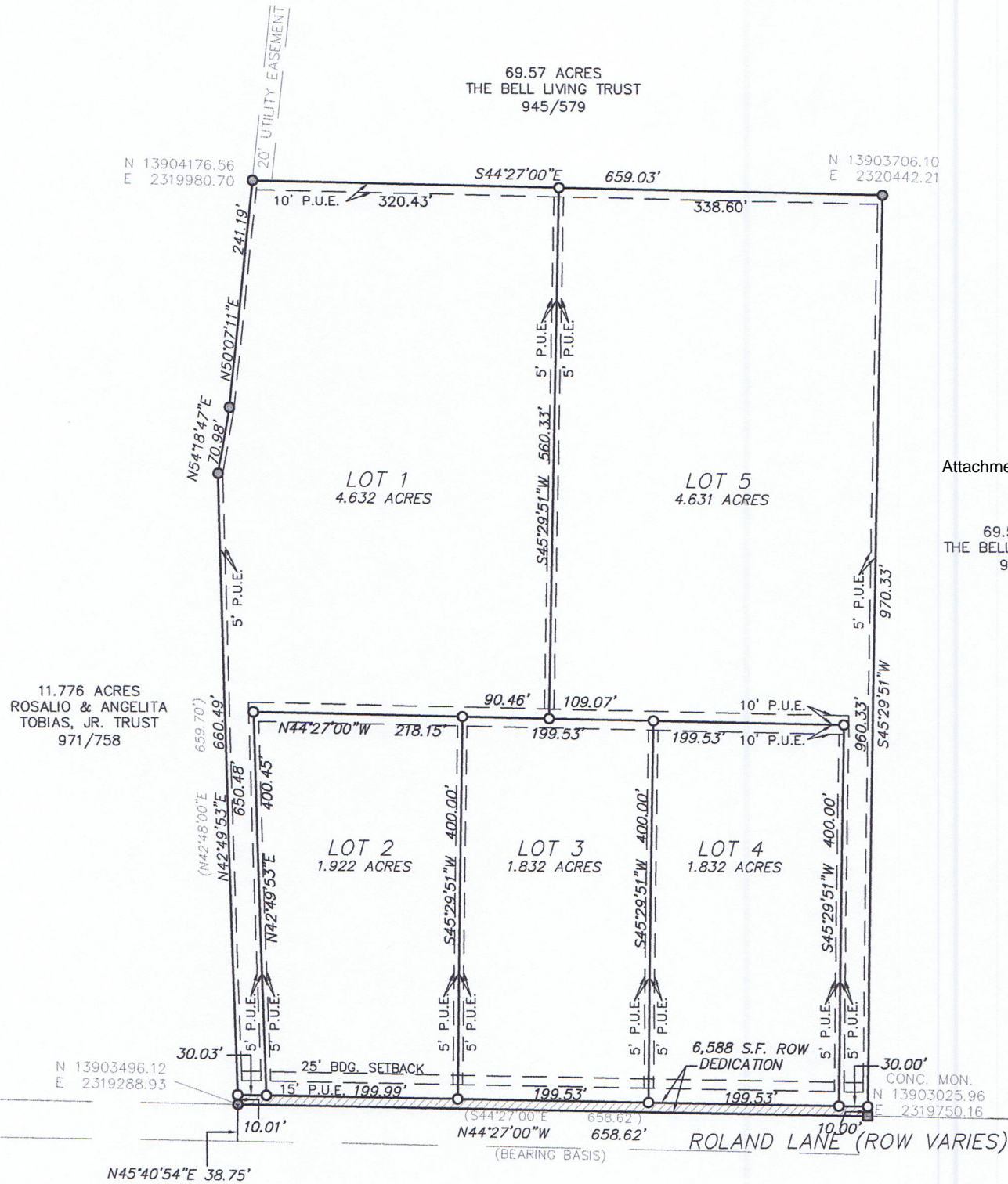
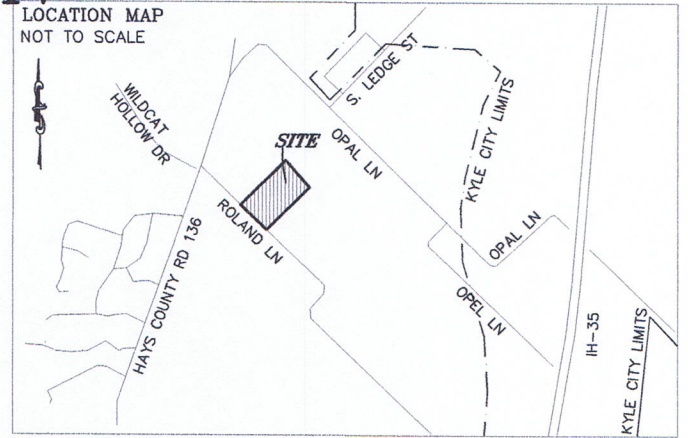
WITNESS MY HAND THIS THE _____ DAY OF _____, 2013 A.D.

LIZ Q. GONZALEZ, COUNTY CLERK HAYS COUNTY, TEXAS

LIZ Q. GONZALEZ
COUNTY CLERK

CELCO SURVEYING
2205 STONECREST PATH
NEW BRAUNFELS, TEXAS 78130
TEL: 830-214-5109 FAX: 866-571-8323

FINAL PLAT ROJO SUBDIVISION



Attachment number 2 \nPage 2 of 2

SCALE
1" = 100'

69.57 ACRES
THE BELL LIVING TRUST
945/579

- LEGEND
- = CONCRETE MONUMENT
 - = IRON ROD FOUND
 - = IRON ROD SET
 - () = RECORD PER DEED
 - PUE = PUBLIC UTILITY EASEMENT

SURVEY : Z. HINTON SURVEY No. 12 IN HAYS COUNTY TEXAS.

NOTES:

BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (GRID), NAD 83, TEXAS SOUTH CENTRAL ZONE (4204). NAVD '88 VERTICAL DATUM

TOTAL NO. OF LOTS: 5
TOTAL SUBDIVISION ACREAGE: 15.000 ACRES
PROPOSED LAND USE: RESIDENTIAL
AVERAGE LOT SIZE = 3.0 ACRES
LOTS BETWEEN 2.0 AND 5.0 ACRES = 2 LOTS
LOTS BETWEEN 1.0 AND 2.0 ACRES = 3 LOTS

WATER SERVICE: PRIVATE WATER WELLS
WASTEWATER SERVICE: ON-SITE SEWAGE FACILITY

DATE: DEC. 1 2012

S44°16'13"E 6151.27' TO MON. AX2449
N 13898621.318
E 2324044.022

SURVEYOR'S CERTIFICATION:

I, GEORGE LUCAS, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH ALL APPLICABLE CODES AND ORDINANCES, INCLUDING ORDINANCE #439 OF THE CITY CODE OF KYLE, TEXAS AND HAYS COUNTY DEVELOPMENT REGULATIONS IS TRUE AND CORRECT; AND WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION.

GEORGE LUCAS R.L.P.S. No. 4160
CELCO SURVEYING
2205 STONECREST PATH
NEW BRAUNFELS, TEXAS
830-214-5109

DATE

FIELD NOTE DESCRIPTION FOR A 15.000 ACRE TRACT:

BEING A 15.000 ACRE TRACT OR PARCEL OF LAND BEING OUT OF AND A PART OF THE Z. HINTON SURVEY NO. 12 IN HAYS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THOSE TWO TRACTS OF LAND CONVEYED TO THE BELL LIVING TRUST IN A DEED RECORDED IN VOLUME 945, PAGE 579, DEED RECORDS, HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1" IRON PIPE FOUND FOR THE WEST CORNER OF A TRACT OF LAND CONVEYED TO ROSALIO & ANGELITA TOBIAS, JR. TRUST IN A DEED RECORDED IN VOLUME 971, PAGE 758, DEED RECORDS, HAYS COUNTY, TEXAS, AND BEING A POINT IN THE NORTHEAST RIGHT-OF-WAY LINE OF ROLAND LANE AT ITS INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 136;

THENCE WITH THE SOUTHWEST LINE OF THE TOBIAS TRACT AND THE NORTHEAST RIGHT-OF-WAY LINE OF ROLAND LANE SOUTH 44°17'44" EAST AT A DISTANCE OF 911.87 FEET TO A 1/2" IRON ROD SET FOR THE WEST CORNER OF THIS TRACT AND OF THE BELL TRACT AND THE SOUTH CORNER OF THE TOBIAS TRACT, AND WHICH POINT IS ALSO POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE WITH THE NORTHWEST LINE OF THIS TRACT AND THE BELL TRACT AND THE SOUTHWEST LINE OF THE TOBIAS TRACT NORTH 42°49'53" EAST AT A DISTANCE OF 660.49 FEET TO A 1/2" IRON ROD SET;

THENCE CONTINUING WITH THE NORTHWEST LINE OF THIS TRACT THE FOLLOWING TWO CALLS:

- (1) NORTH 54°18'47" EAST AT A DISTANCE OF 70.98 FEET TO A 1/2" IRON ROD SET;
- (2) NORTH 50°07'11" EAST AT A DISTANCE OF 241.19 FEET TO A 1/2" IRON ROD SET FOR THE NORTH CORNER OF THIS TRACT;

THENCE WITH THE NORTHEAST LINE OF THIS TRACT ACROSS THE BELL TRACT SOUTH 44°27'00" EAST AT A DISTANCE OF 659.03 FEET TO A 1/2" IRON ROD SET FOR THE EAST CORNER OF THIS TRACT;

THENCE WITH THE SOUTHWEST LINE OF THIS TRACT ACROSS THE BELL TRACT SOUTH 45°29'51" WEST AT A DISTANCE OF 970.33 FEET TO A 1/2" IRON ROD SET FOR THE SOUTH CORNER OF THIS TRACT AND BEING A POINT ON THE SOUTHWEST LINE OF THE BELL TRACT AND THE NORTHEAST RIGHT-OF-WAY LINE OF ROLAND LANE;

THENCE WITH THE SOUTHWEST LINE OF THIS TRACT AND OF THE BELL TRACT AND THE NORTHEAST RIGHT-OF-WAY LINE OF ROLAND LANE NORTH 44°27'00" WEST AT A DISTANCE OF 658.62 FEET TO THE POINT OF BEGINNING, CONTAINING 15.000 ACRES OF LAND, MORE OR LESS.

MAURICIO QUINTERO-RANGEL, P.E.

F-12164
11312 ROBERT WOODING DR.
AUSTIN, TEXAS 78748
(512) 659-4386 TEL.
(512) 291-8714 FAX

CELCO SURVEYING
2205 STONECREST PATH
NEW BRAUNFELS, TEXAS 78130
TEL: 830-214-5109 FAX: 866-571-8323



CITY OF KYLE, TEXAS

RV Land - Site Plan

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: RV Land (SD-13-006)
10 acres; 1 Lot
Located at 23401 N. IH-35
Owner: Joe Lance Stewart
Agent: Jim Herbert, P.E.
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to approve the site plan with the condition that all outstanding Engineer and Public Works Comments be addressed.

- Public Hearing

Other Information: Please see attachments

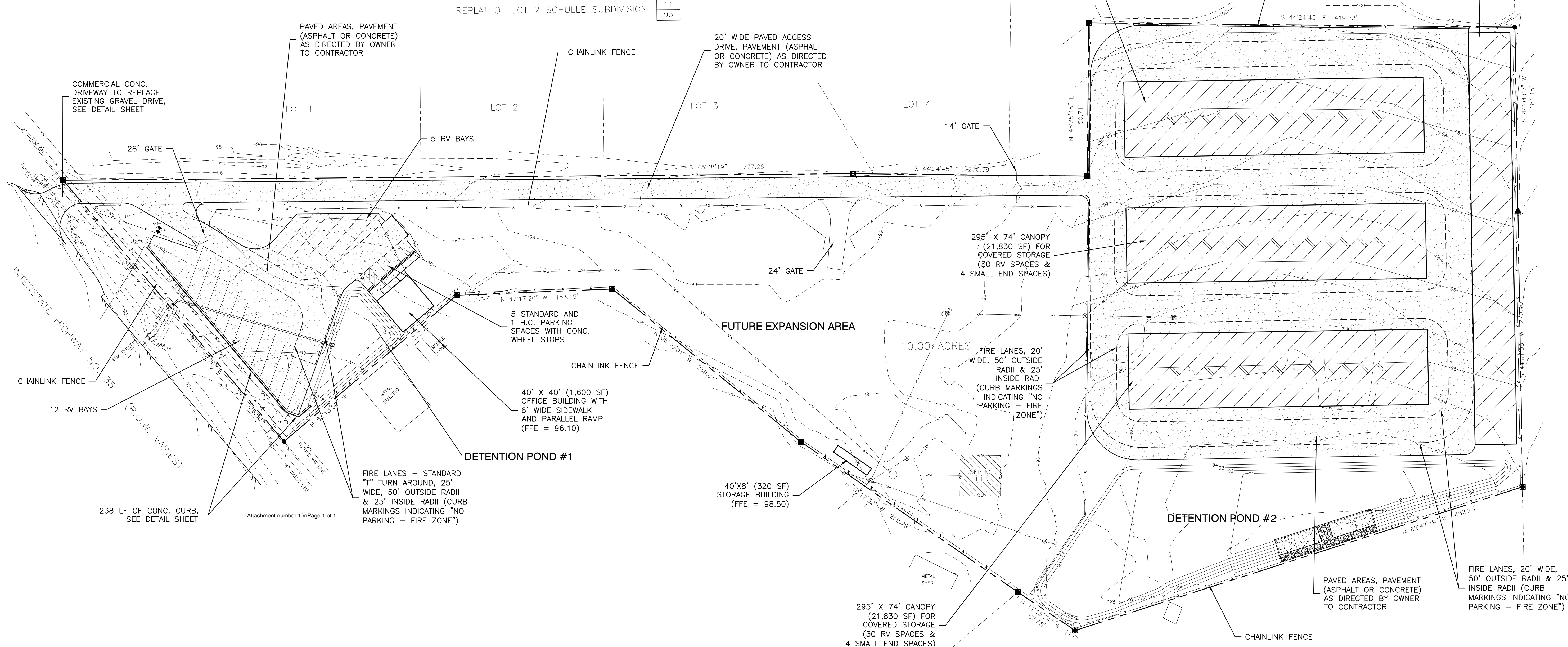
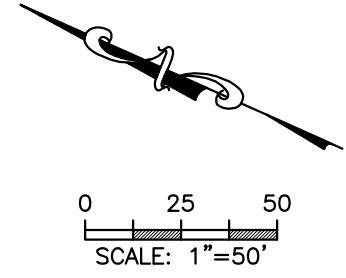
Budget Information: N/A

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Attachments / click to download

[Site Plan](#)

[Landscape Plan](#)



LEGEND

PROPERTY LINE	---
FIRE HYDRANT	⊕
WATER METER	⊕
WATER VALVE	⊕
GAS METER	⊕
WASTEWATER MANHOLE	⊕
OVERHEAD ELECTRIC	—DE—
WATER LINE	—V—
WASTEWATER LINE	—W—
GAS LINE	—GAS—
EXISTING CONTOURS	---466---
PROPOSED CONTOURS	---466---
FIRE LANE	---

- NOTES:**
1. THE INFORMATION SHOWN ON THESE DRAWINGS INDICATING THE SIZE, TYPE, AND LOCATION OF ANY UNDERGROUND, SURFACE, AND AERIAL UTILITIES OR OTHER EXISTING FEATURES IS NOT GUARANTEED TO BE EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT THE LOCAL AREA "ONE CALL" SYSTEM FOR EXISTING UTILITY LOCATIONS AT LEAST 48 HOURS PRIOR TO BEGINNING ANY EXCAVATION. THE CONTRACTOR SHALL ALSO BE FULLY RESPONSIBLE FOR FIELD VERIFYING LOCATIONS AND ELEVATIONS OF ALL EXISTING UTILITIES AFFECTED BY THIS PROJECT'S CONSTRUCTION, IN ORDER TO AVOID DAMAGING THOSE UTILITIES, AND SHALL IMMEDIATELY ARRANGE FOR REPAIR AND RESTORATION OF CONTRACTOR-DAMAGED UTILITIES, TO THE SATISFACTION OF THE UTILITY COMPANY, AT THE EXPENSE OF THE CONTRACTOR.
 2. THE CONTRACTOR SHALL CONTACT ROCK RIDGE CONSULTING WITH ANY ITEMS ON THESE PLANS THAT NEED CLARIFICATION OR ANY FIELD CONDITIONS THAT ARE NOT CONSISTENT WITH THESE PLANS.
 3. THE CONTRACTOR SHALL USE CARE AND NOT DAMAGE ANY EXISTING SIDEWALKS, DRIVES, STREETS, OR OTHER FEATURES, THAT ARE NOT PART OF THIS PROJECT. ANY CONTRACTOR DAMAGE SHALL BE REPAIRED TO THE OWNER'S SATISFACTION, AT THE CONTRACTOR'S EXPENSE.
 4. DIGITAL FILES TO BE PROVIDED TO CONTRACTOR FOR HORIZONTAL LAYOUT.
 5. ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50 (2%) AND RUNNING SLOPES MAY NOT EXCEED 1:20 (5%) UNLESS DESIGNED AS A RAMP. (TDLR TAS 4.3.7).

6. ALL PROPOSED PAVEMENT AND CURBS TO MATCH EXISTING PAVEMENT AND CURBS AT THE EDGES THAT THEY MEET.
7. WATER AND WASTEWATER SERVICE WILL BE PROVIDED BY THE CITY OF KYLE.
8. CONTRACTOR TO PROVIDE CONSTRUCTION CONTROL JOINTS AND EXPANSION JOINTS, AS NEEDED, AS PER TYPICAL CONSTRUCTION METHODS.
9. ALL CONCRETE SIDEWALK SHALL SLOPE AWAY FROM THE BUILDINGS AT 1.5% MAX. PROPOSED SIDEWALK SHALL MEET EXISTING SIDEWALK WITH SMOOTH TRANSITIONS THAT MEET TAS REQUIREMENTS.
10. ALL EXISTING EASEMENTS ARE SHOWN ON THE SITE PLAN, AS PER INFORMATION PROVIDED.

SITE SUMMARY

SITE AREA: (MF-3 NP ZONING)	435,600 SF (10.00 AC.)
EXIST. IMPERVIOUS COVER TO REMAIN	1,350 SF (0.031 AC.) 0.003%
PROP. PAVING (EXPOSED) & SIDEWALKS	138,552 SF (3.181 AC.) 31.8%
PROP. BUILDINGS	1,920 SF (0.044 AC.) 0.004%
PROPOSED CANOPIES	82,095 SF (1.885 AC.) 18.9%
TOTAL PROP. IMPERVIOUS COVER:	223,917 SF (5.140 AC.) 51.4%

PARKING SUMMARY

1600 SF SALES OFFICE (1 SPACE PER 275 SF) = 5.8 SPACES
PARKING SPACES
STANDARD = 5 SPACES
H.C. = 1 SPACE
TOTAL = 6

OWNERS: JOE LANCE STEWART
 ADDRESS: 6129 OLIVER LOVING TRAIL
 AUSTIN, TEXAS 78749
 PHONE: 512-567-2757 FAX: N/A

ACREAGE: 10.00

TOTAL IMPERVIOUS COVER: 5.14 ACRES

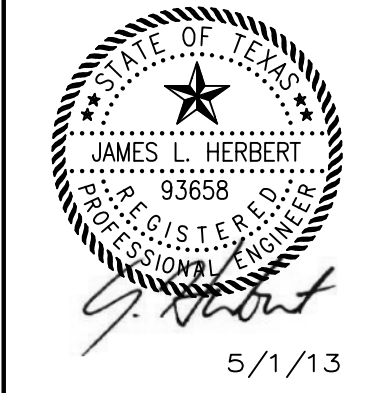
LEGAL DESCRIPTION: 10.00 ACRES OUT OF
 JAMES W. WILLIAMS SURVEY A0423

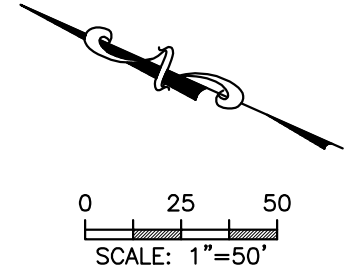
ADDRESS: 23401 N. IH 35
 KYLE, TEXAS 78640

LAND USE SUMMARY: W: WAREHOUSE (1,920 SF)

PERSON PREPARING PLAN: JAMES HERBERT, PE
 COMPANY: ROCK RIDGE CONSULTING
 ADDRESS: 8600 ALOPHIA DRIVE
 AUSTIN, TEXAS 78739
 PHONE: 512-507-5957 FAX: N/A

ENGINEER: JAMES HERBERT, PE
 COMPANY: ROCK RIDGE CONSULTING
 ADDRESS: 8600 ALOPHIA DRIVE
 AUSTIN, TEXAS 78739
 PHONE: 512-507-5957 FAX: N/A

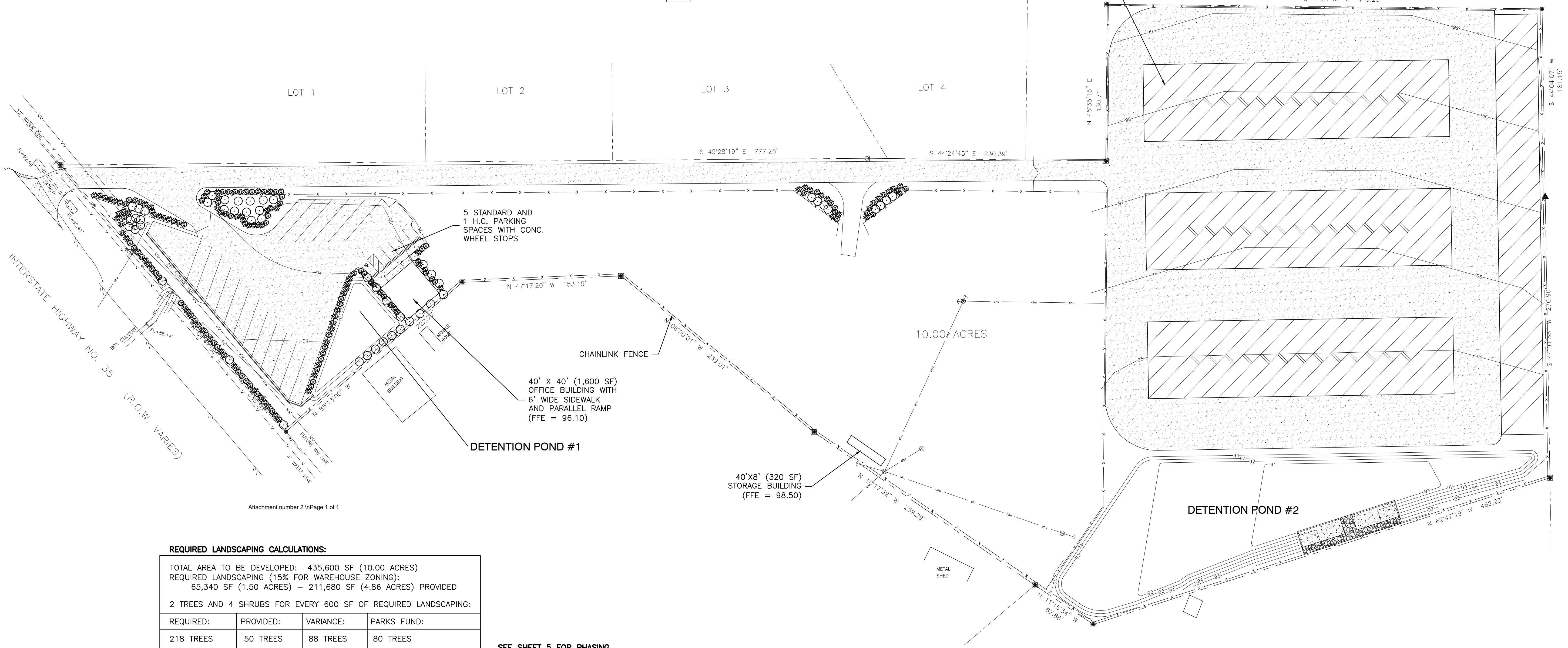




LANDSCAPE KEY:

	4" CRAPE MYRTLE TREE
	1 GAL SHRUB (MIX OF ROSEMARY, LANTANA, DWARF YAUPON HOLLY, AND MEXICAN SAGE)

REPLAT OF LOT 2 SCHULLE SUBDIVISION 11
93



Attachment number 2 in Page 1 of 1

REQUIRED LANDSCAPING CALCULATIONS:

TOTAL AREA TO BE DEVELOPED: 435,600 SF (10.00 ACRES)
 REQUIRED LANDSCAPING (15% FOR WAREHOUSE ZONING): 65,340 SF (1.50 ACRES) - 211,680 SF (4.86 ACRES) PROVIDED

2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPING:

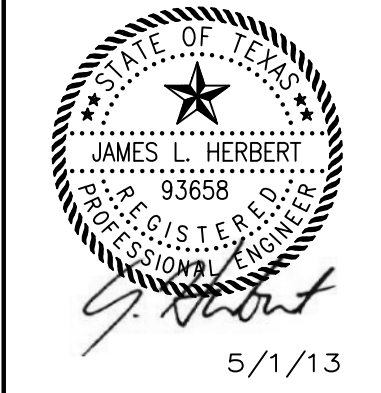
REQUIRED:	PROVIDED:	VARIANCE:	PARKS FUND:
218 TREES	50 TREES	88 TREES	80 TREES
436 SHRUBS	166 SHRUBS	177 SHRUBS	93 SHRUBS

SEE SHEET 5 FOR PHASING

PHASE I DEVELOPMENT:	PHASE IV DEVELOPMENT:
TOTAL AREA TO BE DEVELOPED: 25,667 SF (0.59 ACRES) REQUIRED LANDSCAPING: 3,850 SF (0.09 ACRES)	TOTAL AREA TO BE DEVELOPED: 92,665 SF (2.13 ACRES) REQUIRED LANDSCAPING: 13,900 SF (0.32 ACRES)
13 TREES	46 TREES
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TOTAL AREA TO BE DEVELOPED: 6,140 SF (0.14 ACRES) REQUIRED LANDSCAPING: 921 SF (0.02 ACRES)	TOTAL AREA TO BE DEVELOPED: 48,510 SF (1.11 ACRES) REQUIRED LANDSCAPING: 7,277 SF (0.17 ACRES)
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TOTAL AREA TO BE DEVELOPED: 10,900 SF (0.25 ACRES) REQUIRED LANDSCAPING: 1,635 SF (0.04 ACRES)	TOTAL AREA TO BE DEVELOPED: 75,359 SF (1.73 ACRES) REQUIRED LANDSCAPING: 11,304 SF (0.26 ACRES)
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TOTAL: 176,672 SF (4.05 ACRES)	TOTAL: 176,672 SF (4.05 ACRES)
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VARIANCE REQUESTED FOR THIS AMOUNT OF TREES AND SHRUBS	

- LANDSCAPE NOTES:**
- ALL LANDSCAPE MATERIALS SHALL BE INSTALLED ACCORDING TO AMERICAN ASSOCIATION OF NURSERYMEN (AAN) STANDARDS.
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 - SHRUBS, VINES AND GROUND COVER PLANTED SHALL BE GOOD, HEALTHY NURSERY STOCK. SHRUBS MUST BE, AT A MINIMUM, A ONE GALLON CONTAINER SIZE AND BE DROUGHT RESISTANT SPECIES. THIS APPLIES TO ALL ZONING CLASSIFICATIONS.
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 - IN ORDER TO LIMIT THE VOLUME OF WATER REQUIRED FOR THE TURF, IT IS REQUIRED THAT GRASS AREAS BE PLANTED WITH DROUGHT RESISTANT SPECIES NORMALLY GROWN AS PERMANENT LAWNS, SUCH AS BERMUDA, ZOYSIA, BUFFALO OR OTHER SIMILAR DROUGHT RESISTANT GRASSES. GRASS AREAS MAY BE SODDED, PLUGGED, SPRIGGED OR SEEDED EXCEPT THAT SOLID SOD SHALL BE USED IN AREAS SUBJECT TO EROSION. THIS APPLIES TO ALL ZONING CLASSIFICATIONS.
 - ENOUGH TREES AND SHRUBS WILL BE INSTALLED PER PHASE, TO COVER THE LANDSCAPING REQUIREMENTS FOR THAT PHASE.
- NOTES:**
- THE INFORMATION SHOWN ON THESE DRAWINGS INDICATING THE SIZE, TYPE, AND LOCATION OF ANY UNDERGROUND, SURFACE, AND AERIAL UTILITIES OR OTHER EXISTING FEATURES IS NOT GUARANTEED TO BE EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT THE LOCAL AREA "ONE CALL" SYSTEM FOR EXISTING UTILITY LOCATIONS AT LEAST 48 HOURS PRIOR TO BEGINNING ANY EXCAVATION. THE CONTRACTOR SHALL ALSO BE FULLY RESPONSIBLE FOR FIELD VERIFYING LOCATIONS AND ELEVATIONS OF ALL EXISTING UTILITIES AFFECTED BY THIS PROJECT'S CONSTRUCTION, IN ORDER TO AVOID DAMAGING THOSE UTILITIES, AND SHALL IMMEDIATELY ARRANGE FOR REPAIR AND RESTORATION OF CONTRACTOR-DAMAGED UTILITIES, TO THE SATISFACTION OF THE UTILITY COMPANY, AT THE EXPENSE OF THE CONTRACTOR.
 - THE CONTRACTOR SHALL CONTACT ROCK RIDGE CONSULTING WITH ANY ITEMS ON THESE PLANS THAT NEED CLARIFICATION OR ANY FIELD CONDITIONS THAT ARE NOT CONSISTENT WITH THESE PLANS.
 - THE CONTRACTOR SHALL USE CARE AND NOT DAMAGE ANY EXISTING SIDEWALKS, DRIVES, STREETS, OR OTHER FEATURES, THAT ARE NOT PART OF THIS PROJECT. ANY CONTRACTOR DAMAGE SHALL BE REPAIRED TO THE OWNER'S SATISFACTION, AT THE CONTRACTOR'S EXPENSE.
 - DIGITAL FILES TO BE PROVIDED TO CONTRACTOR FOR HORIZONTAL LAYOUT.

NO	DATE	REVISION





CITY OF KYLE, TEXAS

RV Land Landscape Variance Request

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Consider a variance request by Joe Lance Stewart for property located at 23401 N. IH-35 to allow for a reduction in the number and size of trees.

~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to approve the variance request with the planting of 50 trees and 166 shrubs in lieu of 80 trees 2 inch in caliper at the cost of \$100 per caliper inch and the money shall go to the Parks Department for planting within the City and 93 shrubs would be purchased at a cost negotiated by the Parks Director and also planted within the City.

Other Information: Please see attachments

Budget Information: N/A

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

Attachments / click to download

[Variance Request Letter](#)

[Site Plan](#)

[Landscape Plan](#)

ROCK RIDGE CONSULTING AND ENGINEERING, PLLC

512-507-5957

rockridge@live.com

May 1, 2013

City of Kyle Planning Dept.
100 W. Center Street
Kyle, Texas 78640

CITY OF KYLE

Re: RV Land
23401 N. IH 35
Kyle, Texas 78640
Request for Landscape Ordinance Variance

MAY 01 2013

PLANNING DEPARTMENT

To Whom it May Concern,

This letter is a Request for Landscape Ordinance Variance for the above referenced project.

The City Code (Sec. 53-988) requires that 15% of a lot zoned W: Warehouse will need to be landscaping, and (Sec. 53-992) for every 600 square feet of the required landscape area, two trees and four shrubs will need to be planted, on-site.

For this 10 acre lot, the landscape requirement is 1.5 acres (65,340 sf), which is provided on the plans as the impervious cover only covers 5.14 acres. However, the tree and shrub requirement will be 218 trees and 436 shrubs for any amount of development on the site.

We request a variance so that we wouldn't have to provide the trees and shrubs to meet the landscaping requirements for the area that isn't being developed with these plans (2.96 acres out of the 10 acre tract), and for the area of the two detention ponds (1.09 acres), which are only large, grassy low areas with some grassy berms. This would reduce the requirements by 88 trees and 177 shrubs, but the landscaping area will still be provided.


We are also requesting that the developer be allowed to make a donation to the City Parks Fund, equivalent to 80 trees and 93 shrubs, instead of planting this number towards the back of the lot, around the RV storage area. These plantings would be over 750 feet from IH 35 and only visible to those on-site. Also, the plantings would have to be kept away from all pavement and drives to avoid any damage to the RVs, based on the skill of the owner's driving. These plantings would be much more beneficial to the public if they were at a park, or other public grounds.

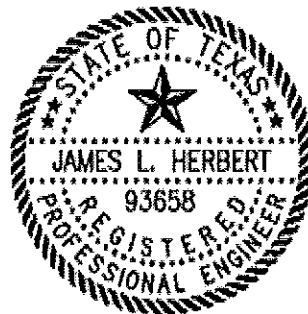
We are also requesting a variance from the requirement (Sec. 53-990) that 50% of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed. With a 10 acre site, this would be impossible for this layout.

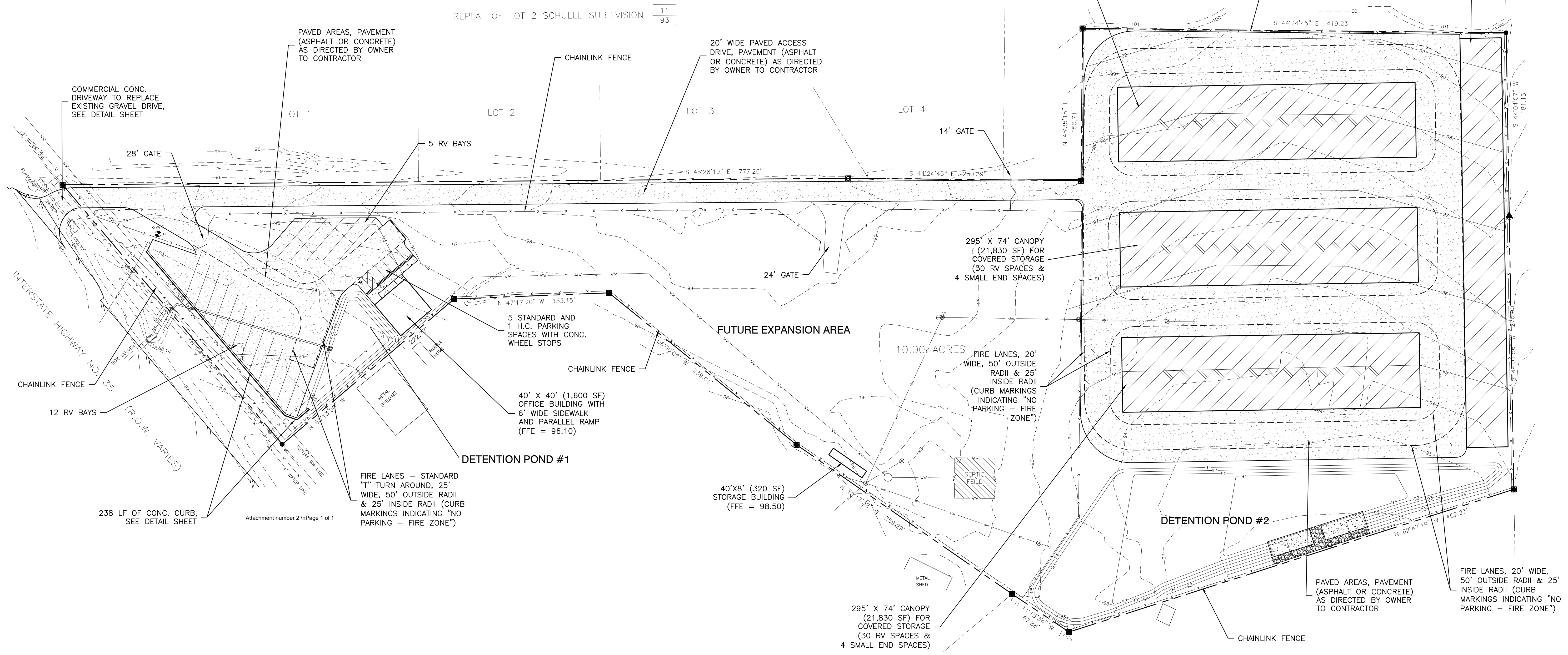
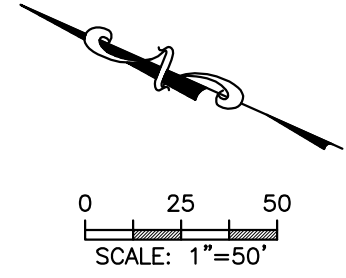
The remaining 50 trees and 166 shrubs will be planted around the building, parking, and front RV sales area, with a majority of the planting between the building and the public roadway. Please note that this property is surrounded by warehouse zoning and uses, with agricultural behind it.

Please feel free to contact me at 507-5957 or rockridge@live.com if you have any questions.

Thank You,


Jim Herbert, PE
Rock Ridge Consulting





405' X 41' CANOPY
(16,605 SF) FOR
COVERED STORAGE
(22 RV SPACES &
2 SMALL END SPACES)

295' X 74' CANOPY
(21,830 SF) FOR
COVERED STORAGE
(30 RV SPACES &
4 SMALL END SPACES)

295' X 74' CANOPY
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295' X 74' CANOPY
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LEGEND

PROPERTY LINE	---
FIRE HYDRANT	⊕
WATER METER	⊕
WATER VALVE	⊕
GAS METER	⊕
WASTEWATER MANHOLE	⊕
OVERHEAD ELECTRIC	—DE—
WATER LINE	—V—
WASTEWATER LINE	—W—
GAS LINE	—GAS—
EXISTING CONTOURS	---466---
PROPOSED CONTOURS	---466---
FIRE LANE	---

- NOTES:**
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 4. DIGITAL FILES TO BE PROVIDED TO CONTRACTOR FOR HORIZONTAL LAYOUT.
 5. ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50 (2%) AND RUNNING SLOPES MAY NOT EXCEED 1:20 (5%) UNLESS DESIGNED AS A RAMP. (TDLR TAS 4.3.7).

6. ALL PROPOSED PAVEMENT AND CURBS TO MATCH EXISTING PAVEMENT AND CURBS AT THE EDGES THAT THEY MEET.
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SITE SUMMARY

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TOTAL = 6

OWNERS: JOE LANCE STEWART
ADDRESS: 6129 OLIVER LOVING TRAIL
AUSTIN, TEXAS 78749
PHONE: 512-567-2757 FAX: N/A

ACREAGE: 10.00

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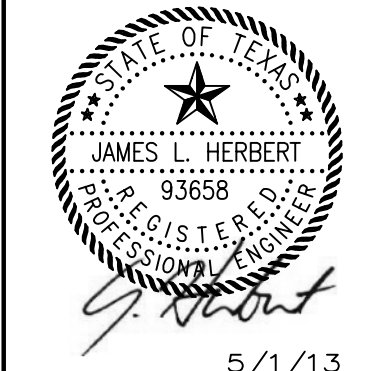
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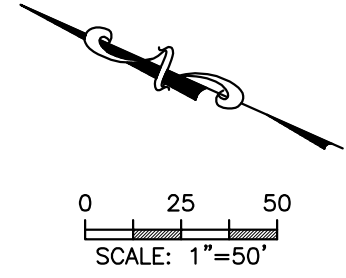
ADDRESS: 23401 N. IH 35
KYLE, TEXAS 78640

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ADDRESS: 8600 ALOPHIA DRIVE
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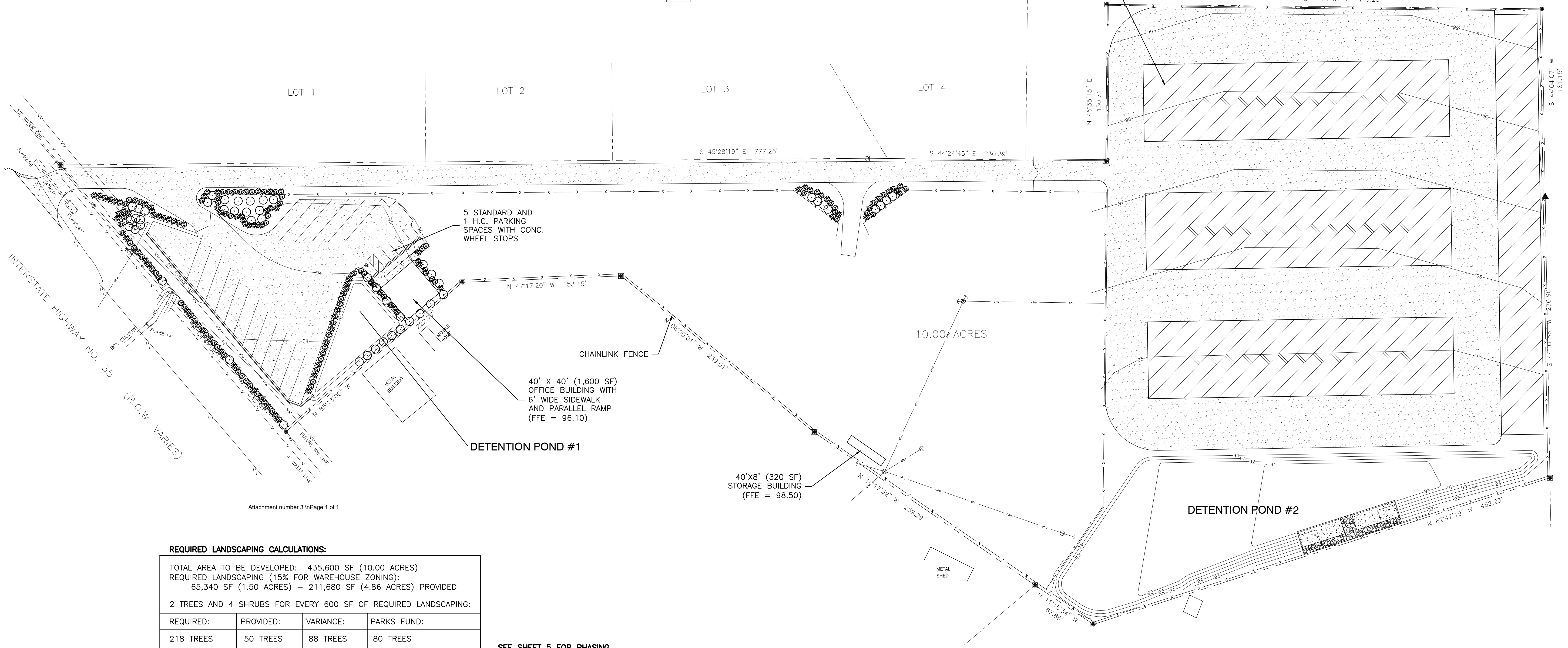




LANDSCAPE KEY:

○	4" CRAPE MYRTLE TREE
✿	1 GAL SHRUB (MIX OF ROSEMARY, LANTANA, DWARF YAUPON HOLLY, AND MEXICAN SAGE)

REPLAT OF LOT 2 SCHULLE SUBDIVISION 11
93



Attachment number 3 in Page 1 of 1

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SEE SHEET 5 FOR PHASING

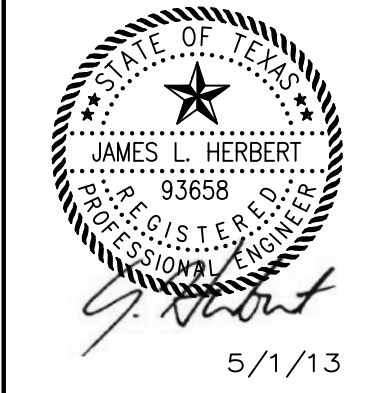
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NO	DATE	REVISION





CITY OF KYLE, TEXAS

Meeting Date: 6/4/2013
Date time: 7:00 PM

Maria Castillo Rezone

Subject/Recommendation:

(First Reading) AN ORDINANCE AMENDING ORDINANCE NO. 438 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.95 ACRES FROM 'R-1' RESIDENTIAL-1 TO 'RS' RETAIL SERVICE DISTRICT ON PROPERTY LOCATED AT 905 OLD HWY 81 NORTH, IN HAYS COUNTY, TEXAS. (MARIA CASTILLO - Z-13-002); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission recommended denial of the request for Retail Services and recommended approval of Community Commercial Zoning Designation.

- Public Hearing

Other Information:

Please see attachments

Budget Information:

N/A

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

Attachments / click to download

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

Cover Memo

May 28, 2013	City Council
Zoning	905 Old Highway 81
Case Number: Z-13-002	

Planning and Zoning Recommendation: On May 28th the Planning and Zoning Commission unanimously recommended denial of the request for Retail Services (RS) and recommended approval of Community ComCommercial Zoning designation for the property. Commercial.

OWNER/APPLICANT: Maria Inez Castillo **AGENT:** same as owner

LOCATION: 905 Old Highway 81

COUNTY: Hays County

AREA: 0.95 acres

PROPOSED CITY COUNCIL HEARINGS: First Reading: June 4, 2013
Second Reading: June 18, 2013

EXISTING ZONING: Residential “R-1”. Located within the I-35 Overlay District

PROPOSED ZONING: Retail Services- Located within the I-35 Overlay District

SITE INFORMATION:

Transportation: The property will have access to the I-35 southbound frontage road as well.

Surrounding Zoning:

- *North: R-1 South: R-1*
- *East : Old Hwy 81/Southbound frontage road of I-35*
- *West: R-1*

Future Land Use Designation: Core Area Transition

PUBLIC INPUT: Notice of the proposed change was sent to the surrounding property owners, but no responses have been received by the Planning Department.

STAFF ANALYSIS:

Background

The subject property is the located along Old Hwy 81, just south of Cortez Street and north of Martinez Loop (where Milts BBQ Restaurant was previously located). While the property was previously used a commercial business the use was considered non-conforming due to the residential zoning of the property. The applicant is now seeking to bring the property into conformance and lease the property to commercial businesses. Prior to being able to use the property commercially or make improvements to the site the property owner is seeking a commercial zoning designation for the property.

Comprehensive Plan Guidance

<p>May 28, 2013</p> <p>Zoning</p>	<p><i>City Council</i></p> <p>905 Old Highway 81</p>
<p>Case Number: Z-13-002</p>	

The Core Area Transition District currently consists primarily of commercial and light industrial uses, with some residential uses. This District is important as a transitional zone between largely residential areas and the commercial uses along I-35 and as a portion of Kyle that is visually significant to travelers along I-35. The character of the District should reflect its urban and transitional intentions. The comprehensive Plan identifies vertically mixed-use development models are well suited to this District, and development should be located close to roadways, with minimal front yards, to maximize available land and visibility from main roads. Adequate land use transitions should be provided to avoid conflict between different land uses (i.e. residential adjacent to industrial). The built fabric should display a transition from the small scale grid pattern of Downtown to the large plate design of the Super Regional Node. As this District develops, it should serve to create a consistent fabric that links Downtown and the Super Regional Node, encouraging the expansion and strengthening of Kyle's core.

Recommendation

Due to the guidance provided within the comprehensive master plan and the adjacent residential uses staff does not believe that all of the uses permitted in requested zoning district are appropriate. Staff is offering an alternative zoning recommendation of Community Commercial for the subject property.

Below is a brief summary of the Community Commercial zoning designation:

- Size of building: First floors are limited to a maximum of 15,000 square feet.
- Permanent outdoor storage shall not be allowed. Outdoor dining shall be allowed. Limited outdoor display shall be allowed with no more than ten percent of the lot area to be used for merchandise (merchandise shall not be left outside overnight). Outdoor displays shall not be allowed in any required off-street parking spaces.
- Establishments located on property that are within 300 feet of any property zoned or used for a single-family residential use 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. Businesses may utilize extended hours on Friday and Saturday if the following conditions exist:
 - If a property is located 150 feet or more from a single-family zoned or used property the business shall be allowed a closing time of midnight, on Friday and Saturday, by right. Any property closer than 150 feet from a single-family residentially zoned or used property may apply for a conditional use permit to allow for extended business hours that would allow for a closing time of midnight, on Friday and Saturday.
- The neighborhood commercial zoning district shall allow professional offices and small businesses serving neighborhood community needs. The following uses shall be permitted:
 - Multi-family on the second floor and above shall be permitted by right regardless of base zoning;
 - Bed and breakfast up to five rooms;
 - Retail;
 - Restaurant;

May 28, 2013

Zoning

City Council

905 Old Highway 81

Case Number: Z-13-002

- Religious assembly;
- Art gallery;
- Child care center (outdoor playground allowed);
- Fire/police station;
- Professional office;
- Funeral home;
- Barber/beauty shop;
- Convenience/grocery store;
- Fuel station*;
- Nursing/retirement homes;
- Veterinarian - without outdoor boarding;
- Health and fitness center;
- Restaurant with drive-thru*;
- Financial institution w/ drive-thru banking.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.95 ACRES OF LAND FROM 'R-1' RESIDENTIAL-1 TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 905 OLD HWY 81 NORTH, IN HAYS COUNTY, TEXAS. (MARIA INEZ CASTILLO Z-13-002); 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 0.95 acres from 'R-1' Residential - 1 to 'RS' Retail Service District, on property located at 905 Old Hwy 81 North, as set forth as Part of Lot 18, Block G, Martinez Loop, 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

603 367

TRACT I:

A tract of land containing one (1) acre, more or less, part of and out of the Z. HINTON SURVEY, Hays County, Texas, and being more particularly described by metes and bounds as follows:

BEGIN at the east corner of a tract of land of 2.5 acres that was conveyed to Audello Cortes by Arthur Schmeltekopf and Meta Schmeltekopf by a deed dated April 19, 1937 and recorded in Volume 114, Pages 365-366 of the Deed Records of Hays County, Texas, to which deed and the record thereof reference is here made and the same is made a part hereof for any pertinent purpose;

THENCE South 27 degrees 37' West 436 feet to a point for corner, which point and corner is the east corner of the tract of land hereby described;

THENCE North 45 degrees West 208 feet to a point for corner, which point and corner is the north corner of the tract of land hereby described;

THENCE South 27 degrees 37' West 208 feet to a point for corner, which point and corner is the west corner of the tract of land hereby described;

THENCE South 45 degrees East 208 feet to a point for corner, which point and corner is the south corner of the tract of land hereby described;

THENCE North 27 degrees 37' East 208 feet to the PLACE OF BEGINNING, making the tract of land hereby described to be 208 feet on each of all four sides. The land above described is the same tract of land conveyed to Jose B. Castillo, Jr. by deed dated May 6, 1943, and recorded in Volume 140, Pages 583-584 of the Deed Records of Hays County, Texas.

TRACT II:

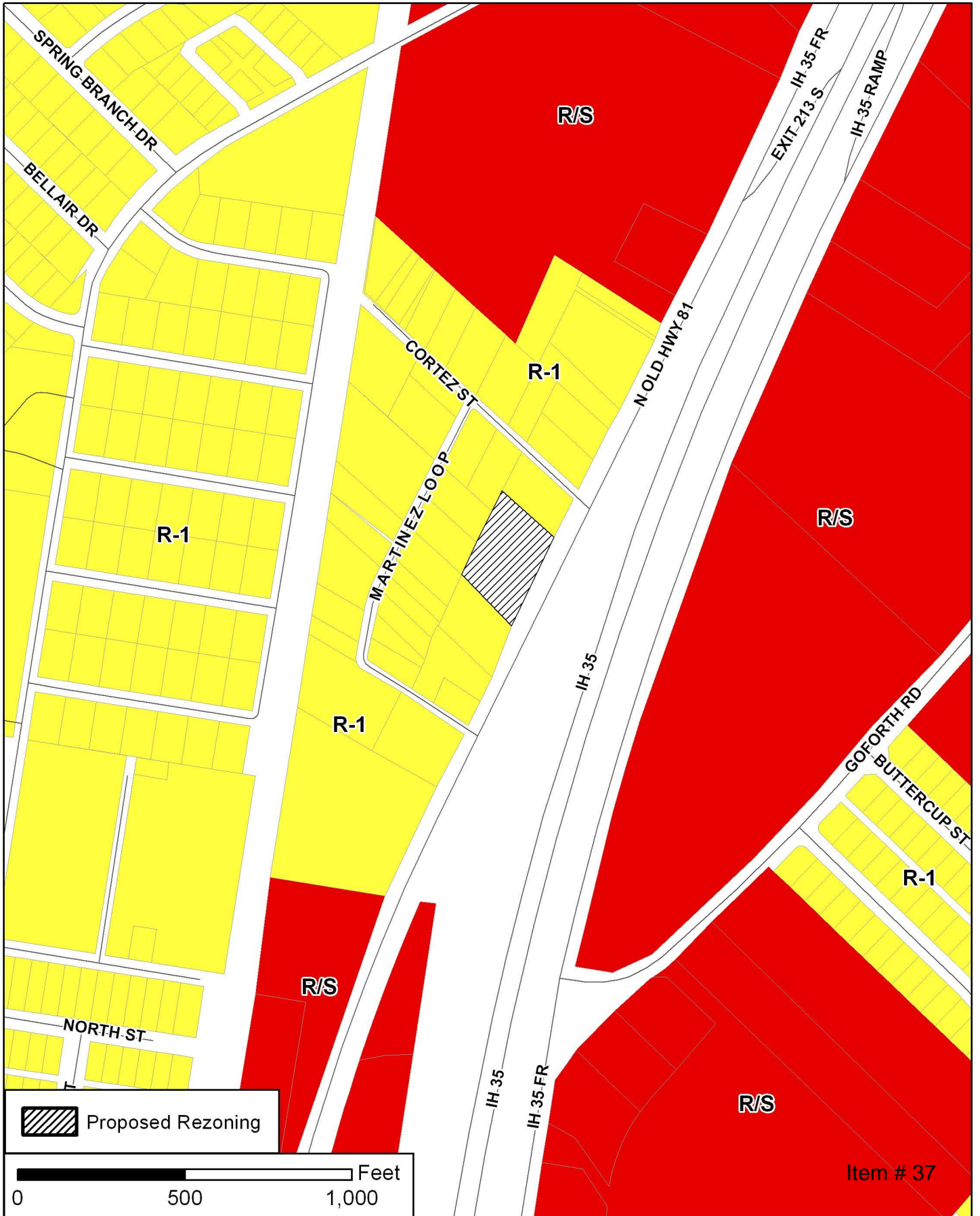
A tract of land, part of and out of the Z. HINTON SURVEY, Hays County, Texas, part of a one (1) acre tract of land, more or less, conveyed by and described in a deed from Oscar Escobar et ux to J.M. Romo et ux, dated June 24, 1946, recorded in Volume 135, Pages 177-179 of the Deed Records of Hays County, Texas. The land hereby conveyed is 70 feet wide and 208 feet long and is the most Southerly portion of that one acre tract conveyed by Escobar to Romo by the above mentioned deed, the land hereby described having a frontage of 70 feet on the Southwestern Side of Texas State Highway No. 2, now known as Interstate Highway No. 35, and extends back between parallel lines 208 feet from the said line of said Highway and the most Southerly one of the two parallel lines coincides with the most Southerly line of the said one acre tract above mentioned.

The property hereby described is the same property conveyed to Joe Castillo and Maria Castillo by deed dated July 26, 1956, recorded in Volume 168, Pages 472-473 of the Deed Records of Hays County, Texas.

EXHIBIT "A"

Item # 37

Exhibit B





CITY OF KYLE, TEXAS

South Corridor Park Ltd - 7.634 ac
Rezone

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation:

(First Reading) AN ORDINANCE AMENDING ORDINANCE NO. 438 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 7.634 ACRES FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-3-3' APARTMENTS RESIDENTIAL 3 ON PROPERTY LOCATED SOUTH OF AMBERWOOD S. AND IH-35 FRONTAGE ROAD, IN HAYS COUNTY, TEXAS. (SOUTH CORRIDOR PARK, LTD Z-13-005); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-0 to deny the request of R-3-3 and recommended approval of R-3-2 Zoning.

- Public Hearing

Other Information:

Please see attachments

Budget Information:

N/A

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

Attachments / click to download

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

Cover Memo

May 22, 2013

City Council

Zoning

Case Number: Z-13-005

Planning and Zoning Recommendation: On May 28th the Planning and Zoning Commission Recommended Denial of R-3-3 and Recommend approval of R-3-2.

OWNER/APPLICANT: South Corridor Park **AGENT:** Charles Teeple

LOCATION: The subject property is located along I-35 northbound frontage road at the intersection of the southern Amberwood Subdivision entrance and I-35.

COUNTY: Hays County

AREA: 7.634 acres

PROPOSED CITY COUNCIL HEARINGS: First Reading: June 4, 2013
Second Reading: June 18, 2013

EXISTING ZONING: Retail Services “RS” within the I-35 Overlay District

PROPOSED ZONING: Apartment Residential “R-3-3” (noncommercial development is not subject to the I-35 overlay development requirements)

SITE INFORMATION:

Transportation: The property will front on the northbound frontage road and is bound by southern Amberwood Subdivision entrance on the north. Any access points on the frontage road will be require TXDOT approval.

Surrounding Zoning:

- *North: Amberwood South Entrance ; Across the street the property is zoned Retail Services- the property is also requesting a rezoning of the property to R-3-3*
- *South: Agriculture*
- *East : R-3-2- apartment residential*
- *West: I-35*

Future Land Use Designation: New Town Future Land Use District

PUBLIC INPUT: Notice of the proposed change was sent to property owners within 200’ of the subject property. As of the date of this report staff has received 1 phone call in opposition to the requested zoning change.

STAFF ANALYSIS:***Background***

The property owner is proposing to rezone the subject property from Retail Services to Multi-family residential. Although this request is proceeding at the same time as the rezoning request for the property to the north of Amberwood South entrance, the requests shall be considered separately and based on the conditions of each property

May 22, 2013

City Council

Zoning

Case Number: Z-13-005***Comprehensive Plan Guidance***

- The New Town Future Land Use district straddles both I-35 and FM 1626. This District is envisioned to be livable, comfortable and convenient for all residents of Kyle and the surrounding region.
- Elements of form and design are critical to ensuring transitions between neighboring uses.
- Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels.
- The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth.
- The New Town future land use district identifies Apartments Residential R-3-3 as a recommended zoning district.
- Ensure the inclusion of attractive/practical affordable housing.
- Community goals generated during the planning process that relate to future land use identified the following:
 - Discourage residential development along I-35 and preserve parcels for regionally oriented development
 - Ensure that the mix of residential and non-residential uses support the ad valorem needs of the City of Kyle when reviewing development proposals

Zoning District

The multifamily residential district R-3-3 permits typical apartment development with buildings not exceeding three stories, and not more than 28 units per buildable acre, and with apartments or units having a minimum living area of 500 square feet; provided that not more than 25 percent of the units in any such apartment development or project shall have less than 750 square feet of living area. A maximum height of 45' is permitted for the R-3-3 zoning district. All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

Recommendation

In reviewing the requested rezoning request staff has made the following findings:

- The Comprehensive Master Plan calls for a variety of uses and residential development within New Town future land use district. The proposed rezoning appears to support the stated goal of a horizontal mix of uses within the future land use district.
- East of I-35 and within in the New Town Future Land Use district the only other developed multi-family site is immediately south of the subject property.
- The proposed rezoning appears to support the majority policies adopted in the comprehensive master plan.
- The proposed rezoning does not appear to substantially affect the public health, safety or welfare of adjacent property owners.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 7.634 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-3-3' APARTMENTS RESIDENTIAL 3, ON PROPERTY LOCATED SOUTH OF AMBERWOOD S. AND IH-35 FRONTAGE, IN HAYS COUNTY, TEXAS. (SOUTH CORRIDOR PARK, LTD. Z-13-005); 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 7.634 acres from 'RS' Retail Service District to 'R-3-3' Apartments Residential 3, on property located south of Amberwood N. and IH-35 Frontage, 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

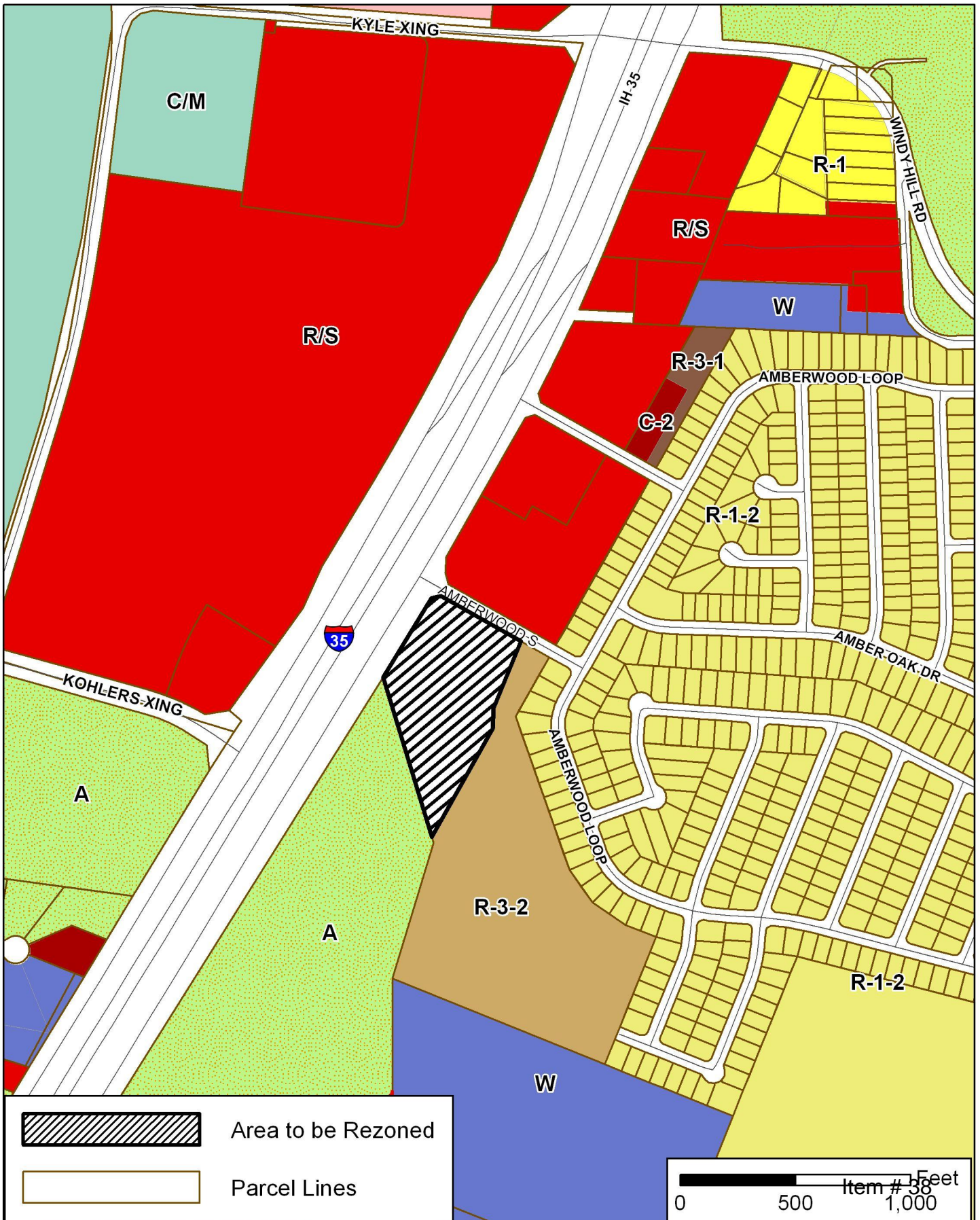
ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

Amberwood Commercial Section 1, Lot 2

Exhibit B





CITY OF KYLE, TEXAS

South Corridor Park Ltd - 7.890 ac
Rezone

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation:

(First Reading) AN ORDINANCE AMENDING ORDINANCE NO. 438 (ZONING) OF THE CITY OF KYLE, TEXAS FOR THE PURPOSE OF REZONING APPROXIMATELY 7.890 ACRES FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-3-3' APARTMENTS RESIDENTIAL 3 ON PROPERTY LOCATED NORTH OF AMBERWOOD S. AND IH-35 FRONTAGE ROAD, IN HAYS COUNTY, TEXAS. (SOUTH CORRIDOR PARK, LTD - Z-13-004); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT HIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson*
Director of Planning

Planning and Zoning Commission voted 4-1 to deny the rezone request.

- Public Hearing

Other Information:

Please see attachments

Budget Information:

N/A

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

Attachments / click to download

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

Cover Memo

Item # 39

May 28, 2013

City Council

Zoning

Case Number: Z-13-004

Planning and Zoning Recommendation: On May 28th the Planning and Zoning Commission Recommended 4-1 to deny the rezone request of R-3-3. Chairman Ryan voted nay.

OWNER/APPLICANT: South Corridor Park **AGENT:** Charles Teeple

LOCATION: The subject property is located along I-35 northbound frontage road, between the north and south entrances to the Amberwood Subdivision.

COUNTY: Hays County

AREA:7.890 acres

PROPOSED CITY COUNCIL HEARINGS: First Reading: June 4, 2013
Second Reading: June 18, 2013

EXISTING ZONING: Retail Services “RS” within the I-35 Overlay District

PROPOSED ZONING: Apartment Residential “R-3-3” (noncommercial development is not subject to the I-35 overlay development requirements)

SITE INFORMATION:

Transportation: The property fronts on the northbound frontage road and is bound by the north and south entrances of the Amberwood Subdivision. Any access points on the frontage road will be require TXDOT approval.

Surrounding Zoning:

- *North: Retail Services*
- *South: Retail Services – currently requesting a rezoning to Multi-family.*
- *East : R-1-2(single-family)*
- *West: I-35*

Future Land Use Designation: New Town Future Land Use District

PUBLIC INPUT: Notice of the proposed change was sent to property owners within 200’ of the subject property. As of the date of this report staff has received 1 phone call in opposition to the requested zoning change.

STAFF ANALYSIS:***Background***

The subject property is currently zoned Retail Services and is bounded by the I-35 frontage road to the west and by entrance streets into the Amberwood Subdivision to the north and south. The property owner is proposing to rezone a majority of the property, however retain approximately 2 acres out of the original

May 28, 2013

City Council

Zoning

Case Number: Z-13-004

10.198 acre tract as Retail Services. This request is proceeding at the same time as the rezoning request for the property to the south of the southern Amberwood Subdivision entrance. The requests shall be considered separately and based on the conditions present on each property.

Comprehensive Plan Guidance

- The New Town Future Land Use district straddles both I-35 and FM 1626. This District is envisioned to be livable, comfortable and convenient for all residents of Kyle and the surrounding region.
- Elements of form and design are critical to ensuring transitions between neighboring uses.
- Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels.
- The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth.
- The New Town future land use district identifies Apartments Residential R-3-3 as a recommended zoning district.
- Land use transitions were identified as a key concern in Kyle when the comprehensive master plan was being written. In order to ensure satisfactory land use transitions in Kyle a reference chart was created to identify an appropriate transition between existing uses and proposed uses (please see attached chart). The chart included in the comprehensive master plan identifies existing single-family use to be a complimentary use to a requested multi-family residential use.
- Ensure the inclusion of attractive/practical affordable housing.
- Community goals generated during the planning process that relate to future land use identified the following:
 - Discourage residential development along I-35 and preserve parcels for regionally oriented development
 - Ensure that the mix of residential and non-residential uses support the ad valorem needs of the City of Kyle when reviewing development proposals

Zoning District

The multifamily residential district R-3-3 permits typical apartment development with buildings not exceeding three stories, nor more than 28 units per buildable acre, and with apartments or units having a minimum living area of 500 square feet; provided that not more than 25 percent of the units in any such apartment development or project shall have less than 750 square feet of living area. A maximum height of 45' is permitted for the R-3-3 zoning district. All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

Recommendation

In reviewing the requested rezoning request staff has made the following findings:

- The Comprehensive Master Plan calls for a variety of uses and residential development within New Town future land use district. The proposed rezoning appears to support the stated goal of a horizontal mix of uses within the future land use district.

May 28, 2013

City Council

Zoning

Case Number: Z-13-004

- East of I-35 and within in the New Town Future Land Use district the only other developed multi-family site is immediately south of the subject property.
- By retaining approximately 2 acres of commercial zoning the proposed site still retains the ability to provide non-residential development within close proximity to residential. Additionally, the proposed rezoning to multi-family development facilitates a transition between highway type commercial development and single family residential.
- The applicant has provided a proposed site plan identifying buildings built away from the single family homes east of the subject property. While the layout may address many of the concerns of the adjacent property owners it is important to realize that once a property is zoned the City can only require the development to meet the minimum site development and zoning requirements of the zoning district. The proposed multi-family zoning designation does not have form or site standards (above and beyond typical landscaping and fencing requirements) that would help ensure a smooth transition between the already developed single family homes and the proposed zoning designation.
- The proposed rezoning appears to support the majority policies adopted in the comprehensive master plan.
- The proposed rezoning does not appear to substantially affect the public health, safety or welfare of adjacent property owners.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 7.890 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-3-3' APARTMENTS RESIDENTIAL 3, ON PROPERTY LOCATED NORTH OF AMBERWOOD S. AND IH-35 FRONTAGE, IN HAYS COUNTY, TEXAS. (SOUTH CORRIDOR PARK, LTD. Z-13-004); 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 7.890 acres from 'RS' Retail Service District to 'R-3-3' Apartments Residential 3, on property located north of Amberwood N. and IH-35 Frontage, 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

Hays County, Texas
 Thomas G. Allen Survey, Abstract No. 26
 Huitt-Zollars, Inc.

7.890 Acres
 Page 1 of 1

EXHIBIT " _____ "

BEING A 7.890 ACRE TRACT OF LAND SITUATED IN THOMAS G. ALLEN SURVEY, ABSTRACT No. 26, IN HAYS COUNTY, TEXAS, SAID 7.890 ACRE TRACT OF LAND BEING A PORTION OF THE REMAINDER OF A 214.465 ACRE TRACT OF LAND (BY DEED) DESCRIBED IN DEED FROM AMERICAN LIBERTY OIL COMPANY TO SOUTH CORRIDOR PARK, LTD., EXECUTED OCTOBER 27, 2000, RECORDED IN VOLUME 1735, PAGE 441, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.), SAID 7.890 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with cap stamped "C. A. Inc. RPLS No. 2988" found in the southerly right-of-way line of Amberwood North, a 60.0 foot wide right-of-way, for the northwest corner of Lot 1, Block V, Amberwood Phase One, a subdivision in the City of Kyle, Texas, as recorded in Volume 10, Phase 35 of the Plat Records of Hays County, Texas (P.R.H.C.T.);

THENCE South 29 degrees 27 minutes 19 seconds West, with the northwest line of Lot 1 through Lot 12, Inclusive, Block V, of said Amberwood Phase One, a distance of 826.00 feet to a calculated point for the southwest corner of said Lot 12, in a northerly right-of-way line of Amberwood South, a 60.0 foot wide right-of-way;

THENCE North 60 degrees 32 minutes 41 seconds West, with a northerly right-of-way line of Amberwood South, a distance of 537.53 feet to a 1/2 inch iron rod with cap stamped "C. A. Inc. RPLS No. 2988" found for an angle point in the northerly right-of-way line of Amberwood South;

THENCE North 12 degrees 58 minutes 18 seconds West, with a northerly right-of-way line of Amberwood South, a distance of 53.20 feet to a 1/2 inch iron rod with cap stamped "C. A. Inc. RPLS No. 2988" found for the northwest corner of Amberwood South, in a northwest line of said 214.465 acre tract of land and in the southeast right-of-way line of Interregional Highway No. 35, a variable width right-of-way;

THENCE North 03 degrees 39 minutes 36 seconds East, with a northwest line of said 214.465 acre tract of land and with the southeast right-of-way line of Interregional Highway No. 35, a distance of 69.63 feet to a Texas Department of Transportation (TxDOT) Type 1 concrete monument found for the beginning of a non-tangent curve to the left, having a radius of 11668.11 feet, a central angle of 01 degree 31 minutes 04 seconds, and whose chord bears North 30 degrees 32 minutes 26 seconds East, a distance of 309.10 feet;

THENCE, with said curve to the left, with a northwest line of said 214.465 acre tract of land, and with the southeast right-of-way line of Interregional Highway No. 35, an arc distance of 309.11 feet to a calculated point;

THENCE South 60 degrees 31 minutes 52 seconds East, a distance of 215.77 feet to a calculated point;

THENCE North 29 degrees 28 minutes 08 seconds East, a distance of 68.00 feet to a calculated point;

THENCE South 60 degrees 31 minutes 52 seconds East, a distance of 170.00 feet to a calculated point;

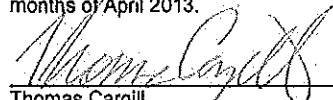
THENCE North 29 degrees 28 minutes 08 seconds East, a distance of 347.01 feet to a calculated point in the southerly right-of-way line of Amberwood North;

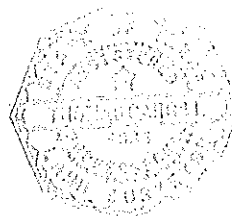
THENCE South 60 degrees 34 minutes 04 seconds East, with the southerly right-of-way line of Amberwood North, a distance of 212.00 feet to the **POINT OF BEGINNING** and containing 7.890 acres of land, more or less.

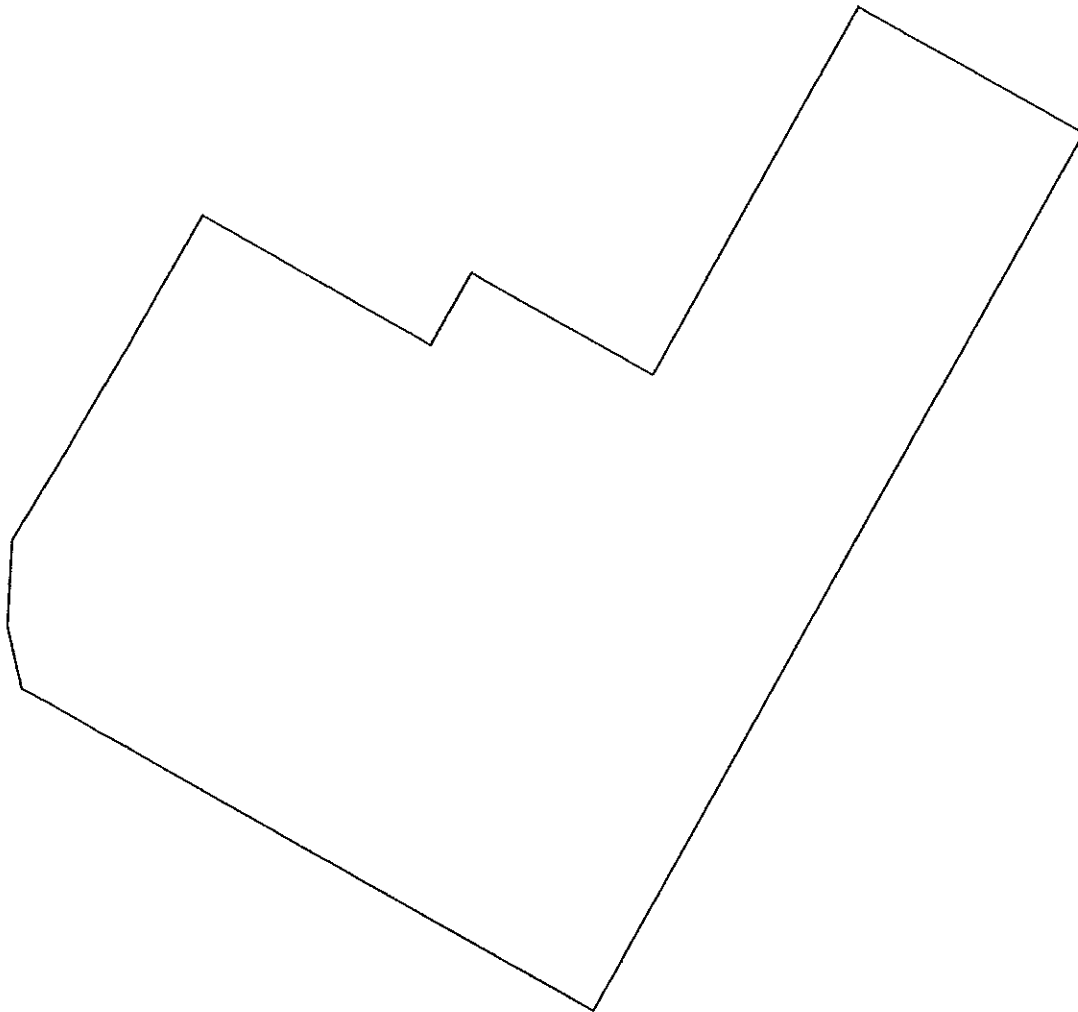
Bearing Basis: Texas Lambert Grid, South Central Zone, NAD83/NSRS2007.

All distances are surface values and in U. S. Survey Feet.

The field notes represent an on-the-ground survey made under my direct supervision during the months of April 2013.

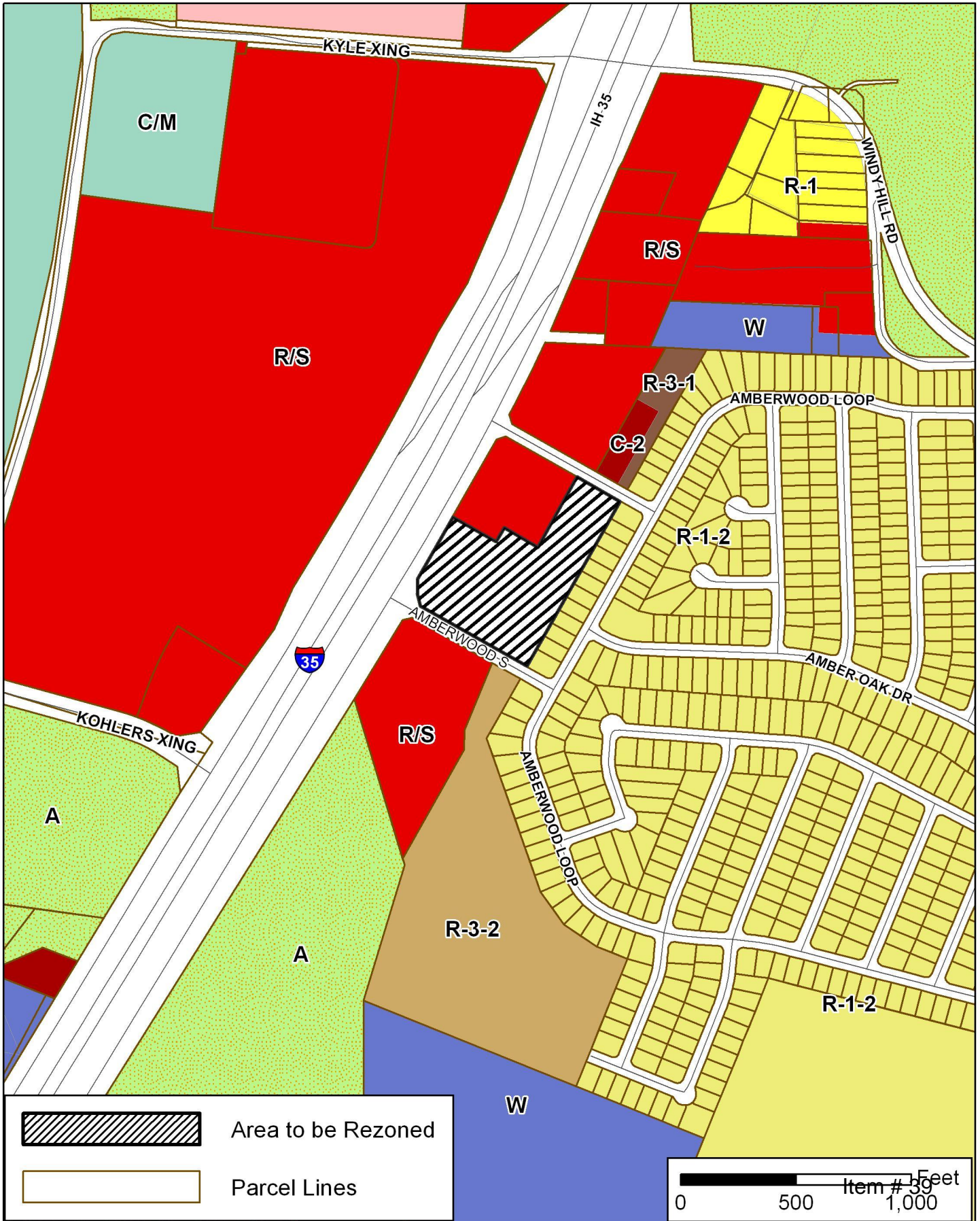

 Thomas Cargill
 Registered Professional Land Surveyor No. 5835
 Gorrondona and Associates, Inc.
 4201 W. Parmer Lane, Bldg. B, Suite 100
 Austin, Texas 78727
 (512) 719-9933





Title: Amberwood metes and bounds		Date: 04-24-2013
Scale: 1 inch = 120 feet	File:	
Tract 1: 7.890 Acres: 343699 Sq Feet: 31930.6 Sq Meters: No significant closure error, : Perimeter = 2808 feet		
001=s29.2719w 826.00	005=L1,R=11568.11, Arc=309 11, Delta=1 3104 Brg=n30.3226e, Chd=309.10	009=n29.2808e 347.01
002=n60.3241w 537.53	006=s60.3152e 215.77	010=s60.3404e 212.00
003=n12.5818w 53.20	007=n29.2808e 68.00	
004=n03.3936e 69.63	008=s60.3152e 170.00	

Exhibit B





Debbie Guerra <dguerra@cityofkyle.com>

Re-zoning of land in front of Amberwood

3 messages

brandy.hightower@austinisd.org <brandy.hightower@austinisd.org>
To: "planning@cityofkyle.com" <planning@cityofkyle.com>

Mon, May 27, 2013 at 8:27 PM

I would like for it to be known that my family and i will be directly affected if they re-zone to apartments. We are completely against it but however can't make the meeting due to working two jobs and kids in sports. Hopefully this makes it to the right person.

Thank you,
Dane residence
1681 Amberwood loop
Kyle, Texas 78640

Sent from my iPad

Item # 39

Sofia Nelson <snelson@cityofkyle.com>
To: Debbie Guerra <dguerra@cityofkyle.com>

Mon, May 27, 2013 at 8:33 PM

Please attach to back up info for council and make copy for PZ to place on the Dias and forward to P&Z commission members

Thank you!

Sent from my iPad

Begin forwarded message:

From: <brandy.hightower@austinisd.org>
Date: May 27, 2013, 8:27:29 PM CDT
To: "planning@cityofkyle.com" <planning@cityofkyle.com>
Subject: Re-zoning of land in front of Amberwood

[Quoted text hidden]

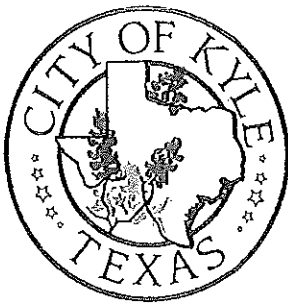
Sofia Nelson <snelson@cityofkyle.com>
To: "<brandy.hightower@austinisd.org>" <brandy.hightower@austinisd.org>
Cc: Debbie Guerra <dguerra@cityofkyle.com>

Mon, May 27, 2013 at 8:34 PM

Thank you for your email. I will share with the planning commission and city council.

Sofia Nelson
Planning Director
City of Kyle

Sent from my iPad



CITY OF KYLE

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

Notice of Public Hearings on a Proposed Zoning Change

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

Z-13-004

The City of Kyle shall hold a public hearing on a request by South Corridor Park, Ltd. to rezone approximately 8.03 acres from "RS" Retail Service District to "R-3-3" Apartments Residential 3, on property located South of Amberwood N. and IH-35 Frontage Road, in Hays County, Texas.

A public hearing will be held by the Planning and Zoning Commission on Tuesday, May 28, 2013 at 6:30pm.

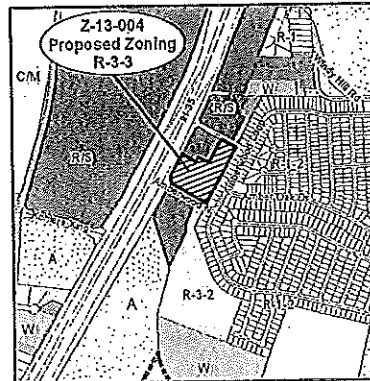
A public hearing will be held by the Kyle City Council on Tuesday, June 4, 2013 at 7:00pm.

Council action and second reading may be considered at the meeting to follow the public hearing (June 18, 2013).

Kyle City Hall, Council Chambers
100 W. Center St., Kyle, Texas

Owner: South Corridor Park, Ltd.
Charles S. Teeple, Managing Partner
Phone: (512) 329-5755

For more information regarding this application
call the Planning Department
at (512) 262-3925.



Item # 39

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640 (attention: Zoning File #: Z-13-004)

Name: Jose Romero Address: 1689 Amberwood

- I am in favor, this is why _____
- I am not in favor, and this is why we should
- put an indoor sports complex i.e. soccer & basketball
 - so people can be fit. Amberwood does not have a park. It will contribute to the community. we already have apartments down the street
- Help youngest people around the community w/ library gym, recreation park. Acc. college. nursing home.



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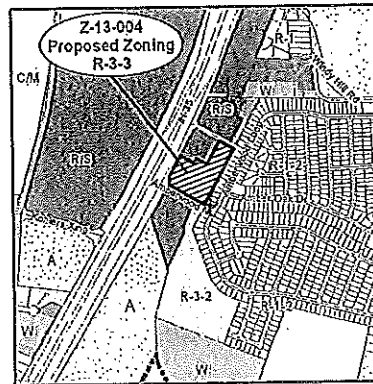
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Item # 39

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(attention: Zoning File #: Z-13-004)

Name: JAMES & Julie Allen Address: 1609 Amberwood Loop

I am in favor, this is why _____
 I am not in favor, and this is why we
feel it will decrease
PROPERTY VALUES IN
the ADJACENT NEIGHBORHOODS.



CITY OF KYLE

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

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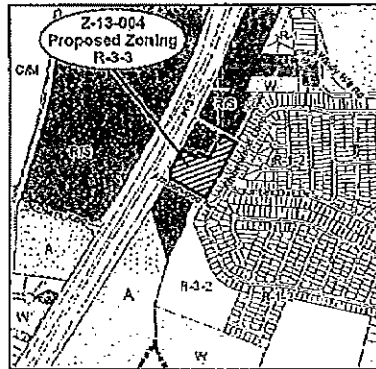
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100 W. Center St., Kyle, Texas

Owner: South Corridor Park, Ltd.
Charles S. Teeple, Managing Partner
Phone: (512) 329-5755

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call the Planning Department
at (512) 262-3925.



Item# 39

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(attention: Zoning File #: Z-13-004)

Name: Tenisha Cleaver Address: 1665 Amberwood Loop Kyle, TX 78640

- I am in favor, this is why _____
- I am not in favor, and this is why Apartments
- will lower my property value!
 - Invoid my privacy in my back yard as well as my house, bedroom, kitchen, living room. Retail is fine. However, Absolutely NO APARTMENTS!



CITY OF KYLE

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

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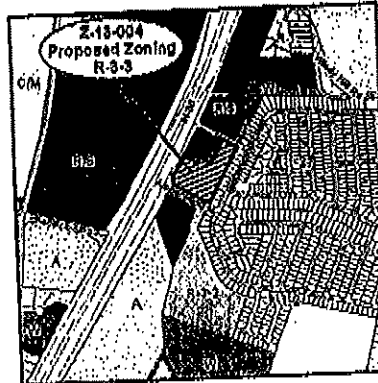
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100 W. Center St., Kyle, Texas

Owner: South Corridor Park, Ltd.
Charles S. Teeple, Managing Partner
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For more information regarding this application
call the Planning Department
at (512) 262-3925.



You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File #: Z-13-004)

Name: Michelle Jeanmarie Address: 1649 Amberwood Loop

I am in favor, this is why _____
 I am not in favor, and this is why businesses
close, while apartments don't



CITY OF KYLE, TEXAS

Meeting Date: 6/4/2013
Date time: 7:00 PM

Chicken Express CUP

Subject/Recommendation: Consider a request by DDR DB Kyle, LP (Chicken Express - 5493 Kyle Center Drive) for a Conditional Use Permit to construct a 3,216.33 square foot building located within the Interstate Highway 35 Corridor District.
Owner: DDR DB Kyle, LP
Agent: Hugo Elizondo, Jr., P.E., Cuatro Consultants
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 5-0 to approve the conditional use permit.

- Public Hearing

Other Information: Please see attachments

Budget Information: N/A

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

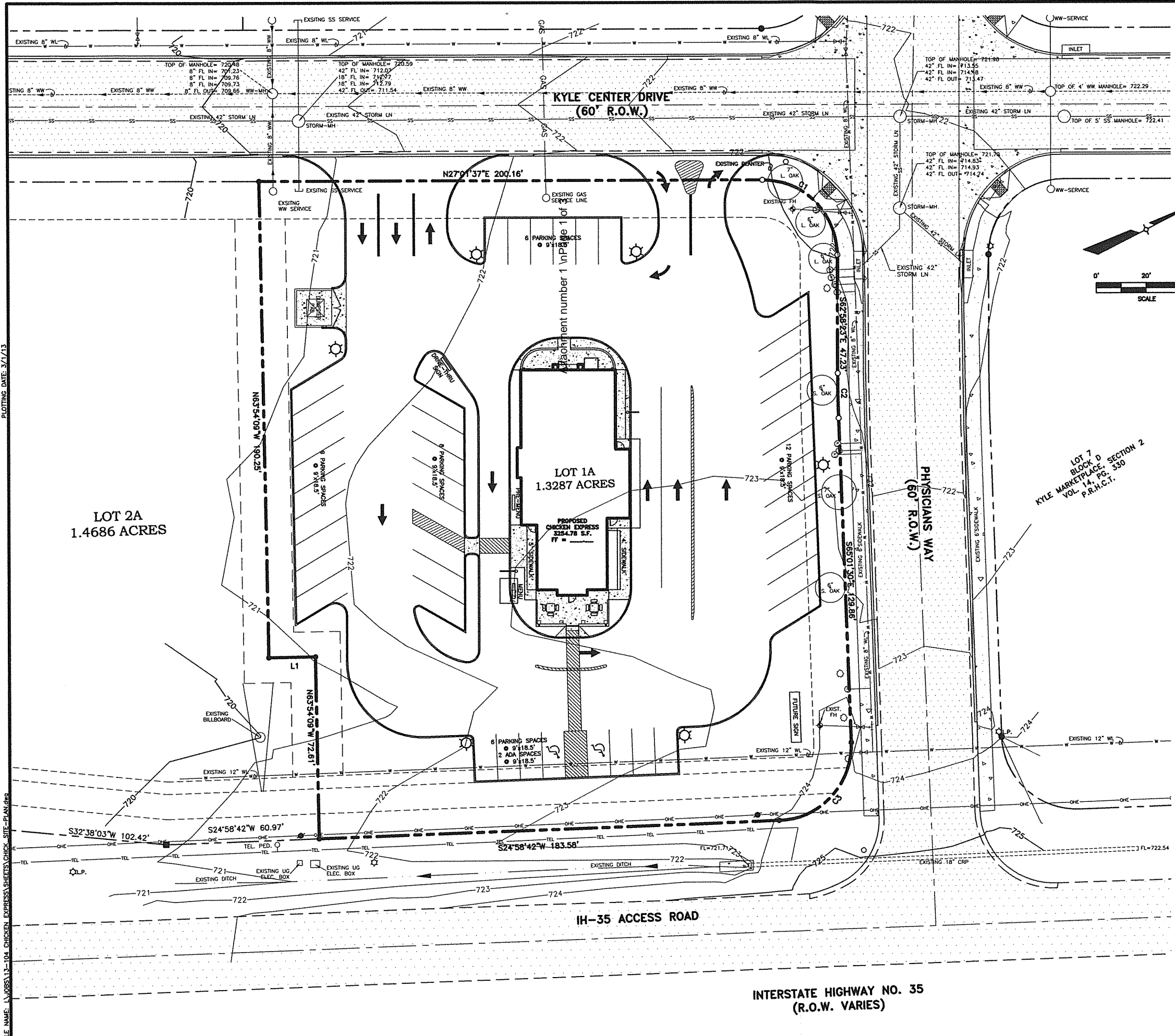
Attachments / click to download

[Color Rendering](#)

[staff memo](#)

FILE NAME: L:\JOBS\13-104 CHICKEN EXPRESS SHEETS\CHK-SITE-PLAN.dwg

DATE: 3/1/13



EXISTING	PROPOSED	DESCRIPTION
---	---	BOUNDARY LINE
---	---	EASEMENT BOUNDARY
---	---	CONTOURS
---	---	LOT LINE
---	---	CENTER LINE OF DITCH
TEL	TEL	TELEPHONE LINE
W	W	WATER LINE
WV	WV	WATER VALVE
FH	FH	FIRE HYDRANT
WM	WM	WATER METER
WW	WW	WASTEWATER LINE
FM	FM	FORCE MAIN
WMH	WMH	WASTEWATER MANHOLE
WC	WC	WASTEWATER CLEANOUT
WS	WS	WASTEWATER SERVICE
FLV	FLV	FLUSH VALVE
ARV	ARV	AIR RELEASE VALVE
OHE	OHE	OVER HEAD ELECTRIC
OHT	OHT	OVER HEAD TELEPHONE
PP	PP	POWER POLE
GW	GW	GUY WIRE
SS	SS	STORM SEWER
CMP/RCP	CMP/RCP	CMP/RCP PIPES
AT&T	AT&T	AT&T LINE
FOC	FOC	FIBER OPTIC CABLE
GAS	GAS	GAS LINE
P	P	PAVEMENT
C	C	CONCRETE
LP	LP	LIGHT POLE
CLF	CLF	CHAIN LINK FENCE
WF	WF	WOOD FENCE
BWF	BWF	BARB WIRE FENCE
TF	TF	TRAFFIC FLOW
HS	HS	HANDICAP SPACE
FL	FL	FIRE LANE

IMPERVIOUS COVER SUMMARY-SITE	
PROPOSED IMPERVIOUS COVER	
ZONING:	R/S
TOTAL SITE AREA: 1.3287 AC.)	57,878 SF
MAXIMUM BUILDING COVERAGE:	12,155 SF = 21% (80% MAXIMUM)
TOTAL BUILDING COVERAGE:	3,216 SF = 21% (85% MAXIMUM)
PARKING AREA:	33,299 SF
SIDEWALKS:	1,473 SF
TOTAL PROPOSED IMPERVIOUS COVER:	37,988 SF = 72%
TOTAL LANDSCAPE AREA:	19,071 SF = 15% (15% REQUIRED)
OTHER PERVIOUS COVER:	15,673 SF = 13%
TOTAL:	124,417 SF = 100%

PARKING SPACE SUMMARY:	
REQUIRED:	
DRIVE THRU RESTAURANT:	3,216 S.F.
TOTAL AREA:	
TOTAL NUMBER OF SEATS:	82 SEATS
TOTAL SEATING REQUIRED:	
82 SEATS @ 1 SPACE / 4 SEATS = 21 SPACES	
21 PARKING SPACES REQUIRED	
ACTUAL:	
PROVIDE 43 SPACES @ 9'x18'-6"	
INCLUDE 2 ADA SPACES INCLUDING 1 VAN ACCESSIBLE	
43 PARKING SPACES PROVIDED	
21 PARKING SPACES REQUIRED VS 43 PROVIDED	
43/21 = 205% OF REQUIRED SPACES ARE PROVIDED, ∴ OK.	

- CONSTRUCTION NOTES:**
- INSTALL CLEANOUT EVERY 50 FEET FROM BUILDING CLEANOUT TO WASTEWATER LINE OR WASTEWATER MANHOLE.
 - CONTRACTOR SHALL CONFIRM LOCATION OF BUILDING STUBOUTS AND REFER TO MEP DRAWING (OR OWNER) FOR LOCATION OF ALL PLUMBING PRIOR TO TRENCHING UTILITIES TO BUILDING.

- FIREMARSHAL NOTES:**
- A** VEHICLE PROTECTION WILL BE REQUIRED FOR THE ENTRANCE DOORS. VEHICLE PROTECTION SHALL BE PROVIDED BY POSTS THAT COMPLY WITH IRC SECTION 312.2 OR BY OTHER APPROVED PHYSICAL BARRIERS THAT COMPLY WITH SECTION 312.3

- REFERENCE NOTES:**
- FOR DETAILED SITE GRADING, SEE SHEET C410
 - FOR DRAINAGE, SEE SHEET C200.
 - FOR EROSION CONTROL PLAN, SEE SHEET C202.

DATE:	FEBRUARY, 2013
PROJECT:	JOB # 13-104
DRAWING'S NAME:	CHK-SITE-PLAN
DESIGN:	HE, Jr.
CHECKED:	HE, Jr.
DRAWN:	RL
APPROVED:	HE, Jr.
SHEET:	C201

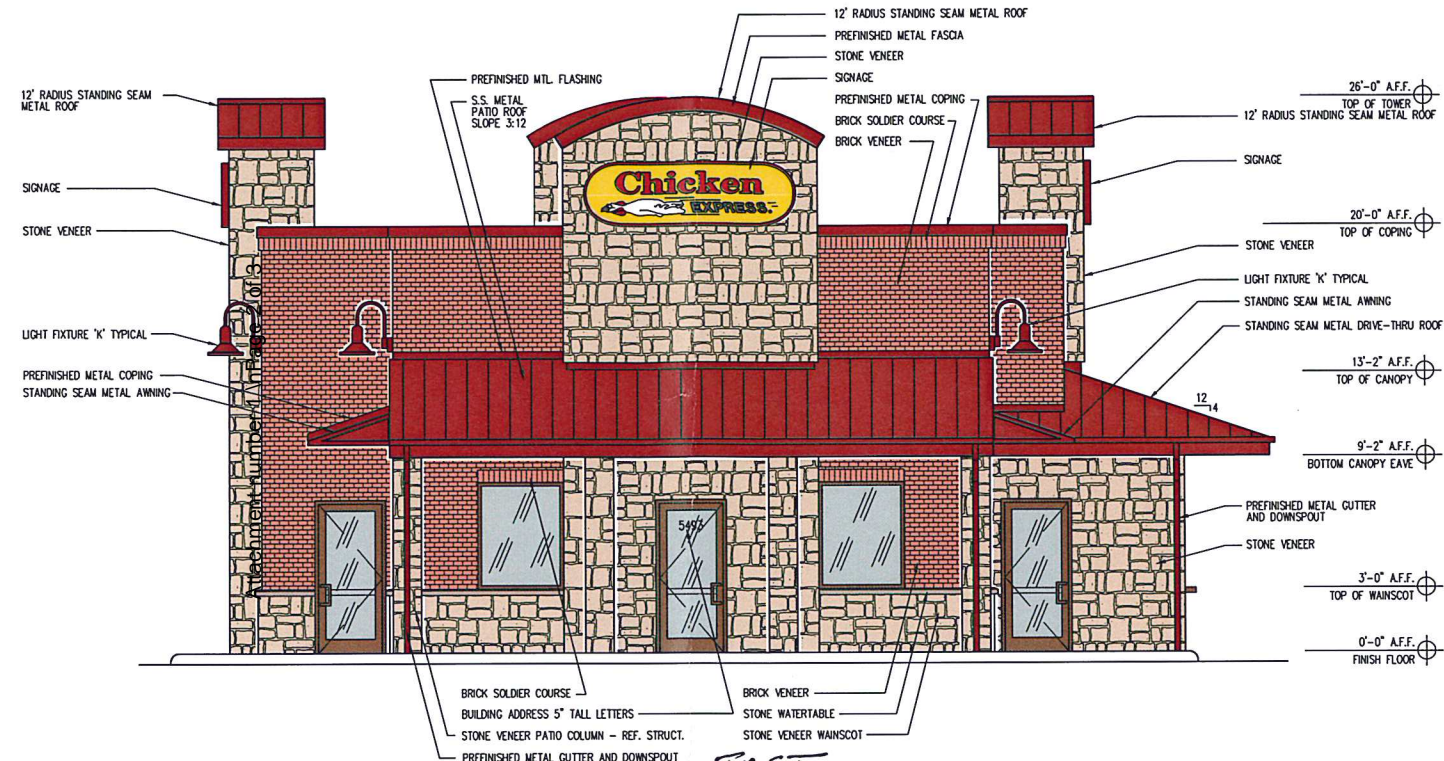
CLIENT: MARK WILLIAMS
P.O. BOX 708
CLEBURNE, TEXAS 76033
(512) 677-6655

SITE PLAN/ UTILITY LAYOUT
CHICKEN EXPRESS
5493 KYLE CENTER DRIVE
KYLE, TEXAS

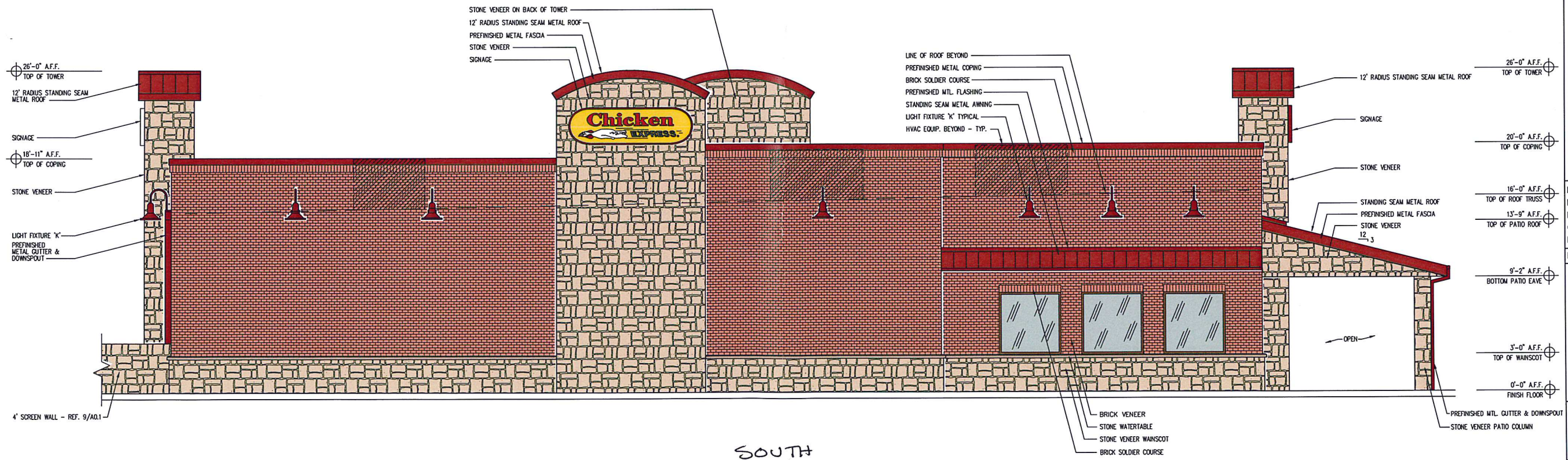
4 CUATRO
Consultants, LTD.
Registration No. F-3524
Item #40
Mark Kyle Consulting, Suite B Phone: (512) 677-6655
Email: cconsultants.com

INTERSTATE HIGHWAY NO. 35
(R.O.W. VARIES)

FINISH SCHEDULE		
MATERIAL	MANUFACTURER	COLOR
BRICK VENEER	ACME BRICK	ARKANSAS ROSE
STONE VENEER	A.J. BRAUER STONE, INC. OR EQUAL	TAN LUEDER LIMESTONE 4", 6", & 8" SAW CUT TOP & BOTTOM RANDOM PATTERN VARIOUS COLORS
STANDING SEAM METAL ROOFING	MUELLER, INC.	CRIMSON RED
MISC. METALS	MUELLER, INC.	CRIMSON RED
SOFFIT PANEL 24 GAUGE	-	WHITE
STOREFRONT WINDOWS/DOORS	KAWNEER/VISTA WALL	DARK BRONZE



1 EAST EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"
 NOTE: BOLLARD & CLEARANCE BAR NOT INDICATED FOR CLARITY



2 SOUTH EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"

JAMES W.P. HOWARD
 ARCHITECT
 N.C.A.R.B. A.I.A.
 2416 STAGECOACH STREET
 FORT WORTH, TEXAS 76133
 (817) 377-3477

Chicken EXPRESS
 5493 KYLE CENTER DRIVE
 KYLE, TX

Item # 40

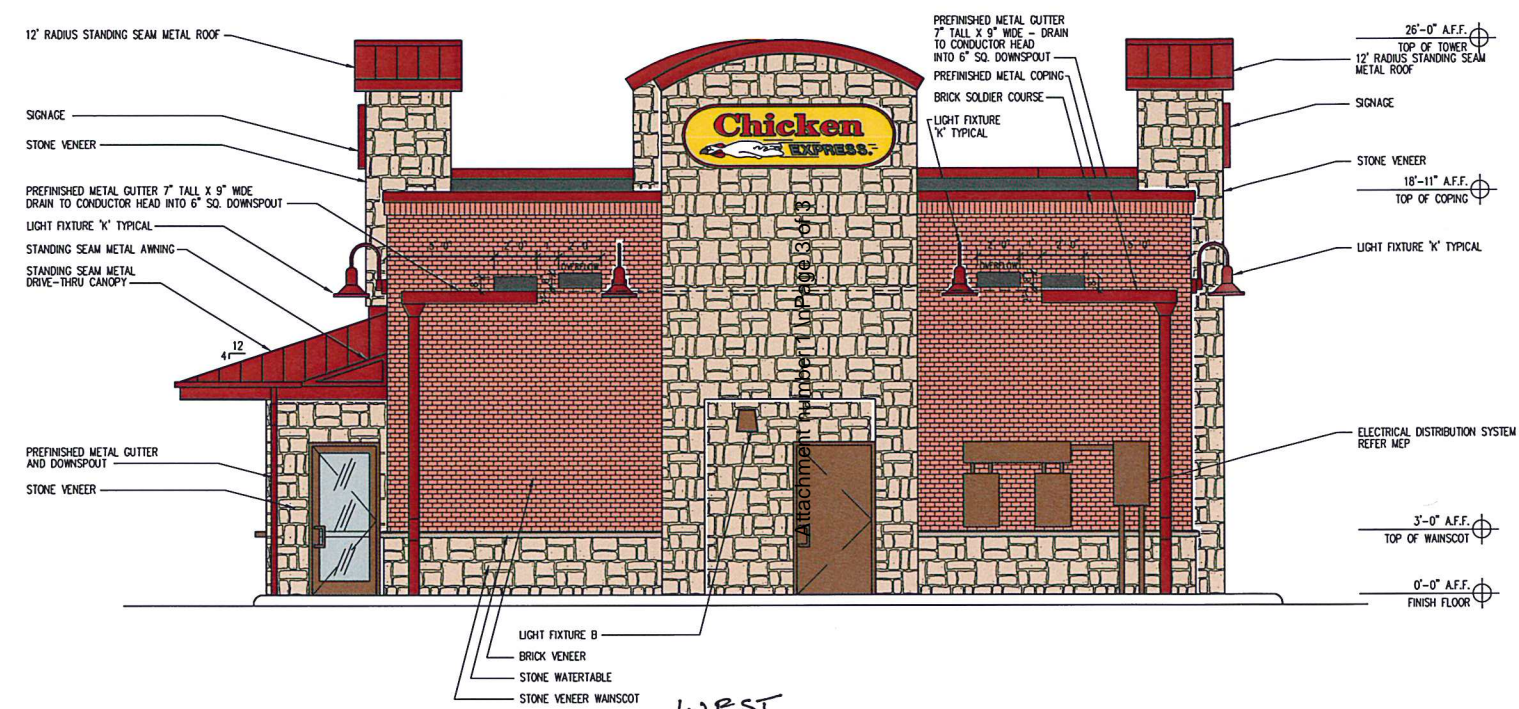
PROJECT: CE201307
 DATE: 04/15/13
 DRAWN BY: SS
 CHECKED BY: JH
 FILE: CE1307-A4

REVISIONS

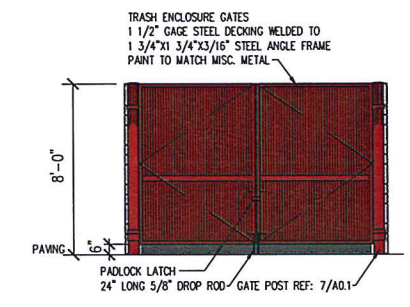
SHEET TITLE
 EXTERIOR ELEVATIONS
 SHEET

A4

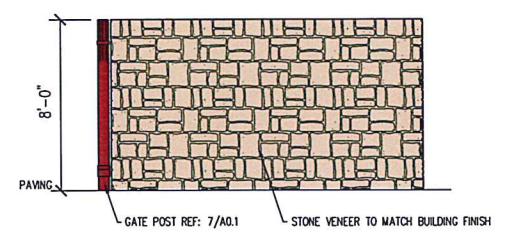
FINISH SCHEDULE		
MATERIAL	MANUFACTURER	COLOR
BRICK VENEER	ACME BRICK	ARKANSAS ROSE
STONE VENEER	A.J. BRAUER STONE, INC. OR EQUAL	TAN LUEDER LIMESTONE 4", 6", & 8" SAW CUT TOP & BOTTOM RANDOM PATTERN VARIOUS COLORS
STANDING SEAM METAL ROOFING	MUELLER, INC.	CROWSON RED
MISC. METALS	MUELLER, INC.	CROWSON RED
SOFFIT PANEL 24 GAUGE	-	WHITE
STOREFRONT WINDOWS/DOORS	KAWNEER/VISTA WALL	DARK BRONZE



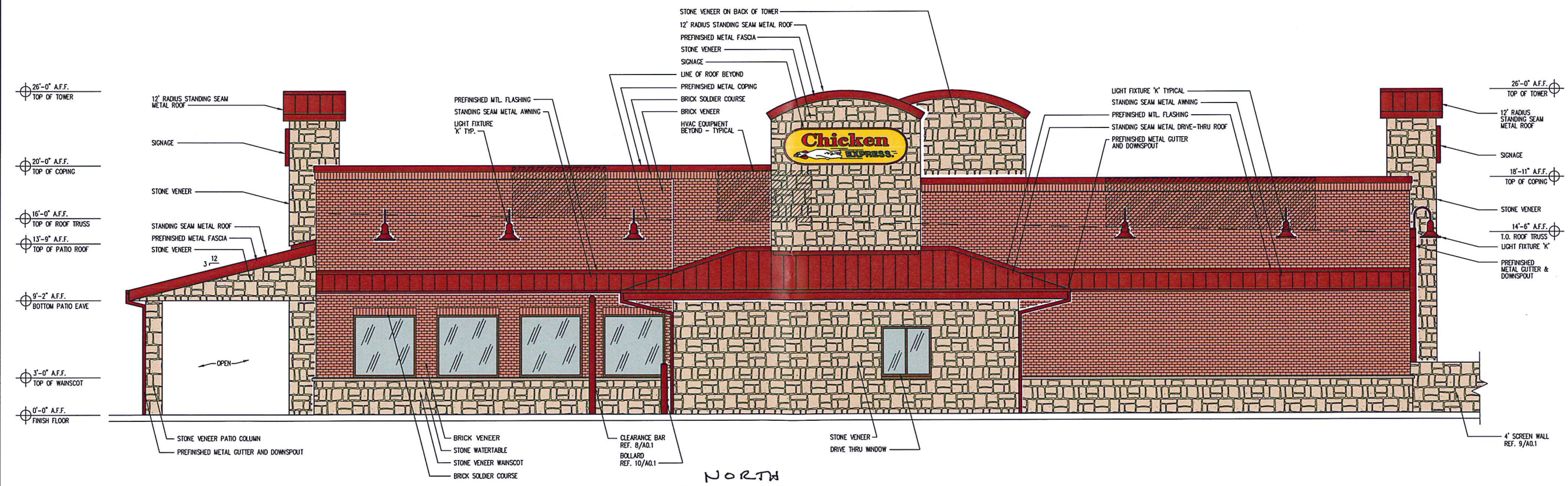
1 WEST EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"
 NOTE: 4' SCREEN WALL, BOLLARD, & CLEARANCE BAR NOT INDICATED FOR CLARITY



3a DUMPSTER ENCLOSURE ELEV.
 SCALE: 1/4" = 1'-0"



3b DUMPSTER ENCLOSURE ELEV.
 SCALE: 1/4" = 1'-0"



2 NORTH EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"

JAMES W.P. HOWARD
 ARCHITECT
 N.C.A.R.B. A.I.A.
 2416 STAGECOACH STREET
 FORT WORTH, TEXAS 76133
 (817) 377-3477



Item # 40

5493 KYLE CENTER DRIVE
 KYLE, TX

PROJECT: CE201307
 DATE: 04/15/13
 DRAWN BY: SS
 CHECKED BY: JH
 FILE: CE1307-A5

REVISIONS

SHEET TITLE
 EXTERIOR ELEVATIONS

SHEET

A5

MEMORANDUM

TO: City Council

FROM: Sofia Nelson, Planning Director

DATE: May 28, 2013

SUBJECT: CONDITIONAL USE OVERLAY- Chicken Express 5493 Kyle Center Drive

Planning and Zoning Commission Recommendation: On May 28th the Planning and Zoning Commission recommended approval of the request.

Background

Request:

The applicant is requesting approval of a Conditional Use permit for the construction of an approximately 3,254.78 square foot Chicken Express Restaurant within the I-35 Overlay District. The property is zoned Retail Services "RS" and as a result the use of property is permitted. The site plan will be submitted for your review at a later time. The applicant is seeking approval of the building concept, both materials and orientation at this time.

Location:

The subject property is located within the existing Kyle Marketplace shopping center and will be located at the intersection of IH-35 access road and Physicians Way (southern lot)/ also located at the southeast corner of Kyle Center Drive and Physicians Way.

Overlay District

The Interstate Highway 35 corridor conditional use overlay district extends from the northernmost city limit boundary at I-35 to the southernmost city limit boundary at I-35, and includes all real property within 1,500 feet of the outer most edge of the highway right-of-way of I-35.

a) The purpose of the of the overlay district is to maintain a high character and quality of community development, to promote compatible uses and standards, to preserve and enhance property values, to promote economic growth, to provide for orderly development, to provide for proper movement of traffic, and to secure the general safety of citizens by regulating the exterior architectural characteristics of structures

(b)The conditional use overlay districts will assist the community to recognize and preserve the distinctive architectural character of this community, which has been greatly influenced by the architecture of an earlier period in this community's history. This purpose shall be served by the regulation of exterior design, use of materials, the finish grade line, ingress and egress, and landscaping and orientation of all structures

hereinafter altered, constructed, reconstructed, reacted, enlarged, remodeled, removed, or demolished in the conditional use overlay district.

Proposal

The proposed development is a fast food drive-thru restaurant. The customer entrance to the facility will be located on the east side of the building. Parking and landscaping will be provided to meet the requirements of the development agreement in place between the City and the shopping center developer. The proposed building materials will include two types of brick veneer. A cream color veneer will be located along the bottom of the façade as a wainscoting and a red color stone veneer around the remainder of the building. The roof will consist of a standing seam red metal roof.

STAFF ANALYSIS AND RECOMMENDATION

COMPREHENSIVE MASTER PLAN GUIDENCE

The Comprehensive Master Plan identifies the site to be located within the Super Regional Node. The Comprehensive Master characterizes the Super Regional Node as follows:

- Should contain large-scale, institutional, commercial, and retail land uses, with the Seton Medical Center as the key distinguishing feature.
- The aggregation of commercial square footage in this Node should create a significant commercial destination that will be visible to regional travelers along the I-35 corridor.
- The purpose of the Super Regional Node is to capture employment opportunities and create a commercial destination within Kyle.

The Urban Design Plan identifies the stretch of I-35 the subject property fronts on to be located in the urban core along the destination segment of I-35. The Urban Design Plan states the following:

The Interstate 35 Destination is that portion of I-35 lying between the FM 1626 overpass and the Center Street overpass. This portion of I-35 is identified as a unique section in order to transform the freeway experience from one of passing through to one of arrival. Therefore the Destination section of I-35 has an appearance that is dramatically different than those portions north of FM 1626 or south of Center Street.

Location:

Generally located between two of Kyle's four landmark bridges (at the FM 1626 overpass and the Center Street overpass). This section of I-35 is clearly defined with a bridge portal at both ends and high embankments along its length.

Primary Function:

To transform the normal pass-through experience of the Interstate to an arrival experience and make sections of I-35 north of FM 1626 and south of Center Street function as approachways.

Staff Analysis

The Planning and Zoning Commission will determine through the conditional use permit process if the proposed use, occupancy and structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be

detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety and welfare.

In conducting its review, the planning and zoning commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application including, but not limited to:

- (1) Height, which shall conform to the zoning requirements;
- (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
- (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
- (4) Roof shape, which shall include type, form, and materials;
- (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
- (6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
- (7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
- (8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;
- (9) Signage, which shall include, in addition to the requirements [chapter 29](#), pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;
- (10) Exterior lighting, which shall included location, type, and/or design of lighting and/or lighting fixtures to be used.

Staff is recommending approval of the request for the following reasons:

- **The height of the building conforms to the zoning requirements and is consistent with the surrounding buildings**
- **The building mass it appropriate for its location and surroundings.**
- **The proposed building materials, colors and textures are consistent with the development agreement in place between the City and the shopping center developer.**
- **The proposed building is consistent with the other buildings in the shopping center.**



CITY OF KYLE, TEXAS

Meeting Date: 6/4/2013
Date time: 7:00 PM

Mass Gathering Ordinance

Subject/Recommendation:

(First Reading) AN ORDINANCE AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES, MISCELLANEOUS OFFENSES OF THE CITY OF KYLE SO AS TO ADD ARTICLE IX MASS GATHERINGS AND ESTABLISH PERMIT REQUIRMENTS, APPLICATION PROCESS AND REGULATE NOISE LEVELS FROM SUCH EVENTS, DECLARING A PUBLIC PURPOSE, ESTABLISHING A PENALTY AND SETTING AN EFFECTIVE DATE ~ *Jeff Barnett, Chief of Police*

Other Information:

Budget Information:

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Attachments / click to download

- [Memo to Council from Chief Barnett](#)
 - [Mass Gathering Ordinance 5-22-2013](#)
-



KYLE POLICE DEPARTMENT

Memorandum

Date: April 10, 2013

To: Lanny Lambert, City Manager

From: Jeff Barnett, Chief of Police

Re: Safety & Emergency Services Committee
(Mass Gathering Ordinance & Committee Member Recommendations)

The Safety and Emergency Services Committee held a regularly scheduled meeting on Monday, April 8, 2013. Among the items discussed were a proposed Mass Gathering Ordinance and potential candidates to fill Place 7 of the committee.

Mass Gathering Ordinance – Proposed

I am enclosing a copy of the proposed Mass Gathering Ordinance. The committee would like for the Mayor and City Council to know that they have reviewed the proposed ordinance for many months, and much deliberation was taken on their part concerning the various sections. Specifically at point, the committee discussed the requirements for notification, attendance count, inspections, required information for review, etc. The committee fully understands that their proposed ordinance is a recommendation, and it is not binding. I would recommend that our legal counsel review the proposed language as well to ensure that it meets with his approval. The vote on this item was 4-0 in favor of the ordinance as presented with this memorandum.

Committee Member Applicants

The committee reviewed more than thirty (30) applications from citizens that have expressed an interest in participating on the S&ES Committee. The committee fully recognizes that the Mayor and City Council reserve the right to consider and appoint members to the committee as they deem appropriate. The committee has selected three potential committee members that they recommend for consideration. In order, the committee recommends Diane Hulan, Rusty Kruzelock, and Damon Fogley for consideration for Place 7, an at-large position that expires on September 30, 2013 (Vote 4-0). I am including the applications submitted by these individuals. Each of these citizens has expressed continued interest to participate on this committee. This is the only vacancy on the committee at this time.

I am including the meeting minutes (draft), mass gathering ordinance, and applications for committee participation for your review and use. Thank you.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES, MISCELLANEOUS OFFENSES OF THE CITY OF KYLE SO AS TO ADD ARTICLE IX MASS GATHERINGS AND ESTABLISH PERMIT REQUIRMENTS, APPLICATION PROCESS AND REGULATE NOISE LEVELS FROM SUCH EVENTS, DECLARING A PUBLIC PURPOSE, ESTABLISHING A PENALTY AND SETTING AN EFFECTIVE DATE .

WHEREAS, the City Council has determined a municipal need to establish a permit and application process for Mass Gatherings, including but not limited to concerts, revivals and circuses, and to regulate noise levels from such gatherings; and

WHEREAS, the City Council has determined these new requirements are necessary to maintain the health, safety, governance and good order of the City; and

WHEREAS, after publication in the manner prescribed by law the governing body of the City wishes to amend Chapter 23 by adding Article IX, Sections 23-270 to 23-282 of the Municipal Code of Ordinances of the City in the manner and form set forth below;

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

SECTION 1. That the existing Chapter 23 of the Code of Ordinances of the City of Kyle entitled "Miscellaneous Offenses" is hereby amended by adding Article IX, "Mass Gatherings," Sections 23-270 to 23-280 to read as follows:

ARTICLE IX. – MASS GATHERINGS

Sec. 23-270. – Definitions.

- (a) "Mass gathering" means a gathering that is held inside the limits of the City of Kyle and that attracts or is expected to attract:
 - (i) more than 500 persons; or
 - (ii) more than 250 persons, if 51 percent or more of those persons may reasonably be expected to be younger than 21 years of age and it is planned or may reasonably be expected that alcoholic beverages will be sold, served, or consumed at or around the gathering; and
 - (iii) at which the persons will remain for more than four continuous hours; or for any amount of time during the period beginning at 10 p.m. and ending at 6 a.m.
- (b) "Person" means an individual, group of individuals, firm, corporation, partnership, or association.
- (c) "Promote" includes organize, manage, finance, or hold.
- (d) "Promoter" means a person who promotes a mass gathering.

Sec. 23-271. – Permit Requirement.

A person may not promote a mass gathering without a permit issued under this Article. City Council shall establish cost for such permit.

Sec. 23-272. –Application Procedure.

- (a) At least forty five (45) days before the date on which a mass gathering will be held, the promoter shall file a permit application with the City. Applications submitted less than forty five (45) days prior to the event may still be considered; however, the applicant acknowledges that the required inspections and review process may not be completed in time to allow for authorization and permitting.
- (b) The application must include:
 - (1) the promoter's name and address;
 - (2) the name and address of the owner of the property on which the mass gathering will be held;
 - (3) an executed copy of the agreement between the promoter and the property owner;
 - (4) the location and a description of the property on which the mass gathering will be held;
 - (5) the dates and times that the mass gathering will be held;
 - (6) the maximum number of persons the promoter will allow to attend the mass gathering and the plan the promoter intends to use to limit attendance to that number;
 - (7) a description of each step the promoter has taken to ensure that minimum standards of sanitation and health will be maintained during the mass gathering;
 - (8) a description of all preparations being made to provide traffic control, to ensure that the mass gathering will be conducted in an orderly manner, and to protect the physical safety of the persons who attend the mass gathering;
 - (9) a description of the preparations made to provide adequate medical care; and
 - (10) a description of the preparations made to supervise minors who may attend the mass gathering.

Sec. 23-273. –Application Review.

- (a) After a permit application is filed with the City, the application shall be sent to the county health authority, the Hays County Fire Marshal (hereinafter called the county fire marshal) and the Police Chief.
- (b) The county health authority shall inquire into preparations for the mass gathering. At least fifteen (15) days before the date of the Mass Gathering, the county health authority shall submit to the Police Chief a report stating whether the health authority believes that the minimum

standards of health and sanitation prescribed by state and local laws, rules, and orders will be maintained.

- (c) The county fire marshal shall investigate preparations for the mass gathering. At least fifteen (15) days before the date of the Mass Gathering, the county fire marshal shall submit to the Police Chief a report stating whether the fire marshal believes that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules, and orders will be maintained.
- (d) Police Chief, or designee, shall investigate preparations for the mass gathering. At least fifteen (15) days before the date of the Mass Gathering, the Police Chief shall make a determination on whether the minimum standards for ensuring public safety and order that are prescribed by state and local laws, rules, and orders will be maintained.
- (e) The City Manager may conduct any additional investigation that the Manager considers necessary.

Sec. 23-274. –Decision by Police Chief.

- (a) After a review of the reports from the county fire marshal and county health authority, the Police Chief shall either grant or deny the permit. The decision of the Police Chief shall be no later than the 10th day before the date on which a mass gathering will begin
- (b) The Police Chief may deny the permit if he finds that:
 - (1) the application contains false or misleading information or omits required information;
 - (2) the location selected for the mass gathering is inadequate for the purpose for which it will be used;
 - (3) the promoter has not made adequate preparations to limit the number of persons attending the mass gathering or to provide adequate supervision for minors attending the mass gathering;
 - (4) the promoter does not have assurance that scheduled performers will appear;
 - (5) the preparations for the mass gathering do not ensure that minimum standards of sanitation and health will be maintained;
 - (6) the preparations for the mass gathering do not ensure that the mass gathering will be conducted in an orderly manner and that the physical safety of persons attending will be protected;
 - (9) adequate arrangements for traffic control have not been provided;
 - or
 - (10) adequate medical and nursing care will not be available.

Sec. 23-275. –Permit Revocation.

The Police Chief may revoke a permit issued under this Article if the Police Chief finds that preparations for the mass gathering will not be completed by the time

the mass gathering will begin, for any reason identified in Section 23-274 (b), or that the permit was obtained by fraud or misrepresentation.

Sec. 23-276. – Appeal

A promoter or a person affected by the granting, denying, or revoking of a permit may appeal that action to the City Council or if time does not permit for a City Council meeting to be called, the appeal can be to a district court having jurisdiction in Hays County.

Sec. 23-277. – Inspections.

- (a) The county health authority may inspect a mass gathering during the mass gathering to ensure that the minimum standards of health and sanitation prescribed by state and local laws, rules, and orders are being maintained. If the county health authority determines a violation of the minimum standards is occurring, the health authority may order the promoter of the mass gathering to correct the violation.
- (b) The county fire marshal may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules, and orders are being maintained. If the marshal determines a violation of the minimum standards is occurring, the marshal or designee may order the promoter of the mass gathering to correct the violation.
- (c) The police chief may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public safety and order prescribed by state and local laws, rules, and orders are being maintained. If the police chief determines a violation is occurring, the police chief may order the promoter of the mass gathering to correct the violation.
- (d) A promoter who fails to comply with an order issued under this section commits an offense. An offense under this section is a Class C misdemeanor.

Sec. 23-278. – Noise

Any unreasonably loud, disturbing or unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity of the Mass Gathering, or any noise of such character, intensity and continued duration which interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is prohibited and is hereby declared a nuisance. All other regulations in Chapter 23, Article VI of the City Code or Ordinances regarding Noise shall apply to Mass Gatherings.

Sec. 23-279. –Inspection Fees

- (a) City Council may establish and collect a fee for an inspection performed under Section 23-277. The fee may not exceed the amount necessary to defray the costs of performing the inspections.
- (b) City Council may use money collected under this section to reimburse the county the cost of performing the inspections outlined in Section 23-277.

Sec. 23-281. – Exceptions to Permit and Fee

The following types of mass gatherings are required to notify the Chief of Police ten (10) days prior to the event, but are not required to obtain a Mass Gatherings Permit or to pay any fees established under Section 23-279.

- (a) Church events held on church property;
- (b) City, school, county or other governmental entity events held on property owned by the governmental entity; or
- (c) Any other exceptions approved by City Council.

Sec. 23-282. - Criminal Penalty.

- (a) A person commits an offense if the person violates Section 23-271.
- (b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$1,000.

SECTION 2. SAVINGS CLAUSE: All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not effect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 5. EFFECTIVE DATE. The Ordinance shall be effective immediately following its publication in the local newspaper as required by the Texas Local Government Code. Thereafter, the rules contained therein will apply within the City of Bulverde.

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



CITY OF KYLE, TEXAS

Meeting Date: 6/4/2013
Date time: 7:00 PM

LED Marquee Policy

Subject/Recommendation: Adoption of policy for the application and scheduling of messages on the LED marquee located on Mary Kyle Hartson City Square Park ~
Kerry Urbanowicz, Director of Parks and Recreation

Other Information: The proposed policy has been reviewed by the City Attorney and addresses his comments. The Parks Committee has reviewed the proposed policy and addresses their comments. Other comments received have been addressed and staff recommends the attached proposed policy.

Budget Information: N/A

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[Marquee Policy](#)

City of Kyle, Texas

LED Marquee Message Policy

The City of Kyle (“city”) marquees have the purpose of communicating announcements, activities, events and programs to those passing by them.

The LED electronic marquee located adjacent to Center Street within Mary Kyle Hartson City Square Park is maintained and operated by the Kyle Parks and Recreation Department (“Kyle PARD”).

The Kyle PARD will prepare, schedule and post all messages on this marquee. Additionally, the Director of Information & Technology and Director of Community Development will have the ability to prepare, schedule and post messages.

This policy and application process is adopted for all non-city department messages.

The following type of organizations may apply for placing messages on the marquee:

- City of Kyle government and other government agencies located in Hays County;
- Civic and civic improvement organizations located in the city;
- Community service organizations located in the city;
- Non-profit organizations that submit copy of IRS form 501c3 located in the city;
- Schools located in the city;
- Organizations located in the city that are sponsoring youth activities, public health activities and matters related to safety; and
- Other similar organizations approved by the Director of Parks and Recreation, Director of Communications or City Manager.

Messages will not be accepted from the following type of organizations:

- Businesses or commercial announcements, promotions or messages;
- Campaign or political announcements or messages other than date, time or location for general or special election;
- Religious institutions and organizations which promote the institution or organization or religious services, religious affairs or religious messages. However, subject to conditions of approval, religious institutions and organizations may place messages announcing charity events, fund raising events, community service events and similar activities providing that all events are of a non-religious nature and are open to all members of the general public.

Guidelines:

- A Marquee Message Application must be submitted via email no more than sixty (60) days prior to posting date and no less than fourteen (14) days prior to posting date;

- As many as twenty (20) messages may be scheduled for any given day. City messages will have first priority and all other requests will be on a first-come basis;
- A message shall have no more than two (2) images or logos and no more than five (5) message labels. Messages and logo's may be edited or deleted at the discretion of city staff based on quality and/or content;
- A message shall not exceed four (4) seconds of display per label or twenty (20) seconds total;
- Messages will be static and contrast in colors with maximum font size possible. Entrance and exit effects will be default unless altered by city staff inputting message;
- Panel is approximately 4' tall and 8' wide. The maximum number of characters spaces on the smallest font is 26 across and 8 rows. This includes letters, spaces, punctuations and numbers. The largest font allows 6 across and 1 row. Images can be full panel, left hand side or cropped to fit as best as possible, but may be distorted if stretched out of shape.
- Applicant may review message prior to scheduling of message. Once message is scheduled, alterations, corrections and changes will depend on staff's ability to make those changes in a timely manner;
- The City of Kyle does not guarantee quality of appearance or effectiveness of the message;
- Messages will have a maximum of fourteen (14) days of run time, number of displays per hour depending on total number of messages scheduled for that day and approved messages will be scheduled between the hours of 5:00am and 11:00pm;
- Complete applications will be processed on a first-received basis and processed at staff's ability to process, create and schedule messages. Not all applications will be processed same day as received;
- If an individual or an organization's application to place a message on the marquee is denied, the Marquee Message Application appeal process will first go to the Parks and Recreation Committee who will review and make a recommendation. If individual or organization is still not satisfied, the appeal may go before the Kyle City Council.



CITY OF KYLE, TEXAS

Project Fern Incentive Request

Meeting Date: 6/4/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration and Possible Action on the Economic Development Incentive Request by Project Fern ~ *Diana Blank, Director of Economic Development*

Other Information:

Budget Information:

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CITY OF KYLE, TEXAS

City Managers Report

Meeting Date: 6/4/2013
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*

1. Discuss City Council Retreat scheduled for June 22, 2013
2. Discuss Bond Calendar
3. Discuss Street Construction Management

Other Information:

Budget Information:

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[DRAFT City Council Retreat Agenda, 6-22-13](#)

[Bond Calendar](#)



**KYLE CITY COUNCIL RETREAT
June 22, 2013**

**Texas Disposal Systems Exotic Game Ranch
1220 Carl Road
Creedmoor, TX 78610**

DRAFT AGENDA

8:00 a.m. - 8:45 a.m.	Mayor/Council/City Manager Role
8:45 a.m. - 9:30 a.m.	Departments: Problems & Goals of the City
9:30 a.m. - 10:15 a.m.	Streets
10:15 a.m. - 11:00 a.m.	Communications
11:00 a.m. - 11:45 p.m.	Finance
11:45 p.m. - 12:30 p.m.	Planning
12:30 p.m. - 1:15 p.m.	Economic Development
1:15 p.m. - 2:00 p.m.	Police
2:00 p.m. - 2:45 p.m.	Parks & Recreation
2:45 p.m. - 3:30 p.m.	Public Works/Building
3:30 p.m. - 4:15 p.m.	Human Resources/City Secretary
4:15 p.m. - 5:00 p.m.	Library/Information Technology

Memorandum

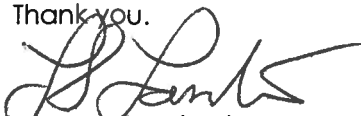
Date: May 29, 2013
To: Mayor and City Council
Subject: Bond Calendar



<u>Action</u>	<u>Responsible</u>	<u>Date</u>
Prepare Request for Proposals for Engineer	Staff	5-11-13 to 6-4-13
Approve RFQ/Appoint Selection Panel	Council	6-4-13
Advertise RFQ	Staff	6-5-13 to 6-26-13
Authorization to Issue Bonds # 1	Council	6-18-13
Open RFQ's	Staff	7-11-13
Conduct Interviews	Panel	8-14-13
Approve Consultants Selection	Council	8-20-13
5 Projects Designed	Engineers	10-1-13 to 10-1-14
Bid Out Project # 1	Staff/Council	3-4-14
Authorization to Issue Bonds #2	Council	3-4-14
Award Construction for Project # 1	Staff/Council/Engineer	5-6-14
Construction begins for Project # 1	Contractor/Engineer	6-1-14
Construction ends for Project # 1	Contractor/Engineer	6-1-15
Bid Out Project # 2	Staff/Council/Engineer	3-3-15
Authorization to Issue Bonds # 3	Council	3-3-15
Bid Out Project # 3	Staff/Council/Engineer	3-1-16
Authorization to Issue Bonds # 4	Council	3-1-16
Bid Out Project # 4	Staff/Council/Engineer	3-7-17
Authorization to Issue Bonds # 5	Council	3-7-17
Bid Out Project # 5	Staff/Council/Engineer	3-6-18
Authorization to Issue Bonds # 6	Council	3-6-18

*Composition of Interview Panel: 2 City Council Members, 3 City Staff Members, 2 Mobility Committee Members, 2 Community Relations Committee Members = 9 Members

Thank you.


 Lanny S. Lambert
 City Manager

Item # 44