

# 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 6/18/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 13th day of June, 2013 prior to 7:00 p.m.

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### **I. Call Meeting To Order**

### **II. Approval of Minutes**

1. City Council Regular Meeting - June 4, 2013 ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

2. City Council Special Called Meeting - June 11, 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. Appointments**

3. Consideration of Nomination(s) for Appointment to the Public Works & Service Committee ~ *Lucy Johnson, Mayor*

- *James Massaro, Place 7*
- *Cynthia Bentley, Alternate*

 [Attachments](#)

4. Consideration of Nomination(s) for Appointment to the Board of Adjustments/Sign Control Board ~ *Lucy Johnson, Mayor*

- *Matt Janysek*

 [Attachments](#)

## V. Consent Agenda

5. Award execution of a Purchase Order to SOUTHERN COMPUTER WAREHOUSE of Marietta, Georgia, in an amount not to exceed \$15,217.62 for the purchase of all necessary equipment and installation of a Wi-Fi Mesh for the Kyle Police Department. ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

6. (*Second 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.*

 [Attachments](#)

## VI. Consider and Possible Action

7. Consideration and Possible Action as may be appropriate in regards to the Selection of Mayor Pro Tem per City of Kyle Charter requirements ~ *Lucy Johnson, Mayor*

 [Attachments](#)

8. Authorize Execution of Advance Funding Agreement (AFA) for Voluntary Local Government Contributions to Transportation Improvement Projects with no required match with TEXAS DEPARTMENT OF TRANSPORTATION for inclusion of Bridge Aesthetics on the turnaround bridges on RM 150 and FM 1626 as part of the project construction of CSJ: 0016-02-133; PROJECT: IH-35 at Cement Plant Road and RM 150 and FM 1626. Total project funds under the AFA are \$34,293.00 to cover state costs for construction, review, inspection and oversight of work performed. Local (City of Kyle) participation in the overall project cost is estimated to be \$34,293.00 ~ *Steven Widacki, P.E., City Engineer*

 [Attachments](#)

9. Authorize execution of an interlocal agreement between the Guadalupe Blanco River Authority (GBRA) and City of Kyle to fund City's share in the amount of \$25,557.00 for Phase II of U.S. Army Corps of Engineers (USACE) Flood

 [Attachments](#)

10. *(First Reading)* AN ORDINANCE AUTHORIZING THE RELEASE OF A PORTION OF THE CITY OF KYLE'S EXTRATERRITORIAL JURISDICTION ("ETJ"); APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND THE CITY OF KYLE REGARDING THE MUTUAL RELEASE OF ETJ; AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS RELATING TO AN AGREEMENT BETWEEN THE CITY OF KYLE AND THE CITY OF SAN MARCOS FOR THE MUTUAL RELEASE OF ETJ AND KYLE EXPANSION OF ITS ETJ; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING.~*Sofia Nelson, Director of Planning*

- Public Hearing

 [Attachments](#)

11. 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](#)

12. 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](#)

13. 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](#)

14. 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](#)

15. *(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.*

 [Attachments](#)

16. A RESOLUTION OF THE CITY COUNCIL, CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE U.S. DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES (COPS), FOR FUNDING THROUGH THE FY13 COPS HIRING PROGRAM (CHP) IN THE AMOUNT OF \$125,000.00 FOR THREE YEARS AND REQUIRING CITY PARTICIPATION IN THE AMOUNT OF \$89,180.00 OVER THE 3-YEAR PERIOD PLUS AN ADDITIONAL 100% FUNDING APPROXIMATELY \$75,000.00 REQUIRED OF THE CITY IN YEAR 4; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF KYLE, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; TO PROVIDE MATCHING FUNDS; TO WORK WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO COMPLY WITH GRANT REQUIREMENTS OF THE COPS HIRING PROGRAM ~ *Joshua Moreno, Grants Administrator*

 [Attachments](#)



17. A RESOLUTION OF THE CITY COUNCIL, CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OFFICE OF THE ATTORNEY GENERAL, CRIME VICTIM SERVICES DIVISION, FOR A VICTIM COORDINATOR AND LIAISON GRANT IN THE AMOUNT OF \$82,375.00 FOR A 2-YEAR PERIOD WITH AN ESTIMATED CITY MATCH TOTALING \$27,815.00; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF KYLE, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; TO WORK WITH THE OFFICE OF THE ATTORNEY GENERAL, CRIME VICTIM SERVICES DIVISION TO COMPLY WITH GRANT REQUIREMENTS OF THE VICTIM COORDINATOR AND LIAISON GRANT PROGRAM ~ *Joshua Moreno, Grants Administrator*

 [Attachments](#)

## VII. City Managers Report

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

1. Discuss date for City Council Retreat

2. Discuss Road Bond Calendar

3. Discuss Street Construction Management

4. Discuss the Filing of a Loan Application in the Principal Amount of \$750,000.00 to the Texas Water Development Board from the Texas Water Development Fund

 [Attachments](#)

## VIII. 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 - June  
4, 2013

**Meeting Date: 6/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** City Council Regular Meeting - June 4, 2013 ~ *Amelia Sanchez, City Secretary*

**Other Information:** This item is for formal approval of the minutes from the June 4th Regular Meeting of the City Council, a copy of which is included with the meeting packet.

**Budget Information:** N/A

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

Attachments / click to download

[City Council Regular Meeting Minutes - June 4, 2013](#)

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## REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on June 4, 2013, at 7:00 pm at Kyle City Hall, with the following persons present:

Mayor Lucy Johnson	Mike Vasil
Mayor Pro Tem Diane Hervol	
Council Member Samantha LeMense	
Council Member Becky Selbera	
Council Member Ray Bryant	
Council Member David Wilson	
Lanny Lambert, City Manager	
Jerry Hendrix, Director of Communications	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Diana Blank, Director of Economic Development	
Kerry Urbanowicz, Parks Director	
Steven Widacki, City Engineer	
Connie Brooks, Library Director	
Sophia Nelson, Director of Planning	
Mark Shellard, IT Director	
Jeff Barnett, Police Chief	
Frank Garza, City Attorney	

## CALL MEETING TO ORDER

Mayor Johnson called the meeting to order at 7:04 P.M.

## ROLL CALL

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

Mayor Johnson stated that Council Member Selbera would arrive late.

## APPROVAL OF MINUTES

CITY COUNCIL REGULAR MEETING - MAY 14, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

Mayor Pro Tem Hervol moved to approve the City Council Regular Meeting - May 14, 2013 minutes. Council Member Bryant seconds the motion. All aye. Motion carried.

## CITIZEN COMMENT PERIOD WITH CITY COUNCIL

## CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 2

Kyle City Hall

Mayor Johnson opened the citizens comment period at 7:06 P.M. and called for comments on items not on the agenda or posted for public hearing. Mike Vasil with the Fire Department spoke about a house fire in the Amberwood subdivision and wanted to assure everyone that there were no issues with water supply at that subdivision. James Adkins spoke and stated his appreciation with the road bond passage and urge Council to go ahead with all of the projects. With no one else wishing to speak Mayor Johnson closed Citizen's Comments at 7:10 P. M.

## PRESENTATION

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

Lanny Lambert, City Manager announced that Jane Perez, Utility Billing Supervisor was the employee of the month.

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

- *Richard Baggett, Level 3*

Mayor Johnson presented Richard Baggett with a Level 3 certificate.

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*

Cale Baese, President of the Kyle Chamber of Commerce provided Council with a brief quarterly report for the period January 2013 through March 2013.

## APPOINTMENTS

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE COMMUNITY RELATIONS COMMITTEE ~ *LUCY JOHNSON, MAYOR*

- *Majure Whitney*

Mayor Johnson moves to appoint Majure Whitney to the Community Relations Committee. Council Member Bryant seconds the motion. All aye. Motion carried.

## CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 3

Kyle City Hall

## CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE SAFETY &amp; EMERGENCY SERVICES COMMITTEE ~LUCY JOHNSON, MAYOR

- *Diane Hulan*
- *Damon Fogley*

Mayor states that the liaison for this item is not present but expected shortly so they will return to this item.

## CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE PIE FESTIVAL COMMITTEE ~ LUCY JOHNSON, MAYOR

- *Lucy Constable*

Mayor Johnson moves to appoint Lucy Constable to the Pie Festival Committee. Council Member LeMense seconds the motion. All votes aye. Motion carried.

## CONSENT AGENDA

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*

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 PLAYSAPES AT STEEPLECHASE PARK AND WATERLEAF PARK ~ *KERRY URBANOWICZ, DIRECTOR OF PARKS AND RECREATION*

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*

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*

CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 4

Kyle City Hall

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*

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.*

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*

PLUM CREEK PHASE 1 SECTION 12A - PRELIMINARY (PP-13-002) & FINAL  
(FP-13-008)3.589 ACRES; 2 LOTSLOCATION: FRONTING ON A PROPOSED  
EXTENSION OF BENNER APPROX 2000 FEET WEST OF FM 1626, SOUTH OF  
KOHLEH'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.*

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*

## CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 5

Kyle City Hall

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.*

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*

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*

*(Second 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*

CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL  
 AGREEMENT REGARDING ASSET FORFEITURES WITHIN HAYS COUNTY  
 ~ *JEFF BARNETT, CHIEF OF POLICE*

Mayor Pro Tem Hervol moves to approve Consent **Agenda Item # 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; **# 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;

## CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 6

Kyle City Hall

**Item #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; **#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; **#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; **#13** ~ Hometown Kyle Phase 3 Section 6 (FP-13-009) 6.88 acres; 25 lots; Location: Extension of Sweet Gum Drive; **#14** ~ Hometown Kyle Phase 4 Section 2 (FP-13-004) 10.464 acres; 41 Lots Located off of Chapparo Drive adjacent to Phase II; **#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; **#16** ~ The Villas at Creekside - Final Plat (FP-13-006) 3.847 acres; 30 Townhome Lots Located at 104 Creekside Trail; **#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; **#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; **#19** ~ A Resolution 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; **#20** ~ 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. ("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; **#21** ~ Consideration and Possible Action to Approve an Interlocal Agreement regarding Asset Forfeitures within Hays County. Council Member Bryant seconds the motion. All aye. Motion carried.

Mayor Johnson skips to Items #34 and 35.

*(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*

CITY COUNCIL REGULAR MEETING  
June 4, 2013 – Page 7  
Kyle City Hall

*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

Mayor Johnson Opens the Public Hearing at 7:28 PM to hear comments on An Ordinance amending Ord. #438 (Zoning) for the purpose of Rezoning approximately 7.634 Acres from RS Retail Service District to 'R-3-3' Apartments Residential 3on property located south of Amberwood S. and I H 35 Frontage Road. Linda Freeman spoke in opposition to the rezoning of the area due to apartments already there and traffic flow would increase. Kay Rush spoke against the rezoning and had concerns about the traffic with only one way in and out of the subdivision and with a creek there about where rain water would flow. Tammy Slayton also spoke against the rezoning with traffic concerns, a lot of people already living in that area, speeding and people going through the subdivision. Dennis (didn't hear last name) spoke and stated he also agreed apartments should not be built there in front of or behind existing apartments. He also spoke about concerns with water and the existing black fire hydrants. Lila Knight spoke about issues with water and taxes and that Monarch did not have the capability to continue to promise water to people. With no one else wishing to speak Mayor Johnson closed the Public Hearing at 7:36 PM.

Council Member Selbera arrived at 7:30 PM.

Mayor Johnson moved to approve the Planning and Zoning recommendation of R-3-2 Multi-Family Zoning designation. Council Member Selbera seconds the motion.

Council Member Wilson recommends tabling the item and give time for the Developer to meet and work with the Amberwood residents.

Mayor Johnson withdraws her motion to approve and motions to table the item. Council Member Selbera agrees to both withdrawal of the motion and tabling the item. Motion carried 5-1 with Council Member Bryant voting nay.

*(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

## CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 8

Kyle City Hall

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

Mayor Johnson opens the Public Hearing at 8:12 PM to hear comments on An Ordinance Amending Ordinance No. 438 (Zoning of the City of Kyle, Texas for the purpose of rezoning approximately 7.890 acres fro 'RS' Retail Service District to "R-3-3" Apartments Residential 3 on property located North of Amberwood S. and IH-35 Frontage Road. Lila Knight stated she would again mention water and taxes. She stated that Monarch is in stage 4 and the City is in stage 2 because they don't have as much water as the City. She stated she thought it would be marvelous if they petitioned TCEQ to be let out of that CCN but they had not done so. She stated that the Council tonight would be considering issuing 34 to 36 million dollars for the road bonds, and that Council had stated that if the City continued to grow sales tax would keep a 20 cent tax off of our homeowners and that the City needs retail development. With no one else wishing to speak Mayor Jonson closed the Public Hearing at 8:14 PM.

Mayor Pro Tem Hervol moves to uphold the Planning and Zoning Commission's recommendation to deny the rezoning request. Council Member Bryant seconds the motion. Council Member Wilson's request that the item be tabled was not accepted. Motion carried 5-1 with Council Member Selbera voting nay.

Mayor Johnson goes back to Item #6.

## APPOINTMENTS

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE SAFETY & EMERGENCY SERVICES COMMITTEE ~*LUCY JOHNSON, MAYOR*

- Diane Hulan
- Damon Fogley

Mayor Johnson moves to appoint Diane Hulan to Place 7 of the Safety and Emergency Services Committee and Damon Fogley as first alternate. All aye. Motion carried.

#### CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 9

Kyle City Hall

#### CONSIDER AND POSSIBLE ACTION

**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***

Mayor Pro Tem Hervol moves to approve a Resolution Canvassing the returns and Declaring the results of the June 1, 2013 Runoff Election. Council Member LeMense seconds the motion. All aye. Motion carried.

**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***

Council Member LeMense moved to 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. Council Member Bryant seconds the motion. All aye. Motion carried.

**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***

Mayor Pro Tem Hervol moved to table the 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 and send it to the Mobility Committee for recommendations. Council Member Bryant seconds the motion. Mayor Johnson requests an amendment to schedule a Special Council meeting on Tuesday, June 11 after the Mobility Committee meeting on Thursday. Mayor Pro Tem and Bryant agree. All votes aye. Motion carried.



## CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 10

Kyle City Hall

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

Council Member Wilson moves to 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 Market Place Avenue as authorized by the voters of Kyle, Texas on May 11, 2013. Council Member Selbera seconds the motion. All votes aye. Motion carried. Council Member Bryant was off the dais for the vote.

Mayor Johnson moves to item # 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

Mayor Johnson opened the Public Hearing at 9:07 PM to hear comments on RV Land (SD-13-006) 10 acres; 1 Lot Located at 23401 N. IH-35. Joe Stewart the owner of the property spoke and stated that he was trying to bring in revenue and create jobs. He stated that there was a 4" water line in front of his property and he was asked to make it a 12" as well as giving up property for easement for future water lines. He stated that the costs to bring in his business kept rising and making it very costly for him. He also had concerns about the trees and shrubs. Mayor Johnson asked him to wait until after the public hearing to discuss his variances because she wanted to make sure there were no residents or homeowners around his property that wanted to speak during the Public Hearing. With no one else wishing to speak Mayor Johnson closed the public Hearing at 9:11 PM.

## CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 11

Kyle City Hall

Mayor Johnson opened item # 32 so that the Planning Director Sophia Nelson could proceed with the presentation regarding the same site as item #31.

Mayor Johnson asked for motions for items # 31 & 32

Council Member Bryant moved to approve with the Planning and Zoning recommendations for items #31 & item 32. Mayor Pro Tem Hervol seconds the motion.

Mayor Johnson called a 5 minute break at 9:32 PM due to a light bulb bursting and glass landing on Council Members LeMense and Selbera.

Back from recess Mayor Johnson states that there is a motion on the floor to approve items # 31 and 32 with the and Planning & Zoning recommendations and Council Member Wilson was speaking.

Council Member Wilson asks that the Council Member Bryant amend to not charge them for the trees being removed by the variance and that they approve the variance as listed. Mayor Johnson stated that the variance listed required payment to the Parks Department. Council Member Wilson responded no, 50 trees and 166 shrubs is what he is asking to modify it to. Council Member Bryant stated to Council Member Wilson that he had a hard time amending his motion and asked if he meant not to give anything to the parks so that he could understand correctly. Council Member Wilson replied yes and to just back off of that particular requirement is what he was requesting. Council Member Bryant stated that he would be willing to amend his motion to not taking all away but making it half. He stated he thought it was \$100.00 per caliper inch and making it \$50.00 per caliper inch. Council Member Wilson agreed with Council Member Bryan's modification. Council Member LeMense suggests another amendment and that she would be willing to go setting it as 2" caliper trees that he is required and not change the number of trees but the number of trees to make it affordable, but if that wasn't acceptable, possibly cutting back the number of shrubs. Council Member Bryan stated he was comfortable and the 4" is required and would not be willing to amend.

Mayor Johnson asked Council Member LeMense if she wanted to make a motion to amend. Council Member LeMense replied that she would and made a motion to amend to change to 2" caliper instead of 4" as had been done in the past. Council Member Selbera seconds the motion.

Council Member Wilson asked, to be clear, on what was being voted on and if that vote was for 2" caliper first on an amendment, and then voting for a motion that is already on the floor second. Mayor Johnson replied yes. Council Member Wilson continued and asked that when the motion already on the floor is voted on if this amendment passes the only difference will be that the trees will be 2" caliper. Mayor Johnson replied yes.

## CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 12

Kyle City Hall

Mayor Johnson asked for a vote on the amendment. Motion carried 4-2 with Mayor Pro Tem Hervol and Council Member Bryant voting nay.

Mayor Johnson asked for a vote on the amended motion. All aye. Motion carried.

Mayor Johnson clarified that those 2 amendments were to reduce the \$100 per caliper inches tree to \$50.00 and the 4 inch caliper trees on the property in question to 2" caliper.

*(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

Mayor Johnson moved to open the Public Hearing at 10:05 PM to hear comments on An Ordinance amending Ordinance No. 438 (Zoning) of the City of Kyle, TX, 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 N in Hays, County, Texas. Frances Diaz and Norma Fuentes, daughters of the owner of this property spoke stating they were requesting rezoning and asked for Council consideration to rezone to RS. With no one else wishing to speak Mayor Johnson closed the Public Hearing at 10:06 PM.

Council Member Wilson moved to approve An Ordinance amending Ordinance No. 438 (Zoning) of the City of Kyle, TX, 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 N with the Planning and Zoning recommendations (Community Commercial). Mayor Pro Tem Hervol seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY DDR DB KYLE, LP (CHICKEN EXPRESS - 5493 KYLE CENTER DRIVE) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A

## CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 13

Kyle City Hall

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

Mayor Johnson opened the Public Hearing at 10:12 PM to hear comments on 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. With no one wishing to speak Mayor Johnson closed the Public Hearing at 10:12 PM.

Mayor Pro Tem Hervol moved to approve 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. Council Member Bryant seconds the motion. All aye. Motion carried. Council Member Selbera was off the dais for the vote.

## EXECUTIVE SESSION

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

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)

Mayor Johnson moved to Convene into Executive Session at 10:13 PM pursuant to Tex. Gov't. Code, § 551.071, Consultation with City Attorney regarding Enforcement Action between the City of Kyle and Aqua Operations, Inc and 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). Council Member Lemense seconds the motion. All aye. Motion carried.

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

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

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)

Mayor Johnson moved to Reconvene into Public Session at 10:51 PM. and take action as appropriate in the Council's discretion regarding Enforcement Action between the City of Kyle and Aqua Operations, Inc; and 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). Council Member LeMense seconds the motion. All aye. Motion carried. Council Member Bryant was off the dais for the vote.

Mayor Johnson stated that No Action was taken during Executive Session.

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*

Council Member LeMense moves to 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. Council Member Bryant seconds the motion. All votes aye. Motion carried.

Mayor Johnson moved to table the following items:

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,

## CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 15

Kyle City Hall

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*

28. 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*

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*

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*

Council Member LeMense seconds the motion. All aye. Motion carried.

*(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 REQUIREMENTS, 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*

Mayor Johnson moved to table this item. Council Member LeMense seconds the motion. All aye. Motion carried.

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*

Mayor Pro Tem Hervol moved to approve the Policy for messages on the LED Marquee. Council Member LeMense seconds the motion. All aye. Motion carried.



## CITY COUNCIL REGULAR MEETING

June 4, 2013 – Page 16

Kyle City Hall

CONSIDERATION AND POSSIBLE ACTION ON THE ECONOMIC DEVELOPMENT INCENTIVE REQUEST BY PROJECT FERN ~ *DIANA BLANK, DIRECTOR OF ECONOMIC DEVELOPMENT*

Mayor Johnson stated this item did not need action.

## CITY MANAGERS REPORT

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

- Discuss City Council Retreat scheduled for June 22, 2013
- Discuss Bond Calendar
- Discuss Street Construction Management

City Manager Lanny Lambert reminded Council of the Saturday workshop of the review of the Comp Plan at the library and the next one on June 29 at the Public Works building and both start at 10:00 AM. He stated that the retreat calendar had been updated as Council had requested for June 22nd and asked them to review it. He stated that a six year calendar had been put together for tentative dates for the bond sales and construction time for the road projects and would be amended over the six year period. Lastly that he was having a proposal put together for their approval regarding construction management.

## ADJOURN

With no further business to discuss Mayor Johnson moves to adjourn. Council Member LeMense seconds the motion. All votes aye. Motion carried.

The City Council meeting adjourned at 11:06 P.M.

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Lucy Johnson, Mayor

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Amelia Sanchez, City Secretary



# CITY OF KYLE, TEXAS

City Council Special Called Meeting -  
June 11, 2013

**Meeting Date: 6/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** City Council Special Called Meeting - June 11, 2013 ~ *Amelia Sanchez, City Secretary*

**Other Information:** This item is for formal approval of the minutes from the June 11th Special Called Meeting of the City Council, a copy of which is included with the meeting packet.

**Budget Information:** N/A

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Attachments / click to download

[City Council Special Called Meeting Minutes - June 11, 2013](#)

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## SPECIAL CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on June 11, 2013 at 7:00 pm at Kyle City Hall, with the following persons present:

Mayor Lucy Johnson	Joe Bacon
Mayor Pro Tem Diane Hervol	
Council Member Samantha LeMense	
Council Member Becky Selbera	
Council Member David Wilson	
Lanny Lambert, City Manager	
Perwez Moheet, Finance Director	
Steven Wadacki, City Engineer	
Diana Blank, Director of Economic Development	
Mark Shellard, IT Director	
Jeff Barnett, Police Chief	
Cody Faulk, City Attorney	

### CALL MEETING TO ORDER

Mayor Johnson called the meeting to order at 7:00 P.M.

### ROLL CALL

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

### CITIZEN COMMENT PERIOD WITH CITY COUNCIL

Mayor Johnson opened the citizens comment period at 7:02 P.M. and called for comments on items not on the agenda or posted for public hearing. Joe Bacon spoke and stated the Mobility Committee had looked over the RFQ presented by the City Engineer and were comfortable with it and appreciated all his hard work. With no one else wishing to speak Mayor Johnson closed Citizen's Comments at 7:03 P. M.

### CONSIDER AND POSSIBLE ACTION

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 ~ *STEVEN WIDACKI, P.E., CITY ENGINEER*

## CITY COUNCIL REGULAR MEETING

June 11, 2013 – Page 2

Kyle City

Council Member moved to Approve and Authorize Solicitation of Request for Qualifications (RFQ) for Professional Services for Engineering and Related Services for the five (5) Roadway Projects with the inclusion of DBE and HUB requirements. Council Member LeMense seconds the motion. All aye. Motion carried.

Mayor Johnson moves to Executive Session.

## EXECUTIVE SESSION

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

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)

Mayor Johnson moves to Convene into Executive Session at 7:11 P.M. pursuant to Tex. Gov't. Code, § 551.071, Consultation with City Attorney regarding Enforcement Action between the City of Kyle and Aqua Operations, Inc; and 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). Council Member LeMense seconds the motion. All aye. Motion carried.

RECONVENE INTO PUBLIC SESSION AND TAKE ACTION AS APPROPRIATE IN THE COUNCIL'S DISCRETION REGARDING ENFORCEMENT ACTION BETWEEN THE CITY OF KYLE AND AQUA OPERATIONS, INC.

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)

Mayor Johnson moved to Reconvene into Public Session at 8:07 P.M. and take action as appropriate in the Council's discretion regarding Enforcement Action between the City of Kyle and Aqua Operations, Inc.; and Reconvene into Open Session to take any and all

## CITY COUNCIL REGULAR MEETING

June 11, 2013 – Page 3

Kyle City

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). Council Member LeMense seconds the motion. All aye. Motion carried.

Mayor Johnson stated that No Action was taken during Executive Session on both items.

*(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*

Council Member Wilson moved to Approve 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 Requirements. Council Member Selbera seconds the motion. Council Member LeMense asks to amend to put on the list for exclusions non-profits and wedding venues. Council Member Wilson declines the amendment. Mayor Johnson requested an amendment to include moving the minimum attendance to those of state law of 2500 people or 500 people if there are 51% juveniles attending the event or where there is alcohol being served and that Section C be altered so that venues hosting a series of similar events could specifically apply for one permit across the entire event series. Council Member Wilson and Selbera both agree to the amendment. All votes aye. Motion carried.

CONSIDERATION AND POSSIBLE ACTION ON THE ECONOMIC DEVELOPMENT INCENTIVE REQUEST BY PROJECT FERN ~ *DIANA BLANK, DIRECTOR OF ECONOMIC DEVELOPMENT*

Mayor Johnson stated that this item required no action.

ADJOURN

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

The City Council meeting adjourned at 8:49 P.M.

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Lucy Johnson, Mayor

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Amelia Sanchez, City Secretary



# CITY OF KYLE, TEXAS

## Appointment to Public Works & Service Committee

**Meeting Date: 6/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Consideration of Nomination(s) for Appointment to the Public Works & Service Committee ~ *Lucy Johnson, Mayor*

- *James Massaro, Place 7*
- *Cynthia Bentley, Alternate*

**Other Information:**

**Budget Information:**

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- [James Massaro Committee Application](#)
  - [Cynthia Bentley Committee Application](#)
-



Grace Nino &lt;gracenino@cityofkyle.com&gt;

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## City of Kyle Texas Website submission: Committee Volunteer Application

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City of Kyle Texas &lt;webmaster@cityofkyle.com&gt;

Wed, Jun 5, 2013 at 11:29 AM

To: gracenino@cityofkyle.com

Submitted on Wednesday, June 5, 2013 - 11:29

Submitted by anonymous user: [71.42.151.123]

Submitted values are:

Name: James C. Massaro, P.E.

Address: 1050 Brutus Drive, Kyle, Texas 78640

E-Mail: [massaro.engineering@yahoo.com](mailto:massaro.engineering@yahoo.com)

Best Phone Number to Reach You: (512) 508-3084

Sub Division: Steeplechase III

Committees you are interested in: Mobility Committee

Professional, Education and Work Background:

-BS Civil Engineering, Rensselaer Polytechnic Institute

-Texas Professional Engineer # 92530

-13 years private consultant, Civil Engineering in Central Texas

-3 years Project Management City of San Marcos Transportation CIP

-San Marcos CAMPO TAC representative

Previous or Current Community/Committee Involvements: none

Special Knowledge or Experience:

-Extensive knowledge of project management of CIP projects including TXDOT funding issues and fulfilling AFA terms.

-I have managed \$60M in transportation projects for the City of San Marcos, most with AFA funding, both State and Locally Bid. I negotiated ROW acquisition, utility relocation including franchisees through local agreements, AFA compliant RFPs for consultants, managed construction under AFA and TXDOT requirements and closed out contracts.

-I have participated in CAMPO funding selection and was selected for \$12M in projects in the recent 2012 CAMPO call for project for the City of San Marcos.

-I have coordinated a Railroad Quiet Zone with the UP and FRA.

How long have you been a Kyle resident? 11 years

Today's Date: 2013-06-05

Other Comments: I want to bring my municipal experience to bear for the City to save the taxpayers money while finding ways to maximize the funding already in place. Good forward planning with this funding in mind can accomplish 90% funding for many projects, if presented and planned properly. I have a great interest in the City's and the citizens' concerns and how to deal with regional entities to maximize local benefit addressing those concerns.

Item # 3



Grace Nino &lt;gracenino@cityofkyle.com&gt;

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## City of Kyle Texas Website submission: Committee Volunteer Application

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City of Kyle Texas &lt;webmaster@cityofkyle.com&gt;

Sun, May 26, 2013 at 9:50 PM

To: gracenino@cityofkyle.com

Submitted on Sunday, May 26, 2013 - 21:50  
Submitted by anonymous user: [70.112.180.60]  
Submitted values are:

Name: Cynthia Bentley

Address: 350 Paddington Drive, Kyle TX 78640

E-Mail: [cyntkiwanis@aol.com](mailto:cyntkiwanis@aol.com)Best Phone Number to Reach You: [504-330-8999](tel:504-330-8999)

Sub Division: Kennington Trails

Committees you are interested in: Public Works and Service Committee

Professional, Education and Work Background:

Retired, 3 years Southern University at New Orleans, Business Admin. (No degree). Graduated from Meadows Draughon Business College, Administrative Assistant.

Over 40 years of experience with Louisiana Workforce Commission. Sub Regional Manager, Greater New Orleans Area (Orleans, Jefferson, St. Tammany, St. Bernard, and the River Region).

Managed and supervised the day to day operations of full service Workforce Center including unemployment insurance. Oversaw a payroll in excess of 1 million dollars. Maintained effective employer relations and increased employer relations utilizing various workforce services. I was the Liaison with city, state, federal government, social service agencies and organizations to endure prompt and efficient delivery of services.

Designed, developed and implemented educational guide materials and programs for businesses to ensure labor compliance. Planned, coordinated, scheduled, and conducted weekly, monthly, quarterly seminars and workshops for the employer and school community.

Participated in business/labor partnerships such as the Chamber of Commerce, Orleans Parish School-to-Work, Louisiana Manager's Association, International Association of Personnel in Employment Security, Job Service Employer Committee.

Previous or Current Community/Committee Involvements: Past Kiwanis Lt. Gov. Louisiana, Mississippi, West Tenn., Division 4A, Past President, Vice President, Secretary, and Executive Board Member Kiwanis Club of Pontchartrain(New Orleans). Chartered three new Kiwanis Clubs recruited over 100 new members. Kiwanian of the year 4 times for community services rendered in New Orleans over 10,000 service hours. Member Ladies Knight of Columbus, Chapter 125 (New Orleans). Coordinated Toys for Tots Toy Distribution New Orleans and the River Region, distributed over 5000 toys. Recognized by Epsilon Sigma Chapter for Exemplary Community Service, and the Department of Veterans Affairs, Certificate of Pride in Public Service for commitment and dedication to veterans,

Special Knowledge or Experience: Extensive experience working in the community with employers, city, state and federal government, social service agencies, and the general public in New Orleans.

How long have you been a Kyle resident? Purchased a house in 2006, lived her off and on since that time until my retirement in 2012.

Today's Date: 2013-05-26

Other Comments: Would like to make a difference in the lives in our Hays County community.

Item # 3





# CITY OF KYLE, TEXAS

## Board of Adjustments/Sign Control Board Appointment

**Meeting Date: 6/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Consideration of Nomination(s) for Appointment to the Board of Adjustments/Sign Control Board ~ *Lucy Johnson, Mayor*

- *Matt Janysek*

**Other Information:**

**Budget Information:**

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

Attachments / click to download

[Matt Janysek Committee Application](#)

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Grace Nino &lt;gracenino@cityofkyle.com&gt;

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## City of Kyle Texas Website submission: Committee Volunteer Application

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City of Kyle Texas &lt;webmaster@cityofkyle.com&gt;

Tue, Jun 11, 2013 at 6:59 AM

To: gracenino@cityofkyle.com

Submitted on Tuesday, June 11, 2013 - 06:59  
Submitted by anonymous user: [70.112.179.176]  
Submitted values are:

Name: Matt Janysek

Address: 350 McGarity

E-Mail: [mattjanysek@hotmail.com](mailto:mattjanysek@hotmail.com)Best Phone Number to Reach You: [512.828.9145](tel:512.828.9145)

Sub Division: Plum Creek

Committees you are interested in: Planning and Zoning, Board of Adjustments, Sign Committee, Parks and Recreation

Professional, Education and Work Background:

\* Certified Public Manager

\* Certified Property Manager

\* Bachelor's Degree - Southwest Texas

\* Master's Degree - Texas State - Land Use Planning &amp; Development

\* 20 + years working in Real Estate and Development

Previous or Current Community/Committee Involvements: Chair Board of Adjustments, PTA President, ZBOA in San Marcos, Hills of Hays Neighborhood President

Special Knowledge or Experience: New Urbanism, Smart Growth Initiatives, Retail Planning &amp; Development

How long have you been a Kyle resident? 10 years

Today's Date: 2013-06-11

Other Comments: Looking forward to working with the Board of Adjustments and to give back to this community.

Item # 4



# CITY OF KYLE, TEXAS

## Award of Purchase Order for Installation of KPD's Wi-Fi Mesh

**Meeting Date: 6/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Award execution of a Purchase Order to SOUTHERN COMPUTER WAREHOUSE of Marietta, Georgia, in an amount not to exceed \$15,217.62 for the purchase of all necessary equipment and installation of a Wi-Fi Mesh for the Kyle Police Department. ~ *Jeff Barnett, Chief of Police*

**Other Information:**

**Budget Information:** A Fiscal Note is attached.

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

Attachments / click to download

[Price Quotation](#)

[Fiscal Note](#)

---



**Southern Computer Warehouse**  
 1395 S Marietta Parkway  
 Bldg 300 Suite 106  
 Marietta, Georgia 30067  
 United States  
<http://www.scw.com>

**Quotation**

<b>Date</b>	Jun 3, 2013 4:49 PM EDT
<b>Doc #</b>	788467 - rev 1 of 1
<b>Description</b>	CISCO SOLUTION - working
<b>SalesRep</b>	Kim, Jon (P) 770-579-8927 (F) 770-579-8937
<b>Customer Contact</b>	Olvera, Robert (P) 512-262-3912 rolvera@cityofkyle.com

**Customer**  
 City of Kyle TX (CO7723)  
 100 West Center Street  
 Kyle, Texas 78640  
 (P) 512-262-1010

**Bill To**  
 City of Kyle TX  
 Payable, Accounts  
 100 W Center St  
 Kyle, Texas 78640  
 (P) 512-262-1010

**Ship To**  
 City of Kyle TX  
 REF, PO  
 100 W Center St  
 Kyle, Texas 78640

Item # 5

<b>Customer PO:</b> None	<b>Terms:</b> Unknown	<b>Ship Via:</b> GROUND
<b>Special Instructions:</b> None	<b>Carrier Account #:</b> None	

Item Description	Part #	Qty	Tax	Unit Price	Total
<b>*** DUE TO PROMOTIONS, THIS QUOTE EXPIRES 07/27/13 ***</b>					
1 Cisco Aironet 1552E Access Point Wireless access point - 802.11 a/b/g/n <b>Note: ** CURRENT PROMO IS VALID UNTIL 07/27 OR WHILE SUPPLIES LAST **</b>	AIR-CAP1552E-A-K9 (AIRCAP1552EAK9)	3	No	\$2,646.50	\$7,939.50
2 Cisco Aironet Dual Band Omni Antenna Antenna - outdoor - 7 dBi (for 5 GHz), 4 dBi (for 2.4 GHz) - omni-directional <b>Note: ** CURRENT PROMO IS VALID UNTIL 07/27 OR WHILE SUPPLIES LAST **</b>	AIR-ANT2547V-N= (AIRANT2547VN)	9	No	\$188.95	\$1,700.55
3 Cisco Power injector - for Aironet 1522AG Lightweight Outdoor Mesh Access Point	AIR-PWRINJ1500-2= (10115523)	3	No	\$153.99	\$461.97
4 Cisco Pole mount kit - for Aironet 1552C, 1552E, 1552H, 1552I	AIR-ACCPMK1550= (10115140)	3	No	\$209.64	\$628.92
5 Cisco Aironet 1142 Controller-based AP Wireless access point - 802.11 a/b/g/n <b>Note: ** CURRENT PROMO IS VALID UNTIL 07/27 OR WHILE SUPPLIES LAST **</b>	AIR-LAP1142N-A-K9 (AIRLAP1142NAK9)	1	No	\$589.80	\$589.80
6 Cisco 2504 Wireless Controller Network management device - 4 ports - 5 access points - 10Mb LAN, 100Mb LAN, Gigabit LAN - 1U <b>Note: ** CURRENT PROMO IS VALID UNTIL 07/27 OR WHILE SUPPLIES LAST **</b>	AIR-CT2504-5-K9 (AIRCT25045K9)	1	No	\$725.70	\$725.70
7 Cisco 2504 Wireless Controller Rack Mount Bracket Rack mounting kit - for Cisco 2504 Wireless Controller <b>Note: ** CURRENT PROMO IS VALID UNTIL 07/27 OR WHILE SUPPLIES LAST **</b>	AIR-CT2504-RMNT= (AIRCT2504RMNT)	1	No	\$61.00	\$61.00
8 Cisco SMARTnet Extended service agreement - replacement - 8x5 - NBD Product Number Service Product Number Begin Date End Date AIR-CAP1552E-A-K9 CON-SNT-C1552EA 17-Jan-13 16-Jan-14 AIR-CAP1552E-A-K9 CON-SNT-C1552EA 17-Jan-13 16-Jan-14 AIR-CAP1552E-A-K9 CON-SNT-C1552EA 17-Jan-13 16-Jan-14 AIR-LAP1142N-A-K9 CON-SNT-1142NAK 17-Jan-13 16-Jan-14 AIR-CT2504-5-K9 CON-SNT-CT255 17-Jan-13 16-Jan-14	CON-SNT-SMS-1 (612827)	1264	No	\$0.89	\$1,124.96
<b>AIRONET 1600</b>					
9 Cisco Aironet 1602e Controller-based Access Point Wireless access point - 802.11 a/b/g/n <b>Note: ** CURRENT PROMO IS VALID UNTIL 01/26 OR WHILE SUPPLIES LAST **</b>	AIR-CAP1602E-A-K9 (AIRCAP1602EAK9)	3	No	\$472.40	\$1,417.20
10 Cisco Aironet Dual-Band Dipole Antenna Antenna - indoor - 2 dBi, 4 dBi - white - for Aironet 3602E	AIR-ANT2524DW-R= (10115186)	9	No	\$23.79	\$214.11
11 Cisco Power injector - AC 100-240 V - for Aironet 1041, 1042, 1141, 1142, 1250, 1252, 1260, 3500, 3501, 3502, 3602	AIR-PWRINJ4= (10115531)	3	No	\$89.49	\$268.47
12 Cisco SMARTnet Extended service agreement - replacement - 8x5 - NBD	CON-SNT-SMS-1 (10129642)	96	No	\$0.89	\$85.44

Product Number Service Product Number Begin Date End Date  
AIR-CAP1602E-A-K9 CON-SNT-C1602EA 18-Jan-13 17-Jan-14  
AIR-CAP1602E-A-K9 CON-SNT-C1602EA 18-Jan-13 17-Jan-14  
AIR-CAP1602E-A-K9 CON-SNT-C1602EA 18-Jan-13 17-Jan-14

---

BEST PRICE OFF CONTRACT  
DUE TO PROMOTIONS, THIS QUOTE EXPIRES 07/27/13

Subtotal: \$15,217.62  
Tax (0.000%): \$0.00  
Shipping: \$0.00  
**Total: \$15,217.62**

---

Quote valid for 30 days unless formal bid provides different term. Promotional pricing is valid only during term of promotion and while supplies last.

All returns must be authorized and clearly marked with a valid RMA number.

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These prices may not include applicable taxes, insurance, shipping, delivery, setup fees, or any cables or cabling services or material unless specifically listed above.

Please note that expedited shipping charges are estimated, and could decrease or increase when invoiced.

All prices are subject to change without notice. Supply subject to availability.

Item # 5



# KYLE POLICE DEPARTMENT

## Memorandum

To: Jeff Barnett; Chief of Police

Date: June 3, 2013

Ref: Technology Purchase Request/PD Wifi and Coban Multi-DVD Burner

Chief Barnett:

The following is a request for technological equipment for the police department needed to adequately perform daily functions. Attached are quotations produced by IT Specialist Robert Olvera that are good for thirty days from the date of issuance.

1) **Police Facility Commercial Wifi Mesh by Cisco...\$15,217.62**

The need for a robust and encrypted wireless network that will create a secure perimeter of access points for police staff. This will enable patrol officers to upload video from the in-car camera systems directly to the audio/video server database when within a designated proximity of the police facility, create an internal facility personnel access and guest access point as well. The capability of the Cisco hardware will also provide secure isolation between each access point to allow for ideal protection.

2) **Automated A/V Multi-DVD Burner by Coban Technologies...\$13,520.00**

This automated DVD burner will electronically link up to each patrol vehicle in-car camera and burn DVDs according to specified parameters. As well, any police staff member may utilize this device from anywhere within the facility as it network based. This device is not proprietary to Coban equipment and therefore may be used for various applications not associated with Coban equipment.

**Total: \$28,737.62**

Sgt. Tracy Vrana  
Special Service Bureau

Item # 5

*Jeff Barnett*

Jeff Barnett

Chief of Police

Kyle Police Department

Office: (512)-268-0859

Fax: (512)-268-2330

<http://www.cityofkyle.com/police>

---

**4 attachments**

 **Kyle Police Department-2 shelving.pdf**  
57K

 **PD Furniture Request 2013.doc**  
80K

 **PD Wifi and Coban Multi DVD Burner Request 2013.doc**  
79K

 **Quotation788467 Wireless Infrastructure.pdf**  
47K

Item # 5

City of Kyle, Texas  
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 18, 2013  
CONTACT CITY DEPARTMENT: Police Department  
CONTACT CITY STAFF: Jeff Barnett, Chief of Police

SUBJECT:

Award execution of a Purchase Order to SOUTHERN COMPUTER WAREHOUSE of Marietta, Georgia, in an amount not to exceed \$15,217.62 for the purchase of all necessary equipment and installation of a WiFi Mesh for the Kyle Police Department.

Item # 5

CURRENT YEAR FISCAL IMPACT:

This Purchase Order to SOUTHERN COMPUTER WAREHOUSE will require expenditure of funds from the 2008 Certificates of Obligation Bond Fund as follows:

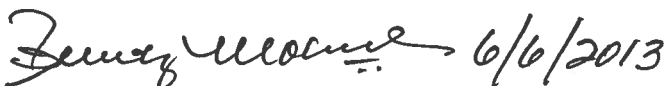
- |                               |  |
|-------------------------------|--|
| 1. City Department:           | Police Department                            |
| 2. Project Name:              | Purchase & Installation of WiFi Mesh for KPD |
| 3. Budget/Accounting Code(s): | 184-651-57222                                |
| 4. Funding Source:            | 2008 CO Bond Fund                            |
| 5. Current Appropriation:     | \$ 437,385.62                                |
| 6. Unencumbered Balance:      | \$ 245,106.71                                |
| 7. Amount of This Action:     | <u>\$( 15,217.62)</u>                        |
| 8. Remaining Balance:         | <u>\$ 229,889.09</u>                         |

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order for the purchase of all necessary equipment and installation of a WiFi Mesh for the Kyle Police Department will be provided from the 2008 Certificates of Obligation Bond Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 6/6/2013

Perwez A. Moheet, CPA - Date  
Director of Finance





# CITY OF KYLE, TEXAS

Meeting Date: 6/18/2013  
Date time: 7:00 PM

## Maria Castillo Rezone

**Subject/Recommendation:**

*(Second 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.*

**Other Information:**

Please see attachments

**Budget Information:**

N/A

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

**Attachments / click to download**

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

May 28, 2013	<b>City Council</b>
Zoning	905 Old Highway 81
<b>Case Number: Z-13-002</b>	

**Planning and Zoning Recommendation:** On May 28<sup>th</sup> 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***

May 28, 2013

**City Council**

Zoning

905 Old Highway 81

**Case Number: Z-13-002**

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.

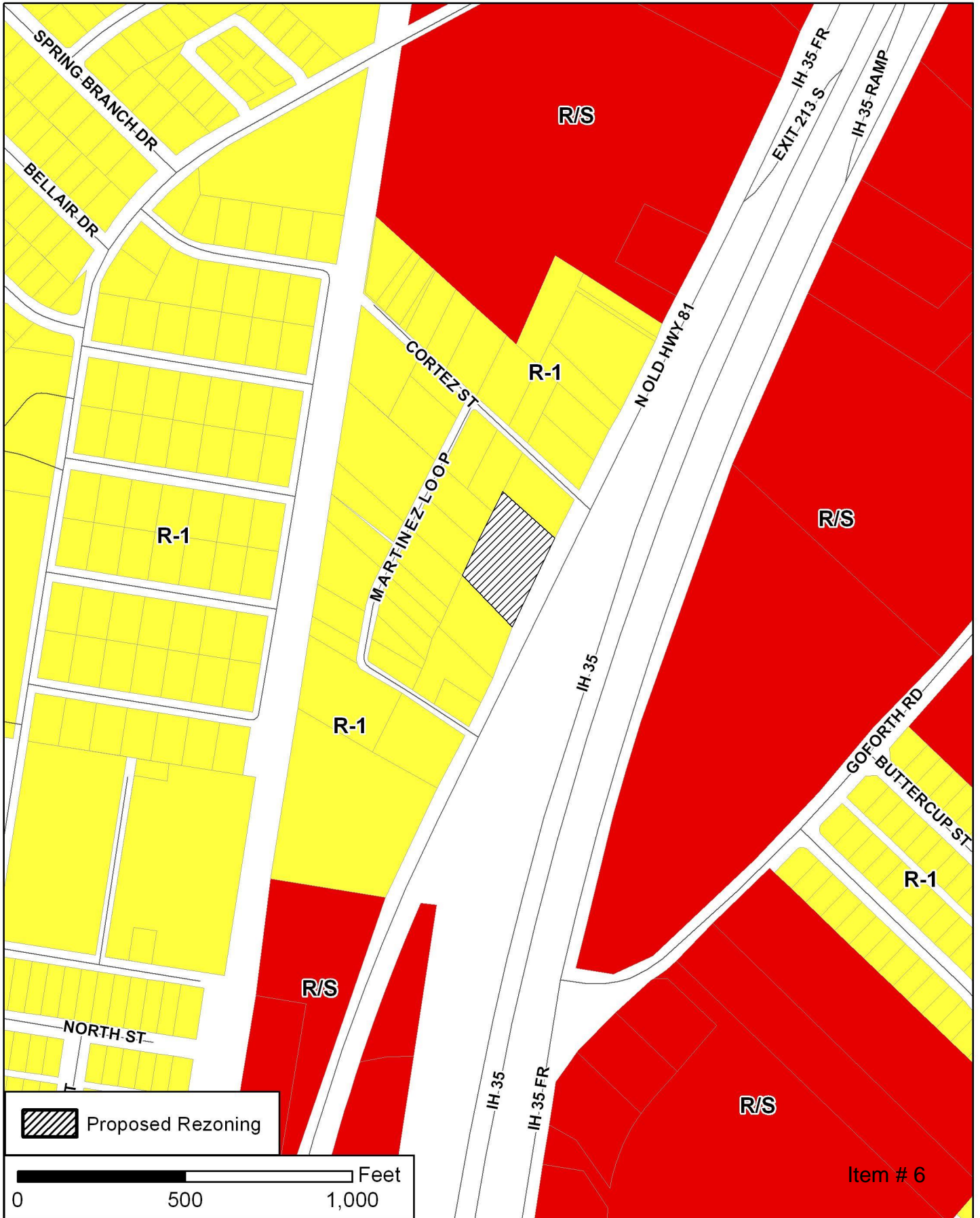
The property hereby described is the same property conveyed to Joe Castillo and Maria Castillo by deed dated July 26, 1956, recorded in Volume 168, Pages 472-473 of the Deed Records of Hays County, Texas.

EXHIBIT "A"

Item # 6



# Exhibit B





# CITY OF KYLE, TEXAS

**Meeting Date: 6/18/2013**  
**Date time: 7:00 PM**

## Election of Mayor Pro Tem

**Subject/Recommendation:** Consideration and Possible Action as may be appropriate in regards to the Selection of Mayor Pro Tem per City of Kyle Charter requirements  
~ *Lucy Johnson, Mayor*

**Other Information:** This item is for election of the Mayor Pro Tem for a one-year term in accordance with Article IV, Section 4.02 of the Kyle City Charter. The Mayor Pro Tem shall be elected for a one (1) year term and shall be "the council member who receives a majority of votes cast but not less than four votes" in an election conducted by the City Council.

**Budget Information:** N/A

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

Attachments / click to download

 [Election of Mayor Pro Tem](#)

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**ARTICLE IV.**  
**THE AUTHORITY AND LIMITATIONS OF THE CITY COUNCIL**

**Section 4.01. Mayor.** The mayor shall serve as the ceremonial head of the city, preside at all meetings of the council and provide the leadership necessary to good government. He or she shall work with the council to obtain legislation in the public interest and with the city manager to ensure that the same is enforced, and participate in the discussion and vote on all legislative and other matters coming before the council. The mayor shall have signatory authority for all legal contracts and commitments of the city; sign all ordinances and resolutions; recommend appointees for the boards and commissions; work and coordinate with the city manager and the council; and, to the extent provided by state law in time of declared emergency, may take command of the police and govern the city by proclamation, maintain order and enforce all laws.

**Section 4.02. Mayor Pro Tem.** At its first regular meeting after all the members of the council elected at a general election have taken office, or after a vacancy in the office of Mayor Pro Tem, the council shall elect one of its members to be mayor pro-tem for a one (1) year term, or to fill the unexpired term resulting from the vacancy. The mayor pro tem shall be the councilmember who receives a majority of the votes cast but not less than four votes.

In the absence of the mayor, the mayor pro tem shall perform the duties of the mayor and in such capacity shall be vested with all powers conferred on such office. In the event of the failure, inability, or refusal of the mayor to act in respect to any matter or duty, the mayor pro tem shall act. In the event the office of mayor becomes vacant, the mayor pro-tem shall serve as mayor until an election is held to elect a mayor to serve the unexpired term.

**Section 4.03. The City Council.** The city council shall be the legislative and governing body of the city and shall have control of all the city finances, property, functions, services, affairs and programs subject only to the terms and provisions of his charter. The council shall have the power to ordain, alter, amend or repeal and enforce ordinances, resolutions, rules, orders, and regulations, for any public purpose, that are not in conflict with this charter, or federal or state law. The council shall have the power and authority to provide for any public purpose, including but not limited to recreation, the regulation and control of public property, municipal finances, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, the beautification and quality of life within the city, and any other governmental or proprietary service or program. The city, by and through its city council, shall have full and complete power of local self government to the fullest extent not in conflict with this charter and state law, including all such authorities and privileges that are now or hereafter provided to cities by state law and such power and authority both express and implied as necessary to accomplish and enforce any such duty, program or public purpose.



# CITY OF KYLE, TEXAS

## Advanced Funding Agreement with TxDOT-Bridge Aesthetics

Meeting Date: 6/18/2013  
Date time: 7:00 PM

### Subject/Recommendation:

Authorize Execution of Advance Funding Agreement (AFA) for Voluntary Local Government Contributions to Transportation Improvement Projects with no required match with TEXAS DEPARTMENT OF TRANSPORTATION for inclusion of Bridge Aesthetics on the turnaround bridges on RM 150 and FM 1626 as part of the project construction of CSJ: 0016-02-133; PROJECT: IH-35 at Cement Plant Road and RM 150 and FM 1626. Total project funds under the AFA are \$34,293.00 to cover state costs for construction, review, inspection and oversight of work performed. Local (City of Kyle) participation in the overall project cost is estimated to be \$34,293.00 ~ *Steven Widacki, P.E., City Engineer*

### Other Information:

The State (TxDOT) is constructing turnaround bridge improvements along IH-35 at Cement Plant Road, FM 1626 and RM 150 in a single construction contract. To upgrade the bridge aesthetics at FM 1626 and RM 150 to the same level as those that exist along IH-35 throughout the City additional work is required.

The attendant AFA is the funding mechanism to perform the construction associated with these improvements. This funding covers the cost of the construction of bridge aesthetics, and direct and indirect State costs including review, inspection and oversight. The attendant costs totaling \$34,293 listed in *Attachment 'A' – Payment Provisions and Work Responsibilities* portion of the AFA consist of the following: a) construction at \$29,795; b) direct State costs at \$2,979, and; c) indirect State costs at \$1,519.

The City may have previously authorized funds regarding these improvements. The difference is associated with the “Direct State Costs” and “Indirect State Costs” listed in *Attachment 'A'* of the AFA. Evidently these amounts were not included in previous information provided to the City by the State.

Cover Memo

There is NO reimbursement associated with these costs.

Item # 8



Standard practice is to get the AFA in place prior to performance of any work under this contract.

City Staff recommends approval and execution of the referenced AFA for the project.

The following documents are attached to provide detailed information:

1. Cover Letter for AFA from TxDOT dated May 22, 2013
2. Advance Funding Agreement (CSJ #: 0016-02-133)

**Budget Information:** A Fiscal Note is attached.

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

**Attachments / click to download**

- [Fiscal Note](#)
  - [TxDOT Cover Ltr AFA 2013 05 22](#)
  - [AFA CSJ# 0016-02-133](#)
-



P.O. DRAWER 15426 • AUSTIN, TEXAS 78761-5426 • (512) 832-7000

May 22, 2013

Hays County  
 CSJ: 0016-02-133  
 IH 35 at Cement Plant Road

Mr. Lanny Lambert  
 City Manager  
 City of Kyle  
 100 W. Center Street  
 Kyle, Texas 78640

Dear Mr. Lambert:

Enclosed for partial execution are two revised copies of an Advance Funding Agreement (AFA) for the above project. The revised AFA replaces the one sent to you on April 12, 2013. The Project consists of widening existing bridge and adding a turnaround bridge at IH 35 at Cement Plant Road and construct turnaround bridges at RM 150 & FM 1626. This agreement is for the City of Kyle participation to include bridge aesthetics on the turnaround bridges on FM 150 and FM 1626 as part of the project construction. **The Local Government estimated cost of this additional work is \$34,293.**

Please sign and date both Agreements and return to this office for further execution. One executed copy of the Agreement will be returned for your records.

If you have any questions, please contact me at (512) 832-7216.

Sincerely,

Marisabel Z. Ramthun, P.E.  
 Transportation Engineer  
 Austin District

#### Attachments

cc: Ben Engelhardt, P.E.  
 Christine Connor, P.E.

#### THE TEXAS PLAN

REDUCE CONGESTION • ENHANCE SAFETY • EXPAND ECONOMIC OPPORTUNITY • IMPROVE AIR QUALITY  
 PRESERVE THE VALUE OF TRANSPORTATION ASSETS

Item # 8

CSJ # 0016-02-133  
 District # 14 - Austin  
 Code Chart 64 #22850  
 Project: IH 35 at Cement Plant Road  
 & RM 150 & FM 1626

**STATE OF TEXAS           §**

**COUNTY OF TRAVIS       §**

**ADVANCE FUNDING AGREEMENT FOR VOLUNTARY  
 LOCAL GOVERNMENT CONTRIBUTIONS  
 TO TRANSPORTATION IMPROVEMENT  
 PROJECTS WITH NO REQUIRED MATCH**

**THIS AGREEMENT** is made by and between the State of Texas, acting by and through the Texas Department of Transportation, called the "State", and the City of Kyle, acting by and through its duly authorized officials, called the "Local Government."

**WITNESSETH**

**WHEREAS**, Transportation Code, Chapters 201, 221, and 361, authorize the State to lay out, construct, maintain, and operate a system of streets, roads, and highways that comprise the State Highway System; and,

**WHEREAS**, Government Code, Chapter 791, and Transportation Code, §201.209 and Chapter 221, authorize the State to contract with municipalities and political subdivisions; and,

**WHEREAS**, Commission Minute Order Number 113526 authorizes the State to undertake and complete a highway improvement generally described as Widen existing bridge and add turnaround bridge at Cement Plant Road and Construct turnaround bridges at RM 150 and FM 1626; and,

**WHEREAS**, the Local Government has requested that the State allow the Local Government to participate in said improvement by funding that portion of the improvement described as bridge aesthetics, called the "Project"; and,

**WHEREAS**, the State has determined that such participation is in the best interest of the citizens of the State;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, the State and the Local Government do agree as follows:

**AGREEMENT**

**1. Time Period Covered**

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed, and the State and the Local Government will consider it to be in full force and effect until the Project described in this agreement has been completed and accepted by all parties or unless terminated, as provided for by this agreement.

**2. Project Funding and Work Responsibilities**

**A.** The State will authorize the performance of only those Project items of work which the Local Government has requested and has agreed to pay for as described in Attachment A, Payment Provision and Work Responsibilities which is attached to and made a part of this

CSJ # 0016-02-133  
District # 14 - Austin  
Code Chart 64 #22850  
Project: IH 35 at Cement Plant Road  
& RM 150 & FM 1626

contract. In addition to identifying those items of work paid for by payments to the State, Attachment A, Payment Provision and Work Responsibilities, also specifies those Project items of work that are the responsibility of the Local Government and will be carried out and completed by the Local Government, at no cost to the State.

- B. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction costs.
- C. In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification.
- D. Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied by the State to the Project. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.

### **3. Right of Access**

If the Local Government is the owner of any part of the Project site, the Local Government shall permit the State or its authorized representative access to the site to perform any activities required to execute the work.

### **4. Adjustments Outside the Project Site**

The Local Government will provide for all necessary right of way and utility adjustments needed for performance of the work on sites not owned or to be acquired by the State.

### **5. Responsibilities of the Parties**

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

### **6. Document and Information Exchange**

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the local government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.



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Project: IH 35 at Cement Plant Road  
& RM 150 & FM 1626

## **7. Interest**

The State will not pay interest on funds provided by the Local Government. Funds provided by the Local Government will be deposited into, and retained in, the State Treasury.

## **8. Inspection and Conduct of Work**

Unless otherwise specifically stated in Attachment A, Payment Provision and Work Responsibilities, to this contract, the State will supervise and inspect all work performed hereunder and provide such engineering inspection and testing services as may be required to ensure that the Project is accomplished in accordance with the approved plans and specifications. All correspondence and instructions to the contractor performing the work will be the sole responsibility of the State. Unless otherwise specifically stated in Attachment A to this contract, all work will be performed in accordance with the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges adopted by the State and incorporated in this agreement by reference, or special specifications approved by the State.

## **9. Increased Costs**

- A.** In the event it is determined that the funding provided by the Local Government will be insufficient to cover the State's cost for performance of the Local Government's requested work, the Local Government will pay to the State the additional funds necessary to cover the anticipated additional cost. The State shall send the Local Government a written notification stating the amount of additional funding needed and stating the reasons for the needed additional funds. The Local Government shall pay the funds to the State within thirty (30) days of the written notification, unless otherwise agreed to by all parties to this agreement. If the Local Government cannot pay the additional funds, this contract shall be mutually terminated in accordance with Article 11 – Termination. If this is a fixed price agreement as specified in Attachment A, Payment Provision and Work Responsibilities, this provision shall only apply in the event changed site conditions are discovered or as mutually agreed upon by the State and the Local Government.
- B.** If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by the Local Government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.

## **10. Maintenance**

Upon completion of the Project, the State will assume responsibility for the maintenance of the completed Project unless otherwise specified in Attachment A to this agreement.

## **11. Termination**

- A.** This agreement may be terminated in the following manner:
1. By mutual written agreement and consent of both parties;

CSJ # 0016-02-133  
 District # 14 - Austin  
 Code Chart 64 #22850  
 Project: IH 35 at Cement Plant Road  
 & RM 150 & FM 1626

2. By either party upon the failure of the other party to fulfill the obligations set forth in this agreement; or
  3. By the State if it determines that the performance of the Project is not in the best interest of the State.
- B.** If the agreement is terminated in accordance with the above provisions, the Local Government will be responsible for the payment of Project costs incurred by the State on behalf of the Local Government up to the time of termination.
- C.** Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due to the Local Government, the State, or the Federal Government will be promptly paid by the owing party.

## 12. Notices

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses:

<b>Local Government:</b>	<b>State:</b>
City Manager	Director of Contract Services Office
City of Kyle	Texas Department of Transportation
100 W. Center Street	125 E. 11 <sup>th</sup> Street
Kyle, Texas 78640	Austin, Texas 78701

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided in this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

## 13. Sole Agreement

In the event the terms of the agreement are in conflict with the provisions of any other existing agreements between the Local Government and the State, the latest agreement shall take precedence over the other agreements in matters related to the Project.

## 14. Successors and Assigns

The State and the Local Government each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this agreement.

## 15. Amendments

By mutual written consent of the parties, this agreement may be amended prior to its expiration.

CSJ # 0016-02-133  
District # 14 - Austin  
Code Chart 64 #22850  
Project: IH 35 at Cement Plant Road  
& RM 150 & FM 1626

**16. State Auditor**

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

**17. Insurance**

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately and the State may recover damages and all costs of completing the work.

**18. Signatory Warranty**

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

CSJ # 0016-02-133  
District # 14 - Austin  
Code Chart 64 #22850  
Project: IH 35 at Cement Plant Road  
& RM 150 & FM 1626

**THIS AGREEMENT IS EXECUTED** by the State and the Local Government in duplicate.

**THE LOCAL GOVERNMENT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**THE STATE OF TEXAS**

\_\_\_\_\_  
District Engineer

\_\_\_\_\_  
Date

CSJ #0016-02-133  
 District # 14 - AUS  
 Code Chart 64 #22850  
 Project: IH 35 at Cement Plant Road  
 & RM 150 & FM 1626

## ATTACHMENT A PAYMENT PROVISION AND WORK RESPONSIBILITIES

The Local Government will pay for the additional bridge aesthetics on the turnaround bridges on FM 150 and FM 1626. The Local Government's estimated cost of this additional work is **\$34,293**, including construction items, Indirect and Direct State Costs. The State has estimated the project to be as follows:

CSJ: 0016-02-133					
Description	Total Estimated Cost	State Participation		Local Participation	
		%	Cost	%	Cost
Construction of bridge aesthetics (By State)	\$29,795	0%	\$0	100%	\$29,795
Construction Items Subtotal:	\$29,795		\$0		\$29,795
Direct State Costs (including review, inspection and oversight) 10%	\$2,979	0%	\$0	100%	\$2,979
Indirect State Costs (5.1%)	\$1,519	0%	\$0	100%	\$1,519
<b>TOTAL</b>	<b>\$34,293</b>		<b>\$0</b>		<b>\$34,293</b>

### Construction Responsibilities

- A. The State shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. The State will use its approved contract letting and award procedures to let and award the construction contract.
- C. Prior to their execution, the Local Government will be given the opportunity to review contract change orders that will result in an increase in cost to the Local Government.
- D. Upon completion of the Project, the party constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion.
- E. For federally funded contracts, the parties to this agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

City of Kyle, Texas  
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 18, 2013  
CONTACT CITY DEPARTMENT: Engineering  
CONTACT CITY STAFF: Steven D. Widacki, P.E.  
City Engineer

SUBJECT:

Approve the City of Kyle's cost participation totaling \$34,293.00 for the aesthetic improvements on the north and south turnaround bridges at FM 150 and south turnaround bridge at FM 1626.

CURRENT YEAR FISCAL IMPACT

The City's cost of aesthetic improvements on the bridges will require expenditure of funds from the 2008 Certificate of Obligations Fund.

- |                                |  |
|--------------------------------|--|
| 1. City Department:            | Engineering  |
| 2. Project Name:               | <b>FM 150 Aesthetic Improvements on North &amp; South Turnaround Bridges</b> |
| 3. Budget/Accounting Code(s):  | 184-664-57227  |
| 4. Funding Source:             | 2008 Certificate of Obligations Fund   |
| 5. Total Appropriations:       | \$ 4,231,731.58  |
| 6. Unencumbered Balance:       | \$ 2,499,279.69  |
| 7. Amount of This Action:      | <u>\$( 22,976.31)</u>  |
| 8. Remaining Balance:          | <u>\$ 2,476,303.38</u>   |
| 9. Project Name:               | <b>FM 1626 Aesthetic Improvements on South Turnaround Bridge</b>             |
| 10. Budget/Accounting Code(s): | 184-659-57227  |
| 11. Funding Source:            | 2008 Certificate of Obligations Fund   |
| 12. Total Appropriations:      | \$ 9,079,117.88  |
| 13. Unencumbered Balance:      | \$ 11,316.69 (From Accumulated Interest)                                     |
| 14. Amount of This Action:     | <u>\$( 11,316.69)</u>  |
| 15. Remaining Balance:         | <u>\$ 0.00</u>   |


FUNDING SOURCE OF THIS ACTION:

The funding source for City's cost of aesthetic improvements on the bridges will require use of \$22,976.31 from the 2008 Certificate of Obligations Bond Fund and \$11,316.69 from accumulated interest earnings in the 2008 Certificate of Obligations Bond Fund. The City Council's approval of this item will also authorize staff to appropriate and apply funds in the same amount from the 2008 Certificate of Obligations Fund.

Item # 8

ADDITIONAL INFORMATION/COUNCIL ACTION:

On February 5, 2013, the City Council authorized \$28,250.00 as the City's cost participation amount for the aesthetic improvements on the north and south turnaround bridges at FM 150 (\$19,000.00) and south turnaround bridge at FM 1626 (\$9,250.00).

 6/6/2013

Pervez A. Moheet, CPA  
Director of Finance

- Date

Item # 8



# CITY OF KYLE, TEXAS

Meeting Date: 6/18/2013  
Date time: 7:00 PM

## Interlocal Agreement with GBRA

**Subject/Recommendation:** Authorize execution of an interlocal agreement between the Guadalupe Blanco River Authority (GBRA) and City of Kyle to fund City's share in the amount of \$25,557.00 for Phase II of U.S. Army Corps of Engineers (USACE) Flood Feasibility Study of the Guadalupe River below Canyon Dam including the Blanco and San Marcos Rivers. ~  
*Steven Widacki, P.E., City Engineer*

**Other Information:** The GBRA has applied to the Texas Water Development Board (TWDB) for a grant that will provide 25% funding of the subject flood feasibility study (Study). GBRA was awarded the grant by the TWDB at their meeting on April 18, 2013. This study will provide analysis to improve understanding of regional flood issues within the Guadalupe River basin including detailed analysis of Plum Creek and its tributaries throughout the City.

The City's cost for participation in the Study is a total of \$25,557.00. This amount is to be paid in two installments per *Section 2 - Fiscal Provisions* of the Interlocal. The first installment is in the amount of \$13,471.00 and is due to GBRA on or before October 1, 2013. The second and final installment is in the amount of \$12,086.00 and is due to GBRA on or before October 1, 2014.

Note that the overall cost of the Phase II portion of the Study is \$1,590,950.00. GBRA is anticipating a grant from the USACE for 50% of this total and the grant from the TWDB for 25% of this total. The remaining 25% is to be funded by the local participants consisting of thirteen (13) different entities including Hays County and the Plum Creek Conservation District.

As a condition of the *Section 1 - Management Committee, Administration of Study* of the Interlocal a management committee is to be formed for administration of the Study. Each local participant is instructed to designate a representative to serve on the "Project Management Committee" (Committee) to work with the GBRA. The

Cover Memo

Page 1 of 1



Committee will approve the study schedule, scope and work products as shown in Attachment 'A'. Period of service is anticipated from September 1, 2013 through December 31, 2014. GBRA shall serve as the lead sponsor for the purpose of this Interlocal Agreement.

City Staff recommends approval and execution of the referenced Interlocal Agreement for the project by the Mayor and the designation of the City Engineer to the Project Management Committee.

The following documents are attached to provide detailed information:

1. Interlocal Agreement (5 pp.)
2. Attachment 'A' – Scope of Services for Phase II (5 pp.)

**Budget Information:** A Fiscal Note is attached.

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

**Attachments / click to download**

- [GBRA Phase II INTERLOCAL AGREEMENT - Kyle](#)
  - [AttachmentA Scope of Work - Kyle](#)
  - [Fiscal Note](#)
-

**INTERLOCAL AGREEMENT BETWEEN  
THE GUADALUPE BLANCO RIVER AUTHORITY  
AND  
THE CITY OF KYLE**

THIS AGREEMENT is made and entered into pursuant to the Interlocal Cooperation Act, TEX GOV'T CODE ANN., Ch. 791, by and among the Guadalupe Blanco River Authority (GBRA), a body corporate and politic under the laws of the State of Texas, and The City of Kyle ("Local Participant"), a body corporate and politic under the laws of the State of Texas.

WITNESSETH:

**WHEREAS**, GBRA has applied to the Texas Water Development Board (TWDB) for a grant that will provide 25% funding for Phase II of a U.S. Army Corps of Engineers (USACE) Flood Feasibility Study of the Guadalupe River below Canyon Dam including the Blanco and San Marcos Rivers (the Project); and

**WHEREAS**, GBRA was awarded the grant by the Texas Water Development Board at their regularly scheduled meeting on April 18, 2013; and

**WHEREAS**, GBRA wishes to develop information to improve understanding of regional flooding issues within the Guadalupe River basin and it is beneficial for Local Participant to participate in the Project, and the parties are willing to commit to participating in the Project, as set out herein, provided the grant is finalized; and

**WHEREAS**, GBRA and Local Participant desire to proceed with the Project, subject to the terms and conditions set forth herein; and

**WHEREAS**, the parties understand that entering into this Agreement in no way obligates any of the parties to implement any improvements identified by the Project or recommendations for floodplain management regulations made therein and that whether a party subsequently supports improvements identified by the Project or regulation recommendation made therein and budgets it for implementation depends upon, among other things, the outcome and conclusions of the Project, whether any improvement identified or regulation recommendation is within the legal authority of the party, and the particular budget priorities and limitations of the parties.

**NOW, THEREFORE**, for and in consideration of the mutual covenants, agreements, and benefits to the parties herein named, the parties agree as follows:

**Section 1. MANAGEMENT COMMITTEE; ADMINISTRATION OF STUDY.**

- A. Local Participant understands that it shall designate, within sixty (60) days after the execution of this Agreement, one representative who shall work with GBRA to provide oversight for the preparation of the Project parameters, to serve on the "Project Management Committee" (Committee). The Committee will approve the study schedule, scope and work products as shown in Attachment A, beginning approximately September 1, 2013 and completing all tasks by December 31, 2014, with final report due to the TWDB by December 31, 2014. The study schedule, scope, and work products recommended by the Committee must be unanimous and shall be implemented by GBRA through its contract with the USACE, to the extent that funding for the Project is available.
- B. GBRA shall serve as the lead sponsor for the purpose of this Agreement in which capacity it shall perform all administrative duties associated with Project including, but not limited to, entering into contract(s) with consultants(s) and contract administration necessary for the Project. GBRA shall thereafter provide a copy of the Notice to Proceed to Local Participant.

**Section 2. FISCAL PROVISIONS.** The total cost of Phase II of the Project is \$1,590,950. GBRA anticipates 50% federal funding of \$795,475 from the USACE and a grant from the Texas Water Development Board of \$397,737.50 that will pay 25% of the cost of the Project. Federal funding has been budgeted through FY 2014 and the Phase II grant was awarded by the Texas Water Development Board at their regularly scheduled meeting on April 18, 2013. Any data, studies or information existing prior to that time shall be considered existing information and cannot be counted as payment or in-kind services. Local Participant has no responsibilities or financial obligations for Phase I of the Project. GBRA expended \$22,985 to prepare the TWDB grant application for Phase II of the Project and will fund \$5,000 of that expense. Local Participant will pay \$1,383.50 in addition to the 25% local cost share to cover its share of the grant application preparation expense. The local share of costs will be allocated among the participating communities, as shown here:

COMMUNITY	Phase 2 Total	25% Local Cost	Grant App	Community Total
Caldwell County	\$51,068	\$12,767	\$1,383.50	\$14,151
City of Gonzales	\$76,415	\$19,104	\$1,383.50	\$20,487
City of Kyle	\$96,694	\$24,174	\$1,383.50	\$25,557
City of Lockhart	\$135,558	\$33,890	\$1,383.50	\$35,273
City of New Braunfels	\$90,433	\$22,608	\$1,383.50	\$23,992
City of San Marcos	\$169,923	\$42,481	\$1,383.50	\$43,864
City of Seguin	\$63,800	\$15,950	\$1,383.50	\$17,334
Comal County	\$61,733	\$15,433	\$1,383.50	\$16,817
Hays County	\$343,965	\$85,991	\$1,383.50	\$87,375
Plum Creek Conservation District	\$221,163	\$55,291	\$1,383.50	\$56,674
Victoria County	\$90,593	\$22,648	\$1,383.50	\$24,032
York Creek Improvement District	\$189,606	\$47,401	\$1,383.50	\$48,785
Guadalupe Blanco River Authority	\$0	\$0	\$6,383.00	\$6,383
<b>TOTAL</b>	<b>\$1,590,950</b>	<b>\$397,738</b>	<b>\$22,985</b>	<b>\$420,723</b>

Local Participant shall contribute an amount not to exceed \$25,557.00 to GBRA for Local Participant's 25% local share cost to fund Phase II of the Project and its grant application preparation expense. Local Participant shall make an initial payment of \$13,471.00 to GBRA on or before October 1, 2013. Local Participant shall make its remaining payment of \$12,086.00 to GBRA on or before October 1, 2014.

Nothing in this agreement should be construed as creating any obligation on the part of Local Participant to compile new data, studies, or information that did not exist on the effective date of the agreement.

Local Participant agrees to make its best efforts to include funds in future budgets to fulfill its obligations under this Agreement.

**Section 3. TERM OF AGREEMENT.** This Agreement shall become effective when executed by all parties hereto and shall remain in effect until completed, or until December 31, 2014, unless earlier terminated as provided herein.

**Section 4. NOTICES.** All notices or communications provided herein shall be delivered by certified mail, return receipt requested to Local Participant and GBRA at their respective addresses. For the purposes of notice, the addresses of the parties, until changed by written notice, as provided above, shall be as follows:

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

Guadalupe Blanco River Authority  
W.E. (Bill) West, Jr, General Manager  
933 East Court Street  
Seguin, TX 78155

**Section 5. FUNDING.** It is expressly understood and agreed by the parties, such understanding and agreement being of the absolute essence to the Agreement, that GBRA will not financially contribute toward completion of Phase II of the Project, but will manage the project. When GBRA has expended the total 25% contribution from each participating community to meet its obligations hereunder, GBRA shall have no further obligation of duty under the terms of this Agreement, notwithstanding any word, statement, or thing contained in or inferred from the provisions hereof, which might in any light by any person be construed to the contrary.

Participation by the parties in the Project shall in no way commit a party to financial participation in implementation of any solution to problems which may be identified by the Project, or the adoption of floodplain management regulations which may be recommended in the Project.

It is expressly understood and agreed by the parties that once Local Participant has provided payment, they shall have fully met their obligations hereunder, and shall have no further obligations, financial or otherwise, under the terms of this Agreement.

**Section 6. TERMINATION.** This Agreement may be terminated by either party by thirty (30) days advance written notice to the other party to this Agreement. In the event of termination under this provision, GBRA shall have no further obligation to Local Participant for any respective contribution at the time of termination. In the event of termination by Local Participant under this provision, Local Participant shall be responsible for any cost incurred for its respective portion of the project up to the date of termination.

**Section 7. IMMUNITY.** It is expressly understood and agreed that in the execution of this Agreement, no party waives nor shall be deemed to waive any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

**Section 8. NOT A JOINT ENTERPRISE.** This Agreement is not intended to and shall not create a joint enterprise among any party to this Agreement. The parties are undertaking governmental functions or services under this Agreement and the purpose hereof is solely for the public good, rather than any pecuniary purpose. A party undertaking work under this Agreement shall have a superior right to control the direction and management of such work, except as may otherwise expressly be provided herein.

**Section 9. MISCELLANEOUS.**

- A. No party hereto shall make, in whole or in part, any assignment of this Agreement without the advance written consent of the other parties.
- B. The validity of this Agreement and any of its terms and provisions, as well as the rights and duties hereunder, shall be governed by the laws of the State of Texas.
- C. This Agreement may only be amended by written instrument duly executed on behalf of each party subject to this Agreement.
- D. This Agreement may be executed in multiple counter parts.

**IN WITNESS WHEREOF**, the parties' action under authority of their respective governing bodies has caused this Agreement to be duly executed in multiple counterparts, each of which shall be deemed to be an original.

\_\_\_\_\_  
 W.E. (Bill) West, Jr., General Manager  
 Guadalupe Blanco River Authority

Date: \_\_\_\_\_

\_\_\_\_\_  
 Lucy Johnson, Mayor  
 City of Kyle

Date: \_\_\_\_\_

Attachment A- Scope of Services  
Guadalupe River  
Flood Protection Planning Study Phase 2

The Guadalupe Watershed Flood Protection Planning Study Phase 2 (see attached Phase 2 basin-wide map) shall continue the development of a comprehensive regional analysis of the Guadalupe River below Canyon Dam, including the Blanco and San Marcos Rivers focusing on certain tributaries within each participating community (see the attached community map) as agreed. The goals of the study are: (1) establish baseline flooding conditions, (2) accurately identify flood-prone areas, (3) develop and evaluate flood protection alternative solutions, and (3) provide a recommendation for project implementation. In addition, the study will include estimates of the existing average annual flood damages being incurred within the study area. The flood protection planning study will be performed according to criteria established by the Texas Water Development Board (TWDB) and the U.S. Army Corps of Engineers (USACE).

The study will be performed by the USACE, GBRA, and their contractors. Following is a detailed scope of services to be performed:

Work Tasks:

- 1) Collection of Baseline Information – The USACE, GBRA, and their contractors will utilize existing studies as required for incorporation into the countywide database. These include identified flood-prone areas based on citizen input and local community records, available GIS datasets, current and future land use maps, soil maps, cultural resource maps and materials, environmental resource maps and materials, topography, digital orthophotography, cross-section data, existing models, and previous drainage and engineering studies. Similar information will be developed for each watershed in the study areas.
- 2) Environmental Constraints – The project includes consideration of various environmental constraints related to the evaluation of project alternatives and the selection of the recommended plan. This will involve a review of critical environmental features (CEF). This task will utilize existing available information from sources such as the Edward's Aquifer Recharge Implementation Project (EARIP), locally collected environmental data, state and national environmental databases as well as research to identify other CEFs that need to be considered during the development of improvement scenarios.
- 3) Review and Identification of Flood and Drainage Problem Areas – This phase will identify flood-prone areas based on citizen input and city and county records. The team will acquire assemble and review available GIS datasets, LIDAR topography, digital orthophotography, cross-section data, existing FEMA models, and previous drainage and engineering studies. Extensive

coordination with participating entities will also ensure that resources are directed in the most efficient manner.

- 4) Hydrologic Model Development – Phase II will consist of hydrologic modeling for approximately 10 additional local watersheds compared to the two local watersheds modeled in the Phase I hydrology. Hydrologic models for the local watersheds will be developed using Geo-HMS to develop detailed geo-referenced HEC-HMS models. This will allow inclusion of existing city and county GIS data, and potentially reduce the time and effort needed to develop hydrologic parameters. The models will include both existing and estimated future land use conditions, and will utilize existing city and county GIS data, regional planning data, and use STATSGO or SSURGO soil information to generate hydrologic parameters. Modified Puls routing will be developed for all detailed study streams.

Rainfall intensity and storm frequency are important elements in the analysis. Coordination with the USGS and the National Weather Service may aid in developing the most appropriate and accurate rainfall. A calibration analysis based on historical record of rainfall and discharge will be performed. These frequencies will be compared to current USGS regression equations and the current FIS flow rates where available.

Detailed hydrologic models using uniform rainfall will be developed for tributaries identified by participants. These models will be developed using methods appropriate for the study areas.

The USACE, GBRA, and their contractors will perform all development of HMS models described above.

- 5) Hydraulic Model Development – Collected field survey data, information from design plans, recent topographic data, and the existing conditions hydraulic models will be updated and converted to HEC-RAS format. The HEC-RAS models will be geo-referenced to correlate with city and county GIS data, using the HEC-GeoRAS extension in ArcMap 10. Roughness coefficients (Manning's N) will be developed utilizing GIS overlays and supplemental field observations as well as calibration to storm events. Flood profiles for multiple frequency storm events will be developed for the existing and future watershed conditions. A detailed report that summarizes the modeling results will be prepared. Reports will include presentation of the methods of analysis, summary of results, exhibits, and model output. Surveys will be more detailed through damage centers with less detail for the stream reaches between damage centers.
- 6) Evaluation of Flood Protection Criteria – The USACE, GBRA, and their contractors will review existing design flood criteria for the problem areas and acceptable levels of protection within each problem area will be determined.
- 7) Hydrologic and Hydraulic Analysis of Alternatives – The USACE, GBRA, and their contractors will proceed with development alternatives, which may include alternatives or combinations thereof developed in the previous study



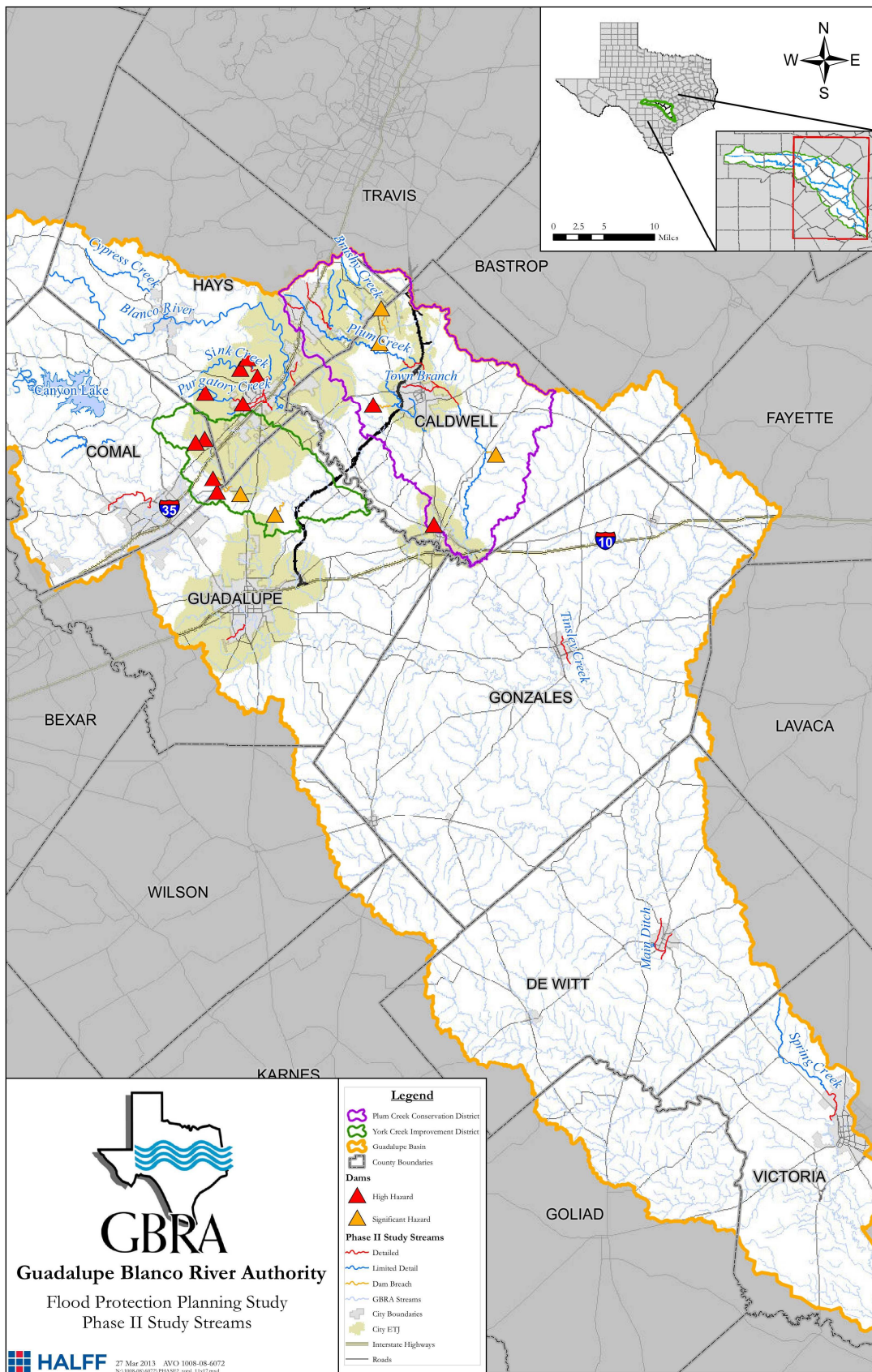
and from the evaluation of the new model result data within each participating community. The alternatives will include both structural and non-structural improvements.

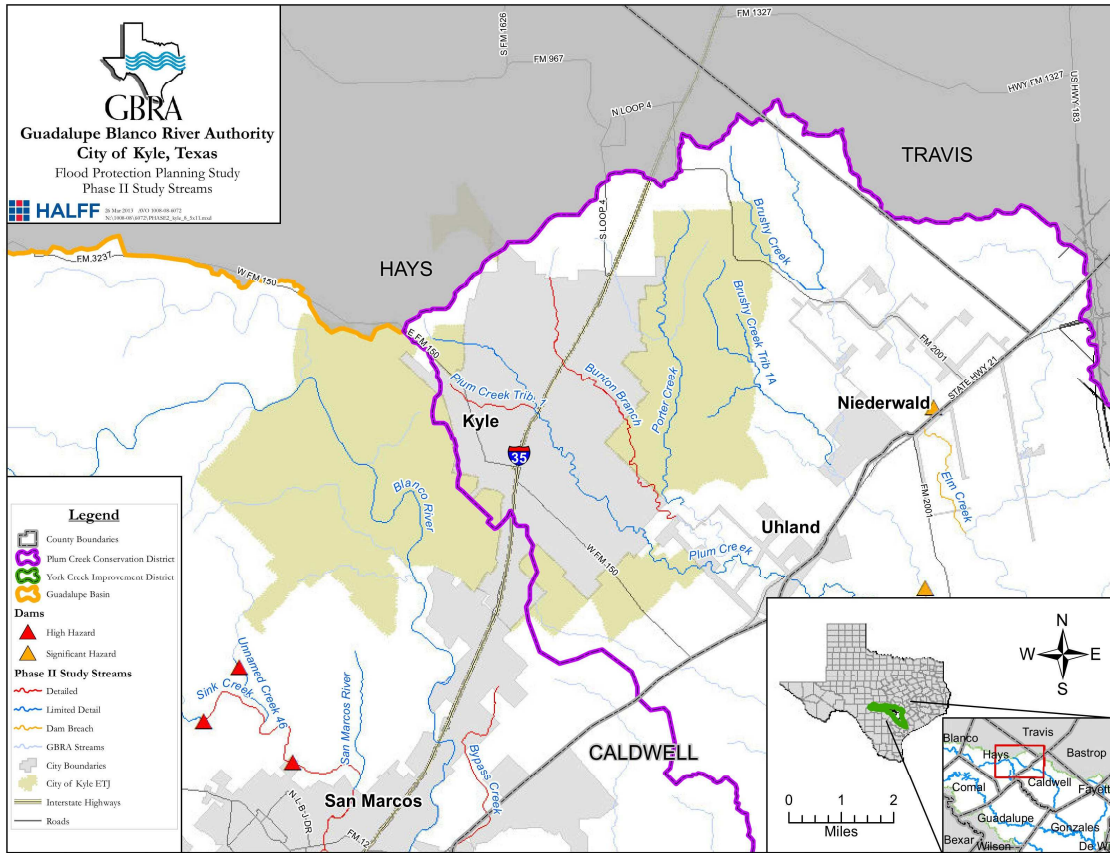
The flood damage reduction alternatives will include economic analysis and justify alternatives, if any, for specific storm frequencies within each participating community. The effects of each alternative scenario and resulting level of flood protection with respect each alternative will be analyzed and incorporated into the overall effect on the watershed by the USACE, GBRA, and their contractors, relative to its derived benefit to the participating. A detailed report that summarizes the findings of the study and modeling results will be prepared and presented to the Project Management Committee. Reports will include presentation of the methods of analysis, summary of results, exhibits, model output, and benefit to each member of the Committee.

- 8) Benefit/Cost Analysis – The benefit of each alternative in terms of level of protection/reduction of flood damages, impacts, right-of-way requirements, environmental impacts, etc. will be made in comparison to the associated cost of each improvement. From this benefit/cost analysis, a set of solutions will be presented in a report, which will document the benefit criteria, cost information and other considerations. The purpose of this report will be to communicate the results of the Project to a broad audience that may include technical and non-technical people. The results of the Benefit-Cost Analysis will be presented at a public meeting.

The USACE, GBRA, and their contractors will provide preliminary cost estimates for each alternative developed to reduce flood damages within each participating community. The economic analysis necessary for the analysis of alternatives in each community, or alternatives benefiting multiple participating parties as agreed will be presented in a public meeting. The contractors will prepare any exhibits necessary for the report and public meeting for alternatives.

- 9) Implementation and Phasing – Following the public input pertaining to Benefit/Cost for the flood protection scenarios, the project will also include initial recommendations for the implementation and phasing of the identified improvements, both structural and non-structural. An implementation plan will identify potential funding sources for the improvements, such as drainage utility fees, impact fees, public/private partnerships, special utility districts, etc., as appropriate. Consideration of current Capital Improvements Plans will be important to ensure that the recommended flood protection strategies are coordinated and consistent with planned projects.
- 10) Final Deliverables – At the conclusion of the study, the USACE, GBRA, and its contractors will prepare a final report be presented to the TWDB and will likely include maps, technical analysis, supporting documentation, and the implementation and phasing plan.





## Guadalupe River Flood Protection Planning Study Fiscal Provisions

TASK BUDGET		
Task	Description	Amount
1	Public Involvement	\$4,500
2	Socio/Economics	\$164,000
3	Environmental and Cultrural Resources	\$43,000
4	Fish & Wildlife Coord	\$10,000
5	Other Feasibility Studies	\$26,000
6	Engineering&Design/Cost Estimating	\$969,450
7	Management Documents	\$67,000
8	Plan Formulation	\$112,000
10	Program/Project Management	\$195,000
TOTAL		\$1,590,950

EXPENSE BUDGET	
Category	Amount
Salaries & Wages	\$19,950
Fringe	\$7,980
Travel	\$495
Subcontract Services	\$1,560,950
Tech./Comp. Services	\$0
Other Expenses	\$1,575
Overhead	\$0
Profit	\$0
TOTAL	\$1,590,950

City of Kyle, Texas  
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 18, 2013  
CONTACT CITY DEPARTMENT: Engineering  
CONTACT CITY STAFF: Steven D. Widacki, P.E.  
City Engineer

SUBJECT:

Authorize execution of an interlocal agreement between the Guadalupe Blanco River Authority (GBRA) and City of Kyle to fund City's share in the amount of \$25,557.00 for Phase II of U.S. Army Corps of Engineers (USACE) Flood Feasibility Study of the Guadalupe River below Canyon Dam including the Blanco and San Marcos Rivers.

Item # 9

CURRENT YEAR FISCAL IMPACT

Funding is not available in the approved budget for FY 2012-13 to pay for the City's share totaling \$25,557.00 for this feasibility study. Should the City Council approve the City's participation in this feasibility study, the proposed budget for FY 2013-14 for the Engineering Department will include \$25,557.00 to pay for the City's share of the allocated cost as follows:

- |                               |  |
|-------------------------------|--|
| 1. City Department:           | Engineering                                |
| 2. Project Name:              | GBRA Flood Feasibility Study               |
| 3. Budget/Accounting Code(s): | 110-162-55613                              |
| 4. Funding Source:            | General Fund                               |
| 5. Total Appropriations:      | \$ 0.00 (To Be Provided in FY 2014 Budget) |
| 6. Unencumbered Balance:      | \$ 0.00                                    |
| 7. Amount of This Action:     | <u>\$( 25,557.00)</u>                      |
| 8. Remaining Balance:         | <u>\$( 25,557.00)</u>                      |

FUNDING SOURCE OF THIS ACTION:

The funding source for the City's share of the flood feasibility study will require use of \$25,557.00 from the City's General Fund budget for next Fiscal Year 2013-14. It is important to note that appropriations for next fiscal year are subject to budget deliberations and adoption by the City Council in September 2013. Accordingly, funding for this project, if approved, will not be available until after October 1, 2013.

ADDITIONAL INFORMATION/COUNCIL ACTION:

On December 4, 2012, the City Council approved a resolution authorizing GBRA apply for flood protection planning grant assistance with the Texas Water Development Board. As part of the action, the City Council also approved City's participation and funding its share estimated at \$26,663.54 for the Phase II of the feasibility study costs.

*Perwez A. Moheet* 6/7/2013  
Perwez A. Moheet, CPA - Date  
Director of Finance

Item # 9



# CITY OF KYLE, TEXAS

## Supporting Application by GBRA for Flood Study

Meeting Date: 12/4/2012

Date time: 7:00 PM

**Subject/Recommendation:**

A RESOLUTION BY THE CITY OF KYLE, TEXAS  
AUTHORIZING THE GUADALUPE-BLANCO RIVER  
AUTHORITY APPLICATION FOR FLOOD PROTECTION  
PLANNING GRANT ASSISTANCE FILED WITH THE TEXAS  
WATER DEVELOPMENT BOARD ~ *Steven Widacki, P.E., City  
Engineer*

Item # 9

**Other Information:**

The Guadalupe-Blanco River Authority (GBRA) is performing a Phase I Flood Feasibility and Flood Protection Study (Study) for the main stem of the Guadalupe River below Canyon Dam, the Blanco River, and the San Marcos River. GBRA successfully obtained a 50% cost-share from the U.S. Army Corps of Engineers (COE) and a 25% cost share from the Texas Water Development Board (TWDB) for the Phase I Study.

GBRA paid the local 25% cost share for Phase I, and now desires to assist its communities with the opportunity to study their local watersheds that drain into the Guadalupe River, the Blanco River, and the San Marcos River as shown on the attached Exhibit A. The communities of the Village of Wood Creek and the City of Luling participated in Phase I and paid the local 25% cost share for studies of their creeks. GBRA ensures that the proposed planning does not duplicate existing projects with the exception of updating existing flood protection plans.

GBRA will participate with the COE for Phase II of the Study to obtain a similar 50% cost share. GBRA will assist by managing Phase II of the Study through Inter-local Agreements with local communities.

Participation by the City of Kyle in Phase II of the Study with GBRA requires funding at the “*25% local level*” of the cost as shown on the attached Exhibit B (e.g. – estimated \$26,663.54).

This funding and attendant participation in the Phase II Study would provide

the City detailed flood models of the studied creeks within the City and its ETJ (e.g. – Blanco River; Plum Creek; Elliott Branch; Bunton Branch; Porter Creek; etc.). These detailed models can then be used for assessment of needed road improvements at all existing and future creek crossings. It will also provide more accurate delineation of floodplain and floodway limits relative to existing and future development areas.

City Engineering Staff recommends approval of this resolution and subsequent funding and attendant participation in the Phase II Study.

**Budget Information:**

Funding required for participation in this study is not anticipated until the City's 2013-2014 budget year. It is expected that funding would be allocated in the Engineering Department budget to cover this cost.

Item # 9

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Attachments / click to download

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[GBRA Flood Study Resolution](#)

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# CITY OF KYLE, TEXAS

## Proposed Agreement w/San Marcos Regarding ETJ Boundary

**Meeting Date: 6/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(First Reading)* AN ORDINANCE AUTHORIZING THE RELEASE OF A PORTION OF THE CITY OF KYLE'S EXTRATERRITORIAL JURISDICTION ("ETJ"); APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND THE CITY OF KYLE REGARDING THE MUTUAL RELEASE OF ETJ; AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS RELATING TO AN AGREEMENT BETWEEN THE CITY OF KYLE AND THE CITY OF SAN MARCOS FOR THE MUTUAL RELEASE OF ETJ AND KYLE EXPANSION OF ITS ETJ; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING.~*Sofia Nelson, Director of Planning*

- Public Hearing

**Other Information:** Please see attachments.

**Budget Information:** N/A

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

**Attachments / click to download**

- [Back up Material](#)
- [Interlocal Agreement](#)
- [Exhibit A](#)
- [Exhibit B](#)
- [Ordinance](#)



**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AUTHORIZING THE RELEASE OF A PORTION OF THE CITY OF KYLE’S EXTRATERRITORIAL JURISDICTION (“ETJ”); APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND THE CITY OF KYLE REGARDING THE MUTUAL RELEASE OF ETJ; AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS RELATING TO AN AGREEMENT BETWEEN THE CITY OF KYLE AND THE CITY OF SAN MARCOS FOR THE MUTUAL RELEASE OF ETJ AND KYLE EXPANSION OF ITS ETJ; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Kyle desires to release a portion of its extraterritorial jurisdiction and execute the attached “Interlocal Cooperation Agreement for Mutual Extraterritorial Jurisdiction (ETJ) Release” (“Agreement”) with the City of San Marcos, Texas; and

**WHEREAS**, the City Council of the City of Kyle desires to authorize the Mayor to execute any documents necessary for the approval and implementation of the Agreement;

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

**SECTION 1. Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Kyle, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2. Release and Inclusion of Area in ETJ; Filing and Display.**

1. That the City Council of the City of Kyle hereby approves the release of a portion of its ETJ in accordance with the terms and conditions of the Agreement attached hereto as Exhibit “A” and incorporated herein for all purposes (hereafter “Kyle Release Area”); and
2. That the City Council of the City of Kyle hereby approves the attached Agreement between the City of Kyle and the City of San Marcos regarding the mutual release and exchange of portions of each City’s ETJ. Upon Kyle’s release of the appropriate area from Kyle’s ETJ, (hereafter, the “Kyle Release Areas) shall be included and for all purposes brought within the boundaries of the City of San Marcos’ ETJ, and made an integral part, thereof, subject to the terms and conditions of the Agreement; and

3. That Kyle's ETJ is hereby expanded to include the San Marcos Release Areas described in the Agreement and any attachments thereto (hereafter, the "San Marcos Release Areas"). Upon Kyle's release of the appropriate areas from Kyle's ETJ, the Kyle Release Areas are hereby included and for all purposes brought within the boundaries of the City of San Marcos' ETJ, and is made an integral part, thereof, subject to the terms and conditions of this Agreement.
4. That this Ordinance does not apply to any portion of the Kyle Release Area that is currently within the ETJ of another municipality and for which consent has not been or will not be granted by the releasing municipality. Any portion of the Areas that is not released from another municipality's ETJ is expressly excluded from this Ordinance. This Ordinance shall not be construed to in any way alter, modify or revise the ETJ of any municipality other than the City of Kyle. Any portion of Kyle's ETJ that becomes non-contiguous to the corporate boundaries or ETJ of the City of Kyle as a result of the release of ETJ pursuant to this Ordinance or the Agreement shall be deemed to have been hereby released by the City of Kyle.
5. That the official map and boundaries of the City of Kyle are hereby amended and revised so as to include the San Marcos Release Areas and to exclude the Kyle Release Area.
6. That the owners and inhabitants of the Areas entitled to all of the rights and privileges of other citizens of the City of Kyle's ETJ, and are hereby bound by all acts, ordinances and other legal actions now in full force and effect, and those that may be hereafter adopted or enacted, regarding the ETJ.
7. That the City Secretary is hereby instructed to include this Ordinance in the records of the City.
8. That the Mayor is hereby instructed to file a certified copy of this Ordinance and attachments with the Hays County Clerk and other appropriate entities.
9. That the City Planning Director is hereby instructed to have maps depicting the new municipal boundaries prepared.
10. That the Mayor of the City of Kyle is hereby authorized to execute any documents necessary for the approval and implementation of said Agreement between the City of Kyle and the City of San Marcos, and the expansion of Kyle's ETJ.

**SECTION 3. Effective Date.** This Ordinance is effective and the expansion of the ETJ achieved herein shall be final and complete upon final adoption of this Ordinance and release of the appropriate areas from San Marcos' ETJ.

**SECTION 4. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable. If any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or *ultra vires* by the valid judgment or decree of any court of competent

jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written. The voiding by a court of any ETJ expansion previously approved by the City of Kyle shall not be construed in any way to affect any other ETJ expansion by the City.

**SECTION 5. Proper Notice and Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that a public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** on the \_\_\_\_\_ day of June, 2013.

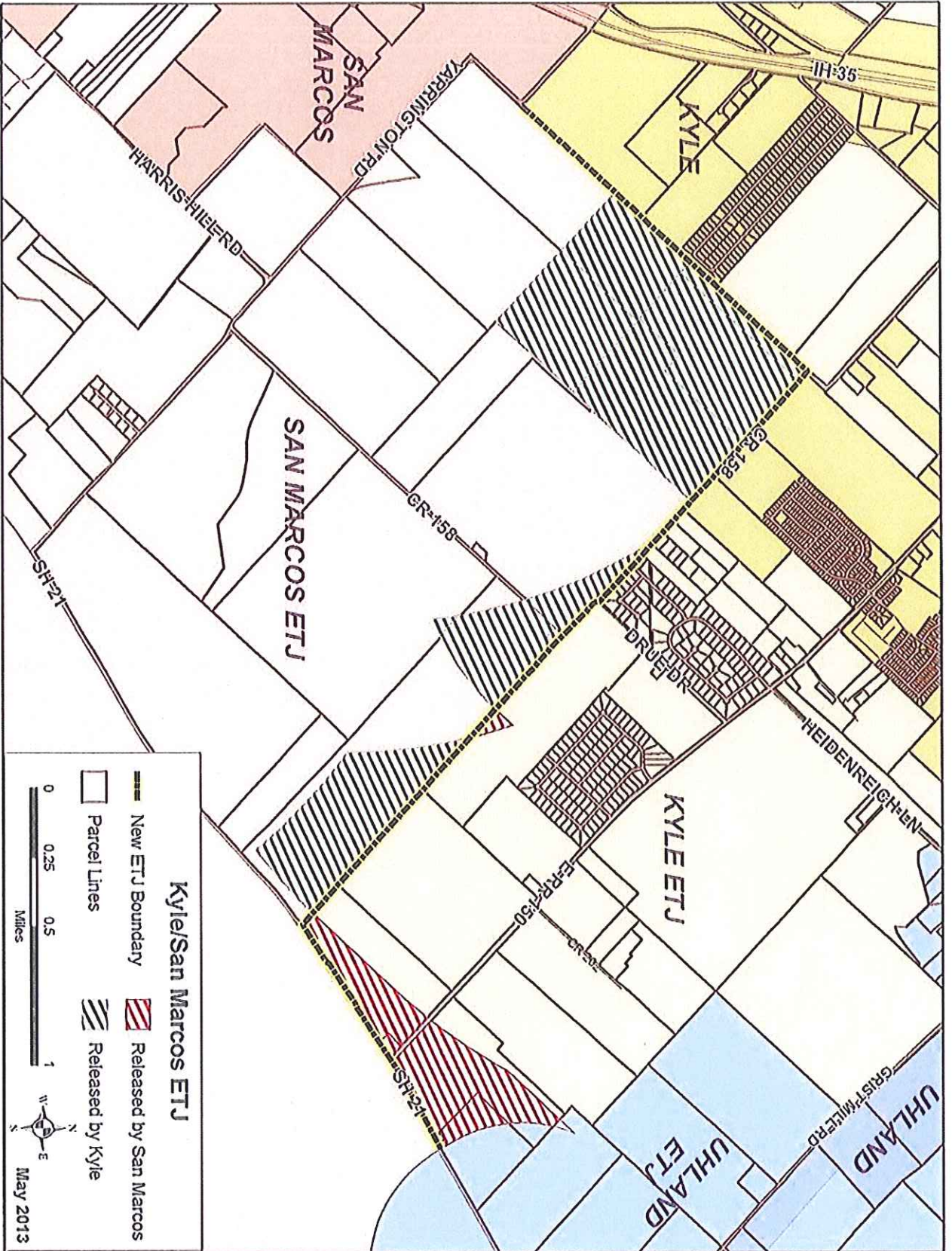
**PASSED AND FINALLY APPROVED** on this the \_\_\_\_ day of July, 2013.

**CITY OF KYLE, TEXAS**

\_\_\_\_\_  
Lucy Johnson, Mayor

**ATTEST:**

\_\_\_\_\_  
Amelia Sanchez, Secretary



The shared Extra Territorial Jurisdiction (ETJ) boundary between the City of Kyle and the City of San Marcos described here follows parcel lines of established properties and is defined by the following description and accompanying map:

Beginning at a corner on the northeast side of Yarrington Rd, approximately 2000 feet southeast of the intersection of Yarrington Rd and IH 35 NB Service Road;

Thence leaving Yarrington Road with the common line of the southeast line of FM 158 Land LTD's 130.86 acre tract (HCAD R18875) and the northwest line of FM 158 Land LTD's 203.5 acre tract (HCAD R70250), N 43° 50' 56" E, 3166.05 feet;

Thence continuing to the northeast along the southeast line of a 46.1 acre tract also owned by FM 158 Land LTD, N 43° 56' 30" E, 981.57 feet to the southern point of the Quail Ridge Subdivision;

Thence N 43° 58' 16" E, 298.66 feet to the corner of northern corner of the 203.5 acre tract and the western corner of LaSalle Holdings LTD 19.39 acre tract (HCAD R14883);

Thence N 44° 43' 41" E, 3080.8 feet along the northwest line of the 19.39 acre tract to the corner of County Rd 158;

Thence in an easterly direction approximately 100 feet, crossing the CR 158 right-of-way to the western corner of the 126.4 acre parcel owned by McComic-Price Cool Springs LP (HCAD R14894);

Thence along the southwest line of the 126.4 acre tract also being the northeast side of the CR 158 right-of-way, S 46° 14' 25" W, 1476.95 feet, to the south corner of the 126.4 acre tract;

Thence S 45° 41' 23" E, 2062.45 feet, along the northeast side of the CR 150 right-of-way to the southern corner of the 41.0 acre tract owned Kyle Riverbend Cottonwood Investments LC (HCAD R103367);

Thence S 45° 41' 23" E, 2385.7 feet, along the northeast side of the CR 150 right-of-way to the southern point of the High Meadows Subdivision Section Three;

Thence continuing across Drue Dr to the western corner of the 140.6 acre tract owned by Cynthia Meyer (HCAD R62214);

Thence S 44° 59' 00" E, 787.5 feet, to the curve of CR 158 where it turns south toward Yarrington Road also being the northern corner of the 1 acre tract owned by Alice Ewald and others (HCAD R14953);

Thence continuing in a southeastern direction approximately 290 feet to the eastern corner of the 1.0 acre Ewald tract;

Thence on the common line between 140.6 acre Meyer Tract and 295 acre tract of La Salle Holdings, S 45° 32' 15" E, 3771.42 feet to southern corner of the Meyer, also being the western corner of 165.7 acre tract owned by Louise Ernst (HCAD R14911);

Thence S 45° 20' 15" E, 2455.99 feet along the Ernst tract to the western corner of the 84.4 acre tract owned by Ernestine Hoffman (HCAD R14899);

Thence S 45° 25' 20" E, 1031.76 feet along the Hoffman tract to northwest ROW line of State Hwy 21/Camino Real;

Thence in a northeasterly direction along the western right-of-way line of State Hwy 21 approximately 3000 feet to the intersection of E RR 150, continuing approximately 250 feet across the right-of-way of E RR 150, and continuing northeast along the western right-of-way line of State Hwy 21 approximately 1850 feet to the boundary of the City of Upland's ETJ.

**TO SAN MARCOS**

	<b>ACRES</b>	<b>VALUE</b>
	182.259	\$100,242.00
	1.69	\$1,732.00
	0.9937	\$130,877.00
	18.25	\$52,845.00
	19	\$3,390.00
	101.8	\$17,480.00
	114.8	\$20,350.00
	82.077	\$945,160.00
	66.78	\$375,980.00
<b>Totals</b>	<b>587.6497</b>	<b>\$1,648,056.00</b>

**TO KYLE**

	<b>Acres</b>	<b>Value</b>
	22.9	\$94,937.0
	40.9	\$133,853.0
	0.32	\$26,338.0
	76.61	\$12,105.0
	12.22	\$1,097,840.0
	33.4	\$120,332.0
	3.42	
	0.063757	\$511.0
	0.44	\$5,125.0
	0.845	
	1.25	\$5,198.0
	1.125	\$4,919.0
<b>Totals</b>	<b>193.493757</b>	<b>\$1,501,158.0</b>

Item # 10

**INTERLOCAL COOPERATION AGREEMENT  
FOR MUTUAL EXTRATERRITORIAL JURISDICTION (ETJ) RELEASE  
BETWEEN THE CITY OF KYLE AND CITY OF SAN MARCOS TEXAS**

This Interlocal Cooperation Agreement (“Agreement”) is made and entered into effective as of the date of execution by authorized representatives of the parties and subject to certain conditions precedent, by and between the **City of San Marcos**, Texas (“San Marcos”), a Texas home rule municipal corporation, and the **City of Kyle**, Texas (“Kyle”), a Texas home rule municipal corporation, and acting by and through their authorized representatives.

**WHEREAS**, San Marcos and Kyle recognize that both the public interest and good government are best served by long-term, mutually cooperative relationships between neighboring cities; and

**WHEREAS**, agreements regarding areas adjacent to the cities’ respective extraterritorial jurisdiction (“ETJ”) will assist and enhance the planning for development and capital improvement programs and services; and

**WHEREAS**, the City of Kyle desires to release from their ETJ properties including approximately 388.8 acres south of County Road 158 and east of the Quail Ridge Subdivision (Tract C on Exhibit B, consisting of HCAD Parcel IDs R14883, R14884, R14937, R70250, and R70463), approximately 86.2 acres south of County Road 158 near the intersection of Drue Drive (Tract D on Exhibit B, consisting of HCAD Parcels IDs R14874, R14932, R14953 and R115651) and approximately 123.0 acres within the 288.1 acre parcel R14874 (Tract E on Exhibit B), all being south of the boundary line described in Exhibit “A” attached hereto and incorporated herein for all purposes, may be included in San Marcos’ ETJ; and

**WHEREAS**, the City of San Marcos desires to release from their ETJ properties including approximately 132.6 acres on the west side of State Hwy 21 adjacent to the intersection of E RR 150 (Tract A on Exhibit B consisting of HCAD Parcel IDs R14899, R14925, R14956, R17630 and R135865) and approximately 4.29 acres out of the 140.6 acre parcel R62214 (Tract B on Exhibit B), all being north of the boundary line described in Exhibit “A”, attached hereto and incorporated herein for all purposes, may be included in Kyle’s ETJ; and

**WHEREAS**, San Marcos agrees to release Tracts A and B by the ordinance approving this Agreement, and Kyle agrees to release Tracts C, D and E by the ordinance approving this Agreement;

**NOW, THEREFORE**, pursuant to the laws of the State of Texas, including Texas Local Government Code Sections 42.022(b) and 42.023, for and in consideration of the covenants, conditions and undertakings hereinafter described, and the benefits to accrue to the cities, and subject to each and every term and condition of this Agreement, the parties contract, covenant and agree as follows:

**Article One  
Findings and Declarations**



**Section 1.1 Fact Findings.** The recitals above are adopted as findings by the governing bodies of San Marcos and Kyle, and are incorporated herein for all purposes. The governing bodies of San Marcos and Kyle have authorized and approved this Agreement.

## **Article Two Effective Date and Nature of Agreement**

**Section 2.1 Effective Date of Agreement.** This Agreement shall commence on the date of signature by authorized representatives of both cities (“Effective Date”).

**Section 2.2 Intent and Purpose.** The intent and purpose of this Agreement is to provide for effective and efficient municipal planning and development, and the release of ETJ as set out in this Agreement.

**Section 2.3 Map.** References in this Agreement to any geographic areas referred to the area named and shown on the Map attached hereto as Exhibit “B” are incorporated herein for all purposes.

## **Article Three Release of ETJ**

**Section 3.1 ETJ Mutual Release.** San Marcos will release, by ordinance approving this Agreement, the portion of San Marcos ETJ identified as Tracts A and B as shown on Exhibit “B” to this Agreement. Kyle will release Tracts C, D and E as shown on Exhibit “B” to this Agreement. The mutual release of ETJ will occur upon approval of the ordinance approving this Agreement and the execution of this Agreement by both parties.

## **Section Four General and Miscellaneous**

**Section 4.1 Jurisdiction.** This Agreement shall not be deemed to extend or increase the jurisdiction or authority of either of the Cities except as necessary to implement and give effect to this Agreement. Nothing in this Agreement shall be deemed to be applicable to, or an attempt to limit or restrict, the legal rights, authority or jurisdiction of any other governmental entity.

**Section 4.2 Governmental Immunity.** Nothing in this Agreement shall be deemed to waive, modify or amend any legal defense available at law or in equity to either of the cities nor to create any legal rights or claims on behalf of any third party. Neither Kyle nor San Marcos waives, modifies, or alters to any extent whatsoever the availability of the defense of governmental immunity under the laws of the State of Texas.

**Section 4.3 Exhibits.** The following exhibits are incorporated into this Agreement by reference as if fully set out herein:

Exhibits "A" and "B."

**Section 4.4 Severability.** In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

**IN WITNESS WHEREOF**, the authorized representative of the Cities have executed this Agreement on this \_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY OF SAN MARCOS, TEXAS**

**CITY OF KYLE, TEXAS**

\_\_\_\_\_  
Daniel Guerrero, Mayor

\_\_\_\_\_  
Lucy Johnson, Mayor

**Attest:**

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Secretary

## Exhibit A

The shared Extra Territorial Jurisdiction (ETJ) boundary between the City of Kyle and the City of San Marcos described here follows parcel lines of established properties and is defined by the following description:

Beginning at a corner on the northeast side of Yarrington Rd, approximately 2000 feet southeast of the intersection of Yarrington Rd and IH 35 NB Service Road;

Thence leaving Yarrington Road with the common line of the southeast line of FM 158 Land LTD's 130.86 acre tract (HCAD R18875) and the northwest line of FM 158 Land LTD's 203.5 acre tract (HCAD R70250), N 43° 50' 56" E, 3166.05 feet;

Thence continuing to the northeast along the southeast line of a 46.1 acre tract also owned by FM 158 Land LTD, N 43° 56' 30" E, 981.57 feet to the southern point of the Quail Ridge Subdivision;

Thence N 43° 58' 16" E, 298.66 feet to the corner of northern corner of the 203.5 acre tract and the western corner of LaSalle Holdings LTD 19.39 acre tract (HCAD R14883);

Thence N 44° 43' 41" E, 3080.8 feet along the northwest line of the 19.39 acre tract to the corner of County Rd 158;

Thence in an easterly direction approximately 100 feet, crossing the CR 158 right-of-way to the western corner of the 126.4 acre parcel owned by McComic-Price Cool Springs LP (HCAD R14894);

Thence along the southwest line of the 126.4 acre tract also being the northeast side of the CR 158 right-of-way, S 46° 14' 25" W, 1476.95 feet, to the south corner of the 126.4 acre tract;

Thence S 45° 41' 23" E, 2062.45 feet, along the northeast side of the CR 150 right-of-way to the southern corner of the 41.0 acre tract owned Kyle Riverbend Cottonwood Investments LC (HCAD R103367);

Thence S 45° 41' 23" E, 2385.7 feet, along the northeast side of the CR 150 right-of-way to the southern point of the High Meadows Subdivision Section Three;

Thence continuing across Drue Dr to the western corner of the 140.6 acre tract owned by Cynthia Meyer (HCAD R62214);

Thence S 44° 59' 00" E, 787.5 feet, to the curve of CR 158 where it turns south toward Yarrington Road also being the northern corner of the 1 acre tract owned by Alice Ewald and others (HCAD R14953);

Thence continuing in a southeastern direction approximately 290 feet to the eastern corner of the 1.0 acre Ewald tract;

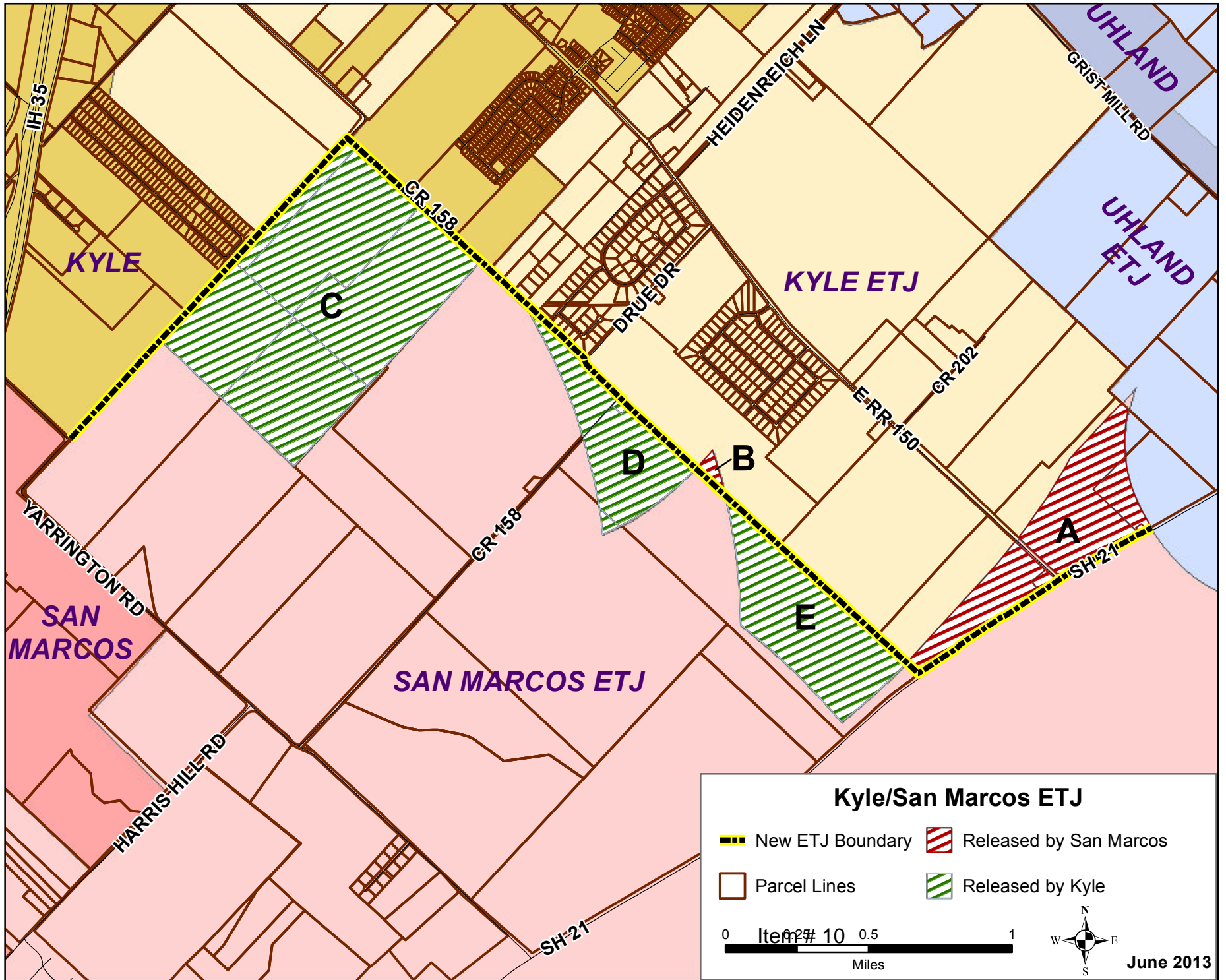
Thence on the common line between 140.6 acre Meyer Tract and 295 acre tract of La Salle Holdings, S 45° 32' 15" E, 3771.42 feet to southern corner of the Meyer, also being the western corner of 165.7 acre tract owned by Louise Ernst (HCAD R14911);

Thence S 45° 20' 15" E, 2455.99 feet along the Ernst tract to the western corner of the 84.4 acre tract owned by Ernestine Hoffman (HCAD R14899);

Thence S 45° 25' 20" E, 1031.76 feet along the Hoffman tract to northwest ROW line of State Hwy 21/Camino Real;

Thence in a northeasterly direction along the northwestern right-of-way line of State Hwy 21 approximately 3000 feet to the intersection of E RR 150, continuing approximately 250 feet across the right-of-way of E RR 150, and continuing northeast along the northwestern right-of-way line of State Hwy 21 approximately 1850 feet to the boundary of the City of Umland's ETJ.

Exhibit B





# CITY OF KYLE, TEXAS

## Rojo Subdivision

**Meeting Date: 6/18/2013**  
**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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Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

**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

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**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.

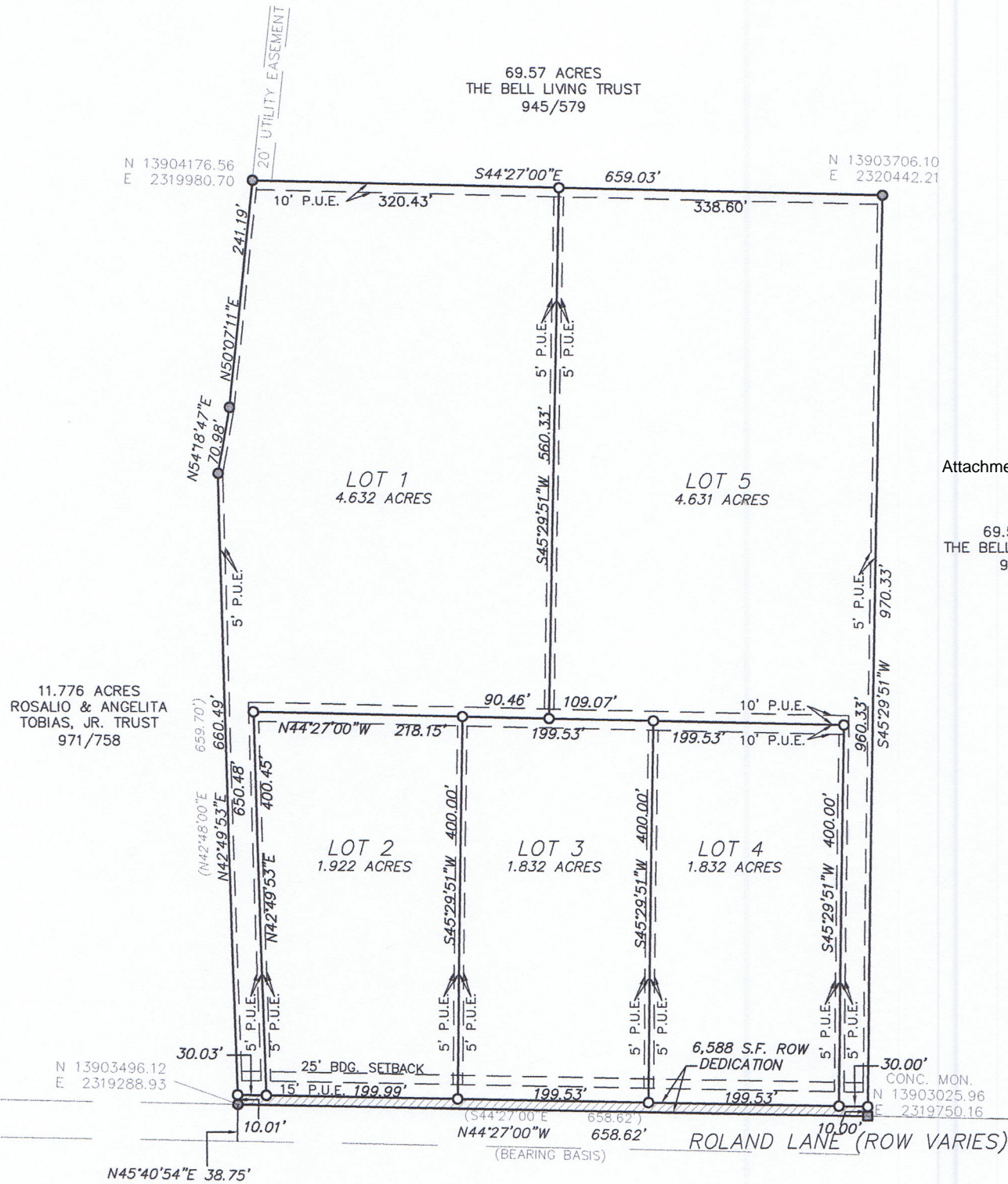
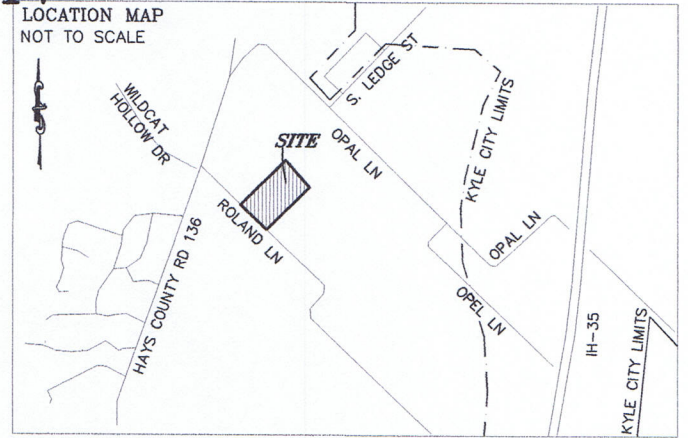
LIZ Q. GONZALEZ, COUNTY CLERK HAYS COUNTY, TEXAS

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'

- LEGEND
- = CONCRETE MONUMENT
  - = IRON ROD FOUND
  - = IRON ROD SET
  - ( ) = RECORD PER DEED
  - PUE = PUBLIC UTILITY EASEMENT

69.57 ACRES  
THE BELL LIVING TRUST  
945/579

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

## Rojo Subdivision Variance Request for Overhead Electric

**Meeting Date: 6/18/2013**  
**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

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**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

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**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



# CITY OF KYLE, TEXAS

## Rojo Subdivision Variance Request for Payment of Road Improvement Fee

**Meeting Date: 6/18/2013**  
**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

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**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
				<b>TOTAL=</b>	<b>\$ 17,451.50</b>

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: 6/18/2013**  
**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

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**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

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**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,

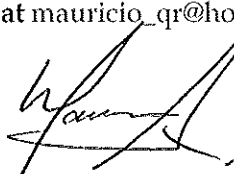
Mr. Daniel Rivera owns 15.000 acres of land and he wants to subdivide it in 5 legal lots. His land is located on Roland Lane approximately 1000 feet east of County Road 136, in Kyle Texas. The property is within the extraterritorial jurisdiction of the City of Kyle and therefore no zoning is applicable 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

South Corridor Park Ltd - 7.634 ac  
Rezone

Meeting Date: 6/18/2013  
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.*

**Other Information:** Please see attachments

**Budget Information:** N/A

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

**Attachments / click to download**

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

May 22, 2013

**City Council**

Zoning

**Case Number: Z-13-005**

**Planning and Zoning Recommendation:** On May 28<sup>th</sup> 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

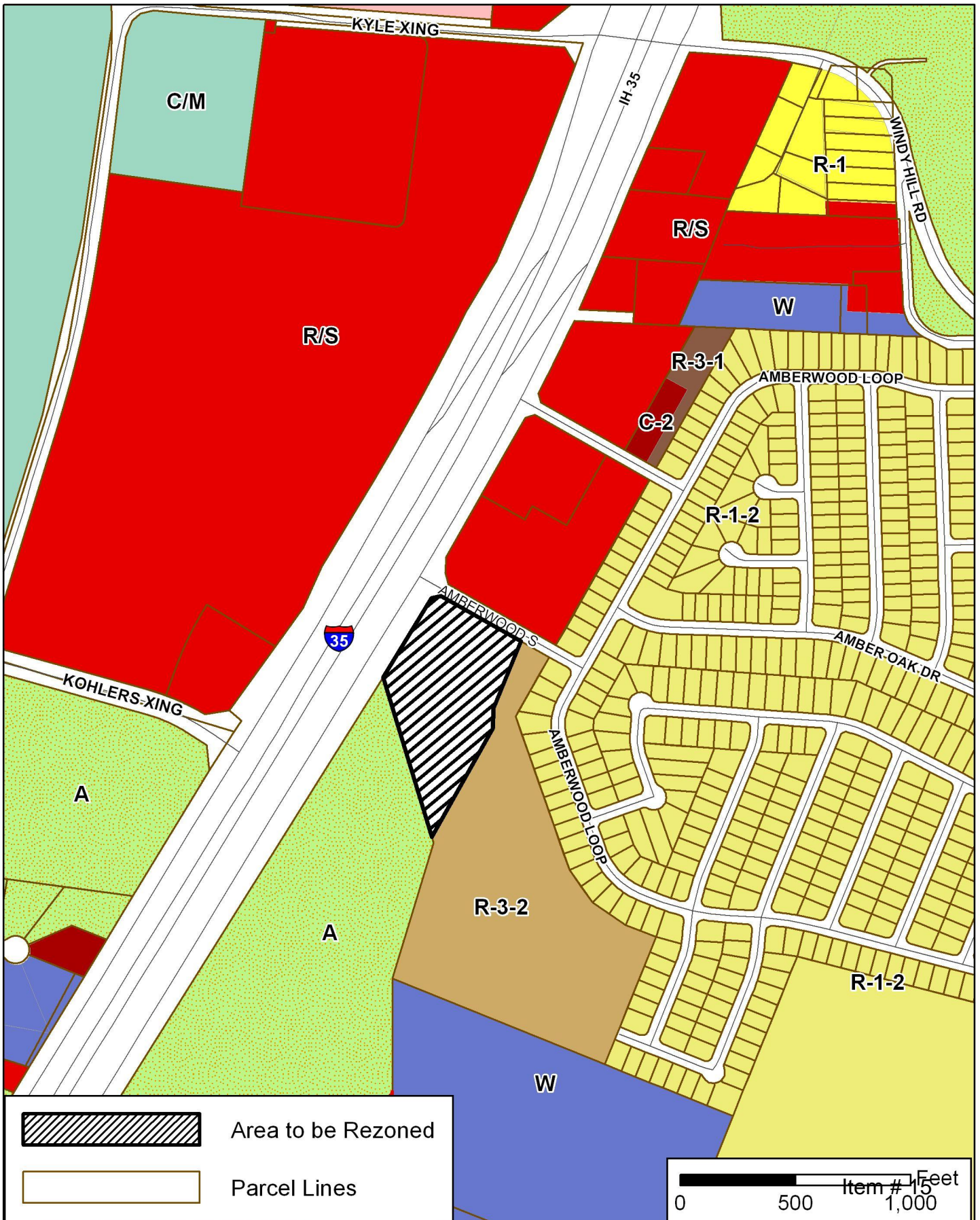
ATTEST:

\_\_\_\_\_  
Amelia Sanchez, City Secretary

**EXHIBIT A**

Amberwood Commercial Section 1, Lot 2

# Exhibit B





# CITY OF KYLE, TEXAS

## Authorization to Apply for COPS CHP Grant

**Meeting Date: 6/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:**

A RESOLUTION OF THE CITY COUNCIL, CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE U.S. DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES (COPS), FOR FUNDING THROUGH THE FY13 COPS HIRING PROGRAM (CHP) IN THE AMOUNT OF \$125,000.00 FOR THREE YEARS AND REQUIRING CITY PARTICIPATION IN THE AMOUNT OF \$89,180.00 OVER THE 3-YEAR PERIOD PLUS AN ADDITIONAL 100% FUNDING APPROXIMATELY \$75,000.00 REQUIRED OF THE CITY IN YEAR 4; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF KYLE, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; TO PROVIDE MATCHING FUNDS; TO WORK WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO COMPLY WITH GRANT REQUIREMENTS OF THE COPS HIRING PROGRAM ~ *Joshua Moreno, Grants Administrator*

**Other Information:**

**Budget Information:** A Fiscal Note is attached.

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**Attachments / click to download**

- [Fiscal Note](#)
- [Community Oriented Policing Services Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL, CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE U.S. DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES (COPS), FOR FUNDING THROUGH THE FY13 COPS HIRING PROGRAM (CHP) IN THE AMOUNT OF \$125,000.00 FOR THREE YEARS AND REQUIRING CITY PARTICIPATION IN THE AMOUNT OF \$89,180.00 OVER THE 3-YEAR PERIOD PLUS AN ADDITIONAL 100% FUNDING APPROXIMATELY \$75,000.00 REQUIRED OF THE CITY IN YEAR 4; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF KYLE, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; TO PROVIDE MATCHING FUNDS; TO WORK WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO COMPLY WITH GRANT REQUIREMENTS OF THE COPS HIRING PROGRAM;**

**Whereas,** The U.S. Department of Justice opened a solicitation for applications to the FY2013 COPS Hiring Grant Program;

**Whereas,** The City of Kyle understands that CHP grants will cover up to 75 percent of the approved entry-level salary and fringe benefits of each newly-hired and or rehired, full-time sworn career law enforcement officer over the three-year grant period, with a minimum 25 percent local cash match requirement; and furthermore, all CHP-funded officer positions will be retained for at least 12 months immediately after the 36 months of federal funding has ended;

**Whereas,** The City of Kyle Police Department is committed to protecting the best interest of its citizens by supporting programs that protect them from crime, reduce the number of crimes committed, and promote accountability efficiency, and effectiveness;

**Whereas,** The City of Kyle agrees that in the event of loss or misuse of COPS funds, the Kyle City Council assures that the funds will be returned to the U.S. Department of Justice in full, and;

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

1. The City Manager is hereby authorized on behalf of the City to execute such applications as are necessary to be made to the U.S. Department of Justice, Office of Community Oriented Policing Services for funding through the COPS Hiring Program;
2. The City of Kyle agrees to provide matching funds through a local cash match in the amount of 25 percent of total project costs, and retain all CHP-funded officer positions for at least 12 months immediately following the end of the 36 month federal funding period, as required by the COPS Hiring Program;
3. If the project is funded, the City of Kyle agrees that all grant funds will be used only for the purposes for which they are intended under the grant program; and activities will comply with and support the criminal justice planning of the City of Kyle, Texas;
4. This Resolution shall take effect from and after the date of its passage as authorized by the Charter of the City of Kyle

**PASSED AND APPROVED THIS 18<sup>th</sup> day of June 2013.**

ATTEST:

CITY OF KYLE, TEXAS

By: \_\_\_\_\_

Lucy Johnson, Mayor

Item # 16

City of Kyle, Texas  
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 18, 2013  
CONTACT CITY DEPARTMENT: Office of the City Manager  
CONTACT CITY STAFF: Josh Moreno, Grants Coordinator

SUBJECT:

A RESOLUTION OF THE CITY COUNCIL, CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE U.S. DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES (COPS), FOR FUNDING THROUGH THE FY13 COPS HIRING PROGRAM (CHP) IN THE AMOUNT OF \$125,000.00 FOR THREE YEARS AND REQUIRING CITY PARTICIPATION IN THE AMOUNT OF \$89,180.00 OVER THE 3-YEAR PERIOD PLUS AN ADDITIONAL 100% FUNDING APPROXIMATELY \$75,000.00 REQUIRED OF THE CITY IN YEAR 4; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF KYLE, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; TO PROVIDE MATCHING FUNDS; TO WORK WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO COMPLY WITH GRANT REQUIREMENTS OF THE COPS HIRING PROGRAM

Item # 16

CURRENT YEAR FISCAL IMPACT:

This application for a new grant, if approved by the U.S. Department of Justice, will provide funding for a Police Officer position for a 3-year period beginning October 1, 2013 through September 30, 2016.

Accordingly, a financial impact on the Police Department's approved budget for the current fiscal year (FY 2013) is not anticipated.

FUNDING SOURCE OF THIS ACTION:

The purpose of this grant application to the U.S. Department of Justice is to request a total of \$125,000.00 in funding for a police Officer position in the Kyle Police Department for a 3-year period.

It is important to note that if grant funding is approved by the U.S. Department of Justice, then the City will be required, as part of the grant conditions, to retain the Police Officer position in the fourth year (at least for one year after the grant expires) and provide 100 percent funding for the position.


The grant funds totaling \$125,000.00 will be used to pay for a majority of the personnel costs for the police Officer position. The City will be required to provide matching funds estimated at \$164,180.00 to pay for the balance of the personnel costs and other support costs associated with the position over the 3-year period and 100 percent of funding for the position in the fourth year.

The annual funding requirements for this grant program, if approved, will be as follows:

	<u>Year 1</u> <u>FY 2014</u>	<u>Year 2</u> <u>FY 2015</u>	<u>Year 3</u> <u>FY 2016</u>	<u>Year 4</u> <u>FY 2017</u>
Requirements	\$69,711.00	\$71,348.00	\$73,121.00	\$75,000.00
Grant Funds	<u>41,667.00</u>	<u>41,667.00</u>	<u>41,666.00</u>	<u>0.00</u>
City Match:	<u>\$28,044.00</u>	<u>\$29,681.00</u>	<u>\$31,455.00</u>	<u>\$75,000.00</u>
 <u>4-Year Total</u>				
Requirements	\$289,180.00			
Grant Funds	<u>125,000.00</u>			
City Match:	<u>\$164,180.00</u>			

The City Council's approval of this item will also authorize staff to include \$28,044.00 in the FY 2014 budget, \$29,681.00 in the FY 2015 budget, \$31,455.00 in the FY 2016 budget, and \$75,000.00 in the FY 2017 budget of the Police Department to provide matching funds required of the City for this grant.

ADDITIONAL INFORMATION/COUNCIL ACTION:  
N/A.

 6/10/2013  
Perwez A. Moheet, CPA - Date  
Director of Finance

Item # 16





# CITY OF KYLE, TEXAS

## Victim Coordinator Liaison Grant

**Meeting Date: 6/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:**

A RESOLUTION OF THE CITY COUNCIL, CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OFFICE OF THE ATTORNEY GENERAL, CRIME VICTIM SERVICES DIVISION, FOR A VICTIM COORDINATOR AND LIAISON GRANT IN THE AMOUNT OF \$82,375.00 FOR A 2-YEAR PERIOD WITH AN ESTIMATED CITY MATCH TOTALING \$27,815.00; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF KYLE, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; TO WORK WITH THE OFFICE OF THE ATTORNEY GENERAL, CRIME VICTIM SERVICES DIVISION TO COMPLY WITH GRANT REQUIREMENTS OF THE VICTIM COORDINATOR AND LIAISON GRANT PROGRAM ~ *Joshua Moreno, Grants Administrator*

**Other Information:**

**Budget Information:**

A Fiscal Note is attached.

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**Attachments / click to download**

[Fiscal Note](#)

[Victim Coordinator Resolution](#)



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL, CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OFFICE OF THE ATTORNEY GENERAL, CRIME VICTIM SERVICES DIVISION, FOR A VICTIM COORDINATOR AND LIAISON GRANT IN THE AMOUNT OF \$82,375.00 FOR A 2-YEAR PERIOD WITH AN ESTIMATED CITY MATCH TOTALING \$27,815.00; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF KYLE, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; TO WORK WITH THE OFFICE OF THE ATTORNEY GENERAL, CRIME VICTIM SERVICES DIVISION TO COMPLY WITH GRANT REQUIREMENTS OF THE VICTIM COORDINATOR AND LIAISON GRANT PROGRAM**

**Whereas,** A request for FY14-15 grant applications was posted on the Office of the Attorney General official agency website;

**Whereas,** The City of Kyle finds it in the best interest of the citizens of Kyle that a Victim's Coordinator is an important resource and that all options for funding support of the position are sought;

**Whereas,** The City of Kyle agrees that in the event of loss or misuse of the Crime Victim Services Division funds, the Kyle City Council assures that the funds will be returned to the Crime Victim Services Division Grant Program in full and;

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

1. The City Manager is hereby authorized on behalf of the City to execute such applications as are necessary to be made to the Office of the Attorney General's Crime Victim Services Division to apply for funding through the Victim Coordinator and Liaison Grant Program;
2. If the Victim's Coordinator position is funded, the City of Kyle will: comply with the grant requirements of the Crime Victim Services Division Grant Program; agree the grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant; and, activities will comply with and support the criminal justice planning of the City of Kyle, Texas;
3. This Resolution shall take effect from and after the date of its passage as authorized by the Charter of the City of Kyle;

**PASSED AND APPROVED THIS 18<sup>th</sup> day of June 2013.**

ATTEST:

CITY OF KYLE, TEXAS

\_\_\_\_\_

\_\_\_\_\_

Lucy Johnson, Mayor

City of Kyle, Texas  
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: June 18, 2013  
CONTACT CITY DEPARTMENT: Office of the City Manager  
CONTACT CITY STAFF: Josh Moreno, Grants Coordinator

SUBJECT:

A RESOLUTION OF THE CITY COUNCIL, CITY OF KYLE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OFFICE OF THE ATTORNEY GENERAL, CRIME VICTIM SERVICES DIVISION, FOR A VICTIM COORDINATOR AND LIAISON GRANT IN THE AMOUNT OF 82,375.00 FOR A 2-YEAR PERIOD WITH AN ESTIMATED CITY MATCH TOTALING \$27,815.00; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF KYLE, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; TO WORK WITH THE OFFICE OF THE ATTORNEY GENERAL, CRIME VICTIM SERVICES DIVISION TO COMPLY WITH GRANT REQUIREMENTS OF THE VICTIM COORDINATOR AND LIAISON GRANT PROGRAM.

Item # 17

CURRENT YEAR FISCAL IMPACT:

The existing grant which provides funding for the Victim Coordinator position in the Kyle Police Department will expire on August 31, 2013. This new grant application, if approved by the Attorney General's Office, will provide continued funding for the Victim Coordinator position for a 2-year period beginning September 1, 2013 through August 31, 2015.

Since the 2-year grant period begins September 1, 2013, the fiscal impact for the current year (FY 2013) is for one month only, the month of September 2013. Expenditures for the remaining twenty three (23) months of the 2-year grant program will occur over FY 2014 and FY 2015.

It is estimated that the fiscal impact for the current fiscal year totals \$4,518.00 of which \$1,130.00 will be matched from the approved operating budget of the Kyle Police department (General Fund) for FY 2013.

FUNDING SOURCE OF THIS ACTION:

The purpose of this grant application to the Texas Attorney General's Office is to request funding for the Victim Coordinator's position in the Kyle Police Department for a 2-year period.


The grant funds will be used to pay for a majority of the personnel costs for the Victim Coordinator position. The City will be required to provide matching funds to pay for the balance of the personnel costs and other support costs associated with the position.

The annual funding requirements for this grant program, if approved, will be as follows:

	<u>Year 1</u> <u>FY 2014</u>	<u>Year 2</u> <u>FY 2015</u>	<u>2-Year</u> <u>Total</u>
Personnel	\$50,000.00	\$51,750.00	\$101,750.00
Support Costs	<u>4,220.00</u>	<u>4,220.00</u>	<u>8,440.00</u>
Requirements:	<u>\$54,220.00</u>	<u>\$55,970.00</u>	<u>\$110,190.00</u>
Grant Funds	\$40,641.00	\$41,734.00	\$ 82,375.00
City Match	<u>13,579.00</u>	<u>14,236.00</u>	<u>27,815.00</u>
Total Funding:	<u>\$54,220.00</u>	<u>\$55,970.00</u>	<u>\$110,190.00</u>

The City Council's approval of this item will also authorize staff to include \$13,579.00 in the FY 2014 budget and \$14,236.00 in the FY 2015 budget of the Police Department to provide matching funds required for this grant.

ADDITIONAL INFORMATION/COUNCIL ACTION:  
N/A.

 6/10/2013  
 Pervez A. Moheet, CPA - Date  
 Director of Finance

Item # 17



# CITY OF KYLE, TEXAS

## City Managers Report

**Meeting Date: 6/18/2013**  
**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 date for City Council Retreat
2. Discuss Road Bond Calendar
3. Discuss Street Construction Management
4. Discuss the Filing of a Loan Application in the Principal Amount of \$750,000.00 to the Texas Water Development Board from the Texas Water Development Fund

**Other Information:**

**Budget Information:**

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Attachments / click to download

[Bond Calendar](#)

[DRAFT City Council Retreat Agenda](#)

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Cover Memo

Item # 18



## KYLE CITY COUNCIL RETREAT

### **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/Engineering
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

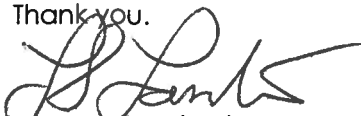
**Date:** May 29, 2013  
**To:** Mayor and City Council  
**Subject:** Bond Calendar



<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 # 18