## 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 7/2/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 27th day of June, 2013 prior to 7:00 p.m.

#### I. Call Meeting To Order

#### II. Approval of Minutes

1. City Council Regular Meeting - June 18, 2013 ~ Amelia Sanchez, City Secretary

#### Attachments

2. City Council Special Called Meeting - June 20, 2013 ~ Amelia Sanchez, City Secretary

#### Attachments

#### III. Citizen Comment Period With City Council

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

#### **IV.** Presentation

- 3. Presentation of Employee of the Month for the Month of June ~ *Lanny Lambert, City Manager* 
  - Cindy De Leon, City Hall Receptionist

#### <u>Attachments</u>

4. Plum Creek Watershed Project Update ~ Nick Dornak, Plum Creek Watershed Coordinator

<u>Attachments</u>

#### V. Appointments

5. Confirmation of the City Manager's Appointment to the Civil Service Commission ~ Lanny Lambert, City Manager

- Cindy Lawton Reappointment to third three-year term
- James Adkins Reappointment to second three-year term

#### <u>Attachments</u>

- 6. Consideration of Nomination(s) for Appointment to the Pie Festival Committee ~ *Lucy Johnson, Mayor* 
  - Cynthia Bentley
  - Rachel McKenna
  - Mary Halenza
  - Ivana Flowers

#### <u>Attachments</u>

7. Consider City Council Member Appointment to the Public Safety Answering Point (PSAP) Co-Location Project Executive Committee ~ *Lucy Johnson, Mayor* 

Attachments

#### VI. Consent Agenda

8. Authorize award and execution of a Purchase Order to WORKPLACE RESOURCE of Austin, Texas in an amount not to exceed \$8,196.94 for the purchase, design and installation of office furniture for the Kyle Public Library. ~ *Connie Brooks, Director of Library* 

Attachments

9. Authorize the City Manager to negotiate and amend the master copier lease agreement with RICOH USA, INC., (fka IKON OFFICE SOLUTIONS, INC.) for two copiers/printers for the Building Inspection and Financial Services Departments in order to (1) reduce the lease charges from \$787.00 to \$712.90 per month and (2) renew the contract term for a 60-month period beginning July 2013 and ending June 2018. ~ *Perwez A. Moheet, CPA, Director of Finance* 

#### <u>Attachments</u>

10. Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, L.P., Austin, Texas, in an amount not to exceed \$11,468.00 for the purchase, delivery and installation of picnic tables and trash receptacles for Gregg-Clarke Park. ~ *Kerry Urbanowicz, C.P.S.M., Director for Kyle Parks, Recreation & Facilities* 

#### Attachments

11. Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, L.P., Austin, Texas, in an amount not to exceed \$11,136.00 for the purchase, delivery and installation of picnic tables, trash receptacles and drinking fountain for Lake Kyle Park. ~ *Kerry Urbanowicz, C.P.S.M., Director for Kyle* 

Attachments

12. Kensington Trails Section 5 - Preliminary Plan (PP-12-006) 36.04 acres; 119 Lots Location: 2200 Block of Bebee Road, East end of Downing Way Owner: Kensington Place Ventures, Ltd. Agent: Hugo Elizondo, Jr., P.E., Cuatro Consultants ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 4-0 to approve the preliminary plan.

Attachments

13. Plum Creek Phase 1 Section 6E2-1 - Final Plat (FP-13-011) 11.256 acres; 62 lots Located between the extension of Kirby and extension of Sanders adjacent to Golf Course Owner: Plum Creek Development Partner, Ltd. Agent: Alan Rhames, P.E., Axiom Engineers, Inc. ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 4-0 to statutorily disapprove the plat.

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

Attachments

14. Plum Creek Phase 1 Section 6E2-1 Preliminary Plan (PP-13-004)

11.256 acres; 62 lots

Located between extension of Kirby and extension of Sanders adjacent to the Golf Course.

Owner: Plum Creek Development Partners, Ltd. Agent: Alan Rhames, P.E., Axiom Engineers Inc.

~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 4-0 to statutorily disapprove the preliminary plan.

(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These

applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the City Council).

#### Attachments

15. Meadows at Kyle Phase Two - Final Plat (FP-13-010)
14.673 acres; 60 lots
Located on the north side of Windy Hill Road 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 4-0 to approve the final plat.

Attachments

16. (Second 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

Attachments

17. (Second 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

<u>Attachments</u>

#### VII. Consider and Possible Action

18. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING NO MORE THAN TWO CITY OF KYLE COUNCIL MEMBERS TO BE APPOINTED TO A SELECTION COMMITTEE FOR THE PURPOSES OF REVIEWING SUBMITTALS RELATING TO THE ROAD BOND ENGINEERING SERVICES RFQ FOR THE DESIGN OF LEHMAN ROAD, NORTH BURLESON STREET, MARKETPLACE AVENUE, GOFORTH ROAD, AND **BUNTON** CREEK ROAD, AND MAKING А

RECOMMENDATION TO THE CITY COUNCIL FOR THE SELECTION OF A FIRM(S) TO PERFORM THE DESIRED WORK. ~ *Steven Widacki, P. E., City Engineer* 

Attachments

19. (First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 33.90 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED WITHIN THE 1000-1100 BLOCK OF REBEL ROAD, JUST NORTH OF SILVERADO DRIVE, IN HAYS COUNTY, TEXAS. (D&L BROOKS INVESTMENTS Z-13-007); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 4-0 to approved the rezone request

• Public Hearing

#### Attachments

20. (First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 8.63 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO 'CC' COMMUNITY COMMERCIAL, ON PROPERTY LOCATED WITHIN THE 1000-1100 BLOCK OF REBEL ROAD, JUST NORTH OF SILVERADO DRIVE, IN HAYS COUNTY, TEXAS. (D&L BROOKS INVESTMENTS Z-13-009); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 4-0 to approve the rezone request

• Public Hearing

<u>Attachments</u>

21. (First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF

ASSIGNING ORIGINAL ZONING OF 'W' WAREHOUSE DISTRICT TO APPROXIMATELY 25.10 ACRES, ON PROPERTY LOCATED AT 23045 IH-35 IN HAYS COUNTY, TEXAS. (NL LAND HOLDING – Z-13-006); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 3-1 to approve the zoning request.

• Public Hearing

#### <u>Attachments</u>

22. (First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY .41 ACRES OF LAND FROM 'R-3-2' MULTI-FAMILY RESIDENTIAL 2 TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 575 E. RR 150 – BUILDING 3, IN HAYS COUNTY, TEXAS. (KYLE RETAIL PARTNERS); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 4-0 to approve the rezone request.

• Public Hearing

Attachments

23. A RESOLUTION TO PROVIDE FOR THE POSSIBLE EXTENSION OF THE CITY OF KYLE MUNICIPAL BOUNDARIES BY THE ANNEXATION OF APPROXIMATELY 47.2 ACRES OF LAND IN HAYS COUNTY, TEXAS THAT IS GENERALLY LOCATED SOUTH OF RR 150 AND WEST OF SIEBERT DRIVE / HEIDENREICH LANE AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; SETTING THE DATES AND TIMES OF TWO PUBLIC HEARINGS FOR THE PURPOSE OF ANNEXING PROPERTYAND SETTING AN EFFECTIVE DATE. ~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 4-0 to recommend proceeding with the proposed annexation.

Attachments

#### VIII. Council Requested Agenda Items

24. Consideration and Possible Action to replace and install auto opening door(s) in Kyle City Hall at an estimated cost of \$39,200.00 ~ Kerry Urbanowicz, Director of Parks & Recreation

<u>Attachments</u>

25. Consideration and Possible Action to repair and replace lights and fixtures on Kyle Parkway and Seton Parkway at an estimated cost of \$35,000.00 ~ Kerry Urbanowicz, Director of Parks & Recreation

#### Attachments

26. (*First Reading*) Consideration and Possible Action to approve an Ordinance to amend the City's Approved Budget for Fiscal Year 2012-13 by increasing total appropriations in the General Fund by \$74,200.00 for (1) the installation of automatic doors at Kyle City Hall with an estimated cost of \$39,200.00 and (2) for the repair and or replacement of street light fixtures on Kyle Parkway/Seton Parkway with an estimated cost of \$35,000.00. <u>Related to Agenda Item Nos. 24 and 25.</u> ~ *Perwez A. Moheet, CPA, Director of Finance* 

Attachments

#### IX. City Managers Report

- 27. Update on Various Capital Improvement Projects, Road Projects, Building Program, and/or General Operational Activities ~ *Lanny Lambert, City Manager* 
  - Discuss Date for City Council Retreat
  - Discuss Starting Time for All Council Budget Workshops (6:00 p.m., 6:30 p.m., or 7:00 p.m.)
  - Discuss Preliminary Budget Estimates for FY 2014 and Efforts Underway to Present a Balanced City Budget on August 1st.

Attachments

#### X. Executive Session

28. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.071 and Tex. Gov't. Code § 551.074, Consultation with City Attorney and Personnel Matters to discuss interpretation of Section 3.02 of the City Charter regarding qualifications for City Council office.

Attachments

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

Attachments

- 30. Reconvene into Public Session and take action as appropriate in the Council's discretion regarding:
  - 1. Section 3.02 of the City Charter regarding qualifications for City Council;
  - 2. Settlement negotiations between the City of Kyle and Aqua Operations, Inc.

Attachments

#### XI. 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 18, 2013

Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:	City Council Regular Meeting - June 18, 2013 ~ Amelia Sanchez, City Secretary
Other Information:	This item is for formal approval of the minutes from the June 18th Regular Meeting of the City Council, a copy of which is included with the meeting packet.
<b>Budget Information:</b>	N/A

Viewing Attachments Requires Adobe Acrobat. Click here to download.

#### Attachments / click to download

City Council Regular Meeting Minutes - June 18, 2013

#### REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on June 18, 2013, at 7:00 pm at Kyle City Hall, with the following persons present:

Mayor Lucy Johnson Mayor Pro Tem Diane Hervol Council Member Samantha LeMense Council Member Becky Selbera Council Member Ray Bryant Council Member Chad Benninghoff Council Member David Wilson Lanny Lambert, City Manager Jerry Hendrix, Director of Communications Perwez Moheet, Finance Director Diana Blank, Director of Economic Development Steven Widacki, City Engineer Sophia Nelson, Director of Planning Mark Shellard, IT Director Jeff Barnett, Police Chief Cody Faulk, City Attorney

Mark Ray Michael Wilson Trista Fugate David Wilson

#### CALL MEETING TO ORDER

Mayor Johnson called the meeting to order at 7:01 P.M.

#### ROLL CALL

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

Mayor Johnson was informed that Council Member Selbera was on her way.

#### APPROVAL OF MINUTES

CITY COUNCIL REGULAR MEETING - JUNE 4, 2013 ~ *AMELIA SANCHEZ, CITY* SECRETARY

## CITY COUNCIL SPECIAL CALLED MEETING - JUNE 11, 2013 ~ *AMELIA* SANCHEZ, CITY SECRETARY

Mayor Pro Tem Hervol moved to approve the City Council Regular Meeting - June 4, 2013 minutes, and to approve the June 11, 2013 Special Called Meeting minutes with a correction showing she voted nay on Item #2, the Mass Gathering Ordinance (First Reading). Council Member LeMense seconds the motion. All aye. Motion carried.

CITY COUNCIL REGULAR MEETING June 18, 2013 – Page 2 Kyle City Hall

#### CITIZEN COMMENT PERIOD WITH CITY COUNCIL

Mayor Johnson opened the citizens comment period at 7:03 P.M. and called for comments on items not on the agenda or posted for public hearing. Mark Ray a resident of Plum Creek spoke and stated that he would like it put on public record a petition he sent to the City about thirty days ago and that the main goal he and other residents in attendance for the petition was to reduce speeding and raise awareness for the children at play and the danger of unlabeled blind corners at Wetzel. He stated that he and the undersigned petition the Mayor and Council to make immediate road safety improvements to ensure a safer environment for the current families, pedestrians and motorists of Wetzel Drive. Michael Wilson a resident of Plum Creek spoke and stated he had the same concerns as did Mark Ray, the previous speaker, but with less concern of speed but with cars parking on both sides of the street making it one lane and the possibility of a major accident occurring and children getting hurt or fire trucks not being able to get through in an emergency. Trista Fugate, representing PEC spoke and invited all to annual meeting on Saturday at the Performing Arts Center with activities for families and door prizes. Council Member David Wilson read a letter sent to him from Mary Etheredge expressing concerns with the proposed roundabout at the intersection of Kohlers Crossing and FM 1626 and that she had not heard of any plans for a crosswalk. She stated that retail shops would most likely come to this location and with the opening of ACC students would probably walk to these places of business and make this a dangerous crossing and asked Council to consider the safety of pedestrians as they moved forward to improve the intersections. With no one else wishing to speak Mayor Johnson closed Citizen's Comments at 7:12 P. M.

#### APPOINTMENTS

## CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE PUBLIC WORKS & SERVICE COMMITTEE ~ *LUCY JOHNSON, MAYOR*

- James Massaro, Place 7
- Cynthia Bentley, Alternate

Mayor Johnson moved to appoint James Massaro and Cynthia Bentley to the Public Works & Service Committee. Council Member Wilson seconds the motion. All aye. Motion carried.

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE BOARD OF ADJUSTMENTS/SIGN CONTROL BOARD ~*LUCY JOHNSON, MAYOR* 

• Matt Janysek

CITY COUNCIL REGULAR MEETING June 18, 2013 – Page 3 Kyle City Hall

Mayor Johnson moved to appoint moved to appoint Matt Janysek to the Board of Adjustments/Sign Control Board. Council Member Wilson seconds the motion. All aye. Motion carried.

#### CONSENT AGENDA

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.  $\sim$  JEFF BARNETT, CHIEF OF POLICE

(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

Mayor Pro Tem Hervol moved to approve Consent Agenda **Items # 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; **Item# 6** ~ 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. Council Member Bryant seconds the motion. All votes aye. Motion carried.

#### CONSIDER AND POSSIBLE ACTION

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* 

CITY COUNCIL REGULAR MEETING June 18, 2013 – Page 4 Kyle City Hall

Mayor Johnson moved to appoint Council Member LeMense as Mayor Pro Tem. Council Member Selbera seconds the motion. All aye. Motion carried.

AUTHORIZE EXECUTION OF ADVANCE FUNDING AGREEMENT (AFA) FOR LOCAL GOVERNMENT CONTRIBUTIONS VOLUNTARY 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

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

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* 

Council Member Hervol moved to 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. Mayor Pro Tem LeMense seconds the motion. All votes aye. Motion carried. CITY COUNCIL REGULAR MEETING June 18, 2013 – Page 5 Kyle City Hall

(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

Mayor Johnson opened the Public Hearing at 7:27 P M to hear comments on 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 mutual release of ETJ. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:27 P M.

Council Member Bryant moved to Approve (*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 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 pending that there are no substantial changes to the agreement. Council Member Hervol seconds the motion. All votes aye. Motion carried.

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.

Council Member Hervol moved to approve Rojo Subdivision - Final Plat (FP-13-002) 15 acres; 5 Lots located on Roland Lane approximately 1000 feet East of CR 136 with the conditions that the 3 variances be granted or meet the requirements of the Subdivision Ordinance. Council Member Bryant seconds the motion. All votes aye. Motion carried.

CITY COUNCIL REGULAR MEETING June 18, 2013 – Page 6 Kyle City Hall

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

Council Member Bryant moved to deny the variance request of the City of Kyle code requiring all electrical, telephone, cable, television and similar lines be placed underground to allow for overhead electric. Council Member Hervol seconds the motion. Mayor Johnson asked for a roll call vote. Council Member Hervol votes aye, Council Member LeMense votes aye, Council Member Selbera votes nay, Mayor Johnson votes aye, Council Member Bryant votes aye, Council Member Benninghoff votes nay, Council Member Wilson votes aye. Motion carried 5-2.

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*

Mayor Johnson moved to Approve 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. Mayor Pro Tem LeMense seconds the motion. Mayor Johnson asked for a roll call vote. Council Member Hervol votes aye, Mayor Pro Tem LeMense votes aye, Council Member Selbera votes aye, Mayor Johnson votes aye, Council Member Bryant votes aye, Council Member Benninghoff votes aye, Council Member Wilson votes aye. Motion carried 7-0. CITY COUNCIL REGULAR MEETING June 18, 2013 – Page 7 Kyle City Hall

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* 

Council Member Benninghoff moved to approve 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. Mayor Pro Tem LeMense seconds the motion. All votes aye. Motion carried.

(*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

Council Member Bryant moved to table (First Reading) An Ordinance amending Ordinance #438 (Zoning) of the City of Kyle, Texas, for the purpose of re-zoning approximately 7.64 acres from 'RS' Retail Service District to 'R 3-3' Apartments Residential 3. Mayor Pro Tem LeMense seconds the motion. All votes aye. Motion carried.

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) CITY COUNCIL REGULAR MEETING June 18, 2013 – Page 8 Kyle City Hall

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

Council Member Benninghoff moved to approve 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 for funding through the FY13 COPS Hiring Program. Council Member Selbera seconds the motion. All votes aye. Motion carried.

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

Council Member Hervol moved to approve A Resolution of the 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. Council Member Bryant seconds the motion. All votes aye. Motion carried.

#### CITY MANAGERS REPORT

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

- 1. Discuss date for City Council Retreat
- 2. Discuss Road Bond Calendar

CITY COUNCIL REGULAR MEETING June 18, 2013 – Page 9 Kyle City Hall

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

City Manager Lanny Lambert stated that the first item for discussion was the Council Retreat for this Saturday and that there was a proposed schedule and location, and that it had been posted if they wanted to hold it but it was his understanding that not all members of council could attend. It was decided that they would try to schedule another date as soon as everyone checked their availability and provide it on the special called meeting on Thursday June 20.

The next item was the Road Bond Calendar and Mr. Lambert stated there was an attachment on the agenda identifying the activities associated with the Road Bonds for the next five years. He stated that Engineers would be interviewed and hopefully selected in August of this year. He stated the Engineers would design the projects with the first project bid out in May 2014 and the first project completed in June 2015.

He stated that he was appointing James Earp as the Street Construction Manager for the street bond project and that he and Steven Widacki, City Engineer would prepare an in house team to manage the day to day management of the construction projects. He stated that they would be bring council a proposal to hire an employee out of the bond proceeds to help on the technical aspects of the project, either a land acquisition agent or an assistant GIS Tech or some sort of Engineering Tech.

Mr. Lambert stated that he was asking for permission to file a loan application with the Texas Water Development Board to do the preliminary repairs on 4 worst water retention towers and water tanks in the City, which would include repairs, draining, sand blasting and repainting them. He stated the cost would be around \$750,000 to \$1 million dollars. He stated he thought the City could get a 20 year loan and borrow \$750,000 dollars with a payment of approximately \$64,000. dollars for 20 years, with an approximate 50 cent per customer per month rate increase in water rates.

#### ADJOURN

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

The City Council meeting adjourned at 8:41 P M.

Lucy Johnson, Mayor

Amelia Sanchez, City Secretary



## CITY OF KYLE, TEXAS

City Council Special Called Meeting -June 20, 2013

Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:	City Council Special Called Meeting - June 20, 2013 ~ <i>Amelia</i> Sanchez, City Secretary
Other Information:	This item is for formal approval of the minutes from the June 20th Special Called Meeting of the City Council, a copy of which is included with the meeting packet.
<b>Budget Information:</b>	N/A

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#### Attachments / click to download

City Council Special Called Meeting Minutes - June 20, 2013

#### SPECIAL CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on June 20, 2013 at 7:00 pm at Kyle City Hall, with the following persons present:

Jerry Kolacny

Mayor Lucy Johnson Mayor Pro Tem Samantha LeMense Council Member Diane Hervol Council Member Becky Selbera Council Member David Wilson Lanny Lambert, City Manager Perwez Moheet, Finance Director Diana Blank, Director of Economic Development Mark Shellard, IT Director 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 LeMense, Council Member Hervol, Council Member Selbera, and Council Member Benninghoff, and Council Member Wilson.

#### CITIZEN COMMENT PERIOD WITH CITY COUNCIL

Mayor Johnson opened the citizens comment period at 7:01 P.M. and called for comments on items not on the agenda or posted for public hearing. Jerry Kolacny spoke and stated that as a resident, tax payer and homeowner in Kyle, he cringed when Economic Development incentives were on the agenda because they may or may not pay off for the residents and that it added to the pressure on the infrastructure, on our roadways and the City does not have to respond to every offer that comes along and asked Council to think carefully on these offers. Mr. Kolacny also mentioned a story in the local newspaper about the tax troubles about a Council Member, specifically his Council Member, the point being made was that anybody that owes an indebtedness to the City is not qualified to serve on Council and that the Mayor has the authority to do something about it. He stated that that should look carefully at this story and that is does not give the full story of what is going on. He stated that in order to be indebted to the City you have own the property and he could not find anywhere that stated Council Member Selbera owned the property and that the lawsuit was filed over a year ago and the property was part of an estate and asked the Council to look long and hard before any action was taken. Andy Sevilla with the Hays Free Press stated that he had copies of the deeds from 1998, county lawsuit and legal descriptions from county records and surveyors if anyone wanted to see them. With no one else wishing to speak Mayor Johnson closed Citizen's Comments at 7:05 P. M.

CITY COUNCIL REGULAR MEETING June 20, 2013 – Page 2 Kyle City

Mayor Johnson moves to Executive Session.

#### EXECUTIVE SESSION

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 7:06 P.M. 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 Pro Tem LeMense seconds the motion. All aye. Motion carried.

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 7:23 P.M. and take action as appropriate in the 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 Hervol seconds the motion. All aye. Motion carried.

Mayor Johnson stated that No Action was taken during Executive Session but that action would be taken now.

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

Mayor Johnson moved to approve an Economic Incentive Agreement between the City and Shulman Partners Limited for a multifaceted entertainment center to include movies, bowling and a restaurant contingent upon legal review. Council Member Hervol seconds the motion. All votes aye. Motion carried.

CITY COUNCIL REGULAR MEETING June 20, 2013 – Page Kyle City

#### ADJOURN

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

The City Council meeting adjourned at 7:25 P.M.

Lucy Johnson, Mayor

Amelia Sanchez, City Secretary



## CITY OF KYLE, TEXAS

Meeting Date: 7/2/2013 Date time: 7:00 PM

### Employee of the Month

Subject/Recommendation:

Presentation of Employee of the Month for the Month of June ~ *Lanny Lambert, City Manager* 

• Cindy De Leon, City Hall Receptionist

**Other Information:** 

**Budget Information:** 

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Attachments / click to download

Cover Memo



## CITY OF KYLE, TEXAS

Meeting Date: 7/2/2013 Date time: 7:00 PM

Plum Creek Watershed Project Update

Subject/Recommendation:

Plum Creek Watershed Project Update ~ *Nick Dornak, Plum Creek Watershed Coordinator* 

**Other Information:** 

**Budget Information:** 

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Attachments / click to download

Plum Creek Watershed Partnership

Cover Memo

## Plum Creek Watershed Partnership

## 2013 (Jpdate to Partners and Stakeholders

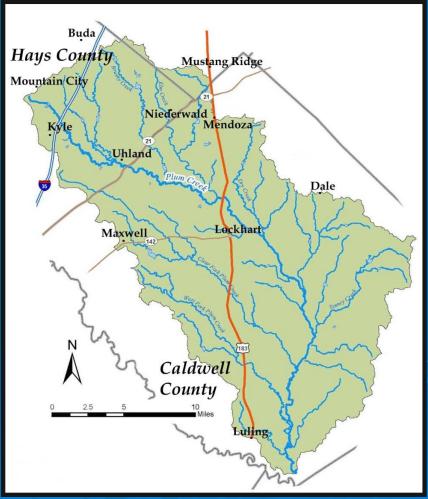




# The Plum Creek Watershed

### > 397 square mile drainage

- Major tributary to the San Marcos River
- Plum Creek was placed on the State of Texas 2004 303(d) List of Impaired Waters for exceeding the water quality standard for <u>bacteria (E</u> <u>.coli</u>) and still does not support its <u>designated use for contact</u> <u>recreation,</u> (126 org./100 ml for contact recreation)
- Plum Creek is also listed on the 2010 Texas Integrated Report for concerns that include depressed <u>dissolved oxygen</u> and <u>elevated</u> <u>nutrient</u> concerns for nitrates, orthophosphorus and total phosphorous.







# Plum Creek Watershed Protection Plan

- Watershed Protection Plans are Voluntary and have no regulatory authority
- A local Steering Committee of members throughout the watershed representing all types of stakeholders has directed the process
- The goals of the plan are to reduce pollution and improve water quality
- Plan includes strategies for each of the potential sources in the watershed
- An Interlocal Agreement signed by 12 Project Partners in 2011 provided matching funds for a CWA §319(h) grant to support a local watershed coordinator
- Start date was March 1, 2012



# A Living Document



THE PLUM CREEK WATERSHED PARTNERSHIP

Developed by

February 2008

Plum Plum Creek Watershed Partnership 2012 Update to Plum Creek Watershed Protection Plan

DEVELOPED BY

THE PLUM CREEK WATERSHED PARTNERSHIP

May 2012



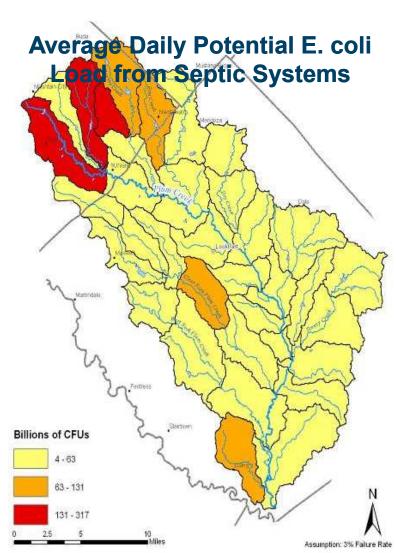
### www.plumcreek.tamu.edu



Hillside Terrace Wastewater Project Area



N





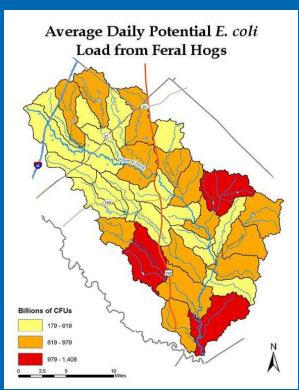
# Hillside Terrace Project

- Over 265 homes in the subdivision are on onsite wastewater systems
- Majority of lots are small, wastewater issues are reported often to the County
- The total project for infrastructure to connect these homes is estimated to cost \$5.6 Million (Planning and Design - \$400K)
- Funding through Clean Water State Revolving Fund Loan
   Program low-interest loans and principal forgiveness
- 2012 was the third year for consideration of the Hillside Terrace Project
- Project qualified for 70% loan forgiveness toward P&D due to disadvantaged community status.
- October 30, 2012 Interlocal agreement approved by Hays County Commissioner's Court to split costs with City of Buda for unfunded principal portion of P&D.
- November 1, 2012 Application submitted to TWDB.
- April 18, 2013 TWDB approves financing and loan forgiveness for \$400,000 P&D



Texas Department of Agriculture -Hog Out County Grants Program

- Hays and Caldwell County programs facilitated by Plum Creek Watershed Partnership
- Program conducted October 1, 2012 through December 31, 2012
- > Award Information for FY2013
  - Highest scoring county awarded \$20,000
  - 2<sup>nd</sup> highest awarded \$15,000 and 3<sup>rd</sup> highest \$10,000
  - Other counties awarded based feral hog harvest count
- \$2 per tail bounty instituted (receipt from Certified Holding Facility also accepted)
- > Over \$1,000 in prizes donated
- Cabela's Grand Prize for top individuals
- All donations tax deductible through the San Marcos River Foundation





# PCWP Publicity and Support from Feral Hog Programs



## Hog Out County Grants Program -Results

## Hays County results:

- 110 feral hogs harvested
- 57 individuals educated (3 workshops)
- Caldwell County results:
  - 1,025 feral hogs harvested
  - 68 individuals educated (2 workshops)



- Promotion and Advertising
- Feral hog survey
- Floating wireless trapping system for county
- March 1, 2013 Prizes from drawing awarded to winners during the Caldwell County Youth Livestock Show





# Caldwell County Feral Hog Task Force

- December 21, 2012 Watershed Coordinator met with Lt. Governor's Office to discuss potential funding for feral hog project in Caldwell County and Hays County
- January 8, 2013 First meeting of the Task Force facilitated by Plum Creek Watershed Coordinator
- February 18, 2013 Watershed Coordinator met with State Representatives to discuss funding for local feral hog program
- Developed FY2014 and FY2015 feral hog action plan for Hays and Caldwell County
- > February 26, 2013 Task Force meeting approved Action Plan
- March 6, 2013 Meeting with TDA staff to propose pilot project
- > May 14, 2013 Task Force meeting approved Leadership Committee
- May 28, 2013 Resolution passed by Caldwell Co. Commissioners officially adopting Task Force
- The future of feral hog management!



## Caldwell County Community Collection Events

- \$18,349 in CAPCOG funding for four FY2012-2013 CCEs
- December 10, 2012 Additional funding (\$3,000) for tire collection approved by Caldwell County Commissioners
- Worked with vendors and Caldwell County to provide a long-term recycling option for tires!!!
- > FINAL EVENT HELD: June 1, 2013 Lockhart, TX
- EVENT TOTALS
  - 262 participants
  - 300 volunteer hours
  - 76,340 pounds of solid waste collected
  - 2,147 tires collected and recycled



## Caldwell County Community Collection Events 2012 - 2013 Dale, TX - Apríl 6, 2013









### Keep Lockhart Beautiful-Plum Creek/Town Branch/Lockhart Springs 5<sup>th</sup> Annual Cleanup and Environmental Fair

- Event took place on September 22, 2012
- Watershed Coordinator Served as Co-Director with GBRA

### Results

# 4

- Over 300 volunteers (287 officially in 2012; 311 volunteers in 2011)
- 2,130 lbs of trash (590 lbs in 2011)
- 310.5 lbs of recyclables (680 lbs in 2011)
- 4.5 stream miles
- Environmental Fair 2012
  - Over 100 participants
  - Environmental Fair Passport
  - Prizes donated from local families and businesses
  - Total fundraising = \$2,210 (tripled since 2011)





XXXXXXXX



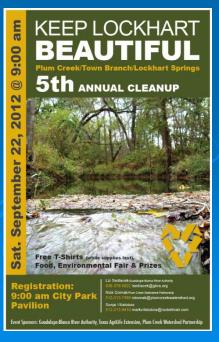












### 2012 Kyle WWTP Spills

- Kyle WWTP operated by Aqua Texas
- Plant malfunction resulted in spills into Plum Creek on November 20 and December 3, 2012
- Total volume of spills unknown
- Black sludge first noted at Heidenreich Lane during routine sampling by GBRA on 11/15
- Plum Creek Development wet well filling with unusual number of solids in November
- Watershed coordinator conducted approximately 10 post-spill site visits with representatives from TCEQ, Aqua Texas and TPWD
- TCEQ requested dewatering and additional
   clean up by Aqua Texas. This began in early
   March.





Potential SEP for watershed!

# Next Steps







### Summer/Fall 2013 Events

- May 9, 2013 Lockhart, Texas Well Owner Network to provide workshop and low-cost water quality screening
- > May 13, 2013 PCWP gets an intern!
- May 16, 2013 Luling Foundation Annual Field Day
- May/June 2013 Project update to partners and stakeholders
- > June 15, 2013 Chisholm Trail Roundup
- > June 25, 2013 Lockhart, TWRI Riparian Workshop
- Fall 2013 NEMO Training
- > Fall 2013 Keep Lockhart Beautiful, 6<sup>th</sup> Annual Cleanup
- Fall 2013 Hog Out Activities
- Fall 2013 Soils testing in Caldwell and Hays Counties
- Plum Creek Isotope Study
- Hillside Terrace Planning & Design
- SEP for Plum Creek Watershed Undetermined
- Texas Stream Team monitoring program



# 2013 Major Watershed Projects

- CWA §319(h) grant to continue funding the District SWCD Technician and WQMPs to support Plum Creek
  - \$607,080 Federal Funds (proposed)
- > CWA §319(h) grant for Plum Creek Isotope Study
  - \$216,113 total project cost
- Hillside Terrace Project \$400,000 Planning and Design
- Community Collection Events \$21,349 in CAPCOG and Caldwell County Funds
- FY2014 and FY2015 Hays-Caldwell Feral Hog Action Plan
  - \$5,000 TDA Hog Out County Grant
- SEP for the Plum Creek Watershed (Kyle WWTP spill)
- > 6<sup>th</sup> Annual Keep Lockhart Beautiful, Plum Creek Clean Up
- Large watershed cleanup proposal to TPWD
- Plum Creek Stream and Wetland Mitigation Area Management Plan



### The Plum Creek Riparian Cooperative

- Develop riparian landowner network for the Plum Creek watershed, the Plum Creek Riparian Cooperative (PCRC)
  - Enhance stakeholder knowledge of riparian ecosystems
  - Encourage participation in BMPs identified in the Plum Creek WPP
  - Develop 30+ WQMPs on riparian lands over next 3 years
- Guided by the PCRC Leadership Committee
  - Facilitated by the Plum Creek Watershed Coordinator
  - Semi-annual meetings
- "On Ranch" and "Living Room" workshops based on Nueces River Authority model
  - 15 to 20 workshops over 3 years
  - Reach 300+ riparian landowners
- Deliver online content using the existing PCWP website
- Evaluation component



# PCWP Steering Committee Meeting

Thursday, August 8, 2013 6:30 to 8:00 pm Lockhart State Park, Lockhart



# Thanks!

Nick Dornak, Plum Creek Watershed Coordinator

ndornak@plumcreekwatershed.org

1403 Blackjack Street, Suite B Lockhart, TX 78644

(512)213-7389





### CITY OF KYLE, TEXAS

#### Civil Service Commission Appointment

Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:	Confirmation of the City Manager's Appointment to the Civil Serv Commission ~ Lanny Lambert, City Manager	
	<ul> <li><i>Cindy Lawton</i> - Reappointment to third three-year term</li> <li><i>James Adkins</i> - Reappointment to second three-year term</li> </ul>	
Other Information:	This item is for formal confirmation by the City Council of the City Manager's appointment to the City's three-member Civil Service Commission in conformity with state law.	
	Texas Local Gov't Code, Chapter 143.006(b) "The commission consists of three members appointed by the municipality's chief executive and confirmed by the governing body of the municipality."	
<b>Budget Information:</b>	N/A	

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Attachments / click to download



### CITY OF KYLE, TEXAS

Meeting Date: 7/2/2013 Date time: 7:00 PM

#### Pie Festival Committee Appointments

Subject/Recommendation:

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

- Cynthia Bentley
- Rachel McKenna
- Mary Halenza
- Ivana Flowers

**Other Information:** 

**Budget Information:** 

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#### Attachments / click to download

- Cynthia Bentley Committee Application
- <u>Rachel McKenna Committee Application</u>
- Mary Halenza Committee Application
- Ivana Flowers Committee Application

Cover Memo

Grace Nino <gracenino@cityofkyle.com>

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

**City of Kyle Texas** <webmaster@cityofkyle.com> To: gracenino@cityofkyle.com Tue, Jun 25, 2013 at 10:05 PM

Submitted on Tuesday, June 25, 2013 - 22:05 Submitted by anonymous user: [70.112.180.60] Submitted values are:

Name: Cynthia Bentley Address: 350 Paddington Drive, Kyle, Tx E-Mail: mscynt10@aol.com Best Phone Number to Reach You: 504-330-8999 Sub Division: Keningston Trail Committees you are interested in: Pie Festival Professional, Education and Work Background: 43 years with Louisiana Workforce Commission, Sub Regional Manager

14 years with Kiwanis Club of Pontchartrain, New Orleans, LA

Previous or Current Community/Committee Involvements: Established 3 new Kiwanis Clubs in the Greater New Orleans Area, Recruited 80+ new members. Vice President Magnificient Women (St.David Church, New Orleans) Children Choir Director, (10 years) St. Margaret Mary Church, Slidell, La. Special Knowledge or Experience: Chairperson, Military Joint Committe Job Fair, Greater New Orleans area Board Member Orleans Private Industry Council (New Orleans) Board Member Workforce Commission (New Orleans) Consultant Battered Women workshops and seminars

How long have you been a Kyle resident? Purchase a house in Kyle 2006, lived in the house off and on since that time.Moved permanent 2012 after retirementnt Today's Date: 2013-06-25 Other Comments:



Grace Nino <gracenino@cityofkyle.com>

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

City of Kyle Texas < webmaster@cityofkyle.com> To: gracenino@cityofkyle.com

Thu, Jun 27, 2013 at 10:46 AM

Submitted on Thursday, June 27, 2013 - 10:46 Submitted by anonymous user: [64.129.157.222] Submitted values are:

Name: Rachel McKenna Address: 333 Spring Branch Loop E-Mail: suson5@yahoo.com Best Phone Number to Reach You: 361-443-4675 Sub Division: Spring Branch Committees you are interested in: Pie Festival Committee Professional, Education and Work Background: Paralegal Clerk at Baker Botts LLP (Law Firm in Downtown Austin) Previous or Current Community/Committee Involvements: Member of the City of Kyle Board of Adjustments and City of Kyle Sign Board Special Knowledge or Experience: Have planned several personal large events How long have you been a Kyle resident? 2 years Today's Date: 2013-06-27 Other Comments:



Grace Nino <gracenino@cityofkyle.com>

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

**City of Kyle Texas** <webmaster@cityofkyle.com> To: gracenino@cityofkyle.com Fri, Jun 21, 2013 at 9:30 PM

Submitted on Friday, June 21, 2013 - 21:30 Submitted by anonymous user: [71.114.225.25] Submitted values are:

Name: Mary Halenza Address: 232 McGarity E-Mail: neelonweel@gmail.com Best Phone Number to Reach You: 8179058327 Sub Division: Plum Creek Committees you are interested in: Pie Festival Professional, Education and Work Background: BFA University of Texas of Arlington MISM University of Phoenix IT Developer for Accor North America IT Project Manager for The Knot/XO Group, ALIS, and Texas Parks and Wildlife. Currently work as owner of Lone Star Kettle Corn. Previous or Current Community/Committee Involvements: PTA President of Negley Elementary for past 2 years and helped with various events that involved community and the school including the 3 annual 5K/1K fun run and health fairs at Negley. Been a chamber member with both the Negley PTA and Lone Star Kettle Corn. Worked with Ray Hernandez and the chamber in small ways for community events such as Gala, Market Days (with chamber and then with parks department). Special Knowledge or Experience: Festivals and fairs are my life now :) How long have you been a Kyle resident? 7 years Today's Date: 2013-06-21 Other Comments:

Item # 6



### INFORMATION STATEMENT AND COMMITTEE APPLICATION

Thank you for offering your services to the city of Kyle. Lucy Johnson, Mayor

NAME: IVana Flowers	TELEPHONE: 512-216-3246	
ADDRESS:	EMAIL:	
1425 Amberwood Loop	if10@ tystate.edu	
SUBDIVISION: Amberwood	COMMUNITY Relations - Te St University	
COMMITTESYOU ARE INTERESTED IN (rank by pre	eference):	
1) Mobility 2) Community Relations 3) Public Works Service		
3) Ethics	lte	
PROFESSIONAL / EDUCATION / WORK BACK GROU		
June 2008 - Present: Tyst. University, moved to Community Relations 2005 - 2007 - Leesburg, FL Chamber o Also have worked at a John Deere dist E. TN., and Patient Coordinator for a ch	Prospect Research for 6 mths then f Commerce Event Planner ributorship as a dispatcher, owned a marina in airopractor	

LIST ANY COMMUNITY / COMMITTEE INVOLVEMENT: Church events & activity planning Employee recognition Youth group supervisor (worker ADA compliance

SPECIAL KNOWLEDGE OR EXPERIENCE APPLICABLE TO BOARD OR COMMISSION OF INTEREST.

No special training, but I discovered my love for community involvement through Various Volunteer positions and formally got into it at the Chamber. I am currently assistant to the Director of Community Relations, Kim Porterfield. You may call her for a reference 512-787-Deade 0601.

Thank you for taking the time to complete this application. The information will be helpful to the members of City Council in making appointments. You will be contacted before any action is taken on your appointment.

RESIDENT OF KYLE FOR  $\frac{3!}{2}$  years. Are you registered to vote in the city of kyle? Yes no

Please return this form to: City of Kylę, Attn: Mayor, Johnson, 100 W. Center St., Kyle, TX 78640.

Signature of Applicant Ana Slowers Date 10/27/11



### CITY OF KYLE, TEXAS

PSAP Executive Committee Appointment Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:

Consider City Council Member Appointment to the Public Safety Answering Point (PSAP) Co-Location Project Executive Committee ~ *Lucy Johnson, Mayor* 

**Other Information:** 

**Budget Information:** 

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

Attachments / click to download

PSAP Co-Location Project Presentation

Structure

Cover Memo

# **PSAP Co-Location Project**

80 1 03

**Project Management Preparation** 

### **3 Phase Process for Co-Location**

- Phase 1 Project Management
- Phase 2 Implementation
- Phase 3 Operations
- ∞ Oversees Phase 1
  - Mission Critical Partners (MCP)
    - Works with representatives of Hays County through process
  - Co-Location Communication Representatives (CCR)
    - Erica Carpenter PSAPs, Law Enforcement Agencies
    - EMC Kharley Smith Fire and EMS Agencies
    - Commissioner Will Conley Commissioners' Court, Elected Officials, Municipalities

# Phase 1 – Project Management

#### Process

- CCR works with Mission Critical Partners to set up committees, communicate expectations and needs of the participants, ensures project is on track, and scope of work is complete
- CCR ensures all committees are on task, decisions are being made, and collective information is shared among participants
- CCR prepares presentations and messages for various audiences, including elected officials, to communicate progress
- CCR identifies potential land sites for MCP
- CCR ensures any contracts or Inter-local Agreements get created through all phases

# **Decision Making – Executive Committee**

### ∞ Executive Committee (EC)

- Makes Final Decisions based upon recommendations of Task Force during Project Management phase
- Consists of City, County, TX State U and ESD representatives
  - 2 representatives each Elected Official and Budget
- Communication Schedule is set up with the EC to provide updates and to vote on decisions
  - Bi-Weekly email updates
  - Quarterly meetings
- Each receives one equal vote, regardless of size of represented municipality, governance or organization
- EC represents shared involvement and partnership between all participants

**KS1** in Exec each member should have their own vote I believe. Its Task Force that I was thinking one vote per entity. Thoughts? Kharley Smith, 5/20/2013

# **Decision Making – Executive Committee**

#### Executive Committee (EC)

- Hays County 2 Representatives
  - County Commissioner
  - Chief of Staff
- City of San Marcos 2 Representatives
  - Elected Official
  - City Manager
- City of Kyle 2 Representatives
  - Elected Official
  - City Manager
- City of Buda 2 Representatives
  - Elected Official
  - City Manager
- Texas State University 2 Representatives
  - Vice President of Student Affairs
  - Cabinet Member
- Emergency Service Districts 2 Representatives
  - Commissioner

# **Decision Making – Executive Committee**

### ∞ Task Force (TF)

- Makes Decisions based upon recommendations of Subcommittees during Project Management phase
- Reports progress and requests for final decisions to EC
- Consists of administrators from PSAPs, Law Enforcement, Fire, EMS, Emergency Management and I.T.
- Communication Schedule is set up with the TF to provide updates and to vote on decisions
  - Bi-Weekly email updates
  - Quarterly meetings
- Each member receives one equal vote, regardless of size of represented municipality, governance or organization
- TF represents shared involvement and partnership between all participants

## **Decision Making - Task Force**

#### 50 Task Force

- Representative Agencies and Departments (1 vote per agency)
  - Hays County Sheriff's Office PSAP and L.E. Representative (2)
  - San Marcos Police Department PSAP and L.E. Representative (2)
  - Kyle Police Department PSAP and L.E. Representative (2)
  - University Police Department PSAP and L.E. Representative (2)
  - Buda Police Department L.E. Representative (1)
  - Fire Departments Representatives for all Fire Departments (2)
  - EMS Departments Representative for all EMS Departments (1)
  - Hays County Emergency Management (1)
  - San Marcos Emergency Management (1)
  - TX State University Emergency Management (1)
  - I.T. Director Non-voting Representative (1)

## **Decision Making - Sub-Committees**

- Participants will be assigned to sub-committees and must be able to commit time outside of regularly scheduled work and meetings
  - Members will need to work with their agency regarding their allowed participation
  - Members can be from any agency that possess skills and abilities pertaining to sub-committee
  - CCR will oversee sub-committees to ensure information gets communicated to the TF for decision making

- **SUB-COMMITTEES:**
- ∞ Fire and EMS Call Taking and Dispatching
  - Structure (i.e. equipment, 9-1-1 workstations, staffing)
  - Operations (i.e. governance, daily operations)
- n Facility
  - Emergency Communications
  - EOC
  - Common Spaces
- 🔊 CAD
  - o RMS
  - Testing/Training CAD Lab
  - o AVL
- 🔊 Radio
- <mark>∞ 9-1-1</mark>
- 50 Technology and I.T.
  - Emergency Communications Support
  - Internal I.T. support (i.e. phone, internet, security systems)
  - Audio/Visual support (i.e. camera systems, presentations)
- 50 Training and Quality Assurance

Item # 7

- Sub-Committee Representation Subject Matter Experts (SME)
- ∞ Can have more than 1 representative per SME group
  - Fire and EMS Call Taking and Dispatching
    - EMC Kharley Smith Chair
    - Fire Agency / EMS Agency
    - PSAP
    - CAPCOG
  - Facility
    - Erica Carpenter Chair
    - EMC EOC and Common Spaces
    - PSAP Communications Floor and Common Spaces
    - I.T.
    - CAPCOG / LCRA

- ∞ Sub-Committee Representation Cont.
  - CAD
    - Chair TX State UPD PSAP
    - PSAP
    - Fire Agency / EMS Agency
    - Law Enforcement Agency
    - I.T.
  - Radio
    - EMC Ken Bell Chair
    - PSAP
    - Fire Agency / EMS Agency
    - LCRA
    - I.T.

- Sub-Committee Representation Cont.
  - 0 9-1-1
    - Chair Kyle PSAP
    - PSAP
    - CAPCOG
    - I.T.
  - Technology and I.T.
    - Chair City of San Marcos I.T.
    - County and City I.T.
    - EMC
    - PSAP
  - Training and Quality Assurance
    - Chair Hays County PSAP
    - PSAP
    - Fire Agency / EMS Agency
    - CAPCOG
    - I.T.

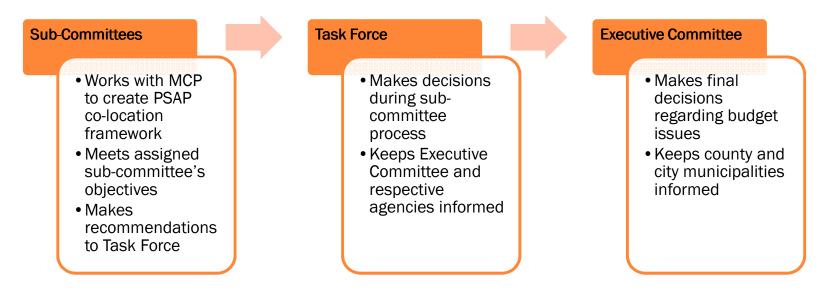
- A communication schedule will be set up for the subcommittees
  - To report progress to CCR 0
  - To report progress to TF Ο
  - To request decisions be made by the TF Ο
  - Weekly emails Ο
  - Monthly meetings 0

### **General Assembly**

- so Agency, County and City representatives
  - Police Chiefs, supervisors, officers
  - Fire and EMS Chiefs, supervisors, officers
  - PSAP Supervisors, operators
  - I.T.
  - County and City officials
  - MCP
- Some communication will be from committee representatives
- ∞ Meetings scheduled periodically

# **Decision Making Process**

For large decisions, such as CAD, presentations may be made to respective organizations such as the Commissioners' Court



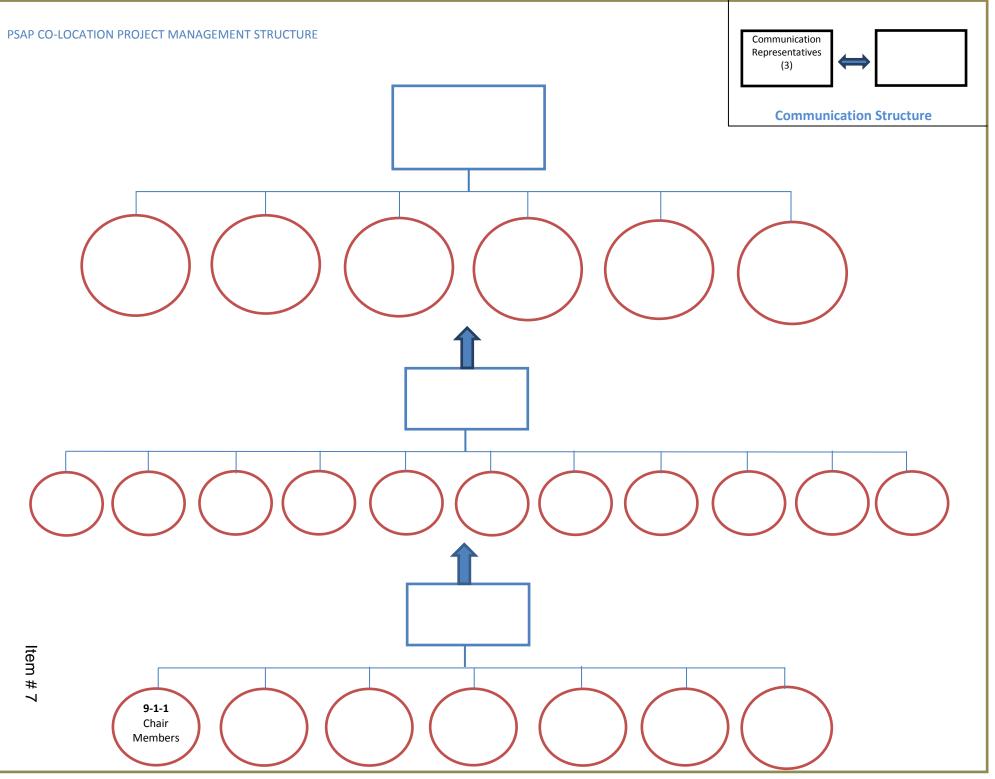
# Next Step in Phase 1

- Select Executive Committee members
- Select Task Force members
- Select Sub-committee members
  - Sub-committee interested members can fill out an application and turn it into the CCR for selection process
- MCP meets with and obtains updated information from PSAPs
  - Hays County SO
  - San Marcos PD
  - Kyle PD
  - Texas State UPD
  - Buda PD
  - Fire and EMS
- Potential land sites provided to Task Force for approval to give to MCP for the Feasibility Study
- 50 CAD RFP begins with MCP
  - MCP outlines our needs
  - Brings in CAD Vendors that fit ALL of our needs (Due Diligence)
  - Creates RFP Specifications
- <sup>50</sup> General Assembly votes on the process outlined in this presentation

## **Proposed Schedule Committee Meetings**

- so General Assembly
  - May 24<sup>nd</sup> 10:00am San Marcos Fire Station #5 (with MCP)
- so Executive Committee
  - June 12<sup>th</sup> 10:00am Location TBA
  - August 7<sup>th</sup> 10:00am Location TBA
  - October 9<sup>th</sup> 10:00am Location TBA
  - Bi-Weekly email updates from CCR
- 50 Task Force
  - Same schedule as Executive Committee
- so Sub-Committees
  - May 29<sup>th</sup> 10:00am Location TBA (with MCP)
  - First Week in June
  - Second Week in July
  - First Week in August
  - Second Week in September
  - First Week in October
  - Weekly email updates from each Sub-Committee Chair to CCR
- ∞ CCR
  - Conference calls with MCP at 9:00am
  - CCR meets each Monday at 8:30-9:30am proceeding the weekly conference call
    - May 24<sup>th -</sup> Meeting at 9:00am instead of conference call
    - June 7<sup>th</sup>
    - June 21<sup>st</sup>
    - July 5<sup>th</sup>
    - July 19<sup>th</sup>
    - August 2<sup>nd</sup>
    - August 16<sup>th</sup>
    - August 30<sup>th</sup>

Attachment number 1 \nPage





### CITY OF KYLE, TEXAS

Award Purchase Order for Library Director's Office Furniture Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:

Authorize award and execution of a Purchase Order to WORKPLACE RESOURCE of Austin, Texas in an amount not to exceed \$8,196.94 for the purchase, design and installation of office furniture for the Kyle Public Library. ~ *Connie Brooks, Director of Library* 

#### **Other Information:**

**Budget Information:** 

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

Attachments / click to download

Price Quotation

Fiscal Note

Cover Memo

#### City of Kyle, Texas FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: CONTACT CITY DEPARTMENT: CONTACT CITY STAFF: July 2, 2013 Public Library Connie Brooks, Director

#### SUBJECT:

Authorize award and execution of a Purchase Order to WORKPLACE RESOURCE, LLC., of Austin, Texas, in an amount not to exceed \$8,196.94 to purchase various furniture items for the Library Director's office.

#### CURRENT YEAR FISCAL IMPACT:

The balance of funds in the Library Donation Fund totaling \$7,197.75 will provide funding for the purchase of a majority of furniture items for the Library Director's office. The balance \$999.19 will be provided from funds remaining in the Library Bond Fund which was established for the construction and furnishing of the new Kyle Public Library as follows:

Public Library 1. City Department: **Office Furniture** 2. Project Name: 3. Budget/Accounting Code(s): 138-677-57111 4. Funding Source: Library Donation Fund 5. Current Appropriation: \$ 7,197.75 \$ 7,197.75 6. Unencumbered Balance: 7. Amount of This Action: \$ (7,197.75) 8. Remaining Balance: \$ 0.00 187-677-57111 9. Budget/Accounting Code(s): 10. Funding Source: Library Bond Fund 11. Current Appropriation: \$4,290,000.00 12. Unencumbered Balance: 66,957.56 \$ 13. Amount of This Action: \$ ( 999.19) \$ 65,958.37 14. Remaining Balance:

#### FUNDING SOURCE OF THIS ACTION:

This purchase will be funded from two different funding sources; \$7,197.75 from the Library Donation Fund and \$999.19 from the 2010 Certificates of Obligation issued for the construction and furnishing of the new public library.

#### ADDITIONAL INFORMATION/COUNCIL ACTION: N/A

6/20/. cound 2013

Perwez A. Moheet, CPA -Director of Finance

Date



Perwez Moheet complet@cityofkyle.com>

#### scanned document just sent

Connie Brooks < cbrooks@cityofkyle.com>

Tue, Jun 11, 2013 at 5:57 PM

To: Perwez Moheet cityofkyle.com>, Andy Alejandro <talejandro@cityofkyle.com>

Hello,

I just sent a scanned document without any explanation, so I will explain here. James Earp recommended that Cara Waits become the library staff's direct supervisor and that she move from the open work room into an enclosed private space to do so. The most flexible and least expensive option was to move her into the office I had been occupying and move me into a room we had been using primarily for Library Board meetings, book group meetings, and library staff meetings (which we still are). However, I am working at a table instead of a desk (and beginning to suffer ergonomic consequences) and my files, binders, etc. are still in what is Cara's office.

This quote is to provide furniture for me that matches the other furniture in the library, so that if we decide to  $mo\sqrt{2}$ it in the future, it will work out well. It basically is a duplicate of the furniture in my former office with the addition of a filing credenza, while will help relieve the crowded storage conditions in the work room.

The quote comes under US Communities, thus should not require competing bids. We used US Communities when we ordered the original furniture for the library.

If possible, I'd like for this to appear on the first City Council agenda in July. Please let me know if you have any questions and/or concerns. I would be glad to discuss them with you.

Thank you, Connie

----

Connie Brooks Director, Kyle Public Library 550 Scott St. P.O. Box 2349 Kyle, TX 78640 512-268-7411 fax: 512-268-0021 www.kylelibrary.com



Item	Qty.	Product			Unit	Extended
1	1	Y7727.1A		List ;	\$384.00	\$384.00
		+LT Series Keyboard Solutions, Fully	Adj,HDPE Tray w/adj Mouse Tray 19In Trk	Sell:	\$195.84	\$195.84
					Sell Discount %:	49.00
2	2	FT167.36A		List .	\$80.00	\$160.00
		+Tile Trim,Wall Strip,top/mid-level lv	vr tile trim, 36W	Sell:	\$28.80	\$57.60
					Sell Discount %:	<sub>64.00</sub> ∞
		Finish CL	+cool grey neutral			#
3	2	FT170.1136T		List :	\$92.00	\$184.00 E
		+Lower Tile, Tackable Fabric 11H 36	W	Sell:	\$33.12	\$66.24 🛨
					Sell Discount %:	64.00
		Horizontal Bead Finish MS Surface Finish 8R	+metailic silver +twist-Pr Cat 2			
		8R_Colors 21	+twist-pricat 2 +twist periwinkle			
4	2	FT181.3336T	•	List :	\$169.00	\$338.00
		+Upper Tile, Tackable Fabric 33H 36	W	Sell:	\$60.84	\$121.68
					Sell Discount %:	64.00
		Horizontal Bead Finish MS	+metallic silver			
		Surface Finish 8R 8R_Colors 21	+twist-Pr Cat 2 +twist periwinkle			
5	3	FT191.68		List :	\$57.00	\$171.00
		+Wall Strip,No Wall Fastener 68H		Sell:	\$20.52	<b>\$6</b> 1.56
					Sell Discount %:	64.00
		Finish BU	+black umber			
6	2	FT192.11		List :	\$21.00	\$42.00
		+Tile Adapter,Wall Strip, 11H		Sell:	\$7.56	\$15.12
					Sell Discount %:	64.00
7	2	FT192.33		List :	\$42.00	\$84.00
		+Tile Adapter,Wall Strip, 33H		Sell:	\$15.12	\$30.24
					Sell Discount %:	64.00
8	1	FT294.24L		List :	\$407.00	\$407.00
		+Open Support, Tapered Foot, Frame	Attached, Ift-hnd, 24D	Sell:	\$146.52	\$146.52
					Sell Discount %:	64.00
•		Finish MS	+metallic silver			
9	1	FT294.24R		List .	\$407.00	\$407.00
		+Open Support, Tapered Foot, Frame	Attached, rt-hnd, 24D	Sell:	\$146.52	\$146.52
					Sell Discount %:	64.00
10	1	Finish MS FT2F2.A30	+metailic silver	List :	\$283.00	\$283.00
10	-		n/D-Shaped Surface Att,Inset, for 30"-D	set:	\$283.00	\$203.00
		Peninsula	10-Shaped Surface Auguiset, for 50 -D	<i>JCI</i> .	\$101.88 Sell Discount %:	\$101.88 64.00
		Surface Finish MS	+metailic silver		Jell Discourte 70.	04.00
		Surface Fillisti 143	THELANC SIVE!			

 Workplace
 Resource

 1717
 West 6th
 Street, Suite
 190
 Austin, Texas
 78703

 PH:
 1-800-580-3000
 FAX:
 1-512-472-7888

Workplace Resource 4400 NE Loop 410, Suite 130 San Antonio, TX 78218 PH: 1-800-486-6011 FAX: 1-210-226-4218



Item	Qty.	Product			Unit	Extended
11	1	FV2E2.S30FL		List :	\$311.00	\$311.00
		+Closed Support Leg, for Sq-Edge Surface	e, 30"D,Fxd Hght, Lam	Sell:	\$111.96	<b>\$111.96</b>
					Sell Discount %:	64.00
_			cool grey neutral			
12	1	FV694.A12A48		List :	\$760.00	\$760.00
		+Screen, Translucent Plastic, 12" below V	VS, 48W	Sell :	\$273.60	\$273.60 <b>O</b>
					Sell Discount %:	64.00 #
			opal frosted netaliic silver			Item
13	1	FV696.48		List :	\$68.00	\$68.00 <del>*</del>
		+Stiffener, 48W		Sell:	\$24.48	\$24.48
		<b>,</b> -			Sell Discount %:	64.00
14	2	G6136.30S		List :	\$219.00	\$438.00
		+Task Light, Utility, AO, Prospects, Etho, Car	nvas.30W	Sell:	\$78.84	\$157.68
					Sell Discount %:	64.00
15	2	SA505653		List :	\$1,320.00	\$2,640.00
	-	+Cabinet,Overhead Storage,Full Enclsr,Ca	anvas Erm Conn.case Lam. prim.door	Sell:	\$475.20	\$950.40
		Metal, secndry door trnslcnt plstc, Lock 15			Sell Discount %:	64.00
		Lock Option KA +k	eved alike			01100
		Top/Case/Edge Finish CL +o	pol grey neutrai			
			lebossed primary door Ipai frosted			
16	1	AE111AWB		List :	\$1,441.00	\$1,441.00
		+Wk Chr,Aeron,Std-Ht Pneu.,Std Tlt,Adj /	Arms,NonuphstPds/B	Sell:	\$749.32	\$749.32
					Sell Discount %:	48.00
			djustable lumbar support			
			Itanium with smoke frame and smoke applique 1/2" hard caster, black yoke, carpet	3		
		Armpad Finish S8 +s	moke			
			vellicle-Pr Cat 1 vellicle classic quartz			
17	1	ZCFLA		List :	\$577.00	\$577.00
		@Common Size File Top,Laminate,Sq-Edg	ge (A)	Sell:	\$294.27	\$294.27
					Sell Discount %:	49.00
			one unit deep			
	C		20" deep hree units wide			
			36" wide			
			86" wide			
			36" wide ." overhang(depth)			
			open line laminates			
			RMICA 7813-58 CARDBOARD SOLIDZ varm grey neutrai			
18	1	FTS10V.2448LD		List :	\$271.00	\$271.00

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 1-800-580-3000
 FAX:
 1-512-472-7888

Workplace Resource 4400 NE Loop 410, Suite 130 San Antonio, TX 78218 PH: 1-800-486-6011 FAX: 1-210-226-4218



Item	Qty.	Product				Unit	Extended
			rface,Sq-l	Edge, Lam Top/Vinyl Edge, 24D 48W, Surf	Sell:	\$97.56	\$97.56
		Atch Brkts				Sell Discount %:	64.00
		Top/Edge Combination Top Finish Edge Finish	3T ZZ 9X4K WN	+top/edge specified separately +open line laminate (nonstandard) FORMICA 7813-58 CARDBOARD SOLIDZ +warm grey neutral			
19	1	FTS10V.2472LF		Ham gey head a	List :	\$444.00	\$444.00 OC
		+Vary Easy Rectangular Su	rface,Sq-I	Edge, Lam Top/Vinyl Edge, 24D 72W,	Sell:	\$159.84	\$159.84 #
		Frame Atch				Sell Discount %:	64.00 He
		Back Edge/Cord Drop Top/Edge Combination Top Finish	9K 3T ZZ 9X4K	+1" gap +top/edge specified separately +open line laminate (nonstandard) FORMICA 7813-58 CARDBOARD SOLIDZ			Ite
20	1	Edge Finish FTS35V.3072LS	WN	+warm grey neutral	List :	\$590.00	\$590.00
	-		Round En	d,Sq-Edge, Lam Top/Vinyl Edge, 30D	Sell:	\$212.40	\$212.40
		72W, No Brkts				Sell Discount %:	64.00
		Top/Edge Combination Top Finish	3T ZZ 9X4K	+top/edge specified separately +open line laminate (nonstandard) FORMICA 7813-58 CARDBOARD SOLIDZ			
21	7	Edge Finish 232092-226	WN	+warm grey neutral	List :	\$8.12	\$56.84
~ 1		+Lock Plug and Key, Black L	IM Series	#226	sell:	\$2.92	\$20.44
		· Loak i lag and hey, black e		# LLO		Sell Discount %:	64.00
22	3	26-3620-2N			List :	\$1,043.00	\$3,129.00
	_	+File,FS Lat Std Pull,2 11 3	/4" Dwr		Set :	\$531.93	\$1,595.79
		· · · · · · · · · · · · · · · · · · ·				Sell Discount %:	49.00
		Palnt/Steel Type Surface Finish Top Lock Base Helght Counterweight Drawer Interior	SS MS T2 KA B2 CB 9P	+smooth paint on smooth steel +metallic silver +1 1/4"-high painted metal top with squared +keyed alike +1 1/2"-high base +counterweight (recommended) +front-to-back filing rail	edge		
23	1	M16-1518-FF			List :	\$862.00	\$862.00
		+Ped,Mobile,Std Pull,F/F			Sell :	\$439.62	\$439.62
						Sell Discount %:	49.00
		Paint/Steel Type Surface Finish Top Lock Handle Compressor	SS MS T2 KA H1 C	+smooth paint on smooth steel +metallic silver +1 1/4"-high painted metal top with squared +keyed allke +hand grip only +standard compressor	edge		
24	1	46-3615-SB-42			List :	\$853.00	\$853.00
		+Bkcase,Frstnd,Sliding Doo	rs 36W 39	9 3/8H	Sell:	\$452.09	\$452.09
			_			Sell Discount %:	47.00
		Paint/Steel Type	SS	+smooth paint on smooth steel			

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Page 3 of 4



Item	Qty.	Product				Unit	Extended
			Top T2 elves NS2 Lock KD	+1 1/4"-high painted n +2 shelves total	netal top with squared edge ck		
25	1	DESIGN			List :	\$0.00	\$0.00
					Sell:	\$1,021.43	<sup>\$1,021.43</sup> ∞
						Sell Discount	
26	1	INSTALL			List :	\$0.00	\$0.00 E
		RECEIVE DELIVER AN	ND INSTALL	NORMAL BUSINESS HOU	RS Sell:	\$692.86	\$692.86 <u></u>
						Sell Discount	%: 0.00
					Т	otal: List:	\$14,900.84
						Sell:	\$8,196.94

 Workplace
 Resource

 1717
 West 6th Street, Suite
 190
 Austin, Texas 78703

 PH:
 1-800-580-3000
 FAX:
 1-512-472-7888

Workplace Resource 4400 NE Loop 410, Suite 130 San Antonio, TX 78218 PH: 1-800-486-6011 FAX: 1-210-226-4218



Contract Amendment for Copier Rental to Reduce Monthly Costs Meeting Date: 7/2/2013 Date time: 7:00 PM

**Subject/Recommendation:** Authorize the City Manager to negotiate and amend the master copier lease agreement with RICOH USA, INC., (fka IKON OFFICE SOLUTIONS, INC.) for two copiers/printers for the Building Inspection and Financial Services Departments in order to (1) reduce the lease charges from \$787.00 to \$712.90 per month and (2) renew the contract term for a 60-month period beginning July 2013 and ending June 2018. ~ *Perwez A. Moheet, CPA, Director of Finance* 

**Other Information:** 

**Budget Information:** 

A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

#### Attachments / click to download

- Ricoh Master Lease Agreement
- Ricoh Lease Amendment
- Ricoh Equipment Removal Agreement
- E Fiscal Note

Cover Memo Item # 9

#### City of Kyle, Texas FISCAL NOTE

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

July 2, 2013 Financial Services Perwez A. Moheet, CPA, Director

#### SUBJECT:

Authorize the City Manager to negotiate and amend the master copier lease agreement with RICOH USA, INC., (fka IKON OFFICE SOLUTIONS, INC.) for two copiers/printers for the Building Inspection and Financial Services Departments in order to (1) reduce the lease charges from \$787.00 to \$712.90 per month and (2) renew the contract term for a 60-month period beginning July 2013 and ending June 2018.

#### CURRENT YEAR FISCAL IMPACT:

A total of \$2,138.70 for three months at \$712.90 per month of the 60-month lease will be expended in the current Fiscal Year 2012-13. The remaining lease for 57 months under this contract will be budgeted and expended in future fiscal years.

<ol> <li>City Department::</li> <li>Project Name:</li> <li>Budget/Accounting Code(s):</li> <li>Funding Source:</li> <li>Current Appropriation:</li> <li>Unencumbered Balance:</li> <li>Amount of This Action:</li> <li>Remaining Balance:</li> </ol>	Building Inspection Department Ricoh Copier Contract 110-117-54175 General Fund \$ 8,500.00 \$ 2,129.26 \$ (1,550.01) (\$516.67 x 3 months) \$ 579.25
<ol> <li>9. City Department::</li> <li>10. Project Name:</li> <li>11. Budget/Accounting Code(s):</li> <li>12. Funding Source:</li> <li>13. Current Appropriation:</li> <li>14. Unencumbered Balance:</li> <li>15. Amount of This Action:</li> <li>16. Remaining Balance:</li> </ol>	Financial Services Department Ricoh Copier Contract 110-121-54175 General Fund \$ 2,331.00 \$ 588.69 <u>\$ ( 588.69</u> ) (\$196.23 x 3 months) <u>\$ 0.00</u>

17. Funding to be provided from future budgets: \$40,635.30

#### FUNDING SOURCE OF THIS ACTION:

The funding source for this contract for two (2) copiers/printers from current approved and future approved budgets of the Building Inspection and Financial Services departments. A total of \$2,138.70 will be paid out during the remaining three months of FY 2012-13; \$1,550.01 will be provided from the FY 2012-13 approved budget of the Building Inspection Department (General Fund) and \$588.69 will be provided from the FY 2012-13 approved budget of the Financial Services Department (General Fund). The remaining \$40,635.30 of the 60-month contract will be provided from future budgets of the two City departments as follows:

Building Inspection: \$29,450.19 Financial Services: <u>\$11,185.11</u> <u>\$40,635.30</u>

ADDITIONAL INFORMATION/COUNCIL ACTION: N/A.

6/25 ur 13 Date

Perwez A. Moheet, CPA Director of Finance



#### AMENDMENT TO LOCAL CONTENT MAGTER A CREENTENT NUMBER 10

#### STATE AND LOCAL GOVERNMENT MASTER AGREEMENT - NUMBER 1017553

This Amendment ("Amendment") is effective as of the \_\_\_\_\_day of \_\_\_\_\_\_, 2013 ("Amendment Effective Date") and shall amend that certain State and Local Government Master Agreement – Number 1017553 dated as of the 8<sup>th</sup> day of August, 2008, as amended by an Addendum dated as of the 8<sup>th</sup> day of August, 2008, (collectively the "Master Agreement") by and between City of Kyle ("Customer") and Ricoh USA, Inc. (f/k/a IKON Office Solutions, Inc.) ("Ricoh").

The parties intending to be legally bound, agree that the Master Agreement shall be modified as follows:

- 1. <u>Section 5 (Taxes and Fees)</u>. The last sentence of Section 5 shall be deleted in its entirety.
- 2. <u>Section 12 (Remedies)</u>. The first sentence of Section 12 shall be amended to read as follows:

"If a Default occurs, we may do one or more of the following with fifteen (15) days written notice to you: (a) we may cancel or terminate this Master Agreement; (b) we may require you..."

3. <u>Section 12 (Remedies)</u>. The third sentence of Section 12 shall be deleted in its entirety and replaced with the following:

"In the event an action is brought to enforce or interpret this Master Agreement, the prevailing party shall be entitled to reimbursement of all costs including, but not limited to, reasonable attorney fees and court costs incurred."

4. <u>Section 15 (Miscellaneous)</u>. The fifth and sixth sentences of Section 15 shall be amended to read as follows:

"Neither this Master Agreement nor any Schedule is binding on either party until we sign it. Any change in any of the terms and conditions of this Master Agreement or any Schedule must be in writing and signed by both parties."

5. <u>Section 19 (Non-Appropriation/Non-Substitution)</u>. Section 19(c) shall be amended to read as follows:

"(c) Upon any such Non-Appropriation, upon our request, you will provide, upon our request, an opinion of counsel (who shall be reasonably acceptable to us), in a form reasonably acceptable to us, confirming the Non-Appropriation and providing reasonably sufficient proof of such Non-Appropriation."

6. <u>Section 21 (Authority and Authorization)</u>. Section 21(b) shall be amended to read as follows:

"(b) If and to the extent required by us, you agree to provide us with an opinion of counsel (who shall be reasonably acceptable to us), substantially in the form attached hereto as <u>Exhibit A</u>, confirming the foregoing and other related matters."

All capitalized words used but not defined in this Amendment will have the meanings given to them in the Master Agreement. Except to the extent modified by this Amendment, the terms and conditions of the Master Agreement will remain unchanged and shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first written above.

CITY OF KYLE	RICOH USA, INC.
By:	Ву:
Name:	Name:
Title:	Title:
Date:	Date:





#### Product Schedule Number: \_\_\_\_\_ Master Lease Agreement Number: \_\_\_\_\_

This Product Schedule (this "Schedule") is between Ricoh USA, Inc. ("we" or "us") and \_\_\_\_\_\_, as customer or lessee ("Customer" or "you"). This Schedule constitutes a "Schedule," "Product Schedule," or "Order Agreement," as applicable, under the \_\_\_\_\_\_ (together with any amendments, attachments and addenda thereto, the "Lease

Agreement") identified above, between you and \_\_\_\_\_\_. All terms and conditions of the Lease Agreement are incorporated into this Schedule and made a part hereof. If we are not the lessor under the Lease Agreement, then, solely for purposes of this Schedule, we shall be deemed to be the lessor under the Lease Agreement. It is the intent of the parties that this Schedule be separately enforceable as a complete and independent agreement, independent of all other Schedules to the Lease Agreement.

#### **CUSTOMER INFORMATION**

Customer (Bill To)				Billing Cont	tact l	Name	
Product Location Address				Billing Add	ress	s (if different from location address)	
City	County	State	Zip	City		County State Zip	
Billing Contact Telephone	Number			Billing Contact Facsimile Number		Billing Contact E-Mail Address	

#### **PRODUCT/EQUIPMENT DESCRIPTION ("Product")**

Qty	Product Description: Make & Model

Qty	Product Description: Make & Model

Quarterly Other:

#### **PAYMENT SCHEDULE**



\* Based upon Minimum Payment Billing Frequency

° Based upon standard 8 1/2" x 11" paper size. Paper sizes greater than 8 1/2" x 11" may count as more than one image.

Sales Tax Exempt: 🗌 YES (Attach Exemption Certifica	te) Customer Billing Reference Number (P.O. #, etc.)
Addendum(s) attached: YES (check if yes and indication of the second sec	te total number of pages: )

#### TERMS AND CONDITIONS

1. The first Payment will be due on the Effective Date. If the Lease Agreement uses the terms "Lease Payment" and "Commencement Date" rather than "Payment" and "Effective Date," then, for purposes of this Schedule, the term "Payment" shall have the same meaning as "Lease Payment," and the term "Effective Date" shall have the same meaning as "Commencement Date."



- You, the undersigned Customer, have applied to us to use the above-described Product for lawful commercial (non-consumer) THIS IS AN UNCONDITIONAL, NON-CANCELABLE AGREEMENT FOR THE MINIMUM TERM purposes. **INDICATED ABOVE**, except as otherwise provided in any non-appropriation provision of the Lease Agreement, if applicable. If we accept this Schedule, you agree to use the above Product on all the terms hereof, including the terms and conditions on the Lease Agreement. THIS WILL ACKNOWLEDGE THAT YOU HAVE READ AND UNDERSTAND THIS SCHEDULE AND THE LEASE AGREEMENT AND HAVE RECEIVED A COPY OF THIS SCHEDULE AND THE LEASE AGREEMENT. You acknowledge and agree that the Ricoh service commitments included on the "Image Management Plus Commitments" page attached to this Schedule (collectively, the "Commitments") are separate and independent obligations of Ricoh USA, Inc. ("Ricoh") governed solely by the terms set forth on such page. If we assign this Schedule in accordance with the Lease Agreement, the Commitments do not represent obligations of any assignee and are not incorporated herein by reference. You agree that Ricoh alone is the party to provide all such services and is directly responsible to you for all of the Commitments. We are or, if we assign this Schedule in accordance with the Lease Agreement, our assignee will be, the party responsible for financing and billing this Schedule, including, but not limited to, the portion of your payments under this Schedule that reflects consideration owing to Ricoh in respect of its performance of the Commitments. Accordingly, you expressly agree that Ricoh is an intended party beneficiary of your payment obligations hereunder, even if this Schedule is assigned by us in accordance with the Lease Agreement.
- 3. <u>Image Charges/Meters</u>: In return for the Minimum Payment, you are entitled to use the number of Guaranteed Minimum Images as specified in the Payment Schedule of this Schedule. The Meter Reading/Billing Frequency is the period of time (monthly, quarterly, etc.) for which the number of images used will be reconciled. If you use more than the Guaranteed Minimum Images during the selected Meter Reading/Billing Frequency period, you will pay additional charges at the applicable Cost of Additional Images as specified in the Payment Schedule of this Schedule for images, black and white and/or color, which exceed the Guaranteed Minimum Images ("Additional Images"). The charge for Additional Images is calculated by multiplying the number of Additional Images by the applicable Cost of Additional Images. The Meter Reading/Billing Frequency may be different than the Minimum Payment Billing Frequency as specified in the Payment Schedule of this Schedule of this Schedule. You will provide us or our designee with the actual meter reading(s) by submitting meter reads electronically via an automated meter read program, or in any other reasonable manner requested by us or our designee from time to time. If such meter reading is not received within seven (7) days of either the end of the Meter Reading/Billing Frequency period or at our request, we may estimate the number of images used. Adjustments for estimated charges for Additional Images will be made upon receipt of actual meter reading(s). Notwithstanding any adjustment, you will never pay less than the Minimum Payment.
- 4. Additional Provisions (if any) are: \_\_\_\_\_

#### THE PERSON SIGNING THIS SCHEDULE ON BEHALF OF THE CUSTOMER REPRESENTS THAT HE/SHE HAS THE AUTHORITY TO DO SO.

CUSTOMER	Accepted by: RICOH USA, INC.			
By: XAuthorized Signer Signature	By:Authorized Signer Signature			
Printed Name:	Printed Name:			
Title: Date:	Title: Date:			



## RICOH USA, INC.

Ricoh USA, Inc. 70 Valley Stream Parkway Malvern, PA 19355

The below service commitments (collectively, the "Service Commitments") are brought to you by Ricoh USA, Inc., an Ohio corporation having its principal place of business at 70 Valley Stream Parkway, Malvern, PA 19355 ("Ricoh"). The words "you" and "your" refer to you, our customer. You agree that Ricoh alone is the party to provide all of the services set forth below and is fully responsible to you, the customer, for all of the Service Commitments. Ricoh or, if Ricoh assigns the Product Schedule to which this page is attached in accordance with the Lease Agreement (as defined in such Product Schedule), Ricoh's assignee, is the party responsible for financing and billing the Image Management Plus Product Schedule. The Service Commitments are only applicable to the equipment ("Product") described in the Image Management Plus Product Schedule to which these Service Commitments are attached, excluding facsimile machines, single-function and wide-format printers and production units. The Service Commitments are effective on the date the Product is accepted by you and apply during Ricoh's normal business hours, excluding weekends and Ricoh recognized holidays. They remain in effect for the Minimum Term so long as no ongoing default exists on your part.

#### **TERM PRICE PROTECTION**

The Image Management Minimum Payment and the Cost of Additional Images, as described on the Image Management Plus Product Schedule, will not increase in price during the Minimum Term of the Image Management Plus Product Schedule, unless agreed to in writing and signed by both parties.

#### PRODUCT SERVICE AND SUPPLIES

Ricoh will provide full coverage maintenance services, including replacement parts, drums, labor and all service calls, during Normal Business Hours. "Normal Business Hours" are between 8:00 a.m. and 5:00 p.m., Monday to Friday excluding public holidays. Ricoh will also provide the supplies required to produce images on the Product covered under the Image Management Plus Product Schedule (other than non-metered Product and soft-metered Product). The supplies will be provided according to manufacturer's specifications. Optional supply items such as paper, staples and transparencies are not included.

#### **RESPONSE TIME COMMITMENT**

Ricoh will provide a quarterly average response time of 2 to 6 business hours for all service calls located within a 30-mile radius of any Ricoh office, and 4 to 8 business hours for service calls located within a 31-60 mile radius for the term of the Image Management Plus Product Schedule. Response time is measured in aggregate for all Product covered by the Image Management Plus Product Schedule.

#### UPTIME PERFORMANCE COMMITMENT

Ricoh will service the Product to be Operational with a quarterly uptime average of 96% during Normal Business Hours, excluding preventative and interim maintenance time. Downtime will begin at the time you place a service call to Ricoh and will end when the Product is again Operational. You agree to make the Product available to Ricoh for scheduled preventative and interim maintenance. You further agree to give Ricoh advance notice of any critical and specific uptime needs you may have so that Ricoh can schedule with you interim and preventative maintenance in advance of such needs. As used in these Service Commitments, "Operational" means substantial compliance with the manufacturer's specifications and/or performance standards and excludes customary end-user corrective actions.

#### IMAGE VOLUME FLEXIBILITY AND PRODUCT ADDITIONS

At any time after the expiration of the initial ninety day period of the original term of the Image Management Plus Product Schedule to which these Service Commitments relate, Ricoh will, upon your request, review your image volume. If the image volume has moved upward or downward in an amount sufficient for you to consider an alternative plan, Ricoh will present pricing options to conform to a new image volume. If you agree that additional product is required to satisfy your increased image volume requirements, Ricoh will include the product in the pricing options. The addition of product and/or increases/decreases to the Guaranteed Minimum Images requires an amendment ("Amendment") to the Image Management Plus Product Schedule that must be agreed to and signed by both parties to the Schedule. The term of the Amendment may not be less than the remaining term of the existing Image Management Plus Product Schedule but may extend the romoths. Adjustments to the Guaranteed Minimum Images commitment and/or the addition of product in a higher or lower minimum payment. Images decreases are limited to 25% of the Guaranteed Minimum Images in effect at the time of Amendment.

#### PRODUCT AND PROFESSIONAL SERVICES UPGRADE OPTION

At any time after the expiration of one-half of the original term of the Image Management Plus Product Schedule to which these Service Commitments relate, you may reconfigure the Product by adding, exchanging, or upgrading to an item of Product with additional features or enhanced technology. A new Image Management Plus Product Schedule or Amendment must be agreed to and signed by the parties to the Schedule, for a term not less than the remaining term of the existing Image Management Plus Product Schedule but may, in the case of an Amendment, extend the remaining term of the existing Image Management Plus Product Schedule for up to an additional 60 months. The Cost of Additional Images and the Minimum Payment of the new Image Management Plus Product Schedule will be based on any obligations remaining on the Product, the added product and new image volume commitment. Your Ricoh Account Executive will be pleased to work with you on a Technology Refresh prior to the end of your Image Management Plus Product Schedule or Amendment.

#### PERFORMANCE COMMITMENT

Ricoh is committed to performing these Service Commitments and agrees to perform its services in a manner consistent with the applicable manufacturer's specifications. If Ricoh fails to meet any Service Commitments and in the unlikely event that Ricoh is not able to repair the Product in your office, Ricoh, at Ricoh's election, will provide to you either the delivery of a temporary loaner, for use while the Product is being repaired at Ricoh's service center, or Ricoh will replace such Product with comparable Product of equal or greater capability at no additional charge. These are the exclusive remedies available to you under the Service Commitments. Customer's exclusive remedy shall be for Ricoh to re-perform any Services not in compliance with this warranty and brought to Ricoh's attention in writing within a reasonable time, but in no event more than 30 days after such Services are performed. If you are dissatisfied with Ricoh's performance, you must send a registered letter outlining your concerns to the address specified below in the "Quality Assurance" section. Please allow 30 days for resolution.

#### ACCOUNT MANAGEMENT

Your Ricoh sales professional will, upon your request, be pleased to review your product performance metrics on a quarterly basis and at a mutually convenient date and time. Ricoh will follow up within 8 business hours of a call or e-mail to one of Ricoh's account management team members requesting a metrics review. Ricoh will, upon your request, be pleased to annually review your business environment and discuss ways in which Ricoh may improve efficiencies and reduce costs relating to your document management processes.

#### QUALITY ASSURANCE

Please send all correspondence relating to the Service Commitments via registered letter to the Quality Assurance Department located at: 3920 Arkwright Road, Macon, GA 31210, Attn: Quality Assurance. The Quality Assurance Department will coordinate resolution of any performance issues concerning the above Service Commitments with your local Ricoh office. If either of the Response Time or Uptime Performance Commitments is not met, a one-time credit equal to 3% of your Minimum Payment invoice total will be made available upon your request. Credit requests must be made in writing via registered letter to the address above. Ricoh is committed to responding to any questions regarding invoiced amounts for the use of the Product relating to the Image Management Plus Product Schedule within a 2 day timeframe. *To ensure the most timely response please call 1-888-275-4566.* 

#### MISCELLANEOUS

These Service Commitments do not cover repairs resulting from misuse (including without limitation improper voltage or environment or the use of supplies that do not conform to the manufacturer's specifications), subjective matters (such as color reproduction accuracy) or any other factor beyond the reasonable control of Ricoh. Ricoh and you each acknowledge that these Service Commitments represent the entire understanding of the parties with respect to the subject matter hereof and that your sole remedy for any Service Commitments not performed in accordance with the foregoing is as set forth under the section hereof entitled "Performance Commitment". The Service Commitments made herein are service and/or maintenance warranties and are not product warranties. Except as expressly set forth herein, Ricoh makes no warranties, express or implied, including any implied warranties of merchantability, fitness for use, or fitness for a particular purpose. Neither party hereto shall be liable to the other for any consequential, indirect, punitive or special damages. Customer expressly acknowledges and agrees that, in connection with the security or accessibility of information stored in or recoverable from any Product provided or serviced by Ricoh, Customer is solely responsible for ensuring its own compliance with legal requirements or obligations to third parties pertaining to data security, retention and protection. To the extent allowed by law Customer shall indemnify and hold harmless Ricoh and its subsidiaries, directors, officers, employees and agents from and against any and all costs, expenses, liabilities, claims, damages, losses, judgments or fees (including reasonable attorneys' fees) arising from its failure to comply with any such legal requirements or obligations. These Service Commitments shall be governed according to the laws of the Commonwealth of Pennsylvania without regard to its conflicts of law principles. These Service Commitments are not assignable by the Customer. Unless otherwise stated in your Implementation Schedule, your Product will ONLY be serviced by a "Ricoh Certified Technician". You acknowledge and agree that, in connection with its performance of its obligations under these Service Commitments, Ricoh may place automated meter reading units on imaging devices, including but not limited to the Product, at your location in order to facilitate the timely and efficient collection of accurate meter read data on a monthly, quarterly or annual basis. Ricoh agrees that such units will be used by Ricoh solely for such purpose. Once transmitted, all meter read data shall become the sole property of Ricoh and will be utilized for billing purposes.

IN WITNESS WHEREOF, each party has caused its duly authorized officer to execute these Service Commitments as of, 20					
CUSTOMER	RICOH USA, INC.				
Ву:	Ву:				
Name:	Name:				
Title:	Title:				
Date:	Date:	ltem # 9			

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# RICOH

#### EQUIPMENT REMOVAL/BUYOUT AUTHORIZATION

Customer Name:	Kyl	e, Gitz of						
Contact Name:	Wen	La Potes			Phone:	(512)	262	• 3981
Address:	10	o'West Center S.	7.		City:	Kyle		
State:	- <i>†×</i>		Zip:	78640	Fax/Email:			
Make	걸고 관리	Model			Serial Number			Machine Status
MR.5000	Rich	mp c 5000		v130	5700053			
R	icoh	MP SOOD		M 572	570015J 35500464			

#### This Authorization applies to the equipment identified above and to the following Removal/Buy Out Option

This Authorization will confirm that Customer desires to engage Ricoh USA, Inc. ("Ricoh") to pick-up and remove certain items of equipment that are currently (i) owned by Customer or (ii) leased from Ricoh or other third party (as specified below), and that you intend to issue written or electronic removal requests (whether such equipment is identified in this Authorization, in a purchase order, in a letter or other written form) to Ricoh from time to time for such purpose. Such removal request will set forth the location, make, model and serial number of the equipment to be removed by Ricoh. By signing below, you confirm that, with respect to every removal request issued by Customer (1) Ricoh may rely on the request, and (2) the request shall be governed by this Authorization. Notwithstanding the foregoing, the parties acknowledge and agree that Ricoh shall have no obligation to remove, delete, preserve, maintain or otherwise safeguard any information, images or content retained by, in or on any item of equipment serviced by Ricoh, whether through a digital storage device, hard drive or similar electronic medium ("Data Management Services"). If desired, Customer may engage Ricoh to perform such Data Management Services at its then-current rates. Notwithstanding anything in this Authorization to the contrary, (i) Customer is responsible for ensuring its own compliance with legal requirements pertaining to data retention and protection, (ii) it is the Customer's sole responsibility to obtain advice of competent legal counsel as to the identification and interpretation of any relevant laws and regulatory requirements that may affect the customer's business or data retention, and any actions required to comply with such laws, (iii) Ricoh does not provide legal advice or represent or warrant that its services or products will guarantee or ensure compliance with any law, regulation or requirement, and (iv) the selection, use and design of any Data Management Services, and any and all decisions arising with respect to the deletion or storage of any data, as well as any loss of data resulting therefrom, shall be the sole responsibility of Customer, and Customer shall indemnify and hold harmless Ricoh and its subsidiaries, directors, officers, employees and agents from and against any and all costs, expenses, liabilities, claims, damages, losses, judgments or fees (including reasonable attorneys' fees) (collectively, "Losses") arising therefrom or related thereto.

□ Equipment Removal (Owned by Customer). In addition to the terms and conditions set forth above, the following terms and conditions shall apply for Customerowned equipment removals: Customer confirms that (1) Customer has good, valid and marketable title to such equipment and has satisfied all payment and other obligations relating to such equipment which may be owing to any third party under applicable lease, financing, sale or other agreements, (2) Customer has obtained any and all necessary consents and approvals required to authorize Ricoh to remove such items of equipment and to take title thereto, and (3) by this Authorization, Customer hereby transfers good and valuable title and ownership to Ricoh to the equipment, free and clear of any and all liens and encumbrances of any nature whatsoever and Customer will cause to be done, executed and delivered all such further instruments of conveyance as may be reasonably requested for the vesting of good title in Ricoh.

K Equipment Removal (Leased by Customer). In addition to the terms and conditions set forth above, the following terms and conditions shall apply for equipment removals of equipment leased by Customer: Except for the obligations of Ricoh to pick up and remove the identified equipment, Ricoh does not assume any obligation, payment or otherwise, under any lease agreement, which shall remain Customer's sole responsibility. As a material condition to the performance by Ricoh, Customer hereby releases Ricoh from, and shall indemnify, defend and hold Ricoh harmless from and against, any and all claims, liabilities, costs, expenses and fees arising from or relating to any breach of Customer's representations or obligations in this Authorization or of any obligation owing by Customer under its lease agreement.

Buy Out Terms. Upon execution and delivery by Customer of a sale, lease (and related delivery and acceptance certificate), service and/or other agreement ("Agreement") between Ricoh and/or other third party, Ricoh agrees to pay to

(A) 🗆 the customer (and Customer hereby agrees to promptly pay such amount to the below named payee ("Payee"), or

(B) 🗆 the Payee indentified below, an amount ("Buy Out Amount") equal to \$\_\_\_\_\_\_\_ to pay off an/or reduce Customer's obligations owing under that certain equipment lease agreement \_\_\_\_\_\_\_ for third party lease company ("Third Party Lease") between Customer and Payee relating to the equipment identified in the Third Party Lease.

THIRD PARTY LEASE – COMPANY INFORMATION					
Payee Name:		Attention To:			
Address:					
🛛 W-9 included		Third-Party Quote or Proof of Buy Out Included			
Mailing Method: (select one)	🗆 Mail Check (regular)	🗆 Overnight Check			

The Buy Out Amount represents the total amount payable by Ricoh for such purpose. Ricoh shall have no obligation, and does not assume any obligation, under the Third Party Lease. Customer acknowledges that Customer is solely responsible to make payments to the Payee under the Third Party lease, to return the Equipment at the appropriate time to the appropriate location as determined by the Payee, and to fulfill any and all payment and other obligations under the Third Party Lease. Customer agrees to indemnify and hold Ricoh harmless from any losses, damages, claims, suits and actions (including reasonable attorneys' fees) arising from the breach by Customer of any of its obligations contained in this authorization and/or the Third Party Lease.

CUSTOMER	RICOH USA, INC.
Ву:	Ву:
Name:	Name:
Title:	Title:
Date:	Date:



Gregg Clarke Park Tables

Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:	Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, L.P., Austin, Texas, in an amount not to exceed \$11,468.00 for the purchase, delivery and installation of picnic tables and trash receptacles for Gregg-Clarke Park. ~ <i>Kerry Urbanowicz, C.P.S.M., Director for Kyle Parks, Recreation &amp; Facilities</i>
Other Information:	This quote is through the Buy-Board State Purchasing Co-op. Gregg- Clarke Park has 14 empty concrete slabs that once had 12 picnic tables and 2 trash receptacles. These missing tables and containers were installed as part of the 1995 TPWD grant to build and develop Gregg- Clarke Park. We are required to replace these broken and missing items as terms of the TPWD grant. The Hays County Parks Grant that the city received allows for this acquisition.
<b>Budget Information:</b>	A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

Attachments / click to download

Gregg Clarke Park Tables Quote

Fiscal Note

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

July 2, 2013 Parks and Recreation Kerry Urbanowicz, Director

#### SUBJECT:

Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, LP, of Austin, Texas in an amount not to exceed \$11,468.00 for the purchase, delivery, and installation of picnic tables and trash receptacles for Gregg-Clark Park.

#### CURRENT YEAR FISCAL IMPACT:

1. City Department:	Parks and Recreation
2. Project Name:	Picnic Tables & Trash Receptacles
3. Budget/Accounting Code(s):	410-721-52229
4. Funding Source:	Hays County Grant Fund
5. Current Appropriation:	\$ 1,200,000.00
6. Unencumbered Balance:	\$ 9,243.75
7. Amount of This Action:	<u>\$ ( 8,602.65</u> )
8. Remaining Balance:	<u>\$ 641.10</u>
9. Budget/Accounting Code(s):	410-720-52229
10. Funding Source:	TPWD Grant Fund
11. Current Appropriation:	\$ 500,000.00
12. Unencumbered Balance:	\$ 2,865.35
13. Amount of This Action:	\$ ( 2,865.35)
14. Remaining Balance:	\$ 0.00

#### FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order to T.F. HARPER & ASSOCIATES, LP in the amount of \$11,468.00 will be provided from two separate funding sources; \$8,602.65 from the Hays County Parks Grant and \$2,865.35 from the TPWD Grant Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION: N/A.

Perwez A. Moheet, CPA Director of Finance

Date



#### QUOTE

103 Red Bird Lane Austin, Texas 78745-3122

DATE: May 29, 2013 QUOTE #: 052913-119-tfh

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

<u>Ship To</u> Gregg Clark Park

#### BUY BOARD CONTRACT #346-10

QTY	DESCRIPTION OF EQUI	PMENT	UNIT PRICE	TOTAL COST
11	Picnic Tables Webcoat T6RC Table with 2 6' atached seats, rounde	ed corners, 3/4" #9 Expanded Metal.	\$640.00	\$7,040.00
1	ADA Picnic Table; T6RC Table with 2 6' atached seats, 8' Table top, rounde	d corners, 3/4" #9 Expanded Metal.	\$684.00	\$684.00
2	Trash Receptacles Webcoat TR-32 with mounting hardware,	lid and liner.	\$379.00	\$758.00
	In	stallation/Assembly Of above Items		\$2,290.00
		Freight		\$850.00
	Bu	y Board Discount		(\$154.00)
		TOTAL		\$11,468.00

PLEASE PROVIDE CONTACT NAME & PHONE NUMBER WITH SIGNED QUOTE THIS QUOTE IS VALID FOR 30 DAYS FROM DATE LISTED ON QUOTE

Payment Terms: 100% due upon delivery of material and receipt of invoice ESTIMATED DELIVERY: 4 to 5 weeks after receipt of order

Accepted by:

Date:

P.O. # (if applicable):

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

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

Tommy Harper, Partner

Commercial Play and Recreational Equipment www.tfharper.com - - 800.976-0107 - - local: 512.440.0707 - - fax: 512.440.0736 Item # 10



Meeting Date: 7/2/2013 Date time: 7:00 PM

Lake Kyle Tables

Subject/Recommendation:	Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, L.P., Austin, Texas, in an amount not to exceed \$11,136.00 for the purchase, delivery and installation of picnic tables, trash receptacles and drinking fountain for Lake Kyle Park. ~ <i>Kerry Urbanowicz, C.P.S.M., Director for Kyle Parks, Recreation &amp; Facilities</i>
Other Information:	This quote is through the Buy-Board State Purchasing Co-op. Lake Kyle's south side fishing nooks are now developed and heavily used. These tables and trash receptacles will be placed on the south side. Lake Kyle does not have a drinking fountain for park users. This would provide the basic service of having drinking water for the guests.
Budget Information:	The funds for this purchase and installation will come entirely from remaining funds from the Texas Parks and Wildlife Department grant program. A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

Attachments / click to download

Lake Kyle Tables Fountain

Fiscal Note

Cover Memo Item # 11

#### City of Kyle, Texas **FISCAL NOTE**

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

July 2, 2013 Parks and Recreation Kerry Urbanowicz, Director

#### SUBJECT:

Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES. LP, of Austin, Texas in an amount not to exceed \$11,136.00 for the purchase, delivery, and installation of picnic tables and trash receptacles for Lake Kyle Park.

#### CURRENT YEAR FISCAL IMPACT:

- 1. City Department: Parks and Recreation Picnic Tables & Trash Receptacles
- 2. Project Name:
- 3. Budget/Accounting Code(s): 410-720-52229 **TPWD Grant Fund**
- 4. Funding Source:
- 5. Current Appropriation:
- 6. Unencumbered Balance:
- 7. Amount of This Action:
- \$ (11,136.00) 2,865.35 8. Remaining Balance: \$

#### FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order to T.F. HARPER & ASSOCIATES, LP in the amount of \$11,136.00 will be provided from the TPWD Grant Fund.

\$ 500,000.00

\$ 14,001.35

ADDITIONAL INFORMATION/COUNCIL ACTION: N/A.

Perwez A. Moheet, CPA **Director of Finance** 

Date



#### QUOTE

103 Red Bird Lane Austin, Texas 78745-3122

DATE: May 29, 2013 QUOTE #: 052913-120-tfh

 
 TO:
 City of Kyle

 Attn:
 Kerry Urbanowicz

 Address:
 P.O. Box 40 Kyle, Texas 78640

 Phone:
 512-262-3939

 Fax:
 512-262-3933

 Email:
 kerryu@cityofkyle.com

Ship To Lake Kyle

BUY BOARD CONTRACT #346-10

QTY	DESCRIPTION OF EQUIPMENT		UNIT PRICE	TOTAL COST
5	Picnic Tables Webcoat T6RC Table with 2 6' atached seats, rounded corners, 3/4"	#9 Expanded Metal.	\$640.00	\$3,200.00
1	ADA Picnic Table; T6RC Table with 2 6' atached seats, 8' Table top, rounded corners, 3/4" #9	Expanded Metal.	\$684.00	\$684.00
3	Trash Receptacles Webcoat TR-32 with mounting hardware, lid and liner.		\$379.00	\$1,137.00
I	Drinking Fountain MDF 440SM, with Jug Filler & Strainer		\$3,422.00	\$3,422.00
	Installation/Asser	mbly Of above Items		\$2,280.00
		Freight		\$875.00
	Buy Board Disco	ount		(\$462.00)
		TOTAL		\$11,136.00

PLEASE PROVIDE CONTACT NAME & PHONE NUMBER WITH SIGNED QUOTE THIS QUOTE IS VALID FOR 30 DAYS FROM DATE LISTED ON QUOTE

NOT INCLUDED: Sales Tax, Permits (if required) & bond (if required).

Payment Terms: 100% due upon delivery of material and receipt of invoice ESTIMATED DELIVERY: 4 to 5 weeks after receipt of order

Accepted by:

Date:

P.O. # (if applicable):

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

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

Tommy Harper, Partner

2012

# Most Dependable Fountains, Inc.™

- drinking fountains
- pet fountains
- showers
- misters
- play towers
- hose bibs
- jug fillers
- hand wash stations
- GREENWAY BOTTLE FILLERS

# meeting ADA

# WL approved NSF-61 6

# Federal Safe Drinking Water Act





Contact Most Dependable Fountains, Inc.<sup>™</sup> for pricing and quote requests. 800-552-6331 Cad drawings and specifications are available at www.mostdependable.com





Kensington Trails Subdivision Section 5 - Preliminary

Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:	Kensington Trails Section 5 - Preliminary Plan (PP-12-006) 36.04 acres; 119 Lots Location: 2200 Block of Bebee Road, East end of Downing Way Owner: Kensington Place Ventures, Ltd. Agent: Hugo Elizondo, Jr., P.E., Cuatro Consultants ~ Sofia Nelson, Director of Planning Planning and Zoning Commission voted 4-0 to approve the	
	preliminary plan.	
Other Information:	Please see attachments	
<b>Budget Information:</b>	N/A	

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Preliminary Plan

Staff Report

#### MEMORANDUM

TO:	City Council
FROM:	Sofia Nelson, Director of Planning
DATE:	June 20, 2013
SUBJECT:	Preliminary Plan Kensington Trails Subdivision Section 5 PP-12-006

#### Planning and Zoning Commission Recommendation

On June 25<sup>th</sup> the Planning Commission voted 4-0 to recommend approval. **Background** 

#### Proposal

The subject property is proposed to be developed as a single family residential subdivision. The proposed section of this subdivision is approximately 36.04 acre. This section consists of 119 single family residential lots, 2 open space/landscape lots and a detention pond lot.

#### Utilities

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

#### Zoning

The subdivision is zoned R-1-2.

#### Parkland and Open Space

The subdivision is compliant with all parkland requirements.

#### **STAFF RECOMMENDATION:**

The purpose of a Preliminary Subdivision Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development and the overall compliance of subdivision requirements.

Staff has reviewed the proposed plats and has made the following findings:

- $\Box$  The plat is consistent with all zoning requirements
- □ The proposed provision and configuration of roads, water, wastewater, and drainage has been reviewed by the City Engineer and has been declared substantially complete.

# KENSINGTON TRAILS SECTION 5 PRELIMINARY PLAN CITY OF KYLE HAYS COUNTY, TEXAS

### DRAWING INDEX:

SHEET 1 COVER SHEET

SHEET 2 PRELIMINARY PLAN

#### PRELIMINARY PLAT NOTES:

- 1. A 10' PUBLIC UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE REAR OF ALL LOTS.
- 2. A 15' PUBLIC UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE FRONT OF ALL LOTS.
- 3. A 10' PUBLIC UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE SIDE STREET OF CORNER LOTS.
- 4. A 5' PUBLIC UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF THE SIDE PROPERTY LINES.
- 5. NO OBJECTS, INCLUDING SIGNAGE, BUILDING, ACCESSORY BUILDING, FENCING, OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERECTED WITHIN DRAINAGE EASEMENTS WITHOUT THE PRIOR APPROVAL OF THE CITY OF KYLE.
- 6. PROPERTY OWNERS SHALL ALLOW ACCESS TO DRAINAGE AND UTILITY EASEMENTS FOR INSPECTION, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
- 7. ACCESS TO DOWNING WAY FROM LOTS 1 & 2, BLOCK V, LOTS 1 THRU 12, BLOCK W, LOTS 1, 4, 5, 6, 7, 38, 40, 46, 47 & 55, BLOCK <sup>2</sup> K<sup>P</sup>SHALL<sup>2</sup> BE PROHIBITED.
- 8. SIDEWALKS SHALL BE BUILT ALONG BOTH SIDES OF EVERY STREET SHOWN ON THE PLAT AS A PART OF THE RESIDENTIAL CONSTRUCTION ON EACH LOT. SIDEWALKS SHALL BE A MINIMUM OF FOUR FEET IN WIDTH AND BUILT IN COMPLIANCE WITH THE CONSTRUCTION STANDARDS AND ASSIGNMENT REQUIRED BY THE CITY OF KYLE. THE SIDEWALKS MUST BE IN PLACE ON EACH LOT FOR WHICH A CERTIFICATE OF OCCUPANCY IS REQUESTED. ALL CURB ADA APPROVED HANDICAP RAMPS SHALL BE CONSTRUCTED WHEN STREETS ARE CONSTRUCTED.
- 9. EACH PROPERTY OWNER OF A LOT ON WHICH DRAINAGE EASEMENT(S) ARE PLATTED SHALL BE RESPONSIBLE FOR KEEPING GRASS AND WEEDS NEATLY CUT AND EASEMENT AREA FREE OF DEBRIS AND ALL TREE/BUSH REGROWTH.
- 10. NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF A 100 YEAR FLOODPLAIN AS INDICATED ON THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL #48209C0290F, DATED SEPTEMBER 2, 2005, HAYS COUNTY, TEXAS.
- 11. LOT 40, BLOCK K GREENBELT, AND LOT 39, BLOCK K GREENBELT, SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
- 12. STREETS SHALL BE PUBLICLY DEDICATED, PAVED, TO BE MAINTAINED BY THE CITY OF KYLE.
- 13. RESIDENTIAL LOTS ARE LIMITED TO ONE SINGLE FAMILY RESIDENCE PER LOT.
- 14. UTILITY PROVIDERS:

15. ZONING: R-1-2

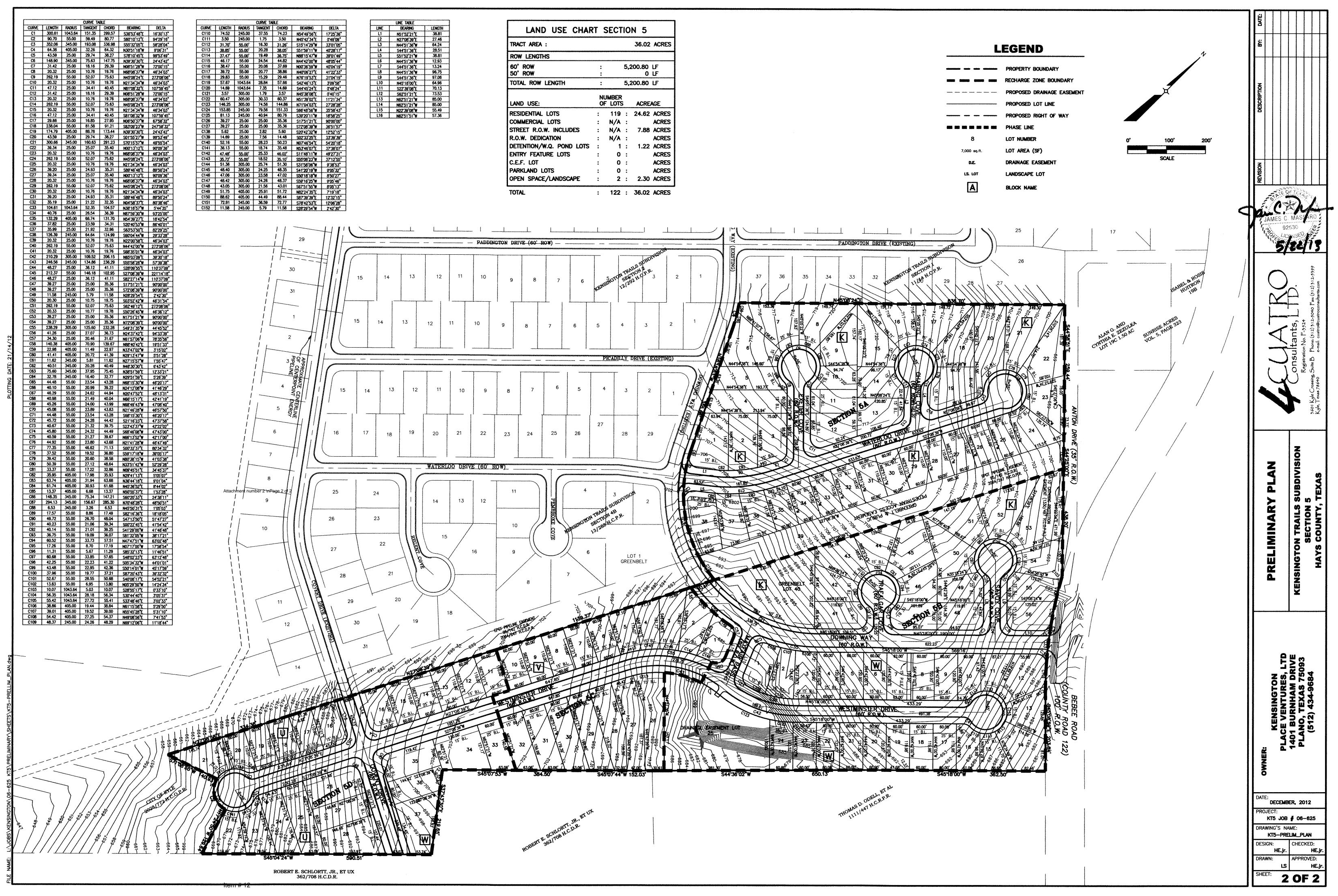
16. CUL-DE-SAC AT SOUTH END OF WESTMINSTER DRIVE SHALL HAVE DRIVEWAY PROVIDED TO ALLOW FOR PARKS DEPARTMENT ACCESS. INLET(S) AND STORM OUTFALL(S), INCLUDING PIPES, HEADWALLS, CHANNELS AND APPURTENANCES, AT THIS LOCATION SHALL BE DESIGNED TO ACCOMODATE SAID PARKS DEPARTMENT ACCESS. A 36.02 ACRES OF LAND OUT OF THE ELISHA PRUETT SURVEY ABSTRACT NO. 376 AND THE JOHN STUART SURVEY ABSTRACT NO. 14 SITUATED IN HAYS COUNTY, TEXAS.

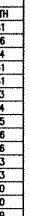
PR ALL CONTRACTOR KYLE CITY LIMIT. CU 360 KY (CR. 122) (512 (51 RE PROJECT SITE CIT -----STE CIT CIT THI ZON COU DA CHA

LOCATION MAP

 		THIS
OWNER: KENSINGTON PLACE VENTUR		THE
1401 BURNHAM DRIVE, PLAN	IO, TEXAS 75093	DATE
PHONE: (512) 434-9684		
ACREAGE: 36.02 ACRES		
SURVEY. FUSHA DRIFTT SURVEY AR	STRACT NO. 376 AND THE JOHN STUART SURVEY ABSTRACT NO. 14,	MAYO
HAYS COUNTY, TEXAS.	STRACT NO. 570 AND THE SOUN STOART SORVET ADSTRACT NO. 14,	
NUMBER OF LOTS AND PRO	POSED USE: _ LOTS FOR SINGLE FAMILY RESIDENTIAL 2 USE (R-1-2 ZONING),	
1-COMMON AREA DRAINAGE	EASEMENT	
SURVEYOR: GEORGE E. LUCAS, RPLS		
PHONE: (512) 635-4857	FAX: (512) 312-5399	
ENGINEER: HUGO ELIZONDO JR., P.E.		
PHONE: (512) 312-5040	FAX: (512) 312-5399	

	C DATE:	
5	DESCRIPTION	
OWNER:	NOIS	
ISSAM KARANOUH, AUTHORIZED REPRESENTATIVE DATE: KENSINGTON PLACE VENTURES, LTD 1401 BURNHAM DRIVE PLANO, TEXAS 75093 (512) 434-9684		nts, LTD. F-3524 512) 312-5040 Fax: (312) 312-5399 cuatro©cuatroconsultants.com
PREPARED BY: JAMES C. MASSARO 92530 VENSE 000 100 92530 VENSE 000 100 100 100 100 100 100 10	- ALIJY	5601 Kyle Crossing Suite B Phone: (512) 311 Kyle, Texas 78640 e-mail: cuatro@c
REVIEWED BY:		z
CITY ENGINEER:		S SUBDIVISION N 5 Y, TEXAS
STEVEN WIDACKI, P.E. DATE: CITY OF KYLE		TON TRAILS SECTION YS COUNTY
CITY OF KYLE		KENSINGTON S HAYS C
THIS PRELIMINARY PLAN HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY RECOMMENDED FOR CITY COUNCIL APPROVAL.		KEN
CHAIRPERSON	c	
THIS PRELIMINARY PLAN HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL. DATED THIS OF, 2013	ENSINGTON	3URNHAM DRIV 0, TEXAS 75093 12) 434-9684
MAYOR	OWNER: K	1401 E PLAN (5
	PROJECT: KT5 JO DRAWING'S I KT5PR DESIGN: HE.JI DRAWN: L	CHECKED: CHECKED: HE.jr.





			N 5	
			36.02	ACRES
:		5,2		LF LF
:		5,2	00.80	LF
			ACRE/	AGE
:	119	:	24.62	ACRES
:	N/A	:		ACRES
:	•			
;	-			
:	1	:	1.22	ACRES
:	0	:		ACRES
:	0	:		ACRES
:	0	:		ACRES
:	2	:	2.30	ACRES
•	0 : : :	: NUMBER OF LOTS : 119 : N/A : N/A : N/A : N/A : 1 : 0 : 0 : 0	: 5,2 NUMBER OF LOTS : 119 : : N/A : : N/A : : N/A : : N/A : : 0 : : 0 : : 0 :	: 5,200.80 : 0 : 5,200.80 NUMBER OF LOTS ACRE/ : 119 : 24.62 : N/A : : N/A : 7.88 : N/A : : 1.22



Plum Creek Phase 1 Section 6E2-1 -Final Plat Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:	<ul> <li>Plum Creek Phase 1 Section 6E2-1 - Final Plat (FP-13-011) 11.256 acres; 62 lots</li> <li>Located between the extension of Kirby and extension of Sanders adjacent to Golf Course</li> <li>Owner: Plum Creek Development Partner, Ltd.</li> <li>Agent: Alan Rhames, P.E., Axiom Engineers, Inc.</li> <li>~ Sofia Nelson, Director of Planning</li> <li>Planning and Zoning Commission voted 4-0 to statutorily disapprove the plat.</li> <li>(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the City Council).</li> </ul>
Other Information:	N/A
<b>Budget Information:</b>	N/A

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Attachments / click to download



Plum Creek Phase 1 Section 6E2-1 Preliminary Plan Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:	<ul> <li>Plum Creek Phase 1 Section 6E2-1 Preliminary Plan (PP-13-004) 11.256 acres; 62 lots</li> <li>Located between extension of Kirby and extension of Sanders adjacent to the Golf Course.</li> <li>Owner: Plum Creek Development Partners, Ltd.</li> <li>Agent: Alan Rhames, P.E., Axiom Engineers Inc.</li> <li>~ Sofia Nelson, Director of Planning</li> <li>Planning and Zoning Commission voted 4-0 to statutorily disapprove the preliminary plan.</li> <li>(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the City Council).</li> </ul>
Other Information:	N/A
<b>Budget Information:</b>	N/A

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Meadows at Kyle Phase Two

Meeting Date: 7/2/2013 Date time: 7:00 PM

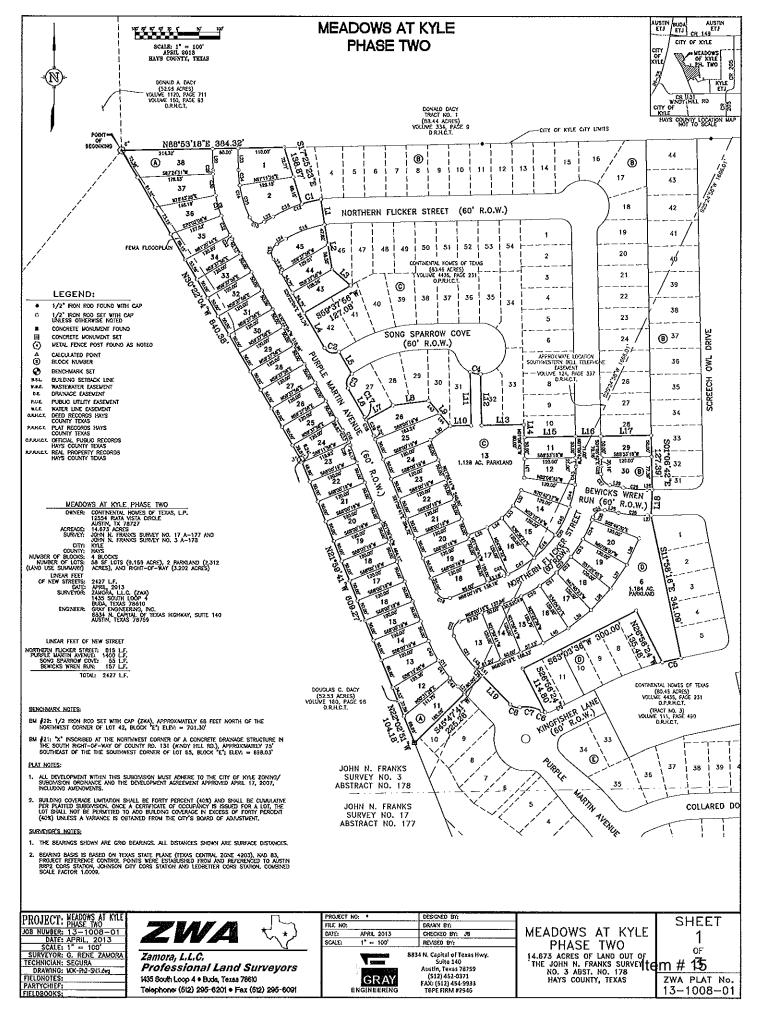
Subject/Recommendation:	Meadows at Kyle Phase Two - Final Plat (FP-13-010) 14.673 acres; 60 lots Located on the north side of Windy Hill Road approximately 1 mile east of IH-35 Owner: Continental Homes of Texas, LP Agent: John Hines, P.E., Gray Engineering, Inc. ~ Sofia Nelson, Director of Planning Planning and Zoning Commission voted 4-0 to approve the final plat.
Other Information:	Please see attachments
<b>Budget Information:</b>	N/A

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D Plat

Attachment number 1 \nPage 1



#### MEADOWS AT KYLE PHASE TWO

#### LEGAL DESCRIPTION

DESCRIPTION OF A 146/B ACRE TRACT OF LND STUATED IN 1HE JOHN N FRANSS SURVEY NO. 3, JUSTFACT NO. 179, IN HAYS COLVINY, TEXAS, AND BEING APORTION OF THAT CERTAIN BASA ACRE FRACT OF LND CONVEYED TO CONTINEYTAL MORES AND TEXPESTIC DED FOR CONVEYED IN VOLUCE HAS SAVE 23, JOSTFALL PROVIDED TO CONTINEYTAL MORES AND BOLDES AS INFORMED IN VOLUCE HAS SAVE 23, JOSTFALL PROVIDED TO DESCRIPTED FOR HAYS AND HEAVE AS INFORMATION FRANCISCOMPANYING FRANT, IS NOBE PARTICULARLY DESCRIPTED FOR HEAVES AND FOLLOW FOR ANY FRANCISCOMPANYING FRANT, IS NOBE PARTICULARLY DESCRIPTED FOR HEAVES AND FOLLOW FOR ANY FOR A

BEGINNING AT A 4-ENCH GION TENCE FOST FOUND FOR THE NORTHWEST CORNER OF SAID 50.45 ACPL TRACT, COAMMON WITH THE NORTHWEST CURVES OF THE HEREIN DESCHARD TRACT, SAIVE SEING THE SOUTHWEST CORNER OF A CALLED 58.44 ACRE TRACT OF LANG TONNEND TO DOUGLAGE. DUCY AND DESCHARD D. MCYC OF ALCOUDT NOLUNE 38, MCRO FOR THE DEED DESCORES OF RAY COUNTY, TEXAS BEENG ALSO AN ANALE FONT IN THE LAST LINE OF A CALLED 51.54, MCRO TRACT OF LAND COMPANYED TO DOUGLAS DAT'OF REFLOED IN VOLVE. HTM, MCRO THIC IN THE MOST LINE OF A CALLED 51.54, MCRO TRACT OF LAND COMPANYED TO DOUGLAS DAT'OF REFLOED IN VOLVE. HTM, MCRO THIC IN THE MOST LINE OF A CALLED 51.54, MCRO TRACT OF LAND COMPANYED TO DOUGLAS INCO ON THE DEED ACCORE OF HINS COUNTY, TRACK, BLOG ALGO THE NORTH CORNER OF A CALLED 51.54, MCRO TRACT, COUNTY LAND CONVENDE TO DOUGLASS, DATY OF RECORD IN VOLVE. HTM CORNER OF A DESCHARDON VIE INNO TO NEED DO DOUGLASS, DATY OF RECORD IN VOLVE. MCRO TRACT DE DE DECORES OF HINS COUNTY, TEXAS

THENCE N 63/33 13° F, DEPARTING THE EAST LINES OF SAID DARY TRACTS, WITH THE NORTH LINE OF SAID 63.45 ACRE TRACT AND THE SOUTH LINE OF SAID 1644 ACRE DARY 18 LCT, COLMONY WITH THE NORTH LINE OF THE HEFFENDESCROED TRACT, FOR A DISTANCE OF 13/43 JUET TO A 101 ICH 103 NO BOO WITH CAPE I (2014).

THENCE DEPARTING THE SOUTH UNE OF S VO3544 ACRE DACY TRACT, THE NOTIFILINE OF SAID 8244 ACRE TRACT, AND THE NORTH LINN OF THE IREED DESCTIBED TRACT, IAN O YER AND ACROSS SAID FRA ACRE TRACT, WITH THE LAST AND SOUTH LINES OF THE TRAUN DESCHIPTION TRACT, THE ADDIDATION INTO ANY ACCOUNT OF THE TRACT.

\$172323" E, 103 A DISTANCE OF 113.67 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (2WA) AT THE REGENERID OF A CLEAVE TO THE RIGHT.

2. 44:33 FEET ALONG THE ARC OF SAUD CURVE TO THE RIGHT, HAVING A RADIUS OF 33300 FEET, A DELTA ANGLE OF 63/92397, AND A CHORD BEARING AND DISTANCE OF 10 76/35377 E, 45:29 FEET TO A 1/2 INCH IEGN ROD WITH CAP SET (2WA).

3.5 (\$\*2052" E. FOR & DISTANCE OF 62.01 FEET TO & 1/2 INCH 12:0N EOD WITH CAP SET (ZWAL

4.5 OF 35 2V E, FOR A DISTANCE OF 155 37 FEET TO A 12 INCH 12 ON 20D WITH CAP SET (ZWA).

5.549°19'57" E, FOR A DISTANCE OF 57.53 FEET TO A 1/2 INCH ISON ROD WITH CAP SET (ZWA).

6.5 33/3756" W, FOR A DESTANCE OF 127.63 FFET TO A 1/2 INCH IRON ROD WITH CAP SET (2WA),

7.53/2204\* E, FOR A DISTANCE OF \$3.00 FEET TO A 1/2 INCH (RON ROD WITH CAPSET (ZWA) AT THE BEGINNING OF A CLIRVE TO THE LLAFT,

8. 33.27 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADRUS OF 25.09 FEET, A DELTA ANGLE OF 9760'50", AND A CHORD BEARING AND DISTANCE OF \$ 73'22'04" E, 35:35 FEET TO A 1/2 INCH IGON FOOD WITH CAP SET (ZWA).

9. \$392204" E, FOR A DISTANCE OF 63.00 FEET TO A 1/2 INCH IXON EOD WITH CAPSET (ZWA) AT THE BEGENNING OF A CURVE TO THE LEFT,

19. 39.23 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVENO A RADITS OF 25 00 FEET, A DELTA ANCLE OF SPOTOT, AND A CHORD BEARING AND DISTANCE OF S 14/37/5° W, 33 39 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (2WA).

H. 5 353204\* F, FOR A DISLANCE OF 77.83 PEET TO A 1/2 INCH TRON ROD WITH CAP SET (2WA) AT THE BEGINNING OF A CURVE TO THE RIGHT.

7.59 FEET ALONG THE ARC OF SAID CURVE 10 THE RIGHT, HAVING A RADALS OF 33/20 FEET, A DELTA ANGLE OF 61/92197, AND A CHORD BEARING AND DISTANCE OF S 29/4/341 E, 7.59 FEET TO A 1/2 INCRUSEON FOD WITH CAP SET (200A),

13. N 61407157 & FOR A DISTANCE OF 71.977525T 10 A 12 INCH IRON ROD WITH CAP SET (ZWA),

14. N 82-33517 E, FOR A DISTANCE OF 85.26 FEET TO A 1/2 INCHIRON ROD WITH CAP SET (ZWA).

15. \$ 42"3502" E, FOR A DISTANCE OF 78.10 FEET TO A 1/2 INCH ISON ROD WITH CAP SET (2WA).

16. N 83'33'15'' E, TOR A DISTANCE OF \$0.00 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (ZWA).

17. N \$156421 W, FOR A DISTANCE OF 12545 FEET TO A 1/2 EVEN ECON ROD WITH CAP SET (2WA), FOR A DISTANCE OF \$789 FEET TO A 1/2 INCH LIXON ROD WITH CAP SET (2WA) AT THE BEGINNENG OF A CURVE TO THE LEFT,

15. 75 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING & RADUS OF 64 00 FEET, A DELTA ANCLE OF 24'3728", AND A CHORD BEARING AND DISTANCE OF S 73'4759" E, 25:57 FEET TO A 1/2 INCH IGON ROD WITH CAP SET (ZWA).

19. \$ 01%643" F. FOR A DISTANCE OF (2000) FEET TO A 1/2 INCH IRON BOD WITH CAP SET (ZWA).

21. N \$5"3315" E, FOR A DESTANCE OF 160.03 FEET TO A 1.2 INCHISION EOD WITH CAP SET (ZWA).

21. \$ 01°06'42" F, FOR A DISTANCE OF 30.00 FEET TO A 1/2 INCHIRON BOD WITH CAP SET (ZWA),

22. N 85°5315" E, FOR A DISTANCE OF 120.00 FEET TO A 1/2 INCHIRON ROD WITH CAP SET (ZWA), 23. N \$74130" E, FOR A DISTANCE OF 6101 HEET 10 A 1/2 INCHIRON ROD WITH CAP SET (ZWA).

24. N 85'33'15'' E, FOR A DISTANCE OF 120.03 FEET TO A 12 INCHIRON ROD WITH CAP SET (ZWA),

23. 5 01 V642" E, FOR A DISTANCE OF 127.33 FEET TO A 1/2 INCH (RON ROD WITH CAP SET (2WA),

26. 5 92449471 W, FOR & DISTANCE OF 6X14 FEET TO A 1/2 INCH (RON ROD WITH CAP SET (2WA).

23. S 11/55167 E, FOR A DISTANCE OF 341.09 FRET TO A 1/2 INCH IRON ROD WITH CAP SET (ZWA) AT THE BEGENNING OF A CURVE TO THE LEFT,

22, 45.72 FEET ALONG THE ARC OF 5410 CURVE TO THE LEFT, BAVING A RADX SOF 11(8:43 FEET, A DELTA ANGLE OF 62° 1432°, AND A CHORD BEARING AND DISTANCE OF 5 77:1521° W, 45.72 FEET TO A 1.2 INCH ISON ROD WITH CAP SET (ZWA).

29. N 26555247 W, FOR A DISTANCE OF 133.43 FEET TO A 1/2 INCHIRON ROD WITH CAP SET (ZWA),

31. S 6350335" W, FOR A DISTANCE OF 3010) FEET TO A 1/2 INCHTRON ROD WITH CAP SET (ZWA).

31. S 26/5724 TE, FOR A DISTANCE OF 114 83 FEET TO A 1/2 INCH IRON RUO WITH CAP SET (ZWA) AT THE BEGINNING OF A CURVE TO THE RUGHT,

32. \$24 FEET ALONG INZE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADILSOF 2500 FEET, A DELTA ANGLE OF 11'5713", AND A CHORD & KARNG AND DISTANCE OF N \$P4502" W, \$25 FEET TO A 1/2 INCH ISON EOD WITH CAP SET (2WA) AT A POINT OF REVERSE CURVINITIES TO THE LETT,

33. 53 64 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADINS OF 3309 FEET, A DELTA ANGLE OF 49'31 32", AND A CHORD BEARING AND DISTANCE OF IN SP3422" W, 51 55 HEET TO A 1/2 INCH LEON ROD WITH CAP SET (2WA) AT A NOINT OF REVERSE CURVITINE TO THE RIGHT,

34, 24-7) FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADUS OF 25(9) FEET, A DELTA ANGLE OF 56'37'37', AND A CEORD BEARING AND DISTANCE OF N 72'31'15'' W, 23-72 FEET TO A 1/2 INCH 190N ROD WITH CAP SET (2WA), 35. N 44712191 W, FOR A DISTANCE OF 93.73 FEET TO A 1/2 INCH IRON ROD WITH CAP SET (ZWA), AND

55. 5 43°4741° W, FOR A DISTANCE OF 213 26 HELT TO A CONCRETE ISONDACENT RUND IN THE AFOREMENTIONED EAST LINE OF THE 22.33 ACRED ACCY TRACT, SAVE BENO THE WIST LINE OF SKID 534.43 ACRE TRACT, CORRACM WITH THE WEST LINE OF THE HEJEM DESCRIBILIT DURING, AND REFOR THE SOUTIWENT CONSTRUCT HE LIPPLIC INSCRIPTION TRACT, SAVE BENO THE SUTTIVISTIC CONSTRUCT HE LIPPLIC INSCRIPTION AND A SAVE AND A SA

THENCE WITH THE EAST LINE OF SAID 52-53 ACRE DACY TRACT, AND THE WEST LINE OF SAID 50-64 ACRE TRACT, COMMON WITH THE WEST LINE OF THE HEALIN DESCRIBED TRACT, THE FOLLOWING THREE (3) COURSES AND DISTANCES. LIN 2250231" W, FOR A DISTANCE OF 104.18 FEET TO A 1/2 INCH IRON ROD FOUND,

2 N 21/3241" W. FOR A DISTANCE OF 69-27 FEET TO A 3-INCRESON FEMAL POINT FOR ANOLE POINT, AND

3. N 33°22 64° W, FOR A DISTANCE OF \$40.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 14.673 ACRES OF LAND.

PROJECT: MEADOWS AT KYLE
JOB NUMBER: 13-1008-01
DATE: APRIL, 2013
SCALE: 1" = 100'
SURVEYOR: G. RENE ZAMORA
TECHNICIAN: SEGURA
DRAWING: KOK-Ph2-SHZdrg
FIELDNOTES:
PARTYCHIEF:
FIELDBOOKS:



Professional Land Surveyors 1435 South Loop 4 + Bude, Texas 78610 Telephone: (512) 295-6201 . Fax (612) 295-6091 FILE NO: DRAWN BY: APRL 2013 1" = 100' CHECKED BY: J9 REVISED BY: 8834 N. Capital of Texas Hwy. Suite 140 Austin, Texas 78759 (512) 452-0371 GRAY FAX: (512) 454-9933 TBPE FIRM #2946 ENGINEERING

PROJECT NO:

DATE

SCALE

DESIGNED BO MEADOWS AT KYLE A.673 ACRES OF LAND OUT OF THE JOHN N. FRANKS SURVEY, NO. 3 ABST. NO. 178 HAYS COUNTY, TEXAS

URVE	Levers		URVE TABLE		040000
RVE. 21	LENGTH 46.33	RADIUS 330.00	0017A 8'02'39	CHORO SEARING S76'35'57"#	CHORD 45.29
2	46.33 39.27	25.00	90.00,00.	\$75'22'04"E	35.35
_	39.27	25.00	90.00,00,	\$1437'56'W	35.35
4	25.79 45.72	60.00	24'37'28" 2'14'32"	\$78 47 59 E \$77 25 28 W	25.59
3	8.28	25.00	18 59 13	S89748'02"E	8.25
7	53.06 24.71	75.00	40'31'52'	N80734'22'4 572'31'18'E	51.95
3	24.71	25.00	563759 291121	57231'18'E 515'44'23'E	23.72
, 0	39.46	270.00	82223	N25 10'52 W	39.42
1	127.92	330.00	22'12'38"	S33'06'00'E	127.12
23	120.89	330.00	20'59'20"	\$70'07'36*W \$72'55'54*E	120.21 36.82
4	115.08	270.00	2525'03"	515'19'14'E	114.20
5 6	39.27	25.00	90,00,00	S14"37"58"W	35.36
<u>5</u> 7	97.83 7.90	270.00	20145'35	\$70'00'44"W N29'40'54"W	97.29 7.90
B	48.23	330.00	1'22'19 8'22'23'	N25105219	48,18
9	39.27 325.71	25.00	80.00,00,	S56'59'41'E	35.36
	93.04	270.00 270.00	69'07'02' 19'44'35'	N33 25'49 E S34'20'01'E	305.31
21 12	40.35	25.00	9728'03	\$21'45'18'W N43'58'27'E	36.11
3	276.82	330.00	48'03'45"	N4358'27'E	268.77
4	35,38 69.93	25.00	81'05'14 12'08'31"	\$80'29'12'W \$85'02'27"E	32.50
6	57.22	270.00	1208 31	585'02'27'E	67.11
7	35.38	25.00	81'05'14	\$38'25'34'E	32.50
8	18.60	330,00	313 46	N00'30'10"E	18.60
)	60.05	330.00	8 41 22	S01 50'65 E S06'55'51'E	50.00
1	50.05	330.00	B'41'22'	S15'37'13'E	50.00
2	50.05 9.87	330.00 330,00	B'41'22 1'42'48	525 (8'35'E 529'30'40'E	50.00 9.87
Ā	36.27	270.00	741'51	\$04°57'38'E	35.25
15	78.79	270.00	741'51" 18'43'12'	S17 10'09 E	78.51
87	74.58	330.00 270.00	125541	\$55°06'17*W	74.40 30.93
8	8.51	270,00	6'34'00' 1'48'23'	N2705'04"W N2253'52 W	8.51
9	40.32	330.00	7:00'04"	N25'29'43'W	40.30
10	50.64	330.00 330.00	8'47'31 8'41'22	526 23 26 E	50.59 50.00
12	27.24	330.00	4 43 45	\$35'07'53'E \$41'60'26'E	27.23
43	42.42	270.00	9'00'16"	N0323'23"E	42.38
4	53.74	270.00	11'24'15 15'31'58	N13'35'35'E N27'03'42'E	53.65 72.97
6	73.20	270.00	15'31'58'	N42 35 40 E	72.97
7	73.20	276,00	1531'58" 2'06'42'	N58'07'39"E	72.97
18 19	9.95	270.00	2'06'42	N66"55"59"E	9.95 19.48
-	50.05	330.00	372'58 8'41'22*	NSC 18'50'E NSC 16'40'E	50.00
io i	50.05	330.00	541'22* 5'41'22	N51'35'18"E N42'53'55"E	50.00
1	50.05			N42'53'55'E	50.00
51 52	60.05	330.00	8*41'00'	11141217415	
1 2 3	50.05 50.05 50.05 50.05	330.00 330.00	I 8'41'22'	N34'12'34"E	50.00 50.00
	50.05 50.05	330.00 330.00 330.00 330.00	6 41 22 6 41 22 8 41 22 1 13 55	N34'12'34'E N25'31'11'E N20'33'33'E	
51 52 53	50.05 50.05 50.05 7.10	330.00 330.00 330,00	B*4122* B*41'22* 1'13'56* INE TABLE BEARNO	N34'12'34'E N25'31'11'E N20'33'33'E	56.00
1 2 3 4	50.05 50.05 50.05 7.10	330.00 330.00 330.00	5'41'22' 5'41'22' 1'13'55" INE TABLE BEARNO NOS 20'52'W	N34'12'34'E N25'31'11'E N20'33'33'E DSTANCE 60.01	56.00
2	50.05 50.05 50.05 7.10	330.00 330.00 330.00 330.00	6'41'22' 8'41'22' 1'13'56' 3NE TABLE BEARNG NOS'20'52'M	N34'12'34'E N25'31'11'E N20'33'33'E DISTANCE 60.01 106'37	56.00
1 2 3	50.05 50.05 50.05 7.10	330.00 330.00 330.00 330.00 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	8'41'22" 8'41'22" 1'153'55" NE TABLE BEARNO NOS 20'52" NOS 20'52" NOS 20'52" NOS 20'52" NOS 20'52"	N3F12'34'E N25'31'11'E N25'31'11'E N25'31'33'E DSTANCE 60.01 106:37 57:89 95:00	56.00
1 2 3 4	50.05 50.05 50.05 7.10	330.00 330.00 330.00 330.00 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	8'41'22" 8'41'22" 1'153'55" NE TABLE BEARNO NOS 20'52" NOS 20'52" NOS 20'52" NOS 20'52" NOS 20'52"	N34'12'34'E N25'31'11'E N20'33'33'E OSTANCE 60.01 106.37 57.69 95.00 60.00	56.00
1 2 3 4	80.05 60.05 30.05 7.10	330.00 330.00 330.00 330.00 10 11 12 13 14 15 16	8*41'22" 8*41'22" 1*13'66" DNE TABLE BEARNO NOS'20'52" NOS'20'54" NOS'2	- 834'12'34'E N25'31'11'E N20'33'33'E DISTANCE 60.01 106.37 57.89 85.00 60.20 77.89	56.00
1 2 3 4	50.05 50.05 50.05 30.05 7.10	330.00 330.00 330.00 330.00 130.00 14 13 12 14 15 16 16 17 18	B-41122 B-41122 1133/66 BEARNO NOS 20152 W NOS 20152 W NOS 20152 W NOS 20152 W NOS 20152 W NO 22 04 W NO 22 04 W NO 22 04 W NO 22 04 W	N34'12'34'E N25'31'11'E N20'33'33'E OSTANCE 60.01 106'37 57.59 85.00 60.00 60.00 77.59 70.97 70.97 85.26	56.00
1 2 3 4	50.05 50.05 50.05 7.10	330.00 330.00 330.00 330.00 10 10 11 12 13 14 15 16 16 17 18 19	8*41'32' 1133'55" 1133'55" 8547040 NOS 20'52'M NOS 20'52'M NOS 20'52'M NOS 20'52'M NOS 20'52'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M	NJF 1234E N2531'11'E N2733'33'E 00511ACCE 60.01 106.37 57.89 70.67 85.00 65.00 77.89 70.67 85.26 70.67 85.26 78.10	56.00
	50.05 50.05 50.05 30.05 7.10	330.00 330.00 330.00 330.00 10 10 11 12 13 14 15 16 16 17 18 19	8*41'32' 1133'55" 1133'55" 8547040 NOS 20'52'M NOS 20'52'M NOS 20'52'M NOS 20'52'M NOS 20'52'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M NOS 22'04'M	NJF1234E NF531'11'E N2733'33'E 055104CE 60.01 166.37 57.89 55.00 60.00 77.89 70.97 85.26 78.10 55.00	56.00
1 2 3 4		330.00 330.00 330.00 330.00 I I I I I I I I I I I I I	B*41/32 B*41/32 113/55 BF TABLE BEARNO NO2 30/52 W NO2 35/32 W	NJF 11234E NSF31111E N2733131E 005TARCE 60.01 10637 57.89 65.00 65.00 65.00 77.89 70.97 85.26 77.89 70.97 78.10 50.00 125.44	56.00
1 2 3 4		330.00 330.00 330.00 330.00 II II II II II II II II II	BA1132 BA1132 1153/56 BEARNO NOS 20/52 W NOS 20/52 W NOS 20/52 W NOS 20/52 W NOS 22/52 W SO 105/42 W NOI 16/42 W	NSF 11234E NSF 31111E NS7 31111E NS7 331331E 60.01 106337 37.89 55.00 65.00 65.00 65.00 77.89 70.97 70	56.00
1 2 3 4		330.00 330.00 330.00 1 1 1 1 1 1 1 1 1 1 1 1 1	8 41/22 11/3/56* 8 41/22 11/3/56* 86/80 86/80 80/20/52 80/20	NST 11231E NST 3111E N2733'33'3 DST NACE 60.01 106337 57.69 55.00 60.00 77.69 55.00 77.69 70.097 55.26 78.526 78.526 78.526 78.526 72.549 120.00 120.00 120.00 120.00	56.00
1 2 3 4		330.00 330.00 330.00 330.00 1330.00 14 15 16 16 10 11 12 13 14 15 14 15 14 15 14 15 14 15 16 17 18 18 19 10 10 10 10 10 10 10 10 10 10	E 41122' E 41122' 113356' BAE 1ABLE E54826 10822052' NOS 22052' NOS 22052' NOS 22052' NOS 22054' NOS 220554' NOS 220554' NOS 220554' NOS 2205554' NOS 2205554'	NST 11231E NST 3111E N2733'33'3E DST NACE 60.01 106337 57.89 55.00 60.00 77.89 70.07 85.26 78.10 55.00 125.48 120.00 100.00 1200	56.00
1 2 3 4		330.00 330.00 330.00 330.00 330.00 1330.00 14 15 16 16 17 16 17 17 17 17 17 17 17 17 17 17	E 41 122' E 41 122' 113356' BE 1286' BE 1286' NOT 2052' NOT	NBF 11234 E NES 31'11'E N27 33'33'E DISTANCE 60.01 166.37 37.89 55.00 65.00 77.89 75.89 75.89 75.89 75.89 75.89 75.89 75.89 75.89 75.89 75.89 75.89 75.89 75.89 75.80 75.89 75.80 75.89 75.80 75	56.00
1 2 3 4		330,00 330,00 330,00 330,00 330,00 1330,00 1330,00 13 14 15 16 10 11 12 13 14 15 16 17 18 18	8 41 122 1 13356 8 41 122 1 13356 BARNO BEARNO NOS 20521 MOTS5 20 M MOTS5 20 M MO	NBF 11234 E NES31111E N273313333 E 55.00 60.01 106337 57.89 55.00 60.00 77.89 70.97 85.26 78.50 77.89 70.97 85.26 78.50 120.00 120.00 120.00 120.00 120.00 120.00 120.00 120.00 120.00 120.00	56.00
1 2 3 4		330,00 330,00 330,00 330,00 330,00 10 11 12 12 13 14 15 16 10 11 11 12 13 14 15 16 17 18 19 19 11 11 11 11 11 11 11 11	E 41 122 E 41 122 1 13 366 E 41 122 1 13 366 E 41 122 E 41 1	N34712347E N25317117E N25317117E N2733737E 60.01 166.37 57.89 55.00 60.00 77.89 55.00 60.00 77.89 77.89 70.97 65.26 77.89 72.89 72.89 72.89 72.89 72.89 72.89 72.89 72.89 72.89 72.89 72.89 72.89 72.89 72.89 72.80 60.00 120.00 60.01 120.00 60.01 120.00 60.01 120.00 60.01 120.00 60.01 120.00 60.01 120.00 60.01 120.00 60.01 120.00 60.01 120.00 60.01 120.00 60.01 120.00 60.01 120.00 60.01 120.00 60.01 120.00 120.00 60.01 120.00 10	56.00
1 2 3 4		330,00 330,00 330,00 330,00 INE I I I I I I I I I I I I I	E 41/32 E 41/32 1/13/66 E 41/32 1/13/66 E 41/32 E 43/32 E 43/32 E 43/32 E 43/26 E 43/20 E 4	NB4 1234 E NES 31'11'E N27 33'33'E DISTANCE 60.01 106.37 57.89 55.00 50.00 77.89 75.89 75.89 77.89 70.997 75.526 77.89 70.997 75.526 77.89 70.997 75.526 77.89 70.997 75.526 77.89 70.500 125.46 125.000 125.000 125.000 125.000 120.000 60.11 20.000 60.14 33.78 60.92 22.78	56.00
1 2 3 4		330,00 330,00 330,00 330,00 INE I I I I I I I I I I I I I	E 41/32 E 41/32 1/13/66 E 41/32 1/13/66 E 41/32 E 43/32 E 43/32 E 43/32 E 43/26 E 43/20 E 4	NBF 11234 E NES 31'11'E N2733'33'E ESTINACE 60.01 106337 57.89 55.00 60.00 77.89 70.097 85.26 78.10 55.00 125.48 120.00 100.00 125.48 120.00 100.00 120.00 1	56.00
51 52 53		330.00 330.00 330.00 330.00 330.00 330.00 11 12 13 14 15 15 16 17 18 18 18 19 17 18 19 20 21 22 23 24	E 41 122 E 41 122 113 366 E 41 122 113 366 E 41 122 113 366 E 41 122 E 41 122	NBF 112347 NES 31'11'E N2733'33'E 10571400E 60,01 1063,02 60,00 1063,07 1063,07 1063,07 1063,07 1063,07 1063,07 1063,07 1063,07 1063,07 1063,07 1063,07 1063,07 1057,00 1057	56.00
1 2 3 4		330.00 330.00 330.00 330.00 330.00 330.00 11 12 13 14 15 15 16 17 18 18 18 19 17 18 19 20 21 22 23 24	E 41 122 E 41 122 113 366 E 41 122 113 366 E 41 122 113 366 E 41 122 E 41 122	NB-112-34°E NES31'11'E N2733'33'E 60,01 1003,07 10000,07 1000,07 1000,07 1000,07 1000,	56.00
2		330,00         330,00           330,00         330,00           330,00         330,00           11         12           13         14           14         15           15         16           16         11           11         12           13         16           14         18           15         18           16         22           23         24           25         28	E 41 122 E 41 122 113365 E 41 122 113365 E 41 122 E 41 122	NBF 11234 E NES 31'11'E N2733'33'E EXESTINACE 60.01 106337 57.89 55.00 60.00 77.89 70.097 85.26 78.10 55.00 120.00	56.00
		330.00           330.00           330.00           330.00           330.00           130.00           130.01           130.02           131           15           16           17           16           19           10           11           12           131           14           15           16           17           18           19           20           21           22           23           24           28           27           28	E 41 122 E 41 122 1 13 365 E 41 122 1 13 365 E 41 122 E 41 1	NB-112-34°E NES31'11'E N2733'33'E 60,01 1003,07 10000,07 1000,07 1000,07 1000,07 1000,	56.00
		330.00           330.00           330.00           330.00           330.00           130.00           130.01           130.02           131           15           16           17           16           19           10           11           12           131           14           15           16           17           18           19           20           21           22           23           24           28           27           28	E 41 122 E 41 122 113 366 E 41 122 113 366 E 41 122 113 366 E 41 122 E 41 122	NB-112-34°E NES31'11'E N2731'31'E 60.01 60.01 60.00	56.00

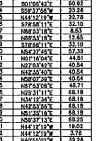
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OF

m # 15 ZWA PLAT No.

13-1008-01

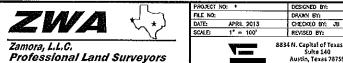


PHASE TWO

#### MEADOWS AT KYLE PHASE TWO

THE STATE OF TEXAS 4	THE STATE OF TEXAS
THE COUNTY OF MAYS 6	THE COUNTY OF MAYS \$
ENGS LLL MEN BY THESE PRESENTS THET CONTRENENTLI HOMES OF TELLS, LE, ACTING BEREIN BY AND THROUGH BICHERD LILER, TICZ-PRESENT, OFREG OF LASS ACRES OF LASS OUT OF THE VIEW, MARS SURTY NO. 3, ANSTRUCT NO. 176 STUNTED IN EANS COUNTY FILLS, BEING A PORTON OF THE VIEW, MARS SURTY NO. 3, ANSTRUCT NO. 176 STUNTED IN EANS COUNTY FILLS, BEING A PORTON OF THE VIEW, MARS SURTY NO. 3, AND CONTYTED BY DEED RECORDED BY TOLINE 4445, PACE 581, OF THE OFFICIAL PUBLIC RECORDS OF HAVE COUNTY, TELAS, DOES HEREBY SUBDATIDE SAID 16.140 ACRES OF LAND TO FE ENON AS:	I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF KYLE, HEALEY CERTIFY THAT THIS SUBDIVISION PLAT Conforms to all requirements of the subdivision ordinance as anended and hereby recommend approval
NEADOVS AT XYLE, PEASE TWO IN ACCORDANCE WITH THE FLAY SHOWN REARON, SUBJECT TO ANY AND ALL RASEMENTS OR RESTRECTIONS REARMONDER GRANTED AND NOT RELEASED, AND DOSS REAREMENTS TO THE PUBLIC THE USE OF THE	STEVEN D. WEJACKI, P.R. DATE CITY ENGREER
STREETS AND EASKMENTS SEOVEN HEREON.	THE STATE OF TEXAS
	THE COUNTY OF MAYS \$
CONTINENTAL ROADS OF TELLS, LP. 18554 RIATA USTA CIRCLE AUSTEN, TELLS 78727	I, LIZ GONZALEZ, COUNTY CLERK OF EAYS COUNTY, TELAS, DO HEREBY CERTIFY THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE DAY
	07, 2019 A.D., AY, O'CLOCK, N., AND DULY RECORDED ON
RICHARD MARR, VICE-FRESTDENT	TER
THE STATE OF TEXAS	IN THE FLAT RECORDS OF HAYS COUNTY, TELAS, IN BOOK, PAGES
THE COUNTY OF TRAVES 4	
BEFORE ME, THE UNDERSIONED AUTHORITY, ON THIS DAY PERSONALLY AFPARED NICHARD MULTER, FICE-PRESEDENT OF CONTINUATIAL HONES OF TELAS, LP., KONIN TO ME THE PERSON FEOSE NAME IS GUSCINED TO THE FORECOMD INSTRUMENT, AND ACTIVOTEDCED TO ME THAT HE ELECUTED THE SAME FOR THE FURPOSES AND CONSIDERATION THEREIN ENTRALSSED AND IN THE CAPACITY THEREM STATED.	IZ CONZILEZ, COUNTY CLERK HAYS COUNTY, TEXAS
WITNESS MY HAND AND SEAL THIS THE DAY OF, 2013, A.D.	
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS	THIS PLAT, MEALOPS AT XILE PRUSE ING, HAS BLEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KILE, TEXAS, AND IS HERREY APPROVED BY SUCH COUNCIL
	DATED THIS
PRINTED NAME OF NOTABY	ATTESTI
	ey:
CENERAL NOTES:	
1. DORTIONS OF LOTS 40-48, ELECT A, ARE WITCH THE DESIGNATED FLOOD HAZARD AREA 13 SEGUN ON THE FIDERAL FLOOD INSURANCE ADAMNSTRATION BATE MAP COMPARING THATE AND COMPARING A ASSOCIATOR FOR EATS COUNTY, FIDERAL FLOOD INSURANCE ADAMNSTRATION BATE MAP COMPARING THATE AND ASSOCIATED FLOOD EAST FOR EATS COUNTY, FIDERAL FLOOD EAST FOR EATS COUNTY, FIDERAL FLOOD EAST FOR EATS COUNTY, FIDERAL FLOOD EAST FOR EATS FOR EATS FOR EATS FOR EATS FOR EATS FOR EAST FOR EATS FOR EA	LUCY JOENSON MAYOR, CITY OF INLE, TELAS
NOT PROMBIT ACCESS BY GOVERNMENTAL AUTOMITIES. 6. A 10° FUBLIC UNITY LEXEMENT IS HEREBY DELCATED ALONG ALL STREET RIGHTS-OF-VAY. A 6' FUE 13 BEREBY DENGATED ALONG ALL SUBLIGT LINES OF ALL SINGLE FAMILY LOTS. 7. ALL STREETS IN THE SUBDIVISION ARE FUELDES TREETS. 8. RESIDENTIAL LOTS ARE LIMITED TO ONE SINGLE FAMILY DEFLING FER LOT. 9. YOR A MINIMUM TRAVIL, DESTANCE OF 20' FEOU THE BOLDAYY LODE. REVIEWAY GRADES MAY EXCHED 14X ONLY WITH SPECIFIC APPROVAL OF SUBJICE AND CROMENTING ADDINING BY THE CITY OF MILE. 0. ALL STREETS DURING TO AND E SINGLE AND CROMENTING DESTAND ADDINE BY THE CITY OF MILE. (0. ALL STREETS DURING TO AND E SUBJICE AND CROMENTING DESTAND ADDINE BY THE CITY OF MILE. 0. ALL STREETS DURING TO AND E SUBJICE AND CROMENTING DESTAND ADDINE AND MENTIONE AND MENTIONED ADDINES AND MENTIONE AND MENTIONED ADDINES. 10. ALL STREETS DURING AND ADDINES AND MENTIONE AND MENTIONE ADDINES AND MENTIONED ADDING ADDING ADDING A	CALE BARSE PLANNING AND ZONING COMMISSION CEAR, CITY OF XYLE, TEXAS
<ul> <li>AUSTONS.</li> <li>AUSTONS.&lt;</li></ul>	STEVEN D. WIDACKI City Engineer, City of Eyle, Texas
<ol> <li>PLETLAND DESIGNATION DESCRIPTION TO THE SECLATION.</li> <li>PLETLAND DESIGNATION DESCRIPTION TO THE SECLATION SHALL BE IN ACCORDANCE WITH THE DEVELOPMENT ADDREDGET ADD ASSOCIATED ANALYMAKING.</li> <li>SIDEFALLS ARE REQUIRED LLONG BOTH SIDES OF ALL STREETS, AS FOLLOWS: LOCAL STREETS, A' BOTH SIDES, COLLECTOR STREETS, B' BOTH SIDES.</li> <li>MATEN SERVICE WILL BE PROVIDED BY COFORTH WATER SUPPLY CORPORATION.</li> <li>MATEN SERVICE WILL BE PROVIDED BY THE CITY OF YILLS.</li> <li>MATEN SERVICE WILL BE PROVIDED BY THE CITY OF THE SUBDIVISION, SITE DEVELOPMENT PERMITS AND BOILDONG PERMITS VILL BE ADDRIVENCE FROM THE CITY OF WILLS.</li> <li>THERE ARE NO ENVIRONMENTALLY SENSITIVE AREAS DESCRIPED WITHIN THES SUB- INDIANO ADDRIVENTIALLY SENSITIVE AREAS DESCRIPED WITHIN THES SUB- AND MOUNT OF PERMITS IN OR BUT AND FOR THE DISCUMPLED WITHIN THES SUB- AND MOUNT OF PERMITS IN OR BUT AND FOR THE DISC DUCTY DERIVES AND ADDRIVENCE AND ADDRIVENTIALLY SENSITIVE ADDRIDED TO LOTS THEM THES SUBDIVISION</li> <li>MATEN ADDRIVENTIAL AND ADD ADD FOR DISC ADDRIVENTIAL SENSITIVE ADDRIDED TO LOTS THEM.</li> </ol>	ANTIL SANCHEZ SECRETARY, CITY OF AVIE, TELAS
20. PUBLIC UTILITY EASEMENTS TO BE USED FOR UTILITY SERVICE PROVIDED TO LOTS WITHIN THIS SUBDIVISION ONLY, NOT ALLOVED FOR PASS-THEU OR PRIVARY MAINS SERVICING OUTSIDE DEVELOPMENT.	
THE STATE OF TEXAS \$	THE STATE OF TELAS & The county of transf
THE COUNTY OF HAYS &	I, JOHN D. HENDS, & REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HERKHY CERTURY THAT THIS
I, C. RENS ZAMORI, A REGISTERED PROFESSIONIL LAND SUMETOR IN THE STATE OF TEXES, AL AUTHORIZED UNDER THE LATS OF THE STATE OF TEXES TO PAULTER THE PROFESSION OF SUMETNING, AND HERERY CENTRY TEAN THES PLAT IS TRUE AND CORRECT TO THE HEAT OF WY INFOTENCE AND ABILITY, AND THEAT IN TAS PREVALUE DEFO AN AUTULI SURVEY OF THE FEODERING MADE ON THE GROUND UNDER MY DEROT SUPPENTION.	FIAT AND ALL FIANS AND SPECIFICATIONS THERE ARE INCLUDED TITH THIS FIAT ASS, TO THE SERT OF MY PROFESSIONL CLANCITY, COMPLETE AND ACCUMART AND IN COMPLIANCE WITH ALL RELEVANT CITY OF EVIL ORDINANCES, CODES, FIANS, AND RELEVANT STATE STANDARDS.
	WITNESS MY FAND THIS THE DAY OF 2013 A.D.
C. RENE ZAMORA, R.P.L.S. DATE	GRAY ENGINEERING, INC. 8834 N. CAPITAL OF TEXIS HIGHWAY, SUITE 140 Austin Texis 78759
RECENTERED FROFENSIONAL LAND SURVEYOR NO. 6532 STATE OF TRAILS IASS SOUTH LOOP 4	AUSTRY FEXAS 74769 PRONE: (512) 452-0571 FAX: (512) 454-9903 TDFR FIRM # 2946
BUDA, TEXAS 78610 PHONE: (612) 296-6201, FAX: (612) 295-6091	JOHN D. HINES DATE
	REGISTERED PROFESSIONAL ENGINEER NO. \$6691





1435 South Loop 4 + Bude, Texas 78610

GRAY Telephone: (512) 295-6201 + Fax (512) 295-6091

8834 N. Capital of Texas Hwy. Suite 140 Austin, Texas 78759 (512) 452-0371 FAX: (512) 454-9933 TBPE FIRM #2945

MEADOWS AT KYLE 3 PHASE TWO 0F 14.673 ACRES OF LAND OUT OF THE JOHN N. FRANKS SURVEY NO. 3 ABST. NO. 178 Item # 15 HAYS COUNTY, TEXAS 2WA PLAT NO. 13-1008-01



Proposed Agreement w/San Marcos Regarding ETJ Boundary Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:	(Second 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
Other Information:	Please see attachments.
Budget Information:	N/A

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

#### Attachments / click to download

Interlocal Agreement

- **Ordinance**
- Exhibit A
- Exhibit B

Cover Memo Item # 16

#### INTERLOCAL COOPERATION AGREEMENT FOR MUTUAL EXTRATERRITORIAL JURISDICTION (ETJ) RELEASE AND REVISION OF AGREED ETJ BOUNDARIES 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 through their authorized representatives.

**WHEREAS**, on June 8, 1987, by Resolution 1987-72R the San Marcos City Council approved an agreement that established ETJ boundaries with the City of Kyle and now both cities desire to amend and supplement that agreement by entering into an additional Agreement whereby both cities agree to release and exchange ETJ and revise their ETJ boundaries; and

**WHEREAS**, that the agreement between the City of San Marcos and the City of Kyle establishing respective ETJ boundaries between the two cities and which was approved by the San Marcos City Council on June 8, 1987, by Resolution 1987-72R is hereby amended; 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 D 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 E 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 F 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), approximately 4.29 acres out of the 140.6 acre parcel R62214 (Tract B on Exhibit B) and approximately 1.96 acres on the north side of County Road 158 west of Raymond Drive (Tract C on Exhibit B consisting of HCAD Parcel IDs R88952, R131861 and R127764), 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, B and C by the ordinance approving this Agreement, and Kyle agrees to release Tracts D, E and F 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), 42.022(d) 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, B and C as shown on Exhibit "B" to this Agreement. Kyle will release Tracts D, E and F 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.

#### Article 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 each Cities has executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_\_, 2013.

#### CITY OF SAN MARCOS, TEXAS CITY OF KYLE, TEXAS

Daniel Guerrero, Mayor

Lucy Johnson, Mayor

Attest:

Jamie Lee Pettijohn, City Clerk

Amelia Sanchez, City Secretary

#### 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**, on June 8, 1987, by Resolution 1987-72R the San Marcos City Council approved an agreement that established ETJ boundaries with the City of Kyle and now both cities desire to amend that agreement by entering into an additional Agreement whereby both cities agree to release and exchange ETJ: and

WHEREAS, that the agreement between the City of San Marcos and the City of Kyle establishing respective ETJ boundaries between the two cities and which was approved by the San Marcos City Council on June 8, 1987, by Resolution 1987-72R is hereby amended and restated in its entirety; and

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.** <u>Findings</u>. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of San Marcos, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirely.

#### 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 San Marcos. Any portion of San Marcos 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 San Marcos.
- 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.** <u>Effective Date</u>. This Ordinance is effective and the expansion of the ETJ achieved herein shall become effective ninety days from the date of final adoption of this Ordinance.

**SECTION 4.** <u>Severability</u>. 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 San Marcos shall not be construed in any way to affect any other ETJ expansion by the City.

**SECTION 5.** <u>Proper Notice and Meeting</u>. 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

### 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-ofway 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);

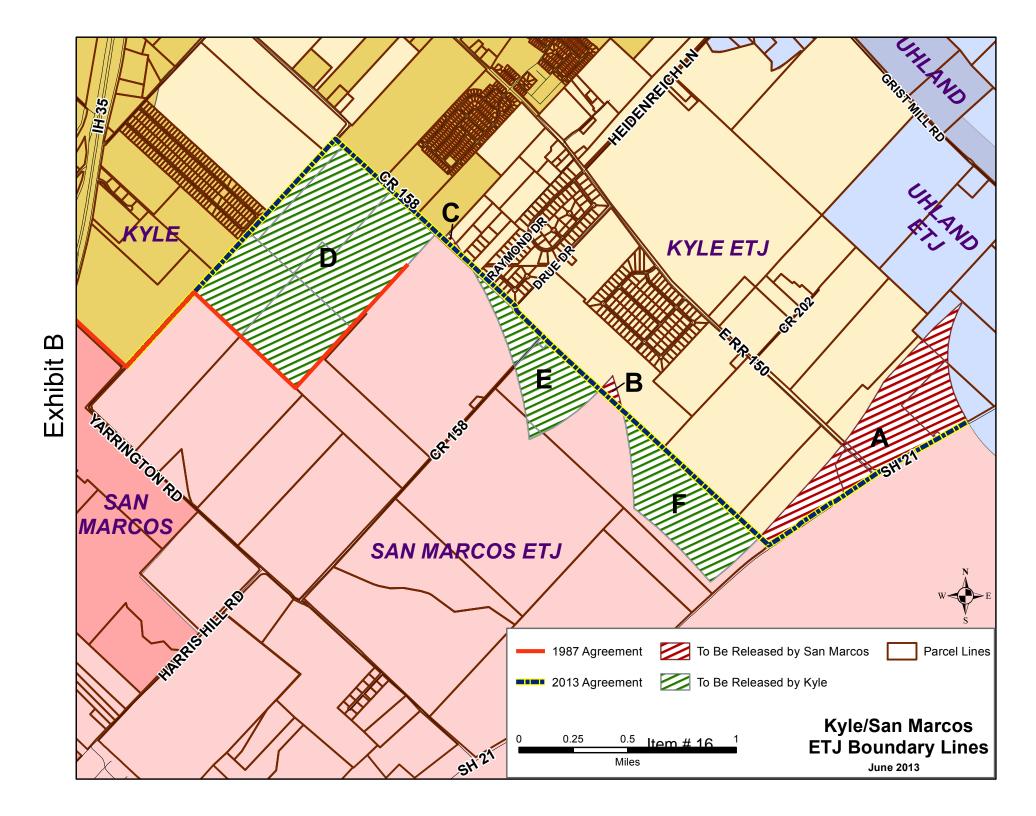
Thence continuing in a southeastern direction approximately 290 feet to the eastern corner of the 1.0 acre Ewald tract;

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 2475 feet to the boundary of the City of Uhland's ETJ.





Meeting Date: 7/2/2013 Date time: 7:00 PM

Mass Gathering Ordinance

Subject/Recommendation:

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

**Other Information:** 

**Budget Information:** 

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KPD - Mass Gathering Ordinance 6-27-2013

Cover Memo Item # 17

#### **ORDINANCE NO.**

#### AN ORDINANCE AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES, MISCELLANEOUS OFFENSES OF THE CITY OF KYLE SO AS TO ADD ARTICLE IX MASS GATHERINGS AND ESTABLISH PERMIT REQUIRMENTS, APPLICATION PROCESS AND REGULATE NOISE LEVELS FROM SUCH EVENTS, DECLARING A PUBLIC PURPOSE, ESTABLISHING A PENALTY AND SETTING AN EFFECTIVE DATE.

**WHEREAS**, the City Council has determined a municipal need to establish a permit and application process for Mass Gatherings, including but not limited to concerts, revivals and circuses, and to regulate noise levels from such gatherings; and

**WHEREAS**, the City Council has determined these new requirements are necessary to maintain the health, safety, governance and good order of the City; and

**WHEREAS**, after publication in the manner prescribed by law the governing body of the City wishes to amend Chapter 23 by adding Article IX, Sections 23-270 to 23-282 of the Municipal Code of Ordinances of the City in the manner and form set forth below;

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

**SECTION 1.** That the existing Chapter 23 of the Code of Ordinances of the City of Kyle entitled "Miscellaneous Offenses" is hereby amended by adding Article IX, "Mass Gatherings," Sections 23-270 to 23-280 to read as follows:

#### **ARTICLE IX. – MASS GATHERINGS**

#### Sec. 23-270. – Definitions.

- (a) "Mass gathering" means a gathering that is held inside the limits of the City of Kyle and that attracts or is expected to attract:
  - (i) more than 2,500 persons; or
  - (ii) more than 500 persons, if 51 percent or more of those persons may reasonably be expected to be younger than 21 years of age and it is planned or may reasonably be expected that alcoholic beverages will be sold, served, or consumed at or around the gathering; and

(iii) at which the persons will remain for more than four continuous hours; or for any amount of time during the period beginning at 10 p.m. and ending at 6 a.m.

- (b) "Person" means an individual, group of individuals, firm, corporation, partnership, or association.
- (c) "Promote" includes organize, manage, finance, or hold.
- (d) "Promoter" means a person who promotes a mass gathering.

#### Sec. 23-271. – Permit Requirement.

A person may not promote a mass gathering without a permit issued under this Article. City Council shall establish cost for such permit.

#### Sec. 23-272. – Application Procedure.

- (a) At least forty five (45) days before the date on which a mass gathering will be held, the promoter shall file a permit application with the City. Applications submitted less than forty five (45) days prior to the event may still be considered; however, the applicant acknowledges that the required inspections and review process may not be completed in time to allow for authorization and permitting.
- (b) The application must include:
  - (1) the promoter's name and address;
  - (2) the name and address of the owner of the property on which the mass gathering will be held;
  - (3) an executed copy of the agreement between the promoter and the property owner;
  - (4) the location and a description of the property on which the mass gathering will be held;
  - (5) the dates and times that the mass gathering will be held;
  - (6) the maximum number of persons the promoter will allow to attend the mass gathering and the plan the promoter intends to use to limit attendance to that number;
  - (7) a description of each step the promoter has taken to ensure that minimum standards of sanitation and health will be maintained during the mass gathering;
  - (8) a description of all preparations being made to provide traffic control, to ensure that the mass gathering will be conducted in an orderly manner, and to protect the physical safety of the persons who attend the mass gathering;
  - (9) a description of the preparations made to provide adequate medical care; and
  - (10) a description of the preparations made to supervise minors who may attend the mass gathering.

#### Sec. 23-273. – Application Review.

- (a) After a permit application is filed with the City, the application shall be sent to the county health authority, the Hays County Fire Marshal (hereinafter called the county fire marshal) and the Police Chief.
- (b) The county health authority shall inquire into preparations for the mass gathering. At least fifteen (15) days before the date of the Mass Gathering, the county health authority shall submit to the Police Chief a report stating whether the health authority believes that the minimum

standards of health and sanitation prescribed by state and local laws, rules, and orders will be maintained.

- (c) The county fire marshal shall investigate preparations for the mass gathering. At least fifteen (15) days before the date of the Mass Gathering, the county fire marshal shall submit to the Police Chief a report stating whether the fire marshal believes that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules, and orders will be maintained.
- (d) Police Chief, or designee, shall investigate preparations for the mass gathering. At least fifteen (15) days before the date of the Mass Gathering, the Police Chief shall make a determination on whether the minimum standards for ensuring public safety and order that are prescribed by state and local laws, rules, and orders will be maintained.
- (e) The City Manager may conduct any additional investigation that the Manager considers necessary.

#### Sec. 23-274. – Decision by Police Chief.

- (a) After a review of the reports from the county fire marshal and county health authority, the Police Chief shall either grant or deny the permit. The decision of the Police Chief shall be no later than the 10th day before the date on which a mass gathering will begin
- (b) The Police Chief may deny the permit if he finds that:

(1) the application contains false or misleading information or omits required information;

(2) the location selected for the mass gathering is inadequate for the purpose for which it will be used;

(3) the promoter has not made adequate preparations to limit the number of persons attending the mass gathering or to provide adequate supervision for minors attending the mass gathering;

(4) the promoter does not have assurance that scheduled performers will appear;

(5) the preparations for the mass gathering do not ensure that minimum standards of sanitation and health will be maintained;

(6) the preparations for the mass gathering do not ensure that the mass gathering will be conducted in an orderly manner and that the physical safety of persons attending will be protected;

(9) adequate arrangements for traffic control have not been provided; or

(10) adequate medical and nursing care will not be available.

#### Sec. 23-275. –Permit Revocation.

The Police Chief may revoke a permit issued under this Article if the Police Chief finds that preparations for the mass gathering will not be completed by the time the mass gathering will begin, for any reason identified in Section 23-274 (b), or that the permit was obtained by fraud or misrepresentation.

#### Sec. 23-276. – Appeal

A promoter or a person affected by the granting, denying, or revoking of a permit may appeal that action to the City Council or if time does not permit for a City Council meeting to be called, the appeal can be to a district court having jurisdiction in Hays County.

#### Sec. 23-277. – Inspections.

- (a) The county health authority may inspect a mass gathering during the mass gathering to ensure that the minimum standards of health and sanitation prescribed by state and local laws, rules, and orders are being maintained. If the county health authority determines a violation of the minimum standards is occurring, the health authority may order the promoter of the mass gathering to correct the violation.
- (b) The county fire marshal may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules, and orders are being maintained. If the marshal determines a violation of the minimum standards is occurring, the marshal or designee may order the promoter of the mass gathering to correct the violation.
- (c) The police chief may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public safety and order prescribed by state and local laws, rules, and orders are being maintained. If the police chief determines a violation is occurring, the police chief may order the promoter of the mass gathering to correct the violation.
- (d) A promoter who fails to comply with an order issued under this section commits an offense. An offense under this section is a Class C misdemeanor.

#### Sec. 23-278. – Noise

Any unreasonably loud, disturbing or unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity of the Mass Gathering, or any noise of such character, intensity and continued duration which interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is prohibited and is hereby declared a nuisance. All other regulations in Chapter 23, Article VI of the City Code or Ordinances regarding Noise shall apply to Mass Gatherings.

#### Sec. 23-279. – Permit and Inspection Fees

- (a) City Council may establish and collect a fee for an inspection performed under Section 23-277. The fee may not exceed the amount necessary to defray the costs of performing the inspections.
- (b) City Council may use a portion of inspection fees collected under this section to reimburse the County for the cost of performing the inspections outlined in Section 23-277.
- (c) The Mass Gathering Permit fee amount is initially set at \$300.00 per event permit effective with the adoption of this Ordinance and the fee amount is subject to adjustments by the City Council. The Mass Gathering Permit Fee is subject to annual adjustments to the fee amount as authorized by the City Council and made part of the City's Fees and Charges Schedule as adopted each year with the City's Budget Ordinance.

#### Sec. 23-281. – Exceptions to Permit and Fee

The following types of mass gatherings are required to notify the Chief of Police ten (10) days prior to the event, but are not required to obtain a Mass Gatherings Permit or to pay any fees established under Section 23-279.

- (a) Church events held on church property;
- (b) City, school, county or other governmental entity events held on property owned by the governmental entity; or
- (c) Any other exceptions approved by City Council.
- (d) An applicant may request, and the Chief of Police may approve an annual or event series permit for a single location hosting repetitive events of similar nature; including but not limited to attendance, hours of operation, and safety measures as described elsewhere in this ordinance.

#### Sec. 23-282. - Criminal Penalty.

- (a) A person commits an offense if the person violates Section 23-271.
- (b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$1,000.

**SECTION 2. SAVINGS CLAUSE:** All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not effect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

**SECTION 5. EFFECTIVE DATE.** The Ordinance shall be effective immediately following its publication in the local newspaper as required by the Texas Local

Government Code. Thereafter, the rules contained therein will apply within the City of Bulverde.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_2013, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Lucy Johnson, Mayor

ATTEST:

Amelia Sanchez, City Secretary



Meeting Date: 7/2/2013 Date time: 7:00 PM

Executive Session - Convene

Subject/Recommendation:

Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.071 and Tex. Gov't. Code § 551.074, Consultation with City Attorney and Personnel Matters to discuss interpretation of Section 3.02 of the City Charter regarding qualifications for City Council office.

**Other Information:** 

**Budget Information:** 

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Cover Memo Item # 18



Meeting Date: 7/2/2013 Date time: 7:00 PM

Executive Session-Convene-Aqua

Subject/Recommendation:

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

**Other Information:** 

**Budget Information:** 

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Cover Memo Item # 19



Meeting Date: 7/2/2013 Date time: 7:00 PM

Executive Session, Reconvene

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

 1.
 Section 3.02 of the City Charter regarding qualifications for City Council;

 2.
 Settlement negotiations between the City of Kyle and Aqua Operations, Inc.

**Other Information:** 

**Budget Information:** 

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Resolution to Appoint Council Members to the Engineering Consultant Selection Panel for Road Bond Projects

Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:

A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING NO MORE THAN TWO CITY OF KYLE COUNCIL MEMBERS TO BE APPOINTED TO A SELECTION COMMITTEE FOR THE PURPOSES OF REVIEWING SUBMITTALS RELATING TO THE ROAD BOND ENGINEERING SERVICES RFQ FOR THE DESIGN OF LEHMAN ROAD, NORTH BURLESON STREET, MARKETPLACE AVENUE, GOFORTH ROAD, AND BUNTON CREEK ROAD, AND MAKING A RECOMMENDATION TO THE CITY COUNCIL FOR THE SELECTION OF A FIRM(S) TO PERFORM THE DESIRED WORK. ~ Steven Widacki, P. E., City Engineer

**Other Information:** 

**Budget Information:** 

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Road Bond Engineering Services RFQ Resolution 13.06.19 SDWr1

Cover Memo Item # 21

#### **RESOLUTION NO.**

A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING NO MORE THAN TWO CITY OF KYLE COUNCIL MEMBERS TO BE APPOINTED TO A SELECTION COMMITTEE FOR THE PURPOSES OF REVIEWING SUBMITTALS RELATING TO THE ROAD BOND ENGINEERING SERVICES RFQ FOR THE DESIGN OF LEHMAN ROAD, NORTH BURLESON STREET, MARKETPLACE AVENUE, GOFORTH ROAD, AND BUNTON CREEK ROAD, AND MAKING A RECOMMENDATION TO THE CITY COUNCIL FOR THE SELECTION OF A FIRM(S) TO PERFORM THE DESIRED WORK.

Whereas, the City of Kyle has been authorized by voters to procure \$36 million through the sale of bonds for the purpose of expanding, improving or constructing five roads as identified in the bond election ballot; and

Whereas, the City of Kyle will be issuing a Request for Qualifications (RFQ) in order to solicit responses from qualified firms to perform engineering and design services for these roads; and,

Whereas, the it is desired and requested by the City Council that no more then two of their members participate in the committee appointed to review these submittals and make a final recommendation to the full council, and,

**Whereas**, the City of Kyle Charter, Section 4.05., states that "the council shall have powers only as a body meeting with a quorum present and no member shall have power to act individually except where that power may be conferred upon the member in this charter or by written council resolution",

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, HAYS COUNTY, TEXAS, THAT NO MORE THAN TWO COUNCIL MEMBERS ARE AUTHORIZED FOR APPOINTMENT TO THE ROAD BOND ENGINEERING SERVICES RFQ REVIEW COMMITEE FOR SERVICES RELATING THE DESIGN OF THE FIVE ROADS AUTHORIZED BY THE BOND REFERENDUM PASSED BY KYLE VOTERS IN THE GENERAL ELECTION OF MAY, 2013, AND THAT THE RECOMMENDATION OF THAT COMMITTEE BE REVIEWED AND APPROVED BY THE FULL CITY COUNCIL PRIOR TO FINAL AWARD OF THE CONTRACT.

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

**Section 2.** <u>Authorization</u>. The Mayor and City Council of the City of Kyle is hereby authorized to sign and deliver this resolution as written above and with any amendments as discussed and approved in an open and properly posted meeting of the Kyle City Council; and made part of this Resolution as if copied verbatim herein.

**Section 3.** <u>Future Budget Amendment.</u> Through the approval of this Resolution, the City Council does hereby acknowledge and agree that this item does not specifically impact the *FY2012-13 City of Kyle Annual Operating Budget*; and that no budget amendment is required for this item.

**Section 4.** <u>Certification of Funds.</u> The City Manager and/or Finance Director do hereby certify, in compliance with the specific requirements of Article VIII, Section 8.10 of the *Kyle City Charter*, that there is to the credit of such office, department, or agency as described herein sufficient unencumbered funds and appropriations, as approved in the aforementioned *Operating Budget*, to pay for the supplies, materials, equipment, and/or contractual services that are the subject matter of this Resolution.

Section 5. <u>Effective Date</u>. This Resolution shall take effect from and after the date of its passage as authorized by the Charter of the City of Kyle.

**Section 6.** <u>Open Meetings</u>. That it is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

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

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

City of Kyle Resolution No.

Page 2



D&L Brooks Rezone 33.90 acres (Z-13-007) Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:	(First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 33.90 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED WITHIN THE 1000-1100 BLOCK OF REBEL ROAD, JUST NORTH OF SILVERADO DRIVE, IN HAYS COUNTY, TEXAS. (D&L BROOKS INVESTMENTS Z-13-007); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ Sofia Nelson, Director of Planning Planning and Zoning Commission voted 4-0 to approved the rezone request
Other Information:	Public Hearing     Please see attachments
Budget Information:	N/A

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

#### Attachments / click to download

D <u>Ordinance</u>	
Exhibit B	- ···
L Exhibit A	Cover Memo
Staff Report	ltem # 22

Zoning

### City Council 1000-1100 block of Rebel Road

### Case Number: Z-13-007

#### Planning and Zoning Commission Recommendation

On June 25<sup>th</sup> the Planning Commission voted 4-0 to recommend approval.

OWNER/APPLICANT: D&L Brooks Investment LLC AGENT: James Knight Real Estate

LOCATION: 1000-1100 block of Rebel Road

**<u>COUNTY</u>**: Hays County

<u>AREA</u>: 33.90 acres

**PROPOSED CITY COUNCIL HEARINGS**: First Reading: July 2, 2013 Second Reading: July 16, 2013

**EXISTING ZONING:** Retail Services (RS)

## **PROPOSED ZONING:** - SINGLE-FAMILY ATTACHED/DETACHED DISTRICT R-1-A, GARDEN HOME

#### **SITE INFORMATION:**

*Transportation*: The property will have frontage on Rebel Drive.

#### Surrounding Zoning:

- North: RS
- *East* : *R*-1(*this zoning district is no longer utilized*)
- South: R-1
- West: Currently RS but the property owner is seeking a rezoning to Community Commercial

#### Future Land Use Designation: Mid-Town Community

**PUBLIC INPUT:** 93 property owners were notified of the proposed change.

#### **STAFF ANALYSIS:**

#### Background

The subject property is approximately 33 acres in size and is generally located along FM 150/Rebel Drive, west of the Silverado Subdivision and east of Rebel Drive. The 33 acres subject to the rezoning request share a common property line with the properties located along the western end of Trinity Drive and the western end of Western Drive.

#### Comprehensive Plan Guidance

The subject property is located within the Mid-Town future land use district. The future land use district identifies the requested zoning district as a conditional zoning district. The intent of the future land use district has been identified to maximize the value capture of new residential development in Kyle. This District enjoys unusual proximity to amenities, such as open space, Downtown, commercial nodes, and

Zoning

### *City Council* 1000-1100 block of Rebel Road

### Case Number: Z-13-007

transit options. The area is therefore well-positioned to define an economic and lifestyle pattern that is unique to Kyle. New development should accommodate mid- to high-density residential uses. The Comprehensive Plan provides the following goals and guidance:

- Within the Midtown District the preferred residential units per acre is 4-6, conditional units per acre less than 4 and 6.1-15 upa, and greater than 15 upa is not recommended.
- Create integrated and inter-connected mixed use districts.
- Establish commercial centers that provide transition between commercial and residential use

#### Findings

- The applicant is requesting a less intense zoning district than what the property is currently zoned as.
- The requested zoning will create smaller lots in width and overall size compared to the adjacent single family lots in the Silverado Subdivision.
- The proposed rezoning appears to allow for a more functional transition between residential and commercial land uses.
- The requested rezoning appears to allow for a different housing product that what is currently developed in this general area of the city.
- The single-family attached/detached district R-1-A, garden home allows attached or detached single-family structures with a minimum of 1,000 square feet of living area and permitted accessory structures on a minimum lot size of 4,800 square feet. There shall be no more than 6.8 houses per buildable acre. The single-family residences authorized in this zoning district include those generally referred to as garden homes, patio homes and zero lot line homes.

The conditions and limitations for the R-1-A district are as follows:

- Garages are required and must be one of the following designs:
  - Detached with a minimum setback of five feet from the front wall of the home facing front property line;
  - May be attached and must have a minimum setback of five feet from the front wall of the home facing front property line; or
  - May be attached and meet minimum front setback requirements, but must face side property line.
  - Each garage must be designed and constructed with a minimum of 480 square feet.
- 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.

### *City Council* 1000-1100 block of Rebel Road

### Case Number: Z-13-007

				Chart 1				
Land Use District	Front Setback (in feet)	Side Setback (in feet)	Corner Lot at Side Street or Alleyway Setback (in feet)	Street Side Yard Setback (in feet)	Rear Setback (in feet)	Min. Lot Square Feet Area	Min. Lot Street Line Width (in feet)	Height Limit (in feet)
A	25	25	25	25	25	43,500	150	45
UE	25	25	25	25	25	22,500	100	45
R-1-1	<u>30</u> <sup>(9)</sup>	7	10	15	25	8,190 <sup>(1)</sup>	80 <sup>(1)</sup>	<u>35</u>
R-1-2	<u>30</u> <sup>(9)</sup>	5	10	15	25	6,825 <sup>(1)</sup>	65 <sup>(1)</sup>	<u>35</u>
R-1-A	<mark>25</mark>	5 <sup>(2)</sup>	<mark>10</mark>	<mark>15</mark>	15	4,550 <sup>(1)</sup>	<u>35</u>	<u>35</u>
R-1-T	(3)	(3)	10	15	(3)	2,844 <sup>(3)</sup>	35	35
R-1-C	(4)	(4)	10	15	(4)	9,000 <sup>(4)</sup>	80	45
R-2	25 <sup>(9)</sup>	7	10	15	25	9,000	80	<u>35</u>
R-3-1	25	15	15	15	25	(5)	80	<u>35</u> <sup>(6)</sup>
R-3-2	25	20	15	15	25	(5)	80	45 <sup>(7)</sup>
R-3-3	25	7	15	15	25	(13)	90	45 <sup>(7)</sup>
M-1	25	7	15	15	25	8,190	80	<u>35</u>
M-2	25	7	25	25	25	8,190	80	<u>35</u>
CBD-1	25 <sup>(8)</sup>	(8)	15	15	(8)	(8)	(8)	<u>35</u> <sup>(8)</sup>
CBD-2	0	0	0	0	0	2,500	25	45
RS	25	10	15	15	15	6,000	<u>50</u>	45
W	25	25	25	25	25	9,000	80	45
СМ	25	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	43,500	150	45
Е	25	25	15	15	15	6,000	<u>50</u>	45 <sup>(14)</sup>
TU	25	7	15	15	15	(10)	(10)	(10)
В	25	25	25	15	15	(11)	(11)	(11)
PUD	(8)	(8)	(8)	15	(8)	5 acres	(8)	(8)

Zoning

City Council 1000-1100 block of Rebel Road

Case Number: Z-13-007

#### ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 33.90 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED WITHIN THE 1000-1100 BLOCK OF REBEL ROAD, JUST NORTH OF SILVERADO DRIVE, IN HAYS COUNTY, TEXAS. (D&L BROOKS INVESTMENTS Z-13-007); 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:

<u>SECTION 1</u>. 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 33.90 acres from 'RS' Retail Service District to 'R-1-A' Single Family Attached, on property located within the 1000-1100 Block of Rebel Road, just north of Silverado Drive, and the property location map labeled Exhibit B.

<u>SECTION 2</u>. 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.

<u>SECTION 3</u>. 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.

<u>SECTION 4</u>. 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.

<u>SECTION 5</u>. 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

Attachment number 3 \nPage 1

### EXHIBIT A

42.534 ACRES S. PHARASS SURVEY, ABSTRACT NO. 361 HAYS COUNTY, TEXAS TITLE SURVEY-42 ACRES

#### **FIELD NOTES**

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING THE REMAINDER OF 100.00 ACRES, MORE OR LESS, OUT OF THE SAMUEL PHARASS SURVEY, ABSTRACT NUMBER 361, SITUATED IN HAYS COUNTY, TEXAS, SAID TRACT OF LAND BEING CONVEYED BY DEED RECORDED IN VOLUME 140, PAGE 255 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SAVE AND EXCEPT A 4.19 ACRE TRACT CONVEYED TO THE STATE OF TEXAS BY DEED RECORDED IN VOLUME 152, PAGE 433 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND A 1.00 ACRE TRACT CONVEYED TO COUNTY LINE WATER SUPPLY CORPORATION BY DEED RECORDED IN VOLUME 489, PAGE 77 AND IN VOLUME 563, PAGE 729 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SAID 42.534 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a ½" capped iron rod found marked "Protech" on the northeastern boundary line of Lot 7, Block E, of Silverado at Plum Creek Section 3B, a subdivision recorded in Volume 11, Page 130 of the Plat Records Hays County, TX. (P.R.H.C.TX.) said rod also being on the southern boundary line of said 100.00 acre tract, also marking the southern corner of said 1.00 acre tract, and the POINT OF BEGINNING of the herein described tract,

THENCE, with the common boundary line of sald Silverado at Plum Creek Section 3B and said 100.00 acre tract, S44°07'12"W, a distance of 1877.29 feet to a calculated point on the eastern Right-of-way line of FM 150 (80' R.O.W.), said point also being the southwest corner of said 100.00 acre tract, said point being the southwest corner of the herein described tract,

THENCE, with said Right-of-way line of FM 150, the following three (3) courses and distances, numbered 1 through 3,

- 1. N17°37'10"W, a distance of 769.80 feet to a Type I Right-of-way monument at a point of curvature to the left,
- 2. With said curve to the left having a radius of 5729.65 feet, an arc length of 194.52 feet, and whose chord bears N18°26'38"W, a distance of 194.52 feet to a Type I Right-of-way monument, and
- 3. N19°28'05"W, a distance of 519.94 feet to a ½" capped iron rod set,

THENCE, leaving said Right-of-way line of FM 150, and crossing said 100.00 acre tract the following nine (9) courses and distances, numbered 1 through 9,

- 1. S61°31'35"E, a distance of 85.46 feet to a ½" capped iron rod set,
- 2. N67°10'29"E, a distance of 118.26 feet to a %" capped iron rod set,
- 3. N53°31'04"E, a distance of 189.31 feet to a ¼" capped iron rod set,
- 4. N48°50'10"E, a distance of 166.81 feet to a %" capped iron rod set,
- 5. N57°35'00"E, a distance of 305.08 feet to a %" capped iron rod set,
- 6. \$88°27'25"E, a distance of 126.54 feet to a ½" capped iron rod set,
- 7. N47°06'05"E, a distance of 49.63 feet to a 1/2" capped iron rod set,
- 8. N70°53'42"E, a distance of 346.07 feet to a 1/2" capped iron rod set, and
- 9. N49°45'54"E, a distance of 173.04 feet to a ½" capped iron rod set in the southwestern boundary line of Plum Creek Phase 1, Section 2A, a subdivision recorded in Cabinet 9, Pages 113-115 (P.R.H.C.TX.),

THENCE, with the common boundary line of said 100.00 acre tract, said Plum Creek Plum Creek Phase 1, Section 2A Phase 1, and Silverado at Plum Creek Section 3B, a subdivision recorded in Volume 11, Page 130 (P.R.H.C.TX.), S45°51′17″E, a distance of 594.48 feet to a calculated point, from which a ½″ capped iron rod marked "Protech" bears N44°02′07″E, a distance of 0.81 feet,

42.534 ACRES S. PHARASS SURVEY, ABSTRACT NO. 361 HAYS COUNTY, TEXAS TITLE SURVEY-42 ACRES

THENCE, leaving the common boundary line of said 100.00 acre tract, said Plum Creek Phase 1, Section 2A, and said Silverado at Plum Creek Section 3B, and with the northwestern boundary line of said 1.00 acre tract, and crossing said 100.00 acre tract, the following two (2) courses and distances, numbered 1 and 2,

- 1. S44°02'07"W, a distance of 207.86 feet to a ½" capped iron rod found marked "Protech", and
- 2. S46°27'28"E, a distance of 208.63 feet to the POINT OF BEGINNING and containing 42.534 acres of land.

26 APRZ Surveyed by: ÁARON V. THOMASON, R.P.L.S. NO. 6214 Carlson, Brigance & Doering, Inc.

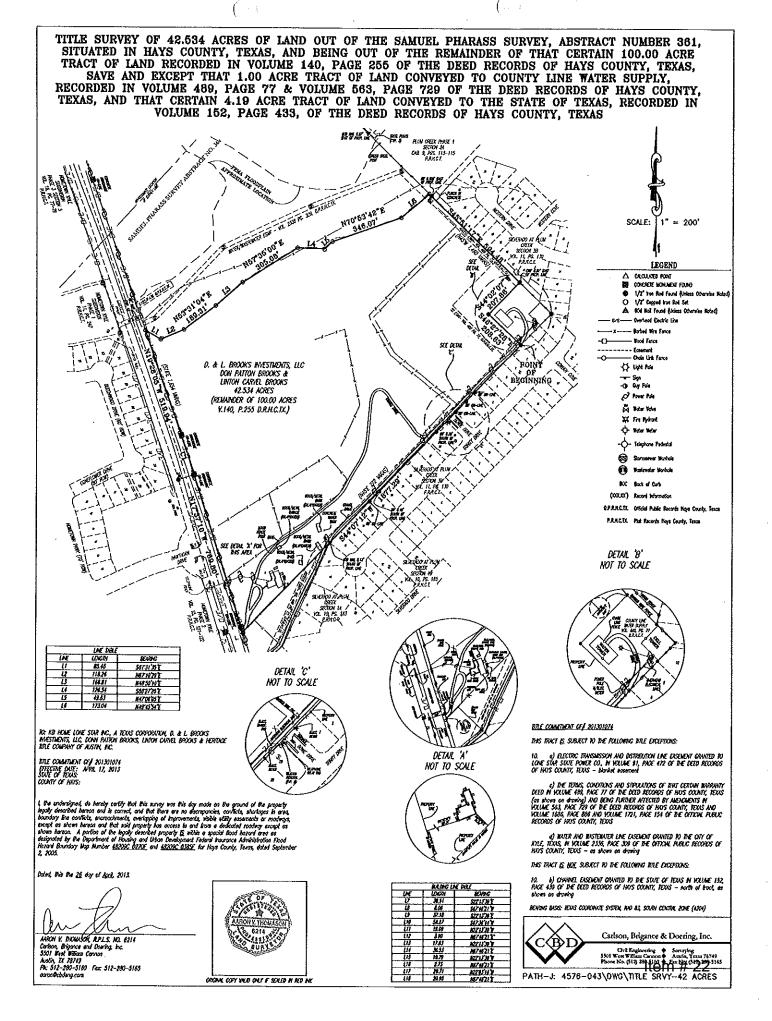
Fax: 512-280-5165

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83, SOUTH CENTRAL ZONE

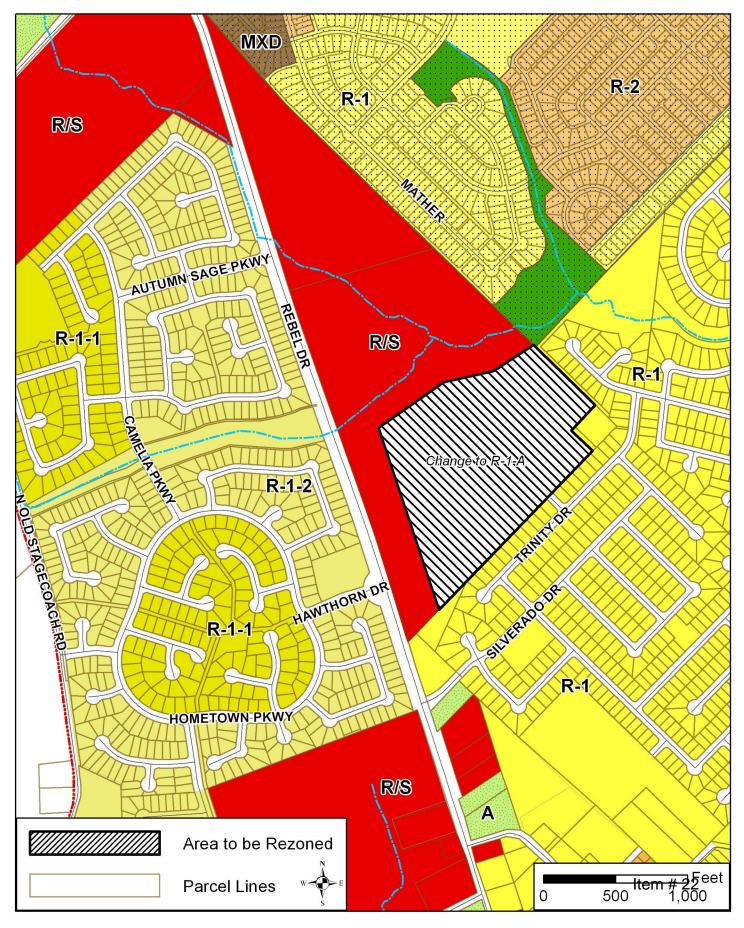
5501 West William Cannon

Austin, TX 78749 Ph: 512-280-5160

aaron@cbdeng.com



# **Exhibit B**





D&L Brooks Rezone 8.63 acres (Z-13-009) Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:	<ul> <li>(First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 8.63 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO 'CC' COMMUNITY COMMERCIAL, ON PROPERTY LOCATED WITHIN THE 1000-1100 BLOCK OF REBEL ROAD, JUST NORTH OF SILVERADO DRIVE, IN HAYS COUNTY, TEXAS. (D&amp;L BROOKS INVESTMENTS Z-13- 009); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ Sofia Nelson, Director of Planning</li> <li>Planning and Zoning Commission voted 4-0 to approve the rezone request</li> <li>Public Hearing</li> </ul>
Other Information:	Please see attachments

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

N/A

#### Attachments / click to download

**Budget Information:** 

D Exhibit B	
D <u>Ordinance</u>	<b>a b</b>
Exhibit A	Cover Memo
Staff Report	ltem # 23

Zoning

City Council 1000-1100 block of Rebel Road

### Case Number: Z-13-009

#### Planning and Zoning Commission Recommendation

On June 25<sup>th</sup> the Planning Commission voted 4-0 to recommend approval.

OWNER/APPLICANT: D&L Brooks Investment LLC <u>AGENT</u>: James Knight Real Estate

LOCATION: 1000-1100 block of Rebel Road

**<u>COUNTY</u>**: Hays County

AREA: 8.63acres

**PROPOSED CITY COUNCIL HEARINGS**: First Reading: July 2, 2013 Second Reading: July 16, 2013

**EXISTING ZONING:** Retail Services (RS)

**PROPOSED ZONING:** Community Commercial

#### **<u>SITE INFORMATION:</u>**

Transportation: This property has frontage on Rebel Drive

#### Surrounding Zoning:

- 0 North: RS
- East : RS- Requested to be rezoned R-1-A
- South: R-1
- West: Rebel Road

#### Future Land Use Designation: Mid-Town Community

#### **<u>PUBLIC INPUT:</u>** 93 property owners were notified

#### **STAFF ANALYSIS:**

#### Background

The subject property is approximately 8.63 acres in size and is generally located along FM 150/Rebel Drive( extends approximately 275 feet east of Rebel Road).

#### Comprehensive Plan Guidance

The subject property is located within the Mid-Town future land use district. The future land use district identifies the requested zoning district as a conditional zoning district. The intent of the future land use district has been identified to maximize the value capture of new residential development in Kyle. This District enjoys unusual proximity to amenities, such as open space, Downtown, commercial nodes, and transit options. The area is therefore well-positioned to define an economic and lifestyle pattern that is unique to Kyle. New development should accommodate mid- to high-density residential uses. Stated goals of the comprehensive master plan:

• Encourage socially gathering businesses, such as coffee shops and corner stores

#### Zoning

### *City Council* 1000-1100 block of Rebel Road

### Case Number: Z-13-009

- Establish commercial centers that provide transition between commercial and residential use
- Create integrated and inter-connected mixed use districts
- Promote specialized retail away from I-35
- Ensure that the mix of residential and non-residential uses supports the city's tax needs when reviewing development proposals.

#### Zoning Requirements

The purpose of the community commercial district [CC] is to provide for slightly more intense commercial uses than allowed in the neighborhood commercial zoning district. The district is established to provide areas for quality retail establishments and service facilities. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

Sec. 53-669. - Building placement.

Front	Side	Side Setback	Corner Lot -	Rear	Lot Width	Max.
Setback** (min. feet)	Setback (min. feet)	to Residential District (min. feet)	Side Setback	Setback* (min. feet)	(min. feet)	Height
25'	10'	15'	15'	25'	80'	3 stories

\* When the rear or side lot line abuts a single family residential zoned lot or property used for a single family residence the rear/side setback shall consist of the following transitional yards:

• A 15-foot wide planting area consisting of one shade tree, two non-deciduous trees, and eight evergreen shrubs per 50 linear feet of lot width.

• Eight-foot privacy fence.

Sec. 53-670. - Design.

• Primary entrances shall face the public street.

• The exterior walls shall be constructed of 100 percent stone, brick, masonry, stucco, masonry veneer, or similar granular product excluding doorways and windows. All walls must include materials and design characteristics consistent with those on the front (wood and metal may be used as accent material).

Sec. 53-672. - Use.

# City Council 1000-1100 block of Rebel Road

### Zoning

## Case Number: Z-13-009

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;
- 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.
- \* See special standards.
- (Ord. No. 700, § 2(Exh. A), 7-17-2012)
- Sec. 53-673. Special standards.

Zoning

# *City Council* 1000-1100 block of Rebel Road

## Case Number: Z-13-009

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 singlefamily 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.

Fuel stations must adhere to the following requirements:

- Fascias of the canopy shall be finished to match the building material and color. Striping and banding of canopies is prohibited.
- No more than eight fuel pumps shall be allowed within the community commercial zoning designation.

Drive-through facilities (speakers, menu boards, or drive-through windows) shall not be located within 75 feet of a residentially zoned property. Drive-through facilities shall not face a public ROW. Drive-through lanes and facilities shall be located to the side and rear of the primary building. A minimum of a ten-foot wide landscape area along the edge of a site where parking areas, drive lanes are adjacent to a public street shall be provided. The landscape area shall include trees, shrubs and/or low walls to screen cars from view while allowing eye level visibility into the site.

### Findings

- The requested rezoning is a less intense zoning district than what the property is currently zoned.
- The required site development and building requirements associated with the requested zoning appear to facilitate a more functional transition between the requested residential to the west and the current zoning of Retail Services.
- While specific recommendations for the community commercial zoning district have been discussed they have not been adopted. Based on the general goals stated within the comprehensive master plan the requested zoning district appears to be in keeping with the intent of the future land use district and guidance provided in the comprehensive master plan.

Zoning

City Council 1000-1100 block of Rebel Road

#### ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 8.63 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO 'CC' COMMUNITY COMMERCIAL, ON PROPERTY LOCATED WITHIN THE 1000-1100 BLOCK OF REBEL ROAD, JUST NORTH OF SILVERADO DRIVE, IN HAYS COUNTY, TEXAS. (D&L BROOKS INVESTMENTS Z-13-009); 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:

<u>SECTION 1</u>. 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 8.63 acres from 'RS' Retail Service District to 'CC' Community Commercial, on property located within the 1000-1100 Block of Rebel Road, just north of Silverado Drive, and the property location map labeled Exhibit B.

<u>SECTION 2</u>. 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.

<u>SECTION 3</u>. 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.

<u>SECTION 4</u>. 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.

<u>SECTION 5</u>. 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

Attachment number 3 \nPage 1

# EXHIBIT A

42.534 ACRES S. PHARASS SURVEY, ABSTRACT NO. 361 HAYS COUNTY, TEXAS TITLE SURVEY-42 ACRES

#### **FIELD NOTES**

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING THE REMAINDER OF 100.00 ACRES, MORE OR LESS, OUT OF THE SAMUEL PHARASS SURVEY, ABSTRACT NUMBER 361, SITUATED IN HAYS COUNTY, TEXAS, SAID TRACT OF LAND BEING CONVEYED BY DEED RECORDED IN VOLUME 140, PAGE 255 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SAVE AND EXCEPT A 4.19 ACRE TRACT CONVEYED TO THE STATE OF TEXAS BY DEED RECORDED IN VOLUME 152, PAGE 433 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND A 1.00 ACRE TRACT CONVEYED TO COUNTY LINE WATER SUPPLY CORPORATION BY DEED RECORDED IN VOLUME 489, PAGE 77 AND IN VOLUME 563, PAGE 729 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SAID 42.534 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a ½" capped iron rod found marked "Protech" on the northeastern boundary line of Lot 7, Block E, of Silverado at Plum Creek Section 3B, a subdivision recorded in Volume 11, Page 130 of the Plat Records Hays County, TX. (P.R.H.C.TX.) said rod also being on the southern boundary line of said 100.00 acre tract, also marking the southern corner of said 1.00 acre tract, and the POINT OF BEGINNING of the herein described tract,

THENCE, with the common boundary line of sald Silverado at Plum Creek Section 3B and said 100.00 acre tract, S44°07'12"W, a distance of 1877.29 feet to a calculated point on the eastern Right-of-way line of FM 150 (80' R.O.W.), said point also being the southwest corner of said 100.00 acre tract, said point being the southwest corner of the herein described tract,

THENCE, with said Right-of-way line of FM 150, the following three (3) courses and distances, numbered 1 through 3,

- 1. N17°37'10"W, a distance of 769.80 feet to a Type I Right-of-way monument at a point of curvature to the left,
- 2. With said curve to the left having a radius of 5729.65 feet, an arc length of 194.52 feet, and whose chord bears N18°26'38"W, a distance of 194.52 feet to a Type I Right-of-way monument, and
- 3. N19°28'05"W, a distance of 519.94 feet to a ½" capped iron rod set,

THENCE, leaving said Right-of-way line of FM 150, and crossing said 100.00 acre tract the following nine (9) courses and distances, numbered 1 through 9,

- 1. S61°31'35"E, a distance of 85.46 feet to a ½" capped iron rod set,
- 2. N67°10'29"E, a distance of 118.26 feet to a ½" capped iron rod set,
- 3. N53°31'04"E, a distance of 189.31 feet to a ¼" capped iron rod set,
- 4. N48°50'10"E, a distance of 166.81 feet to a %" capped iron rod set,
- 5. N57°35'00"E, a distance of 305.08 feet to a %" capped iron rod set,
- 6. \$88°27'25"E, a distance of 126.54 feet to a ½" capped iron rod set,
- 7. N47°06'05"E, a distance of 49.63 feet to a 1/2" capped iron rod set,
- 8. N70°53'42"E, a distance of 346.07 feet to a 1/2" capped iron rod set, and
- 9. N49°45'54"E, a distance of 173.04 feet to a ½" capped iron rod set in the southwestern boundary line of Plum Creek Phase 1, Section 2A, a subdivision recorded in Cabinet 9, Pages 113-115 (P.R.H.C.TX.),

THENCE, with the common boundary line of said 100.00 acre tract, said Plum Creek Plum Creek Phase 1, Section 2A Phase 1, and Silverado at Plum Creek Section 3B, a subdivision recorded in Volume 11, Page 130 (P.R.H.C.TX.), S45°51′17″E, a distance of 594.48 feet to a calculated point, from which a ½″ capped iron rod marked "Protech" bears N44°02′07″E, a distance of 0.81 feet,

42.534 ACRES S. PHARASS SURVEY, ABSTRACT NO. 361 HAYS COUNTY, TEXAS TITLE SURVEY-42 ACRES

THENCE, leaving the common boundary line of said 100.00 acre tract, said Plum Creek Phase 1, Section 2A, and said Silverado at Plum Creek Section 3B, and with the northwestern boundary line of said 1.00 acre tract, and crossing said 100.00 acre tract, the following two (2) courses and distances, numbered 1 and 2,

- 1. S44°02'07"W, a distance of 207.86 feet to a ½" capped iron rod found marked "Protech", and
- 2. S46°27'28"E, a distance of 208.63 feet to the POINT OF BEGINNING and containing 42.534 acres of land.

26 APRZ Surveyed by: ÁARON V. THOMASON, R.P.L.S. NO. 6214 Carlson, Brigance & Doering, Inc.

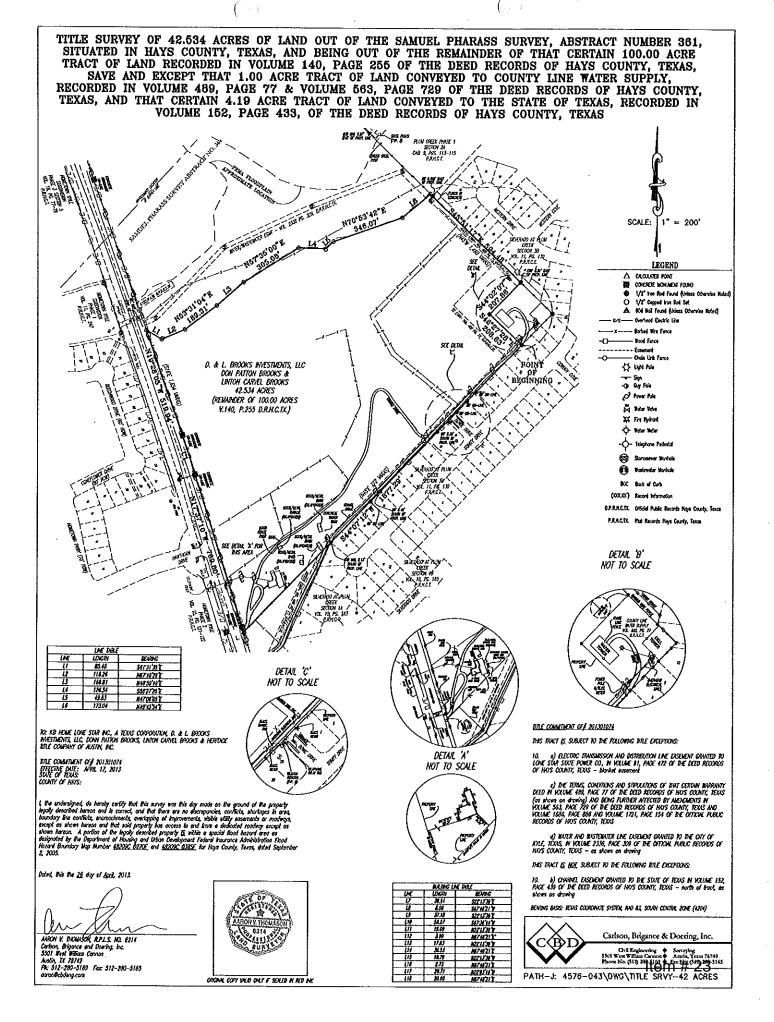
Fax: 512-280-5165

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83, SOUTH CENTRAL ZONE

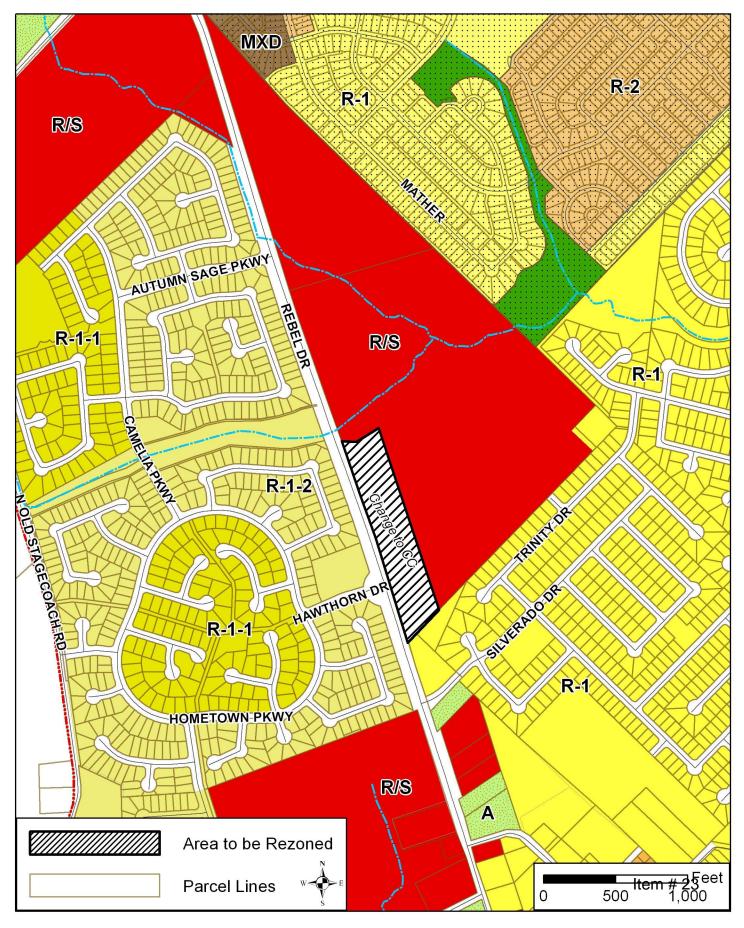
5501 West William Cannon

Austin, TX 78749 Ph: 512-280-5160

aaron@cbdeng.com



# **Exhibit B**





# CITY OF KYLE, TEXAS

NL Land Holding Zoning Z-13-006

Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation: (First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING OF 'W' WAREHOUSE DISTRICT TO APPROXIMATELY 25.10 ACRES, ON PROPERTY LOCATED AT 23045 IH-35 IN HAYS COUNTY, TEXAS. (NL LAND HOLDING - Z-13-006); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO **REFLECT THIS CHANGE: PROVIDING FOR** PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ Sofia Nelson, Director of Planning Planning and Zoning Commission voted 3-1 to approve the zoning request. Public Hearing **Other Information:** Please see attachments

**Budget Information:** 

Viewing Attachments Requires Adobe Acrobat. Click here to download.

N/A

Attachments / click to download

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Exhibit A

Exhibit B

Staff Report

Cover Memo

Zoning

City Council 23045 IH-35

## Case Number: Z-13-006

#### Planning and Zoning Commission Recommendation

On June 25<sup>th</sup> the Planning Commission voted 3-1 (Commissioner Fulton opposed) to recommend approval.

OWNER/APPLICANT: John C. Lewis AGENT: same as owner

**LOCATION**: 23045 IH-35 (northbound access road, south of RR150 and north of Weldon Johnson Drive)

**<u>COUNTY</u>**: Hays County

AREA: 25.10 acres

**PROPOSED CITY COUNCIL HEARINGS**: First Reading: July 2, 2013 Second Reading: July 16, 2013

EXISTING ZONING: Agriculture (AG) Interim Zoning – assigned at the time of annexation

**PROPOSED ZONING**: Warehouse (W) - Located within the I-35 Overlay District

#### **SITE INFORMATION:**

Transportation: The property has frontage on I-35

#### Surrounding Zoning:

- North: Agriculture
- o East : Warehouse
- South: Retail Services and Agriculture
- o West: I-35

#### Future Land Use Designation: Old Town/ Mid Town/ Historic Core/New Settlement

**<u>PUBLIC INPUT</u>**: 9 property owners were notified. 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 consists of approximately 25 acres and is located along the northbound feeder road, just south of the Kyle Correctional Center. In November 2002 the subject property was annexed into the City and assigned an interim zoning district of Agriculture (Ag). The property is located within the I-35 Overlay District and therefore any non-residential development is subject to the development standards associated with district.

#### **Comprehensive Plan Guidance**

The subject property is partially located within following four future land use districts:

Zoning

*City Council* 23045 IH-35

## Case Number: Z-13-006

- Old Town
- Mid Town
- Historic Core
- New Settlement

The above future land use districts make the following recommendations regarding the use of Warehouse zoning:

- Old Town- Not Recommended
- Mid Town- Not Recommended
- Historic Core- Not Recommended
- New Settlement- Not Recommended

Goals Stated in the Comprehensive Master Plan:

- Ensure physical and natural buffer zones around light industrial uses to filter and clean runoff and possible debris.
- Establish land use transitions to enhance the separation of residential and industrial uses.
- Discourage residential development along I-35 to preserve those parcels for regionally oriented development.

#### Findings

Staff has reviewed the request and direction provided in the Comprehensive Plan and has made the following findings:

- The warehouse district is designed to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users.
- The conditions and limitations on uses in the" W" district are as follows:

(1)The use is conducted primarily within an enclosed building or screened area, except for the customary outdoor activities for the specific use listed.

(2)The use is not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that such odor, smoke, dust, noise or vibration at the property line does not exceed the permitted levels established by ordinance.

(3)Signs (advertising) must be in compliance with all applicable ordinances.

(4)Establishments located on property that is within 300 feet of any property zoned for a residential use when the commercial use is first established may not to be open to the general public before 6:00 a.m. and must be closed to the general public by 10:00 p.m.

• The warehouse zoning district is not a recommended zoning district in any of the identified future land use districts however, the I-35 Overlay development standards require a higher level of development standards for the development of the property that exceed the requirements of the base warehouse zoning district.

Zoning

# *City Council* 23045 IH-35

- The Comprehensive Master Plan identifies a requested industrial use to be contingently appropriate adjacent to an existing retail services/ commercial use. While there is not existing commercial development the property to the south is entitled as a Retail Services' zoned property.
- It appears that the I-35 overlay development standards help to ensure the aesthetic policies of the urban design plan.
- It appears that due to the standards associated with the I-35 overlay district the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will not substantially affect the public health, safety, morals, or general welfare.
- The following uses are permitted of in the Warehouse zoning district:

351 1002	Constr.	Air conditioning and heating contractor	W	CM	
2354 1000	Constr.	Brick and stone mason contractor	W	CM	$\square$
2349 2000	Constr.	Cable installation contractor	W	CM	$\square$
2355 1000	Constr.	Carpentry work contractor	W	CM	Π
2355 2000	Constr.	Carpet and floor laying contractor	W	CM	Π
2333 2000	Constr.	Commercial buildings contractor	W	CM	Π
2357 1001	Constr.	Concrete contractor	W	CM	Π
2359 9000	Constr.	Construction contractors, NEC	W	CM	Π
2351 1002	Constr.	Contractor, air conditioning and heating	W	CM	Π
2354 1000	Constr.	Contractor, brick and stone mason	W	CM	Π
2349 2000	Constr.	Contractor, cable installation	W	CM	Π
2355 1000	Constr.	Contractor, carpentry work	W	CM	T
2355 2000	Constr.	Contractor, carpet and floor laying	W	CM	Π
2333 2000	Constr.	Contractor, commercial bldg.	W	CM	Π
2357 1001	Constr.	Contractor, concrete	W	CM	Π
2359 9000	Constr.	Contractor, construction NEC	W	CM	Π
2359 4000	Constr.	Contractor, demolition and wrecking	W	CM	Ī
2354 2000	Constr.	Contractor, drywall and insulation	W	CM	Π
2353 1000	Constr.	Contractor, electrical	W	CM	Í

Zoning

# *City Council* 23045 IH-35

2359 3000	Constr.	Contractor, excavating and foundation	W	CM	
2359 9001	Constr.	Contractor, fencing	W	CM	
2357 1002	Constr.	Contractor, foundation repair	W	CM	
2359 9003	Constr.	Contractor, general	W	CM	
2359 2000	Constr.	Contractor, glass and glazing	W	CM	Τ
2341 1000	Constr.	Contractor, highway and road construction	W	CM	Τ
2351 1004	Constr.	Contractor, lawn sprinkler systems	W	CM	Τ
2351 1003	Constr.	Contractor, mechanical	W	CM	Τ
2352 1000	Constr.	Contractor, paint and wallpaper hanger	W	CM	Τ
2341 1001	Constr.	Contractor, paving (not road)	W	CM	
2351 1001	Constr.	Contractor, plumbing	W	CM	Τ
2356 1000	Constr.	Contractor, roofing and siding	W	CM	T
2332 1000	Constr.	Contractor, single-family residence	W	CM	T
2359 1000	Constr.	Contractor, steel erectors	W	CM	T
2359 9002	Constr.	Contractor, swimming pool	W	CM	
2354 3000	Constr.	Contractor, tile and marble	W	CM	T
2349 1000	Constr.	Contractor, utility	W	CM	T
2359 4000	Constr.	Demolition and wrecking work	W	CM	T
2358 1000	Constr.	Drilling contractor, water well	W	CM	T
2354 2000	Constr.	Drywall and insulation contractor	W	CM	
2353 1000	Constr.	Electrical contractor	W	CM	T
2359 3000	Constr.	Excavating and foundation contractor	W	CM	T
2359 9001	Constr.	Fencing contractor	W	CM	T
2355 2000	Constr.	Floor and carpet laying contractor	W	CM	T
2357 1002	Constr.	Foundation repair contractor	W	CM	Ť
2359 9003	Constr.	General contractor office	W	CM	Ť
2359 2000	Constr.	Glass and glazing contractor	W	CM	Ť
2351 1002	Constr.	Heating and air conditioning contractor	W	CM	Ť
2341 1000	Constr.	Highway and road construction contractor	W	CM	Ť

## Zoning

# *City Council* 23045 IH-35

2332 1000	Constr.	Home construction contractor	W	CM	
2354 2000	Constr.	Insulation and drywall contractor	W	CM	
2354 1000	Constr.	Mason, brick and stone contractor	W	CM	Γ
2351 1003	Constr.	Mechanical contractors	W	CM	Γ
2352 1000	Constr.	Paint and wallpaper hanging contractor	W	CM	Γ
2341 1001	Constr.	Paving contractors (not road)	W	CM	T
2351 1001	Constr.	Plumbing contractor	W	CM	
2332 1000	Constr.	Residential home construction	W	CM	
2341 1000	Constr.	Road and highway construction contractor	W	CM	
2356 1000	Constr.	Roofing and siding contractor	W	CM	Γ
2356 1000	Constr.	Siding and roofing contractor	W	CM	
2332 1000	Constr.	Single-family residence home contractor	W	CM	
2351 1004	Constr.	Sprinkler systems contractor, lawn	W	CM	Γ
2359 1000	Constr.	Steel erectors	W	CM	Γ
2359 9002	Constr.	Swimming pool contractor	W	CM	Γ
2354 3000	Constr.	Tile and marble contractor	W	CM	
2349 1000	Constr.	Utility contractor	W	CM	
2352 1000	Constr.	Wallpaper hanging and paint contractor	W	CM	
2351 1004	Constr.	Water sprinkler systems contractor	W	CM	
2358 1000	Constr.	Water well drilling contractor	W	CM	Γ
2359 4000	Constr.	Wrecking and demolition work	W	CM	
3399 2000	Mfg.	Athletic and sporting goods manufacturing	W	CM	
3371 1000	Mfg.	Cabinet shop	W	CM	
3152 9000	Mfg.	Clothing mfg., NEC	W	CM	
3342 9000	Mfg.	Communication devices manufacturing (not telephone)	W	CM	Γ
3344 1200	Mfg.	Computer, circuit board manufacturing	W	CM	
3341 1300	Mfg.	Computer, computer manufacturing	W	CM	
3344 1301	Mfg.	Computer, cabless semiconductor	W	CM	
3341 1900	Mfg.	Computer, peripheral equip	W	CM	Γ

## Zoning

# *City Council* 23045 IH-35

3344 1300	Mfg.	Computer, semiconductor manufacturing (not 3332 9500)	W	CM
3332 9500	Mfg.	Computer, semiconductor manufacturing equip	W	CM
3344 1302	Mfg.	Computer, semiconductor testing	W	CM
3341 1301	Mfg.	Computer, terminal manufacturing	W	CM
3399 1400	Mfg.	Costume jewelry manufacturing	W	CM
3345 1100	Mfg.	Detection and search and navigation equip	W	CM
3399 3100	Mfg.	Doll manufacturer	W	CM
3363 2200	Mfg.	Electrical equip manufacturing, vehicle	W	CM
3344 1900	Mfg.	Electronic components manufacturing	W	CM
3344 1700	Mfg.	Electronic connectors manufacturing	W	CM
3118 1200	Mfg.	Food, bread products	W	CM
3113 2000	Mfg.	Food, candy products	W	CM
3118 2100	Mfg.	Food, cookies and chips and snacks	W	CM
3119 9100	Mfg.	Food, prepared (nonfrozen)	W	CM
3119 4100	Mfg.	Food, sauces and condiments	W	CM
3371 2500	Mfg.	Furniture mfg., household	W	CM
3334 1400	Mfg.	Heating and fireplace equipment mfg.	W	CM
3371 2501	Mfg.	Household fixtures, NEC	W	CM
3371 2500	Mfg.	Household furniture mfg.	W	CM
3345 1300	Mfg.	Industrial measurement products	W	CM
3399 1300	Mfg.	Jeweler findings manufacturing	W	CM
3399 1400	Mfg.	Jewelry mfg., costume jewelry	W	CM
3399 1100	Mfg.	Jewelry mfg., precious metal	W	CM
3351 2900	Mfg.	Lighting equip, NEC	W	CM
3327 1000	Mfg.	Machine shop (not auto)	W	CM
3335 1500	Mfg.	Machine tool and accessories manufacturing	W	CM
3233 2300	Mfg.	Metal work, ornamental	W	CM
3149 9900	Mfg.	Sewing gift products	W	CM
4539 9810	Retail	Chemical retailer, NEC	W	CM

## Zoning

# *City Council* 23045 IH-35

		1		
4442 2001	Retail	Dirt and loam product sales	W	CM
7224 1003	Retail	Drinking place, nightclub	W	CM
4533 1004	Retail	Flea market booth	W	CM
5311 2000	Retail	Flea market operator	W	CM
4412 2901	Retail	Heavy equipment sales	W	CM
4543 1200	Retail	Liquefied petro/bottled gas	W	CM
7224 1005	Retail	Men's club	W	CM
4539 3000	Retail	Mobile home dealers	W	CM
5614 9101	Retail	Mobile home repossession service	W	CM
7224 1003	Retail	Nightclub	W	CM
4539 3001	Retail	Portable buildings and mobile office sales	W	CM
4412 1000	Retail	RV and utility trailer dealers	W	CM
4412 1000	Retail	Trailer and RV dealers	W	CM
4412 1000	Retail	Utility trailer and RV dealers	W	CM
4931 1001	Retail	Warehouse off-site storage (retail and wholesale)	W	CM
4881 9000	Services	Aircraft service and repair	W	CM
8113 1001	Services	Armature rewinding shop	W	CM
5616 1300	Services	Armored car service	W	CM
4543 9002	Services	Coffee service, office	W	CM
4922 1000	Services	Delivery services	W	CM
8123 2000	Services	Laundry, cleaning plant	W	CM
5617 3001	Services	Lawn and garden services	W	CM
5311 3000	Services	Miniwarehouse office	W	CM
4842 2000	Services	Mobile home, transport service	W	CM
4841 1002	Services	Movers, home and office	W	CM
5111 1000	Services	Newspaper (publish and print)	W	CM
4889 9100	Services	Packing and carting service	W	CM
5617 1000	Services	Pest control	W	CM
5111 1000	Services	Print, newspaper (publish and print)	W	CM

## Zoning

# *City Council* 23045 IH-35

	1	1		
5111 9900	Services	Print, publishing and printing	W	CM
5111 9900	Services	Publishing and printing	W	CM
8114 9000	Services	Repair services, NEC	W	CM
7139 9004	Services	Rifle and pistol range	W	CM
5617 3002	Services	Tree surgeon and services	W	CM
5617 4000	Services	Upholstery and carpet cleaning	W	CM
4542 1000	Services	Vending machine, office	W	CM
4542 1001	Services	Vending machine equip, various loc.	W	CM
4931 2000	Services	Warehousing, refrigerated	W	CM
4931 1000	Services	Warehousing and storage, general	W	CM
8113 1000	Services	Welding shop	W	CM
4884 1000	Services	Wrecker service	W	CM
4855 1000	Transp.	Bus charter service	W	CM
4852 1000	Transp.	Bus lines	W	CM
4851 1300	Transp.	Local and suburban transit	W	CM
4841 1000	Transp.	Local trucking w/o storage	W	CM
4841 1001	Transp.	Local trucking with storage	W	CM
0000 4010	Transp.	Railroad side track	W	CM
4854 1000	Transp.	School buses	W	CM
4853 1000	Transp.	Taxicab company	W	CM
4889 9900	Transp.	Transportation services, NEC	W	CM
4841 2100	Transp.	Trucking, except local	W	CM
4884 9001	Transp.	Trucking terminal facility	W	CM
2211 2200	Utilities	Electric companies	W	CM
4217 3000	Whsale	Air conditioning and heating equipment	W	CM
4216 2000	Whsale	Appliance wholesaler - electrical	W	CM
4219 2000	Whsale	Arts and crafts wholesaler	W	CM
4211 1000	Whsale	Auto wholesaler	W	CM
4211 2000	Whsale	Automotive parts wholesaler	W	CM

## Zoning

# *City Council* 23045 IH-35

4228 1000	Whsale	Beer distributor	W	CM
4224 9001	Whsale	Bottled water distributor	W	CM
4213 2000	Whsale	Brick and stone wholesaler	W	CM
4213 9000	Whsale	Building materials, NEC	W	CM
4224 3000	Whsale	Dairy products wholesaler	W	CM
4222 1000	Whsale	Drugs and toiletries wholesaler	W	CM
4216 1000	Whsale	Electrical equipment and supplies	W	CM
4216 2000	Whsale	Electrical appliances	W	CM
4216 9000	Whsale	Electronic parts and equipment	W	CM
4229 3000	Whsale	Florists and flowers supply, wholesaler	W	CM
4226 9000	Whsale	Gas, industrial and medical	W	CM
4224 1000	Whsale	Grocery distributor, wholesaler	W	CM
4217 1000	Whsale	Hardware wholesaler	W	CM
4217 3000	Whsale	Heating and ac equipment	W	CM
4218 4000	Whsale	Industrial supplies	W	CM
4213 3000	Whsale	Insulation and siding and roofing	W	CM
4218 5000	Whsale	Janitorial supplies	W	CM
4219 4000	Whsale	Jewelry wholesaler	W	CM
4228 2000	Whsale	Liquor and wine wholesaler	W	CM
4229 2000	Whsale	Magazine and newspaper wholesaler	W	CM
4213 2000	Whsale	Masonry products wholesaler	W	CM
4214 5000	Whsale	Medical goods and equipment	W	CM
4229 2000	Whsale	Newspaper and magazine wholesaler	W	CM
4221 2000	Whsale	Office supplies wholesaler	W	CM
4229 5000	Whsale	Paint wholesaler	W	CM
4221 3000	Whsale	Paper wholesaler	W	CM
4217 2000	Whsale	Plumbing fixtures and supplies	W	CM
4224 4000	Whsale	Poultry products wholesaler	W	CM
4224 8000	Whsale	Produce wholesaler	W	CM

# City Council

Zoning

# 23045 IH-35

4214 9000	Whsale	Professional equipment and supplies, NEC	W	CM	
4217 4000	Whsale	Refrigeration equipment	W	CM	
4214 4000	Whsale	Restaurant equipment and supplies	W	CM	
4213 3000	Whsale	Roofing and siding and insulation	W	CM	
4213 3000	Whsale	Siding and roofing and insulation	W	CM	
4224 9000	Whsale	Soft drinks distributor	W	CM	
4213 2000	Whsale	Stone and brick wholesaler	W	CM	
4211 3000	Whsale	Tire wholesaler	W	CM	
4229 4000	Whsale	Tobacco products wholesaler	W	CM	
4222 1000	Whsale	Toiletries and drugs wholesaler	W	CM	
4229 9000	Whsale	Wholesale trade, NEC			
1	1	4			

### ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING OF 'W' WAREHOUSE DISTRICT TO APPROXIMATELY 25.10 ACRES, ON PROPERTY LOCATED AT 23045 IH-35 IN HAYS COUNTY, TEXAS. (NL LAND HOLDING – Z-13-006); 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: SEVERABILITY; PROVIDING FOR 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:

<u>SECTION 1</u>. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to assign original zoning of 'W' Warehoude District to approximately 25.10 acres, on property located at 23045 IH-35, as set forth in the legal description labeled Exhibit A, and the property location map labeled Exhibit B.

<u>SECTION 2</u>. 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.

<u>SECTION 3</u>. 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.

<u>SECTION 4</u>. 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.

<u>SECTION 5</u>. 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

# HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS 1904 FORTVIEW ROAD AUSTIN, TEXAS 78704 TELEPHONE: (512) 442-0990 FACSIMILE: (512) 442-1084

FIELD NOTE DESCRIPTION OF 25.105 ACRES OF LAND OUT OF THE JOHN JONES SURVEY ABSTRACT No. 263 AND THE Z. HINTON SURVEY ABSTRACT No. 219 IN HAYS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (25.10 ACRE) TRACT OF LAND AS CONVEYED TO WACKENHUT CORRECTIONS CORPORATION BY WARRANTY DEED RECORDED IN VOLUME 1131 PAGE 295 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found in the East right-of-way line of Interstate Highway No. 35 for the called Northwest corner of that certain (25.10 acre) tract of land as conveyed to Wackenhut Corrections Corporation by Warranty Deed recorded in Volume 1131 Page 295 of the Official Public Records of Hays County, Texas, and for the Westerly or Southwest corner of Lot 1, Kyle T.D.C. Pre-Release Facilities Subdivision No. 1, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 5 Page 39 of the Plat Records of Hays County, Texas, and being a Northwesterly corner and **PLACE OF BEGINNING** of the herein described tract, and from which a leaning concrete monument found in the East right-of-way line of Interstate Highway No. 35 and in the West line of said Lot 1 bears N 04 deg. 47' 50" E 436.36 ft.;

THENCE leaving the East right-of-way line of Interstate Highway No. 35 with the common line of said Lot 1 and said Wackenhut (25.10 acre) tract, the following two (2) courses;

 S 45 deg. 43' 15" E 780.72 ft. to a 5/8" iron rod found at a fence corner post;
 N 44 deg. 20' 41" E 466.98 ft. to a 5/8" iron rod found at a fence corner post in the Southwest line of that certain (6.77 acre) tract of land as conveyed to Klatt Properties, LLC, by Warranty Deed recorded in Volume 1724 Page 630 of the Official Public Records of Hays County, Texas, and being a Northerly corner of this tract, and from which a 60D nail found in a fence corner post for West corner of said Klatt Properties (6.77 acre) tract bears N 45 deg. 00' 14" W 20.31 ft.;

end of Page 1

Page 2 of 2

THENCE with the common line of said Wackenhut (25.10 acre) tract and said Klatt Properties (6.77 acre) tract, S 46 deg. 20' 47" E 278.57 ft. to a fence corner post for the called Northeast exterior corner of said Wackenhut (25.10 acre) tract and for a Northeasterly angle corner of this tract, and from which a 1/2" iron rod found bears S 33 deg. 30' W 1.77 ft. and an additional 1/2" iron rod found bears N 77 deg. 02' W 1.32 ft.;

THENCE, S 36 deg. 49' 30" W 99.88 ft. to the center of the base of a badly leaning fence corner post for the called interior Northeast corner of said Wackenhut (25.10 acre) tract and for an angle corner of this tract, and from which a capped iron rod found marked "Hodgkiss 2808" for the West corner of that certain (31.70 acre) tract of land as conveyed to Klatt Properties, LLC by Warranty Deed recorded in Volume 1724 Page 630 of the Official Public Records of Hays County, Texas, bears S 48 deg. 21' W 0.54 ft.;

THENCE, S 46 deg. 05' 32" E 580.25 ft. to a 1/2" iron rod found at a fence corner post for the East corner of said Wackenhut (25.10 acre) tract and for an angle corner of said Klatt Properties (31.70 acre) tract, and for the North corner of that certain (14.75 acre) tract of land as conveyed to James and Louise Jacobs 1031 Investment, LLC, by Special Warranty Deed recorded in Volume 2641 Page 340 of the Official Public Records of Hays County, Texas, and being an Easterly angle corner of this tract;

THENCE with the Southeast line of said Wackenhut (25.10 acre) tract and deviating from the Northwest line of said James and Louise Jacobs 1031 Investment (14.75 acre) tract, the following two (2) courses;

- 1) S 41 deg. 48' 48" W 914.64 ft. to a fence corner post, from which a 1/2" iron rod found bears S 27 deg. 14' W 1.00 ft.;
- 2) S 37 deg. 03' 07" W 31.97 ft. to a 1/2" iron rod found at a fence corner post for an angle corner in the Northeast-line of that certain (23.70 acre) tract of land as conveyed to Bobby Joe Alexander and Mary Jane Alexander by Warranty Deed recorded in Volume 1757 Page 454 of the Official Public Records of Hays County, Texas, and for the most Westerly corner of said James and Louise Jacobs 1031 Investment (14.75 acre) tract and for the most Southerly corner of said Wackenhut (25.10 acre) tract of land, same being the most Southerly corner of this tract;

THENCE with the common line of said Wackenhut (25.10 acre) tract and said Alexander (23.70 acre) tract, N 45 deg. 40' 32" W 928.14 ft. to a 1/2" iron rod found for the South corner of that certain (0.500 acre) tract of land as conveyed to Whited Enterprises, LLC, by deed recorded in Volume 2670 Page 380 of the Official Public Records of Hays County, Texas, and for an angle corner of said Wackenhut (25.10 acre) tract, and being an angle corner of this tract;

end of Page 2

Page 3 of 3

THENCE with the Southwesterly lines of said Wackenhut (25.10 acre) tract, the following five (5) courses;

- N 44 deg. 30' 33" E 124.83 ft. to a 1/2" iron rod found for the East corner of that certain (0.500 acre) tract of land as conveyed to Whited Enterprises, LLC, by deed recorded in Volume 2665 Page 466 of the Official Public Records of Hays County, Texas;
- N 45 deg. 23' 20" W 95.57 ft. to a 1/2" iron rod found for the South corner of that certain (1.000 acre) tract of land as conveyed to Whited Enterprises, LLC, by said deed recorded in Volume 2665 Page 466 of the Official Public Records of Hays County, Texas;
- N 44 deg. 09' 32" E 124.73 ft. to a 1/2" iron rod found for the East corner of said Whited (1.000 acre) tract;
- 4) N 45 deg. 39' 07" W 325.45 ft. to a 1/2" iron rod found for an angle corner of said Whited (1.000 acre) tract;
- 5) N 85 deg. 07' 17" W 65.31 ft. to a capped iron rod found marked "Byrn" in the East right-of-way line of Interstate Highway No. 35 for the Northwest corner of said Whited (1.000 acre) tract and for the called Southwest exterior corner of said Wackenhut (25.10 acre) tract, and being a Southwesterly angle corner of this tract, and from which a concrete monument found in the East right-of-way line of Interstate Highway No. 35 bears S 04 deg. 49' 31" W 2305.43 ft.;

THENCE with the East right-of-way line of Interstate Highway No. 35 and the West line of said Wackenhut (25.10 acre) tract, N 04 deg. 50' 00" E 467.45 ft. to the **PLACE OF BEGINNING,** containing 25.105 acres of land.

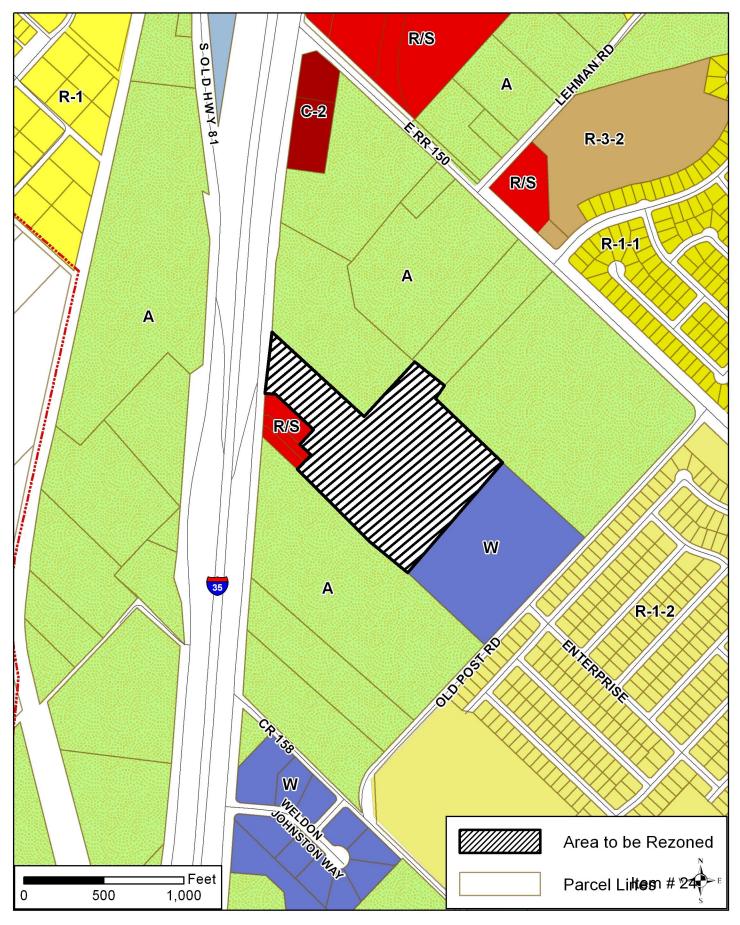
SURVEYED: November 3, 2006.



Holt Carson Registered Professional Land Surveyor No. 5166

see accompanying map: A 776102

# Exhibit B





# CITY OF KYLE, TEXAS

Plaza East Rezone (Z-13-008)

Meeting Date: 7/2/2013 Date time: 7:00 PM

Subject/Recommendation:	<ul> <li>(First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY .41 ACRES OF LAND FROM 'R-3-2' MULTI-FAMILY RESIDENTIAL 2 TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 575 E. RR 150 – BUILDING 3, IN HAYS COUNTY, TEXAS. (KYLE RETAIL PARTNERS); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ Sofia Nelson, Director of Planning</li> <li>Planning and Zoning Commission voted 4-0 to approve the rezone request.</li> <li>Public Hearing</li> </ul>
Other Information:	Please see attachments

**Budget Information:** 

Viewing Attachments Requires Adobe Acrobat. Click here to download.

N/A

#### Attachments / click to download

Exhibit B	
Exhibit A	Course Marrie
Original Rezone Ordinance	Cover Memo
L Staff Report	ltem # 25

*City Council* 575 E. RR 150 Building 3 .41 acres

Zoning

## Case Number: Z-13-008

### Planning and Zoning Commission Recommendation

On June 25<sup>th</sup> the Planning Commission voted 4-0 to recommend approval.

**OWNER/APPLICANT:** Kyle Retail Partners

AGENT: City of Kyle

LOCATION: 575 E. RR 150, Building 3

**<u>COUNTY</u>:** Hays County

AREA: .41 acres

**PROPOSED CITY COUNCIL HEARINGS**: First Reading: July 2, 2013 Second Reading: July 16, 2013

**EXISTING ZONING:** R-3-2 Apartments Residential

**PROPOSED ZONING:** Retail Services (RS)

#### **<u>SITE INFORMATION:</u>**

Transportation: This property has access to Lehman Road and E. RR 150

#### Surrounding Zoning:

- North: R-3-2
- *East* : *R*-1-1
- South: E. RR-150
- West: Retail Services and Lehman Road

Future Land Use Designation: Regional Node

**<u>PUBLIC INPUT:</u>** 8 property owners were notified.

#### STAFF ANALYSIS: Background

575 RR 150 is located at the corner of Lehman Road and RR 150. The lot as shown in the attached exhibit has two different zoning designations (Retail Services- R/S and R-3-2 multifamily residential 2-please see file labeled zoning exhibit).

When the property was zoned initially in 2002 it was rezoned without a legal description (see ordinance 378-7). The rezoning ordinance simply has an exhibit that was part of the preliminary plat for the subdivision). At the time of the 2002 rezoning the area zoned C-1 was not part of a legal subdivision. The configuration of the property that was reflected in the zoning exhibit later changed in the final plat stage of the subdivision process ( that change in lot configuration is what led us to have two zoning designation on 1 legal lot).

In 2005 the City initiated a rezoning for the property zoned C-1 to be rezoned RS (see ordinance 438-24). Again the rezoning ordinance did not have a legal description attached to the ordinance. To further

# *City Council* 575 E. RR 150 Building 3 .41 acres

Zoning

## Case Number: Z-13-008

complicate the situation the description that was used in the ordinance was as follows: "An ordinance of the city of kyle, texas, amending the zoning ordinance by zoning 3.1937 +/- acre tract known as four seasons farm located at lehnan road and fm 150 east, from zoning district C-1 to RS". However at the time the property was platted the legal description of the property was Lot 1Section 3 of the Four Seasons Farm. As a result it appears that not only did the rezoning ordinance not have a legal description it appears that the description they did have was incorrect ( see ordinance 438-24 and the attached plat).

The City of Kyle is initiating a rezoning request on the remainder of the lot to ensure the lot has one consistent zoning across the property. It appears that City did not include the correct legal description in the previous city initiated rezoning and staff is working to rectify the error.

### ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY .41 ACRES OF LAND FROM 'R-3-2' MULTI-FAMILY RESIDENTIAL 2 TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 575 E. RR 150 – BUILDING 3, IN HAYS COUNTY, TEXAS. (KYLE RETAIL PARTNERS); 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:

<u>SECTION 1</u>. 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 .41 acres from 'R-3-2' Multi-family Residential 2 to 'RS' Retail Service District, on property located at 575 E. RR 150 –Building 3, and the property location map labeled Exhibit B.

<u>SECTION 2</u>. 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.

<u>SECTION 3</u>. 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.

<u>SECTION 4</u>. 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.

<u>SECTION 5</u>. 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:

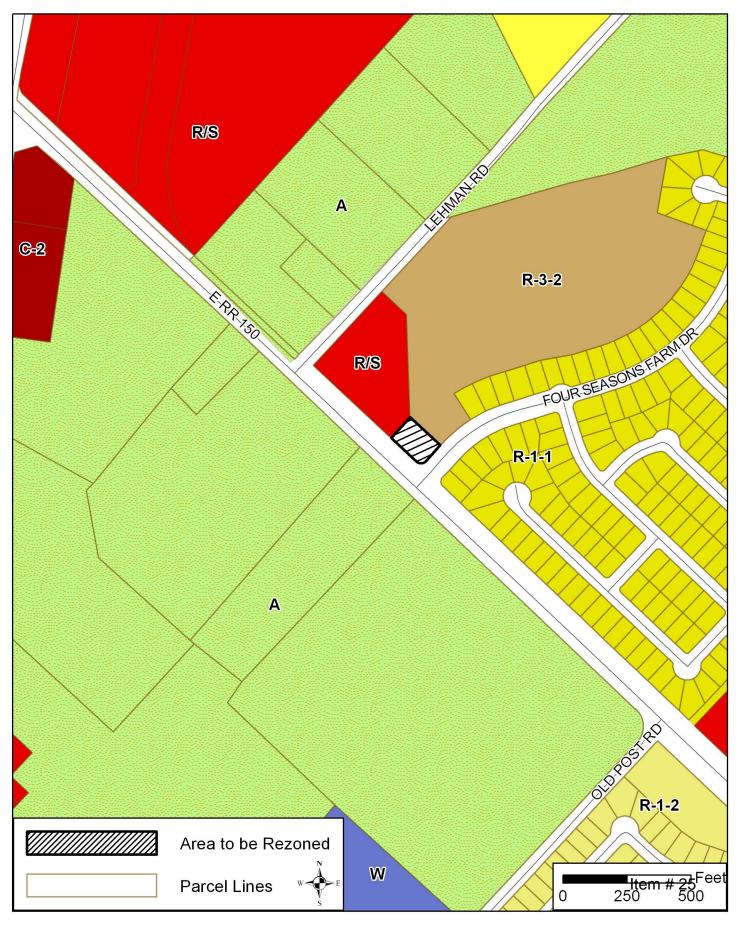
Amelia Sanchez, City Secretary

# EXHIBIT A

Replat of Four Seasons Farm Section III

•

# **Exhibit B**



#### ORDINANCE AMENDMENT NO. <u>378-7</u>

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A PARCEL OF LAND, ALL KNOWN AS FOUR SEASONS FARM/CHUCK NASH PROPERTY LOCATED AT LEHMAN ROAD AND FM 150 EAST, TRACT ONE 3.1937 ACRES FROM DISTRICT A (AGRICULTURAL) TO DISTRICT C-1 (RESTRICTED COMMERCIAL); TRACT TWO, 21.7319 ACRES FROM DISTRICT A (AGRICULTURAL) TO DISTRICT R-3-2 (MULTI-FAMILY RESIDENTIAL 2), AND TRACT THREE, 74.1485 ACRES FROM DISTRICT A (AGRICULTURAL) TO DISTRICT R-1-1 (SINGLE-FAMILY RESIDENTIAL 1); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, the owner of the property described hereinafter (the "Property") has requested that the Property be rezoned;

Whereas, after giving ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council; and,

Whereas, after publishing notice of the public at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

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

Section 2. <u>Amendment of Zoning Ordinance</u>. Ordinance No. 378, as amended, the City of Kyle Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3.** <u>Rezoned Property</u>. The Zoning Ordinance is hereby amended by changing the zoning district for the land and parcel of property located Lehman Road and FM 150 East, Kyle, Hays County, Texas, as more particularly described in Exhibit "A" (the "Property"), Tract One from the current zoning district A to zoning district C-1, Tract Two from the current zoning district R-3-2 and Tract Three from the current zoning district A to district R-1-1. Tract One is accordingly hereby rezoned to district C-1. Tract Two is accordingly hereby rezoned to district R-1-1.

Section 4. <u>Open Meetings</u>. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the

time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this <u>16</u> day of <u>April</u>, 2002.

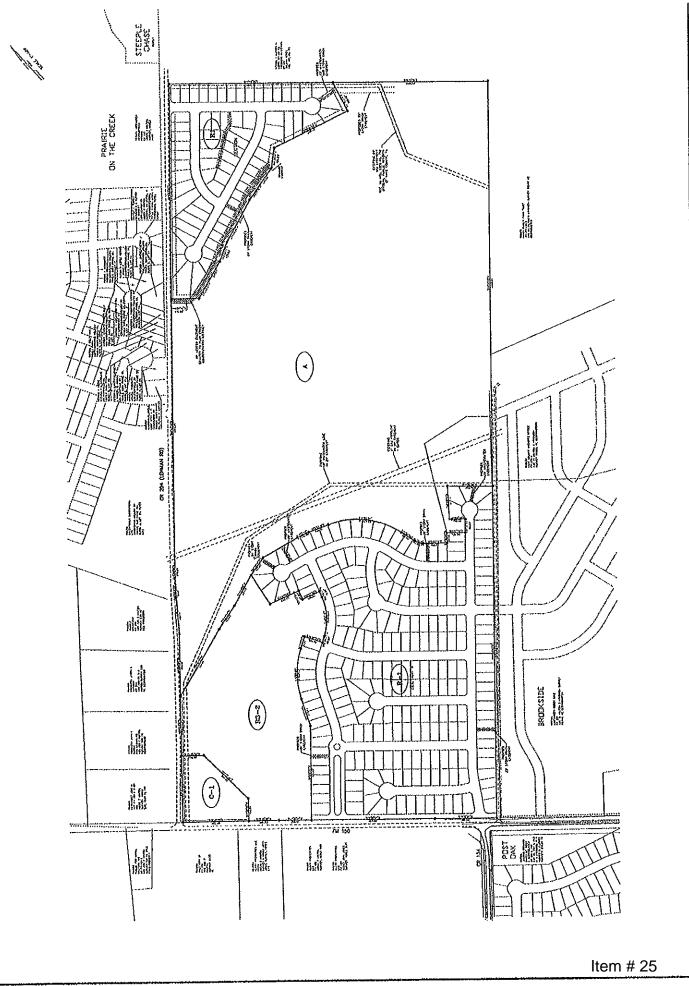
FINALLY PASSED AND APPROVED on this 07 day of May, 2002.

ATTEST:

Minerva Falcon, City Secretary

THE CITY OF KYLE, TEXAS

James L. Adkins, Mayor



#### ORDINANCE NO. 438-24

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE ZONING ORDINANCE BY ZONING 3.1937+/- ACRE TRACT, KNOWN AS FOUR SEASONS FARM LOCATED AT LEHMAN RD AND FM 150 EAST, FROM ZONING DISTRICT COMMERCIAL-RESTRICTED BUSINESS DISTRICT "C-1" TO ZONING DISTRICT RETAIL AND SERVICE DISTRICT "R/S"; PROVIDING FOR CONDITIONS OF ZONING; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, CH. 211 of the TEXAS LOCAL GOVERNMENT CODE, the Municipal Zoning Authority, specifically authorizes zoning functions and procedures for municipalities; and

Whereas, within the past twelve months, the Kyle Planning Commission and City Council have conducted comprehensive planning workshops, and discussions, continuing to review and determine various planning, development, and zoning issues for the future of the city; and

Whereas, after giving ten days written notice to the owners of land within two hundred feet of the property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council; and,

Whereas, after publishing notice of the public at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

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

Section 2. <u>Amendment of Zoning Ordinance</u>. City of Kyle Zoning Ordinance, as amended, the City of Kyle Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. <u>Rezoned Properties.</u> The Zoning Ordinance is hereby amended by changing the zoning district for the land and parcel of properties located within the Four Seasons Farm Subdivision, as more particularly described in Exhibit "A" (the "Property"), from the current zoning district to Retail & Service, "R/S", zoning district. The Properties are hereby rezoned to Retail & Service zoning district.

Section 4. <u>Additional Requirement</u>. The terms, conditions, provisions, and requirements of this Ordinance shall be in addition to and not in lieu of the requirements set forth in any other section or part of the Zoning Ordinance, and of all other ordinances and codes of the City.

Section 5. <u>Open Meetings</u>. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

Section 6. <u>Effective Date</u>. This Ordinance shall be in full force and effect from and after the date of its final passage and adoption in accordance with the provisions of the Kyle City Charter.

PASSED AND APPROVED on First Reading this 21st day of December , 2004.

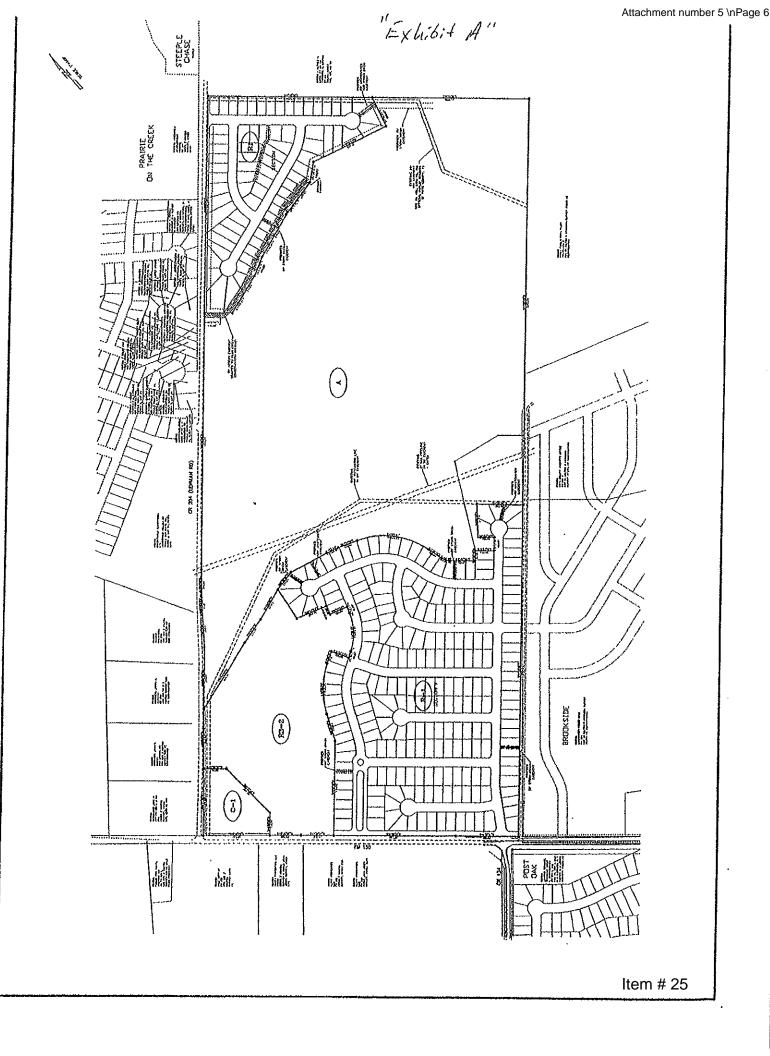
FINALLY PASSED AND APPROVED on this the 4th day of January \_\_\_\_\_, 2004.5

ATTEST:

Minerva Falcon, City Secretary

THE CITY OF KYLE, TEXAS

James L. Adkins, Mayor





Meeting Date: 7/2/2013 Date time: 7:00 PM

**Proposed Annexations** 

A RESOLUTION TO PROVIDE FOR THE POSSIBLE EXTENSION Subject/Recommendation: OF THE CITY OF KYLE MUNICIPAL BOUNDARIES BY THE ANNEXATION OF APPROXIMATELY 47.2 ACRES OF LAND IN HAYS COUNTY, TEXAS THAT IS GENERALLY LOCATED SOUTH OF RR 150 AND WEST OF SIEBERT DRIVE / HEIDENREICH LANE AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; SETTING THE DATES AND TIMES OF TWO PUBLIC HEARINGS FOR THE PURPOSE OF ANNEXING PROPERTYAND SETTING AN EFFECTIVE DATE. ~ Sofia Nelson, Director of Planning *Planning and Zoning Commission voted 4-0 to recommend proceeding* with the proposed annexation. **Other Information:** Please see attachments **Budget Information:** N/A

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

Attachments / click to download

- Staff Report
- **Resolution**
- Exhibit A

Cover Memo Item # 26



### **MEMO**

To: City Council

From: Sofia Nelson, Director of Planning

Date: June 26, 2013

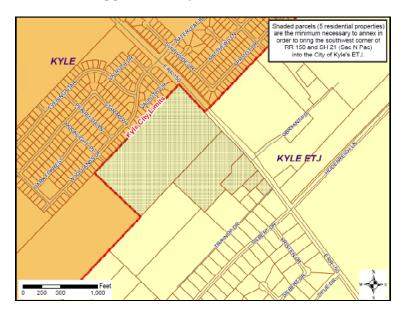
#### Re: E. RR150 Annexation

#### **Recommendation**

On June 20<sup>th</sup> the Long Range Planning Committee recommended to the Planning and Zoning Commission to proceed with the annexation. On June 25<sup>th</sup> the Planning and Zoning Commission recommended to the City to proceed with the annexation.

#### **Location**

The subject properties consists of 5 residential tracts of land and are located along E. RR 150, east of the Woodlands Subdivision and west of Seibert Drive/ Heindenrich Lane. The 5 properties together consist of approximately 47.2 acres.

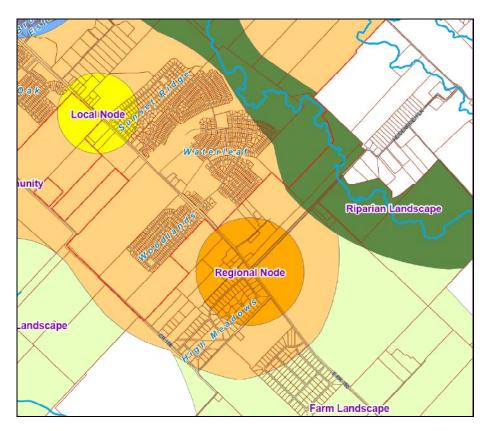


#### **Utilities**

The subject properties are located within the County Line water service area and are located approximately 425 feet from the nearest City of Kyle wastewater line. E. RR 150 is a TxDot maintained roadway and consists of approximately 80' ROW and is classified as a regional connector/ arterial (ultimately the roadway should be designed to consist of 4 lanes at full build out)

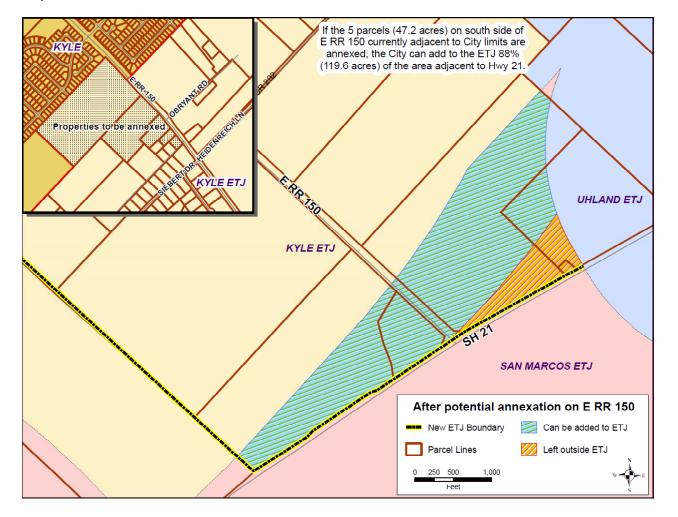
#### **Comprehensive Plan**

The Comprehensive Plan generally shows this area to be located within a regional node future land use district. A regional node is identified to be an area with regional scale retail and commercial activity and complemented by regional scale residential uses. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers. The primary goal of a regional node is to capture commercial opportunities necessary to close the City's tax gap.



#### **Extension of ETI**

The annexation of the subject property would allow the City of Kyle's ETJ (Extraterritorial Jurisdiction) to extend out to Hwy 21 and RR 150, pending the release of the area from the San Marcos ETJ. While the City Council has identified a goal of annexing properties along



RR 150 all the way to Hwy 21 the first step to assure the properties are within the city's ETJ.

#### **RESOLUTION NO.**

RESOLUTION TO PROVIDE FOR THE POSSIBLE A EXTENSION OF THE CITY OF **KYLE MUNICIPAL BOUNDARIES BY THE ANNEXATION OF APPROXIMATELY** 47.2 ACRES OF LAND IN HAYS COUNTY, TEXAS THAT IS GENERALLY LOCATED SOUTH OF RR 150 AND WEST OF SIEBERT DRIVE / HEIDENREICH LANE AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; SETTING THE DATES AND TIMES OF TWO PUBLIC HEARINGS FOR THE PURPOSE OF ANNEXING PROPERTY AND SETTING AN EFFECTIVE DATE

**WHEREAS,** City of Kyle is a Texas home-rule City authorized to annex the properties more particularly described herein (the "subject properties" and shown in exhibit A) that are contiguous and adjacent to the corporate limits of the City;

**WHEREAS**, the subject properties are contiguous and adjacent to the corporate limits of the City and within the extraterritorial jurisdiction of the City;

**WHEREAS**, the City pursuant to Section 43.021 of the Texas Local Government Code and the City Charter, is authorized to annex the subject properties; and

**WHEREAS,** after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to Section 43.052(h)(1) of the Texas Local Government Code;

**WHEREAS,** Section 43.063(a) of the Texas Local Government Code requires that each city intending to annex property must adopt a resolution that calls for the two public hearings, and sets the date, time, and place of each hearing in order for citizens to voice their position; and

**WHEREAS**, Section 43.0561(c) of the Texas Local Government Code requires the publication of notice of each hearing in a newspaper of general circulation in the City of Kyle at least once on or after the 10<sup>th</sup> day but before the 20<sup>th</sup> day before the date of the hearing; and

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

**Section 1.** City of Kyle will publish the notice of the public hearings on or about July 24, 2013 in compliance with Section 43.0561(c) of the Texas Local Government Code.

Section 2. City will hold its first public hearing during a scheduled council meeting on August 6, 2013.

**Section 3.** City of Kyle will publish the notice of the second public hearings on or about August 7, 2013 in compliance with Section 43.0561(c) of the Texas Local Government Code.

Section 4. City will hold its second public hearing during the regular scheduled council meeting on August 20, 2013.

**Section 5.** City will consider for adoption the annexation of approximately 47.2 acres generally located south of RR 150 and west of Siebert Drive / Heidenreich Lane and adjacent and contiguous to the City Limits ( as shown in exhibit A).

**Section 6.** On **August 20, 2013**, if Council elects to annex the land described in Section 5, City will accomplish the annexation by Ordinance that will include the metes and bounds for all parcels and include the Service Delivery Plan for the area.

Section 7. This Resolution shall become effective upon passage.

**PASSED, APPROVED AND RESOLVED** in Kyle, Texas, this the 2<sup>nd</sup> day of July, 2013.

#### CITY OF KYLE, TEXAS

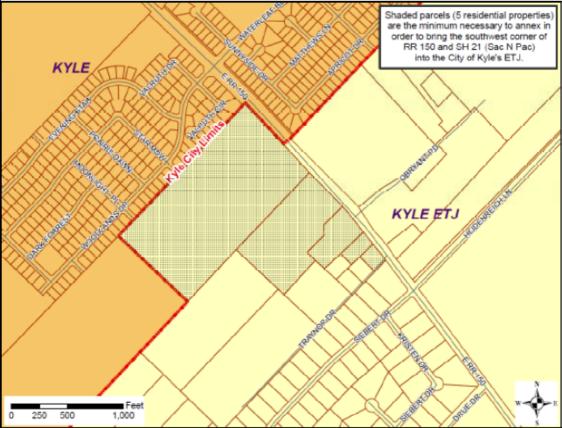
By:

Lucy Johnson, Mayor

ATTEST

By:

Amelia Sanchez City Secretary





Meeting Date: 7/2/2013 Date time: 7:00 PM

### Auto Doors in City Hall

Subject/Recommendation:	Consideration and Possible Action to replace and install auto opening door(s) in Kyle City Hall at an estimated cost of \$39,200.00 ~ <i>Kerry Urbanowicz, Director of Parks &amp; Recreation</i>
Other Information:	Attached are quotes received to replace certain doors in City Hall with automatic, push-button assisted opening doors. Also attached is the quote received from the electrician required to make the connections per door.
<b>Budget Information:</b>	No funds were budgeted in the current fiscal year to make these upgrades.

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

#### Attachments / click to download

Quotes Received

Fiscal Note

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

July 2, 2013 Financial Services Perwez A. Moheet, CPA Director of Finance

#### SUBJECT:

Approve an Ordinance to amend the City's Approved Budget for Fiscal Year 2012-13 by increasing total appropriations in the General Fund by \$74,200.00 and decreasing fund balance by the same amount for (1) the installation of automatic doors at Kyle City Hall with an estimated cost of \$39,200.00 and (2) for the repair and or replacement of street light fixtures on Kyle Parkway/Seton Parkway with an estimated cost of \$35,000.00.

#### CURRENT YEAR FISCAL IMPACT:

1. City Department:	Parks & Recreation
2. Project Name:	Installation of Automatic Doors at City Hall
3. Budget/Accounting Code(s):	110-250-52124
4. Funding Source:	General Fund
5. Fund Balance:	\$ 6,564,733.00 (As of 6-21-2013, Unaudited)
6. Amount of This Action:	<u>\$ (39,200.00)</u>
7. Remaining Balance:	<u>\$ 6,525,533.00</u>
8. Project Name:	Street Lights on Kyle Parkway/Seton Parkway
9. Budget/Accounting Code(s):	110-133-53132
10. Funding Source:	General Fund
11. Fund Balance:	\$ 6,525,533.00 (After Automatic Doors - Unaudited)
12. Amount of This Action:	<u>\$ (35,000.00)</u>
13. Remaining Balance:	<u>\$ 6,490,533.00</u>

#### FUNDING SOURCE OF THIS ACTION:

The funding source for this budget amendment in the amount of \$74,200.00 will be provided from the fund balance of the City's General Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION: N/A.

Perwez A. Moheet, CPA Director of Finance

Date

Wed, Apr 3, 2013 at 3:44 PM



Kerry Urbanowicz <kerryu@cityofkyle.com>

#### Fwd: FW:

Michael Sony <mpsony@cityofkyle.com> To: Kerry Urbanowicz <kerryu@cityofkyle.com>

All 3 quotes are on the attached.

------ Forwarded message ------From: **Tracy Paxton** <tracypaxton@hullaccesscontrols.com> Date: Tue, Mar 26, 2013 at 4:05 PM Subject: FW: To: Michael Sony <mpsony@cityofkyle.com> Cc: tracypaxton@hullaccesscontrols.com

Michael,

I attached all three quotes.....I labeled each one so you know what door I'm speaking about. There is the South door, the Inside door and then the East door. I have them labeled in the quote under the "customer P.O" They are pretty similar but the labor changes with each due to the complexity of the job. Let me know if there is any questions.

Thanks, Tracy Paxton 512.848.9672

-----Original Message-----From: sales@hullservices.com [mailto:sales@hullservices.com] Sent: Tuesday, March 26, 2013 2:59 PM To: Tracy Paxton Subject:

This E-mail was sent from "RNPCA2B37" (Aficio MP 3500).

Scan Date: 03.26.2013 15:58:54 (-0400) Queries to: sales@hullservices.com

20130326155854084.pdf 163K

Austin, TX 78702	Quote	Sales Order NO:0075322 Order Date: 2/20/2013 Ship Date: <b>4/20/2013</b> Job NO:
TRACY PAXTON tracypaxton@hullservices.com Ph: 512-439-2780		
S 0005140 O CITY OF KYLE P. O. BOX 40 D KYLE, TX 78640	S H 100 WES KYLE, TX	T CENTER STREET
O: PHONE: 512-262-1010 MICHAEL SONY 512.738.6711	TO:	
stomer PO Ship Via FOB UTH DOOR DIV 28 INSTALL TRACY	TERMS PAXTON Net 30 days	Written By: TRACY PAXTON

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SERVICES SO PRINTER1

Hull Supply dba: Hull Access Controls

Attachment number 2 \nPage 3

HULL BUPPLY BSERVICES BACCESS CONTROLS COMMERCIAL DOORS, FRAMES, & HARDWARE TOILET PARTITIONS AND ACCESSORIES WWW.hullsupply.com Security License #B15803 5117 East Cesar Chavez PH: 512-385-1262 Austin, TX 78702 Fax: 512-389-0031 TRACY PAXTON tracypaxton@hullservices.com Ph: 512-439-2780	Quote	Sales Order NO:0077709 Order Date: 3/26/2013 Ship Date: <b>4/26/2013</b> Job NO:
S O L D TO: 0005140 CITY OF KYLE P. O. BOX 40 KYLE, TX 78640 PHONE: 512-262-1010 MICHEAL SONY 512.738.6711	S H 100 WES KYLE, TX <b>TO:</b>	T CENTER STREET

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3	1 EA	CAMDEN	CM-42-BSU-CLR		313.50	313.50
4		/101	Labor - Hull Acces	ss Controls		1,575.00

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Hull Supply dba: Hull Access Controls

SERVICES SO PRINTER1

Attachment number 2 \nPage 4

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* 3	1 EA CAMDEN	CM-42-BSU-CLR	313.50	313.50
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Kerry Urbanowicz <kerryu@cityofkyle.com>

### Fwd: Estimate from AllTrades Repair Service

**Michael Sony** <mpsony@cityofkyle.com> To: Kerry Urbanowicz <kerryu@cityofkyle.com>

Wed, Apr 3, 2013 at 1:39 PM

Kerry,

The attached is the estimate for the electrical work to install the automatic door(s) at City Hall. This estimate is per door. I believe I sent you the quote from Hull already.

Michael

------ Forwarded message ------From: **AllTrades Repair Service** <Abales201@hotmail.com> Date: Wed, Apr 3, 2013 at 1:16 PM Subject: Estimate from AllTrades Repair Service To: mpsony@cityofkyle.com

Dear Customer :

Please review the attached estimate. Feel free to contact us if you have any questions.

We look forward to working with you.

Sincerely,

AllTrades Repair Service 512-557-0042

#### To view your estimate

Open the attached PDF file. You must have  ${\sf Acrobat}_{\circledast}\ {\sf Reader}_{\circledast}\ {\sf installed}$  to view the attachment.

Est\_32878\_from\_AllTrades\_Re.pdf

#### **AllTrades Repair Service**

210 Opal Lane Kyle, TX 78640

### **Estimate**

Date	Estimate #
3/29/2013	32878

Name / Add	iress			
City of Kyle				

			Project
Description	Qty	Rate	Total
Electrical estimate to install receptacle for electric door opener	1	375.00	375.00
This estimate is for one door only - multiply as necessary			
		Subtotal	\$375.00
		Sales Tax (0.0%)	\$0.00
hone # 512-557-0042	es201@hotmail.com	Total	\$375.0



Meeting Date: 7/2/2013 Date time: 7:00 PM

### Kyle Parkway Street Lights

Subject/Recommendation:	Consideration and Possible Action to repair and replace lights and fixtures on Kyle Parkway and Seton Parkway at an estimated cost of \$35,000.00 ~ <i>Kerry Urbanowicz, Director of Parks &amp; Recreation</i>
Other Information:	Attached are quotes received to repair and replace lights and fixtures for all lights in city's right of way along Kyle Parkway and Seton Parkway.
<b>Budget Information:</b>	No funds were budgeted in the current fiscal year to make these upgrades.

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

Attachments / click to download

E Fiscal Note

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

July 2, 2013 Financial Services Perwez A. Moheet, CPA Director of Finance

#### SUBJECT:

Approve an Ordinance to amend the City's Approved Budget for Fiscal Year 2012-13 by increasing total appropriations in the General Fund by \$74,200.00 and decreasing fund balance by the same amount for (1) the installation of automatic doors at Kyle City Hall with an estimated cost of \$39,200.00 and (2) for the repair and or replacement of street light fixtures on Kyle Parkway/Seton Parkway with an estimated cost of \$35,000.00.

#### CURRENT YEAR FISCAL IMPACT:

1. City Department:	Parks & Recreation
2. Project Name:	Installation of Automatic Doors at City Hall
3. Budget/Accounting Code(s):	110-250-52124
4. Funding Source:	General Fund
5. Fund Balance:	\$ 6,564,733.00 (As of 6-21-2013, Unaudited)
6. Amount of This Action:	<u>\$ (39,200.00)</u>
7. Remaining Balance:	<u>\$ 6,525,533.00</u>
8. Project Name:	Street Lights on Kyle Parkway/Seton Parkway
9. Budget/Accounting Code(s):	110-133-53132
10. Funding Source:	General Fund
11. Fund Balance:	\$ 6,525,533.00 (After Automatic Doors - Unaudited)
12. Amount of This Action:	<u>\$ (35,000.00)</u>
13. Remaining Balance:	<u>\$ 6,490,533.00</u>

#### FUNDING SOURCE OF THIS ACTION:

The funding source for this budget amendment in the amount of \$74,200.00 will be provided from the fund balance of the City's General Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION: N/A.

Perwez A. Moheet, CPA Director of Finance

Date



Budget Amendment #3 totaling \$74,200.00 for Automatic Doors at City Hall & Street Lights on Seton Parkway

Meeting Date: 7/2/2013 Date time: 7:00 PM

**Subject/Recommendation:** (*First Reading*) Consideration and Possible Action to approve an Ordinance to amend the City's Approved Budget for Fiscal Year 2012-13 by increasing total appropriations in the General Fund by \$74,200.00 for (1) the installation of automatic doors at Kyle City Hall with an estimated cost of \$39,200.00 and (2) for the repair and or replacement of street light fixtures on Kyle Parkway/Seton Parkway with an estimated cost of \$35,000.00. <u>Related to Agenda Item Nos. 24 and 25.</u> ~ *Perwez A. Moheet, CPA, Director of Finance* 

**Other Information:** 

**Budget Information:** 

A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

Fiscal Note

Cover Memo Item # 29

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

July 2, 2013 Financial Services Perwez A. Moheet, CPA Director of Finance

#### SUBJECT:

Approve an Ordinance to amend the City's Approved Budget for Fiscal Year 2012-13 by increasing total appropriations in the General Fund by \$74,200.00 and decreasing fund balance by the same amount for (1) the installation of automatic doors at Kyle City Hall with an estimated cost of \$39,200.00 and (2) for the repair and or replacement of street light fixtures on Kyle Parkway/Seton Parkway with an estimated cost of \$35,000.00.

#### CURRENT YEAR FISCAL IMPACT:

<ol> <li>City Department:</li> </ol>	Parks & Recreation
2. Project Name:	Installation of Automatic Doors at City Hall
3. Budget/Accounting Code(s):	110-250-52124
4. Funding Source:	General Fund
5. Fund Balance:	\$ 6,564,733.00 (As of 6-21-2013, Unaudited)
6. Amount of This Action:	\$ (39,200.00)
7. Remaining Balance:	<u>\$ 6,525,533.00</u>
8. Project Name:	Street Lights on Kyle Parkway/Seton Parkway
9. Budget/Accounting Code(s):	110-133-53132
10. Funding Source:	General Fund
11. Fund Balance:	\$ 6,525,533.00 (After Automatic Doors - Unaudited)
12. Amount of This Action:	<u>\$ (35,000.00)</u>
13. Remaining Balance:	<u>\$ 6,490,533.00</u>

#### FUNDING SOURCE OF THIS ACTION:

The funding source for this budget amendment in the amount of \$74,200.00 will be provided from the fund balance of the City's General Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION: N/A.

Perwez A. Moheet, CPA Director of Finance

Date



Meeting Date: 7/2/2013 Date time: 7:00 PM

### City Managers Report

Subject/Recommendation:

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

- Discuss Date for City Council Retreat
- Discuss Starting Time for All Council Budget Workshops (6:00 p.m., 6:30 p.m., or 7:00 p.m.)
- Discuss Preliminary Budget Estimates for FY 2014 and Efforts Underway to Present a Balanced City Budget on August 1st.

**Other Information:** 

#### **Budget Information:**

Viewing Attachments Requires Adobe Acrobat. Click here to download.

#### Attachments / click to download

- DRAFT City Council Retreat Agenda
- Budget Calendar 2013-14
- 2013 Calendar



### 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



#### City of Kyle, Texas FY 2013-14 Budget Development Timeline

JANUARY 2013				
Tuesday, January 15, 2013	Strategic Planning & Finance Committee Meeting - Road Bonds			
Wednesday, January 16, 2013	Mobility Committee - Road Bonds			
Saturday, January 19, 2013	Town Hall Meeting - Road Bonds			
Thursday, January 24, 2013	TIRZ Board Meeting - Approval of 2013 GO Refunding Bond Repayment Agreements			
Saturday, January 26, 2013	Town Hall Meeting - Road Bonds			
	FEBRUARY 2013			
Tuesday, February 05, 2013	1st Quarter Financial Performance Report - City Council Meeting			
Tuesday, February 05, 2013	City's Bond Ratings Review by Standard & Poor's			
Friday, February 08, 2013	Town Hall Meeting - Road Bonds			
Tuesday, February 19, 2013	Ordinance Approved to Issue 2013 GO Refunding Bonds			
Tuesday, February 19, 2013	City's 1st Comprehensive Annual Financial Report (CAFR) Issued for FY 2012			
Tuesday, February 19, 2013	Independent Auditor's Report Issued for FY 2012			
Thursday, February 21, 2013	Distribution of Instructions to Departments for the Development of the City's 5-Year CIP, Equipment, & Personnel Plan for FY 2014 -2018			
	MARCH 2013			
Friday, March 15, 2013	Deadline for Departments to Submit Requested Information for the Development of the City's 5-Year CIP, Equipment, & Personnel Plan for FY 2014 - 2018			
Tuesday, March 19, 2013	Begin Compilation of the City's 5-Year CIP, Equipment, & Personnel Plan for FY 2014 - 2018			

APRIL 2013				
Tuesday, April 16, 2013	2nd Quarter Financial Performance Report - City Council Meeting			
Monday, April 22, 2013	Complete Compilation of the City's 5-Year CIP, Equipment, & Personnel Plan for FY 2014 - 2018			
Monday, April 29, 2013	Begin Development & Compilation of Current Year Estimates as of March 31, 2013 for FY 2013 to Determine if Budget Amendment is Necessary and to Estimate Beginning Fund Balances for FY 2014			
	MAY 2013			
Wednesday, May 01, 2013	Distribution of FY 2013 CYEs, Fee Schedules, and Instructions to Departments for the Development of FY 2013-14 Operating & Capital Budgets			
Tuesday, May 07, 2013	Review & Adoption of Budget Development Timeline by City Council			
Tuesday, May 07, 2013	City Manager Presents City's 5-Year CIP, Equipment, & Personnel Plan for FY 2014 - 2018 to City Council			
Saturday, May 11, 2013	Elections for City Council and Road Bonds			
Friday, May 24, 2013	Deadline for Departments to Submit Proposed Budgets for FY 2013-14 to Financial Services Department for Review & Compilation			
Monday, May 27, 2013	City Holiday - Memorial Day			
Tuesday, May 28, 2013	Begin Compilation and Review of Departmental Proposed Operating & Capital Budgets and Fee Schedules for FY 2013-14 by Financial Services Department staff			
	JUNE 2013			
Friday, June 14, 2013	Completion of Compilation and Review of Departmental Proposed Budgets & Fee Schedules by Financial Services Department staff			
Monday, June 17, 2013	Proposed Budget Review by City Manager (Group #1) - Administration - Communications - Human Resources - Parks and Recreation			
Tuesday, June 18, 2013	Proposed Budget Review by City Manager (Group #2) - Economic Development - Public Library - Municipal Court - Police Department			

Wednesday, June 19, 2013	Proposed Budget Review by City Manager (Group #3) - Building Inspection - Planning - Financial Services - Information Technology - Engineering - Public Works				
Thursday, June 20, 2013	Proposed Budget Review by City Manager (Group #4) - Revenue Estimates - Personnel Support Costs - Capital Improvement Projects by Fund - Debt Service - Property Tax Rates				
Saturday, June 22, 2013	City Council Retreat				
	JULY 2013				
Thursday, July 04, 2013	City Holiday - Independence Day				
Thursday, July 18, 2013	City Manager's Review & Discussion on Proposed Budget With Staff				
Thursday, July 25, 2013	Last Day for Chief Appraiser to Certify Tax Roll to Taxing Units				
Friday, July 26, 2013	City Manager's Final Review of Proposed Budget				
Wednesday, July 31, 2013	Publish Budget Notice #1: Public Hearing Dates on Budget, Rates, & Fees to be Held by City Council				
	AUGUST 2013				
Thursday, August 01, 2013	City Council Budget Work Session #1				
(Special Called Meeting)	City Manager Presents FY 2014 Budget to City Council as Required by City Charter (No later than 60 days prior to October 1st)				
	Public Hearing #1 - Proposed Budget Public Hearing #2 - Proposed Fees & Charges Public Hearing #3 - Proposed Water/Wastewater Rates Public Hearing #4 - Proposed Property Tax Rates				
	Council Vote on Proposal to Consider Tax Increase				
Wednesday, August 07, 2013	Publish Budget Notice #2: Effective and Rollback Tax Rates, Unencumbered Fund Balances, Debt Obligation Schedule, and Other Applicable Items.				
Wednesday, August 07, 2013	Publish Budget Notice #3: Two Required Public Hearings on Tax Increase				

Wednesday, August 07, 2013 City Council Budget Work Session #2 (Special Called Meeting) Public Hearing #5 - Proposed Budget Public Hearing #6 - Proposed Fees & Charges Public Hearing #7 - Proposed Water/Wastewater Rates Public Hearing #8 - Proposed Property Tax Rates Discussion/Action on Proposed Budget: - Revenue Estimates & Fund Balances - Mayor & Council - Administration - Communications - Human Resources - Information Technology - Parks and Recreation - Police Department City Council Budget Work Session #3 Public Hearing #9 - Proposed Budget Public Hearing #10 - Proposed Fees & Charges Public Hearing #11 - Proposed Water/Wastewater Rates Public Hearing #12 - Proposed Property Tax Rates Discussion/Action on Proposed Budget:

- Building Inspection
- Planning
- Economic Development
- Engineering
- Financial Services
- Municipal Court
- Public Library
- Public Library
- Public Works

City Council Budget Work Session #4

Public Hearing #13 - Proposed Budget Public Hearing #14 - Proposed Fees & Charges Public Hearing #15 - Proposed Water/Wastewater Rates Public Hearing #16 - Proposed Property Tax Rates

Discussion/Action on Proposed Budget:

- Capital Improvement Projects by Fund
- Debt Service
- Property Tax Rates

Wednesday, August 14, 2013 (Special Called Meeting)

Wednesday, August 21, 2013 (Special Called Meeting)

Tuesday, August 27, 2013 (Special Called Meeting)	City Council Budget Work Session #5 Public Hearing #17 - Proposed Budget Public Hearing #18 - Proposed Fees & Charges Public Hearing #19 - Proposed Water/Wastewater Rates <b>Public Hearing #20 - Proposed Property Tax Rates</b> Discussion/Action on Proposed Budget: - Discussion/Action on All Remaining Budget Items		
Wednesday, August 28, 2013	Publish Budget Notice #4: Tax Revenue Increase		
	SEPTEMBER 2013		
Tuesday, September 03, 2013 (Regular Meeting)	City Council Budget Work Session #6 <u>1st Reading - Budget Adoption Ordinance (Including Fees &amp; Charges,</u> and Water/Wastewater Rates		
Wednesday, September 04, 2013 (Special Called Meeting)	1st Reading - Property Tax Rate Adoption Ordinance         City Council Budget Work Session #7         2nd Reading - Budget Adoption Ordinance (Including Fees & Charges, and Water/Wastewater Rates         2nd Reading - Property Tax Rate Adoption Ordinance		
Thursday, September 19, 2013	Charter Deadline for City Council to Adopt Budget by Ordinance. (No later than 3rd Thursday of September)		
Monday, September 23, 2013	Last Day for Taxing Units to Adopt 2013 Property Tax Rate or No Later Than 60th Day After the Chief Appraiser Certifies Appraisal Roll to the Taxing Unit.		
Tuesday, October 01, 2013	1st Day of Fiscal Year 2013-14		

✓ June			~ July 201	3 ~		August ►
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	<b>2</b> City Council Meeting	3	4 Independence Day City Offices Closed	5	6
7	8	9	10	11	12	13
14	15	<b>16</b> City Council Meeting	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	Notes:		

◀ July		~ /	August 201	3 ~		September ►
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				<b>1</b> Special Called City Council Meeting (Budget Work Session #1)	2	3
4	5	<b>6</b> City Council Meeting	<b>7</b> Special Called City Council Meeting (Budget Work Session #2)	8	9	10
11	12	13	<b>14</b> Special Called City Council Meeting (Budget Work Session #3)	15	16	17
18	19	<b>20</b> City Council Meeting	<b>21</b> Special Called City Council Meeting (Budget Work Session #4)	22	23	24
25	26	<b>27</b> Special Called City Council Meeting (Budget Work Session #5)	28	29	30	31

August ~ September 2013 ~ October >						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 Labor Day City Offices Closed	<b>3</b> City Council Meeting (Budget Work Session #6)	<b>4</b> Special Called City Council Meeting (Budget Work Session #7)	5	6	7
8	9	10	11	12	13	14
15	16	<b>17</b> City Council Meeting	18	<b>19</b> Charter Deadline for City Council to Adopt Budget by Ordinance	20	21
22	23	24	25	26	27	28
29	30	Notes:				