

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 10/2/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 26th day of September, 2013 prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Regular Meeting - September 17, 2013 ~ *Amelia Sanchez, City Secretary*

[Attachments](#)

III. Citizen Comment Period With City Council

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

IV. Presentation

2. Presentation of Employee of the Month for the Month of September ~ *Lanny Lambert, City Manager*

- Genevieve Nino-Natal, Mental Health Police Officer

[Attachments](#)

3. Recognition of Dennis Bailey by the City of Kyle for serving on the Parks & Recreation Committee from April 2004 - September 2013 ~ *Kerry Urbanowicz, Director of Parks & Recreation*

[Attachments](#)

V. Proclamations

4. Proclamation of the City of Kyle, Texas Proclaiming Wednesday, October 2, 2013 as "Brandon Scawthorn Day" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

[Attachments](#)

5. Proclamation of the City of Kyle, Texas Proclaiming the Month of October 2013 as "Community Planning Month" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

6. Proclamation of the City of Kyle, Texas Proclaiming the Month of October 2013 as "Turkeys Tackling Hunger Month" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

 [Attachments](#)

VI. Appointments

7. Consideration of Nomination(s) for Appointment to the Kyle Area Youth Advisory Council ~ *Lucy Johnson, Mayor*

- Lehman High School Students (new appointments to two year terms)
- Hays High School Students (new appointments to two year terms)

 [Attachments](#)

8. Consideration of Nomination(s) for Appointment to the Library Board ~ *Lucy Johnson, Mayor*

- Barbara Pelech

 [Attachments](#)

9. Consideration of Nomination(s) for Appointment to the Planning and Zoning Commission ~ *Lucy Johnson, Mayor*

- Shane Arabie
- Irene Melendez

 [Attachments](#)

VII. Consent Agenda

10. Authorize award and execution of a Purchase Order to ALL TRADES REPAIR SERVICE of Kyle, Texas in an amount not to exceed \$4,300.00 to provide electrical service and repairs for specified City facilities during Fiscal Year 2013-14. ~ *Kerry Urbanowicz, Director of Parks & Recreation*

 [Attachments](#)

11. Authorize award and execution of a Purchase Order to CHRISTIAN BROTHERS AUTOMOTIVE of Kyle, Texas in an amount not to exceed \$13,500.00 to provide fleet vehicle service and repairs for the Parks and Recreation Department vehicles during Fiscal Year 2013-14. ~ *Kerry Urbanowicz, Director of Parks & Recreation*

 [Attachments](#)

12. Authorize award and execution of a Purchase Order to MADERO AIR & HEATING of Boerne, Texas in an amount not to exceed \$13,350.00 to provide heating, ventilation and air conditioning (HVAC) service and repairs for specified City facilities during Fiscal Year 2013-14. ~ *Kerry Urbanowicz, Director of Parks & Recreation*

 [Attachments](#)

13. *(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ADOPTING A NAMING POLICY FOR PUBLIC PLACES; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS ~ *Lanny Lambert, City Manager*

 [Attachments](#)

VIII. Consider and Possible Action

14. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 35.761 ACRES OF LAND FROM 'R-1-2' SINGLE FAMILY RESIDENTIAL-2 TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED OFF OF BUNTON LANE JUST EAST OF TWIN COVE, IN HAYS COUNTY, TEXAS. (BEAR RIVER LIMITED, LLP Z-13-012); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the rezone request.

- Public Hearing

 [Attachments](#)

15. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.2479 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED AT 400 S. BURLESON STREET, IN HAYS COUNTY, TEXAS. (TY & MONICA DAVIDSON Z-13-011); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF;

FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the rezone request.

- Public Hearing

 [Attachments](#)

16. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.24 ACRES OF LAND FROM ‘RS’ RETAIL SERVICE TO ‘R-1-T’ RESIDENTIAL TOWNHOME, ON PROPERTY LOCATED AT 101 CREEKSIDE TRAIL, IN HAYS COUNTY, TEXAS. (FISERV ISS FBO GREGORY LAHR Z-13-014); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the rezone request.

- Public Hearing

 [Attachments](#)

17. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.254 ACRES OF LAND FROM ‘R-1’ RESIDENTIAL-1 TO ‘RS’ RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 705, 709 & 711 N. OLD HWY 81, IN HAYS COUNTY, TEXAS. (KARLYN ELLIS Z-13-010); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the rezone request with the condition outlined in staff report .

- Public Hearing

 [Attachments](#)

18. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.67 ACRES OF LAND FROM ‘R-1’ SINGLE FAMILY TO ‘R-1-T’ RESIDENTIAL TOWNHOME, ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF PORTER AND COCKERHAM, IN HAYS COUNTY, TEXAS. (ALAN & SHARON LOWDEN Z-13-013); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the rezone request.

- Public Hearing

 [Attachments](#)

19. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 47.74 ACRES OF LAND FROM ‘AG’ AGRICULTURE TO A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT ‘PUD’ WITH A BASE ZONING DESIGNATION OF RETAIL SERVICES ‘RS’ AND MULTI-FAMILY RESIDENTIAL ‘R-3-3’, ON PROPERTY LOCATED AT 24800 S. IH-35 (THE PROPERTY BOUNDED BY YARRINGTON ROAD ON THE SOUTH, I-35 ACCESS ROAD ON THE EAST AND POST ROAD ON THE WEST), IN HAYS COUNTY, TEXAS. (PGI INVESTMENTS, LLC, Z-13-003); 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 5-2 to approve the rezone request with conditions listed in staff report.

- Public Hearing

 [Attachments](#)

20. Consideration and Possible Action regarding a fee waiver request for the site development application in the amount of \$1,581.92 from the Friends of the Kyle Library for their planned addition to the Library Thrift Shop ~ *Wynette Barton, President, Friends of the Kyle Library*

 [Attachments](#)

21. Consideration and Possible Action regarding the City Council Goals for 2014 ~
Lucy Johnson, Mayor

 [Attachments](#)

22. Recommendation from the Parks Committee regarding the proposal from the
YMCA of Austin ~ *Lucy Johnson, Mayor*

 [Attachments](#)

23. Consider ratifying a professional engineering services agreement with NEPTUNE-
WILKINSON ASSOCIATES INC., of Austin, Texas, to perform site development
plan and subdivision plan reviews on a time expended and charges incurred basis
at specified hourly rates as Interim City Engineer. ~ *James Earp, Assistant City
Manager*

 [Attachments](#)

24. A RESOLUTION OF THE CITY OF KYLE, TEXAS, RECOGNIZING TEXAS
STATE SENATORS DONNA CAMPBELL AND JUDITH ZAFFIRINI, AND
TEXAS STATE REPRESENTATIVE JASON ISAACS FOR THEIR SUPPORT
IN PASSING TEXAS STATE SENATE BILL 1086 (SB 1086) DURING
THE 83RD REGULAR LEGISLATIVE SESSION AND SECURING A MEANS
TO COMPEL INVESTOR OWNED UTILITIES TO PROVIDE
PROPERLY PAINTED FIRE HYDRANTS IN THE CITY OF KYLE
NEIGHBORHOODS ALLOWING FIREFIGHTERS THE ABILITY TO USE
THE APPROPRIATE HYDRANTS IN THEIR DUTY TO PROTECT KYLE'S
RESIDENTS. ~ *Jerry Hendrix, Director of Community Development*

 [Attachments](#)

25. A RESOLUTION OF THE CITY OF KYLE, TEXAS NOMINATING MIKE
FULTON TO THE HAYS COUNTY APPRAISAL DISTRICT BOARD OF
DIRECTORS IN ACCORDANCE TO § 6.07 OF THE TEXAS PROPERTY TAX
CODE; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS;
PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.
~ *Lanny Lambert, City Manager*

 [Attachments](#)

IX. City Managers Report

26. Update on Various Capital Improvement Projects, Road Projects, Building
Program, and/or General Operational Activities ~ *Lanny Lambert, City Manager*
1. Discuss City Council Goals for 2014 document
 2. Discuss 2013 TML Conference, October 8 - 11, 2013
 3. Discuss proposed calendar for hiring City Attorney
 4. Discuss City Council Workshops

- Thursday, October 3, 2013-7:00 p.m.-ESD #5 Workshop
- Thursday, October 3, 2013-8:15 p.m.-LED Sign Ordinance Workshop
- Tuesday, October 22, 2013-7:00 p.m.-Lone Star Rail Public Transit Workshop
- Tuesday, October 22, 2013-8:00 p.m.-Plum Creek PID Workshop

 [Attachments](#)

X. Executive Session

27. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.087, Deliberation Regarding Economic Development Negotiations.

 [Attachments](#)

28. Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding Economic Development Negotiations.

 [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 -
September 17, 2013

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: City Council Regular Meeting - September 17, 2013 ~ *Amelia Sanchez,*
City Secretary

Other Information: This item is for formal approval of the minutes from the September 17th Regular Meeting of the City Council, a copy of which is included with the meeting packet.

Budget Information: N/A

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

Attachments / click to download

[City Council Regular Meeting Minutes - September 17, 2013](#)

REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on September 17, 2013, at 7:00 pm at Kyle City Hall, with the following persons present:

Mayor Lucy Johnson	Robert
Mayor Pro Tem Samantha LeMense	Cindy Zezulka
Council Member Diane Hervol	Adam Zezulka
Council Member Becky Selbera	Merlin Friesenhahn
Council Member Ray Bryant	
Council Member Chad Benninghoff	
Council Member David Wilson	
Lanny Lambert, City Manager	
James Earp, Asst. City Manager	
Perwez Moheet, Finance Director	
Jerry Hendrix, Director of Communications	
Sandra Duran, HR Director	
Diana Blank, Director of Economic Development	
Kerry Urbanowicz, Director Parks and Rec	
Connie Brooks, Library Director	
Sophia Nelson, Director of Planning	
Sally Kachoris, I T Tech	
Jeff Barnett, Police Chief	
Cody Faulk, City Attorney	

CALL MEETING TO ORDER

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

ROLL CALL

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

APPROVAL OF MINUTES

CITY COUNCIL SPECIAL CALLED MEETING - AUGUST 27, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL REGULAR MEETING - SEPTEMBER 3, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL SPECIAL CALLED MEETING - SEPTEMBER 4, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL REGULAR MEETING
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CITY COUNCIL SPECIAL CALLED MEETING - SEPTEMBER 10, 2013 ~ *AMELIA SANCHEZ, CITY SECRETARY*

Council Member Hervol moved to approve the City Council Special Called Meeting minutes of August 27, 2013, the City Council Regular Meeting - September 3, 2013, the City Council Special Called Meeting of September 4, 2013, and the City Council Special Called Meeting - September 10, 2013. Council Member Bryant seconds the motion. All aye. Motion carried.

CITIZEN COMMENT PERIOD WITH CITY COUNCIL

Mayor Johnson opened the citizens comment period at 7:04 P.M. and called for comments on items not on the agenda or posted for public hearing. Robert (last name unintelligible) spoke on the proposed truck stop at Yarrington project and stated if he had know a project of this size and scope was being proposed for this area he would have thought long and hard before moving into the Blanco Vista subdivision. He stated he and his neighbors would like to see the project stopped or reduced in scope. With no one else wishing to speak Mayor Johnson closed Citizen's Comments at 7:05 P. M.

PRESENTATION

BRIEF CITY COUNCIL REGARDING THE STATUS OF THE TRAIN DEPOT RESTORATION PROJECT ~ *KATE JOHNSON, DEPOT BOARD CHAIRMAN*

Mrs. Johnson , the Depot Board Chairman, and Mr. George Wilcox with Clayton Little, provided Council with a report on the status of the Train Depot Restoration Project.

PROCLAMATIONS

PROCLAMATION OF THE CITY OF KYLE, TEXAS PROCLAIMING TUESDAY, OCTOBER 1ST, 2013 AS "NATIONAL NIGHT OUT" IN KYLE, TEXAS ~ LUCY JOHNSON, MAYOR

Mayor Johnson and Council Members present the National Night out Proclamation to Chief Barnett and Police Officers in attendance.

PROCLAMATION OF THE CITY OF KYLE, TEXAS PROCLAIMING THE MONTH OF OCTOBER 2013 AS "NATIONAL DOMESTIC AND TEEN DATING VIOLENCE AWARENESS MONTH" IN KYLE, TEXAS ~ LUCY JOHNSON, MAYOR

Mayor Johnson and Council Members present a Proclamation of the City of Kyle, Texas Proclaiming the month of October 2013 as "National Domestic and Teen Dating

Violence Awareness Month" in Kyle, Texas to representatives of the Hays County Women's shelter and the Victim Services Coordinator for the City of Kyle.

CITY COUNCIL REGULAR MEETING

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Kyle City Hall

APPOINTMENTS

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE ECONOMIC DEVELOPMENT & TOURISM COMMITTEE ~ *LUCY JOHNSON, MAYOR*

Council Member Hervol stated that the Economic Development & Tourism Committee recommended Matthew Gonzales for appointment to the Economic Development & Tourism Committee.

Mayor Johnson moved to appoint Matthew Gonzales to the ED & Tourism Committee. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE LIBRARY BOARD ~ *LUCY JOHNSON, MAYOR*

- Esperanza Orosco

Mayor Johnson moved to appoint Esperanza Orosco and re-appoint Anita Perez to the Kyle Library Board. Council Member Hervol seconds the motion. All aye. Motion carried.

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

- Gayle Meister (re-appointment)
- Brad Growt (re-appointment)
- Joe Bacon (re-appointment)
- John Atkins (re-appointment)

Mayor Johnson moved to re-appoint Gayle Meiste, Brad Growt, Joe Bacon, and John Atkins to the Mobility Committee. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE PARKS AND RECREATION COMMITTEE:

- Seat 1 - Stephanie Pool (re-appointment to full two year term)
- Seat 3 - Angie Cross (re-appointment to full two year term)
- Seat 5 - Mike Fulton (new appointment to full two year term)

- Seat 7 - Jason Barkdull (new appointment to full two year term)

CITY COUNCIL REGULAR MEETING

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Mayor Johnson moved to appoint Mike Fulton and Jason Barkdull, and to re-appoint Stephanie Pool and Angie Cross to the Parks and Recreation Committee. Council Member Wilson seconds the motion. All aye. Motion carried.

CONSIDERATION OF NOMINATION(S) FOR APPOINTMENT TO THE PLANNING AND ZONING COMMISSION ~ *LUCY JOHNSON, MAYOR*

- Mike Wilson
- Dan Ryan

Mayor Johnson moved to appoint Mike Wilson and re-appoint Dan Ryan to the Planning and Zoning Commission. Council Member Hervol seconds the motion. All aye. Motion carried.

PUBLIC HEARINGS

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF 2 TRACTS OF LAND CONSISTING OF APPROXIMATELY 1.2 ACRES OF LAND (OUT OF 3.5 ACRES), LOCATED IN HAYS COUNTY, TEXAS; WHICH IS GENERALLY LOCATED EAST OF SCOTT STREET, WEST OF SLEDGE, AND NORTH OF PARK PLACE AND CONTIGUOUS TO THE CITY LIMITS; ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:27 P. M to hear comments regarding the unilateral annexation of 2 tracts of land consisting of approximately 1.2 acres of land (out of 3.5 acres), located in Hays County, Texas; located east of Scott Street, West of Sledge and North of Park Place and contiguous to the city limits. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:27 P.M.

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 1.5 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF BEBEE ROAD, WEST OF DACY LANE, AND SOUTH WEST OF SUNFLOWER CIRCLE AND CONTIGUOUS TO THE CITY LIMITS ON FOUR SIDES ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

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Mayor Johnson opened the Public Hearing at 7:29 P. M to hear comments regarding the unilateral annexation of approximately 1.5 acres of land located in Hays County, Texas; generally located North of Bebee Road, west of Dacy Lane, and south West of Sunflower Circle and contiguous to the city limits on four sides. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:29 P.M.

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 10 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF CR 152 (ALSO KNOWN AS HEIDENREICH LANE), WEST OF STATE HIGHWAY 21, AND FRONTS ON CR 202; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:30 P. M to hear comments regarding the unilateral annexation of approximately 10 acres of land located in Hays County, Texas; generally located North of E. RR 150, East of CR 152, (also known as Heidenreich Lane), West of State Highway 21, and fronts on CR 202; As shown in the attached exhibit; Making findings of fact; Providing a severability clause; Providing and effective date; and providing for open meeting and other related matters. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:31 P.M.

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 12.254 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF E. RR 150 AND STATE HIGHWAY 21; ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:31 P. M to hear comments regarding the unilateral annexation of approximately 12.254 acres of land located in Hays County, Texas; generally located at the Southwest Corner of E. RR 150 and State Highway 21. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:31 P.M.

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 18.62 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT

THE NORTHWEST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE); ~ Sofia Nelson, Director of Planning

CITY COUNCIL REGULAR MEETING

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- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:32 P. M to hear comments regarding the unilateral annexation of approximately 18.62 acres of land located in Hays County, Texas; generally located at the Northwest Corner of 150 and CR 152, (also known as Heidenreich Lane). With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:32 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 2166.442 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED WEST OF N. OLD STAGECOACH ROAD, NORTH OF CYPRESS ROAD, AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS;

~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:33 P. M to hear comments regarding the unilateral annexation of approximately 2166.442 acres of land located in Hays County, Texas; generally located West of N. Old Stagecoach Road, North of Cypress Road, and adjacent and contiguous to the city limits. Hal Croft, Deputy Commissioner of Asset Management of the Texas General Land Office and stated that this property was owned by the State of Texas and working on a development and that the annexation would have a negative impact on that plan. With no one else wishing to speak Mayor Johnson closed the Public Hearing at 7:37 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF 9 TRACTS OF LAND CONSISTING OF APPROXIMATELY 31.8 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED ALONG ANTON DRIVE AND BOTH NORTH AND SOUTH OF BEBEE ROAD, WEST OF SUNRISE DRIVE, AND EAST OF KENSINGTON BLVD. AND CONTIGUOUS TO THE CITY LIMITS; ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:41 P. M to hear comments regarding the unilateral annexation of 9 Tracts of land consisting of approximately 31.8 acres of land, located in Hays County, Texas; generally located along Anton Drive and both North and

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South of North of Bebee Road, West of Sunrise Drive, and East of Kensington Blvd. and contiguous to the city limits. Cindy Zazulka spoke and stated that her home was the only home on Anton Dr. and that she would rather give her 1/2 cent on sales tax for services already provided, and that it would be a hardship with higher taxes and asked not to be annexed. Alan Zezulka spoke and stated that last week there was someone speaking about taking care of the city sidewalks and sewer problems in the City of Kyle and that money might be well spent fixing what is in the city and not annexations. Merlin Friesenhahn business owner of property on Beebe Road spoke and stated that he offered affordable services and employed local residents. He stated annexing would be a tax burden and he would have to increase prices and asked if Council would do a feasibility study and after the study hold public hearings. With no one else wishing to speak Mayor Johnson closed the Public Hearing at 7:49 P.M.

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 32.3 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED SOUTH OF WINDY HILL ROAD, WEST OF PARK SOUTH DRIVE AND CONTIGUOUS TO THE CITY LIMITS ON TWO SIDES; ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:49 P. M to hear comments regarding the unilateral annexation of approximately 32.3 acres of land located in Hays County, Texas; generally located at the South of Windy Hill Road, West of Park South Drive , and contiguous to the city limits on two sides. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:49 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 35 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF WINDY HILL ROAD, WEST OF DACY LANE AND CONTIGUOUS TO THE CITY LIMITS. ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:50 P. M to hear comments regarding the unilateral annexation of approximately 35 acres of land located in Hays County, Texas; generally located at the North of Windy Hill Road, West of Dacy Lane , and contiguous to the city limits. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:50 P.M

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SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 375 ACRES OF LAND (OUT OF THE APPROXIMATELY 696 ACRE TRACT), LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE);
 ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:51 P. M to hear comments regarding the unilateral annexation of approximately 375 acres of land (out of the approximately 696 acre tract) located in Hays County, Texas; generally located at the Northeast corner of E RR 150 and CR 152 (also know as Heidenreich Lane). Adam Moore spoke stating he was with Walton and that he wanted to inform the Mayor and Council that they were currently working with city staff on a voluntary annexation and submitting it to staff by the October deadline. With no one else wishing to speak Mayor Johnson closed the Public Hearing at 7:52 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 45.716 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF HEINDENRICH LANE AND WEST OF STATE HIGHWAY 21;
 ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:52 P. M to hear comments regarding the unilateral annexation of approximately 45.716 acres of land located in Hays County, Texas; generally located at North of E RR 150, East Heidenreich Lane and West of State Highway 21. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:52 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF 19 TRACTS OF LAND CONSISTING OF APPROXIMATELY 70 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED SOUTH OF GOFORTH RD/BEBEE RD AND BOTH EAST AND WEST SIDES OF GOFORTH AND CONTIGUOUS TO THE CITY LIMITS; ~ *Sofia Nelson, Director of Planning*

- Second Public Hearing

CITY COUNCIL REGULAR MEETING

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Kyle City Hall

Mayor Johnson opened the Public Hearing at 7:53 P. M to hear comments regarding the unilateral annexation of 19 tracts of land consisting of approximately 70 acres of land, located in Hays County, Texas; generally located South of Goforth Rd/Beebe Rd and both East and West sides of Goforth and contiguous to the city limits. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:53 P.M

SECOND PUBLIC HEARING AND COMMENTARY REGARDING THE UNILATERAL ANNEXATION OF APPROXIMATELY 98.930 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF CR 152 (ALSO KNOWN AS HEIDENREICH LANE), WEST OF STATE HIGHWAY 21, AND ADJACENT TO CR 202; ~ *Sofia Nelson, Director of Plannin*

- Second Public Hearing

Mayor Johnson opened the Public Hearing at 7:54 P. M to hear comments regarding the unilateral annexation of approximately 98.930 acres of land located in Hays County, Texas; generally located at North of E RR 150, East of CR 152 (also know as Heidenreich Lane) and West of State Highway21. With no one wishing to speak Mayor Johnson closed the Public Hearing at 7:54 P.M

CONSENT AGENDA

AUTHORIZE AMENDMENT NUMBER 3 TO THE 12-MONTH LEASE AGREEMENT WITH COWBOY HARLEY-DAVIDSON OF AUSTIN, TEXAS, TO RENEW FOR ANOTHER 12-MONTH TERM FROM OCTOBER 1, 2013 TO SEPTEMBER 30, 2014 IN AN AMOUNT NOT TO EXCEED \$1,170.00 PER MONTH OR \$14,040.00 FOR TOTAL LEASE PAYMENTS DUE IN FY 2013-14 FOR THREE (3) FLHP ROAD KING HARLEY-DAVIDSON POLICE MOTORCYCLES FOR THE POLICE DEPARTMENT. ~ JEFF BARNETT, CHIEF OF POLICE

AUTHORIZE AWARD AND EXECUTION OF A PURCHASE ORDER TO WORKPLACE RESOURCE, AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$2,288.52 TO ACQUIRE THREE (3) CHAIRS FOR THE KYLE POLICE DEPARTMENT. ~ JEFF BARNETT, CHIEF OF POLICE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$76,213 FROM THE OFFICE OF THE GOVERNOR, DJ-EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, TO FUND THE CITY OF KYLE, FULL-TIME MENTAL HEALTH OFFICER POSITION FOR FY2014,

ENDING SEPTEMBER 30, 2014 ~ JOSHUA MORENO, GRANTS ADMINISTRATOR

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 10

Kyle City Hall

(SECOND READING) CONSIDER APPROVING AN ORDINANCE TO AMEND THE CITY'S APPROVED BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2013 BY INCREASING TOTAL APPROPRIATIONS IN THE GENERAL FUND BY \$12,500.00 FOR SURVEY OF VARIOUS PARCELS BEING CONSIDERED IN THE 2013 ANNEXATION PLAN. ~ PERWEZ A. MOHEET, CPA, DIRECTOR OF FINANCE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING OVERLOOK AT PLUM CREEK SUBDIVISION IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING WHICH THIS RESOLUTION IS PASSED WAS NOTICES AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ JAMES EARP, ASSISTANT CITY MANAGER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING WATERLEAF PHASE B SECTION 5 SUBDIVISION IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ JAMES EARP, ASSISTANT CITY MANAGER

Council Member Hervol moved to approve Consent Agenda Item # **26** ~ Authorize amendment number 3 to the 12-month lease agreement with COWBOY HARLEY-DAVIDSON OF AUSTIN, TEXAS, to renew for another 12-month term from October 1, 2013 to September 30, 2014 in an amount not to exceed \$1,170.00 per month or \$14,040.00 for total lease payments due in FY 2013-14 for three (3) FLHP Road King Harley-Davidson police motorcycles for the Police Department; **Item # 27** ~ Authorize award and execution of a Purchase Order to WORKPLACE RESOURCE, Austin, Texas, in an amount not to exceed \$2,288.52 to acquire three (3) chairs for the Kyle Police Department; **Item # 28** ~ A Resolution of the City Council of the City of Kyle, Texas, authorizing the acceptance of a grant award in the amount of \$76,213. from the office of the Governor, DJ-Edward Byrne Memorial Justice Assistance Grant Program, to fund the City of Kyle full time Mental Health Officer position for FY2014, ending September 30, 2014; **Item #29** ~ *(Second Reading)* Consider approving an Ordinance to amend the City's approved Budget for Fiscal Year ending September 30, 2013 by increasing total appropriations in the General Fund by \$12,500.00 for survey of various parcels being considered in the 2013 annexation plan; **Item #30** ~ A Resolution of the City Council of the City of Kyle, Texas, accepting Overlook at Plum Creek Subdivision improvements; finding and determining that the meeting which this Resolution is passed was noticed and is open to the public as required by law; **Item #31** ~ A Resolution of the City Council of the City of Kyle, Texas, accepting Waterleaf Phase B Section 5 Subdivision

improvements ; finding and determining that the meeting which this Resolution is passed was noticed and is open to the public as required by law. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 11

Kyle City Hall

CONSIDER AND POSSIBLE ACTION

RECONSIDERATION AND POSSIBLE ACTION AS MAY BE REQUIRED IN REGARDS TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KYLE AND THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #5 (DBA KYLE FIRE) FOR THE ALLOCATION OF SALES TAX REVENUE, RENT, AND OTHER FINANCIAL CONSIDERATIONS ~ *DIANE HERVOL, COUNCIL MEMBER DISTRICT 1*

Mayor Johnson asked representatives of the ESD#5 to come forward and help Council decide on a date for a workshop for an Interlocal Agreement between the City of Kyle and the Hays County Emergency Services District #5 (dba Kyle Fire) for the Allocation of Sales Tax Revenue, Rent, and other Financial Considerations. October 3rd was decided for the workshop.

A RESOLUTION OF THE CITY OF KYLE, TEXAS, RESPONDING TO THE REQUEST BY MONARCH UTILITIES I, L.P. TO INCREASE WATER RATES ON A SYSTEMWIDE BASIS BY 14.4 PERCENT; AUTHORIZING THE SUSPENSION OF RATES FOR NINETY DAYS FROM THE EFFECTIVE DATE; AUTHORIZING THE PARTICIPATION WITH A COALITION OF CITIES; AUTHORIZING THE HIRING OF SPECIAL COUNSEL; DIRECTING SPECIAL COUNSEL TO SEEK PROMPT REIMBURSEMENT OF RATE CASE EXPENSES FROM MONARCH; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE. ~ *Jerry Hendrix, Director of Community Development*

Council Member Hervol moved to approve a Resolution of the City of Kyle, Texas, responding to the request by Monarch Utilities I, L.P. to increase water rates on a system wide basis by 14.4 percent; Authorizing the suspension of rates for ninety days from the effective date; Authorizing the participation with a Coalition of Cities; authorizing the hiring of Special Counsel; Directing Special Counsel to seek prompt reimbursement of rate case expenses from Monarch; Determining that the meeting at which this Resolution was adopted complied with the Texas Open Meetings Act; Making such other findings and Provisions related to the subject and Declaring an effective date. Mayor Pro Tem LeMense seconds the motion. All Aye. Motion carried.

CITY COUNCIL REGULAR MEETING

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Kyle City Hall

A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING REQUEST FOR QUALIFICATION FOR PROFESSIONAL SERVICES FOR AN ACCESSIBILITY AUDIT OF CERTAIN FACILITIES AND PROPERTIES FOR THE CITY OF KYLE AS FURTHER DESCRIBED IN ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~*Kerry Urbanowicz - C.P.S.M. Director of Parks, Recreation & Facilities*

Council Member Hervol moved to direct staff to being the RFQ process and Approve A Resolution of the City of Kyle, Texas, Authorizing Request For Qualification for Professional Services for an Accessibility Audit of certain facilities and properties for the City of Kyle. Mayor Pro Tem LeMense seconds the motion. All aye. Motion carried.

AUTHORIZE THE EXECUTION OF AMENDMENT NUMBER 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RPS ESPEY CONSUTANTS, INC., IN AN AMOUNT NOT TO EXCEED \$273,257.00 INCREASING THE TOTAL CONTRACT AMOUNT FROM \$374,419.00 TO \$647,676.00 FOR DESIGN SERVICES ASSOCIATED WITH THE ELLIOTT BRANCH WASTEWATER INTERCEPTOR SEGMENT OF THE SOUTHSIDE WASTEWATER IMPROVEMENTS PROJECT. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Council Member Hervol moved to approve and Authorize the execution of Amendment Number 2 to the professional services agreement with RPS ESPEY CONSUTANTS, INC., in an amount not to exceed \$273,257.00 increasing the total contract amount from \$374,419.00 to \$647,676.00 for design services associated with the Elliott Branch Wastewater Interceptor segment of the Southside Wastewater Improvements project. Council Member Selbera seconds the motion. All aye. Motion carried.

RECONSIDER APPROVAL OF ROUNDABOUT RECOMMENDATION TO TXDOT REGARDING INTERSECTION OF FM 1626 AND KOHLER'S CROSSING ~ *SAMANTHA LEMENSE, MAYOR PRO TEM; DIANE HERVOL, COUNCIL MEMBER DISTRICT 1; RAY BRYANT, COUNCIL MEMBER DISTRICT 6*

Council Member Hervol move to table Reconsideration Approval of Roundabout recommendation to TXDOT regarding Intersection of FM 1626 and Kohler's Crossing until results of the warrant study are completed in November. Council Member Benninghoff seconds the motion. All aye. Motion carried.

Mayor Pro Tem LeMense leaves the meeting at 8:43 P.M. due to illness.

CONSIDERATION AND POSSIBLE ACTION ON THE FUTURE CARTS PROGRAM IN KYLE ~ *LANNY LAMBERT, CITY MANAGER*

CITY COUNCIL REGULAR MEETING

September 17, 2013 – Page 13

Kyle City Hall

Mayor Johnson moved to authorize a letter be sent to Capital Metro requesting the 5307 Funds to continue service with CARTS on a monthly basis. Council Member Wilson seconds the motion. Mayor Johnson asked for a roll call vote. Council Member Hervol votes aye, Council Member Selbera votes aye, Mayor Johnson votes aye, Council Member Bryant votes nay, Council Member Benninghoff votes nay, Council Member Wilson votes aye. Motion carried 4-2.

Mayor Johnson opens the next 2 agenda items:

FILL VACANCY ON HAYS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE REMAINING 2013 TERM OF OFFICE ~ *LANNY LAMBERT, CITY MANAGER*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, NOMINATING A CANDIDATE FOR THE BOARD OF DIRECTORS OF THE HAYS CENTRAL APPRAISAL DISTRICT; AND DECLARING AN EFFECTIVE DATE ~ *Lanny Lambert, City Manager*

Council Member Hervol moves to approve a Resolution of the City Council of the City of Kyle, Texas, nominating Abel Tenorio as candidate for the Board of Directors for the Hays Central Appraisal District; and declaring an effective date. Council member Selbera seconds the motion. All aye. Motion carried.

FILL VACANCY ON HAYS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE REMAINING 2013 TERM OF OFFICE ~ *LANNY LAMBERT, CITY MANAGER*

Council Member Benninghoff moves to nominate Mike Fulton to fill vacancy on Hays Central Appraisal District Board of Directors for the remaining 2013 term of office. Council member Selbera seconds the motion. All aye. Motion carried.

AUTHORIZE THE EXECUTION OF MEMO OF UNDERSTANDING FOR MAGISTRATE SERVICES BY THE CITY OF KYLE FOR THE HAYS COUNTY JAIL ~ *LANNY LAMBERT, CITY MANAGER*

Council Member Benninghoff moved to table Memo of Understanding for Magistrate Services by the City of Kyle for the Hays County Jail until city staff finds out whether Buda Municipal Judges are performing their duties, whether there is a JP performing their duties in the County and clarification from Hays County about time commitment of how many times our Judges perform their duties. Council Member Hervol seconds the motion. All aye. Motion carried.

CITY COUNCIL REGULAR MEETING
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 Kyle City Hall

(First Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ADOPTING A NAMING POLICY FOR PUBLIC PLACES; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS ~ *Lanny Lambert, City Manager*

Council Member Wilson move to approve (First Reading) An Ordinance of the City of Kyle, Texas, adopting a Naming Policy for Public Places. Council Member Bryant seconds the motion. All 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 City Council Retreat document
2. Discuss status of Southside Wastewater Improvements Easement Acquisitions
3. Discuss Plum Creek PID - Kyle City Council Workshop
4. Discuss LED Sign Ordinance
5. Discuss Lone Star Rail/Public Transit
6. Meet with ESD #5

City Manager Lanny Lambert talked about a Citizen is the Boss Campaign that he had told the employees about back in May with a \$1000. prize for the best customer service recognized by citizens, and that the Police Department had won due to actions by four of the Officers to try to help a child with a terminal illness.

Lanny Lambert stated that before them were documents from the Council retreat and he would like for Council to provide goals for 2014 -2015 after going over with the Mayor.

He also informed Council that he had many questions on the Southside Wastewater project and why it was taking so long, and that this was due to the time obtaining the easements.

Council discussed and decided to schedule workshops on October 3rd for the ESD 5 at 7:00 P.M. and LED Sign Ordinance at 8:15 P.M., and October 22nd for a workshop for the Lone Star Rail/Public Transit at 7:00 P. M. and Plum Creek PID at 8:15 P.M.

EXECUTIVE SESSION

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEX. GOV'T CODE AND SECTION 1.05, TEX. DISCIPLINARY RULES OF PROFESSIONAL CONDUCT TO CONSULT WITH LEGAL COUNSEL

REGARDING LEGAL ISSUES RELATED TO THE MEET AND CONFER AGREEMENT, NEGOTIATIONS AND PROCESS

CITY COUNCIL REGULAR MEETING

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Kyle City Hall

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEX. GOV'T CODE, CONSULTATION WITH CITY ATTORNEY REGARDING THE EMERGENCY MEDICAL SERVICES CONTRACT

CONVENE INTO EXECUTIVE SESSION PURSUANT TO TEX. GOV'T. CODE, § 551.074 TO DISCUSS THE RENEWAL OF THE CITY MANAGER CONTRACT

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEX. GOV'T CODE, CONSULTATION WITH CITY ATTORNEY AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY.

Mayor Johnson moved to Convene into Executive Session at 9:39 P.M. pursuant to Section 551.071, Tex. Gov't Code and Section 1.05, Tex. Disciplinary Rules of Professional Conduct to consult with legal counsel regarding legal issues related to the Meet and Confer Agreement, negotiations and process; Convene into Executive Session pursuant to Section 551.071, Tex. Gov't Code, Consultation with City Attorney regarding the Emergency Medical Services contract; Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.074 to discuss the renewal of the City Manager contract; Convene into Executive Session pursuant to Section 551.072, Tex. Gov't Code, Consultation with City Attorney and deliberation regarding the purchase, exchange, lease, or value of real property

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

RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEMED APPROPRIATE IN THE CITY COUNCIL'S DISCRETION REGARDING THE MEET AND CONFER AGREEMENT, NEGOTIATIONS AND PROCESS

RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEMED APPROPRIATE IN THE CITY COUNCIL'S DISCRETION REGARDING THE EMERGENCY MEDICAL SERVICES CONTRACT

RECONVENE INTO PUBLIC SESSION AND TAKE ACTION AS APPROPRIATE REGARDING THE RENEWAL OF THE CITY MANAGER CONTRACT

RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEMED APPROPRIATE IN THE CITY COUNCIL'S DISCRETION REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

CITY COUNCIL REGULAR MEETING
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Mayor Johnson moved to Reconvene into Open Session at 10:51 P.M. to take action as deemed appropriate in the City Council's discretion regarding the Meet and Confer Agreement, negotiations and process; Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding the Emergency Medical Services contract; Reconvene into Public Session and take action as appropriate regarding the renewal of the City Manager contract; Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding the purchase, exchange, lease, or value of real property.

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

Mayor Johnson stated that no action was taken during Executive Session, but action would be taken now under item #42.

CONSIDERATION AND POSSIBLE ACTION AS MAY BE APPROPRIATE IN REGARDS TO RATIFYING THE CITY OF KYLE AND KYLE POLICE ASSOCIATION MEET AND CONFER AGREEMENT AND DIRECTING THE CITY MANAGER TO EXECUTE SAID AGREEMENT. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Mayor Johnson moved to approve ratifying the City of Kyle and Kyle Police Association Meet and Confer Agreement and directing the City Manager to execute said agreement. Council Member Hervol seconds the motion. Motion carried 5-1 with Council Member Benninghoff voting nay.

ADJOURN

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

The City Council meeting adjourned at 10:53 P M.

Lucy Johnson, Mayor

Amelia Sanchez, City Secretary



CITY OF KYLE, TEXAS

Employee of the Month

Meeting Date: 10/2/2013
Date time: 7:00 PM

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

- Genevieve Nino-Natal, Mental Health Police Officer

Other Information:

Budget Information:

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 [Genevieve Nino-Natal](#)



G. NINO NATAL



Item # 2



CITY OF KYLE, TEXAS

Dennis Bailey

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Recognition of Dennis Bailey by the City of Kyle for serving on the Parks & Recreation Committee from April 2004 - September 2013 ~ *Kerry Urbanowicz, Director of Parks & Recreation*

Other Information:

Budget Information:

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CITY OF KYLE, TEXAS

Brandon Scawthorn Proclamation

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Proclamation of the City of Kyle, Texas Proclaiming Wednesday, October 2, 2013 as "Brandon Scawthorn Day" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

Other Information:

Budget Information:

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[Brandon Scawthorn Proclamation](#)

City of Kyle



City Council Proclamation

WHEREAS, The City Of Kyle, Texas would like to recognize the culinary talents of ten year old **Brandon Scawthorn** a native of the City of Kyle and son of Kevin and Yelena Scawthorn; and, Attachment Number 1 \nPage 1

WHEREAS, Brandon Scawthorn has been cooking in the kitchen with mother Yelena since he was three years old, honing his culinary skills; and,

WHEREAS, Brandon's skills and abilities has earned him a spot in the Food Network television culinary challenge series, *Rachel Ray vs. Guy: Kids Cook-Off*, and his manners have earned him the nickname "The Texas Gentleman"; and,

WHEREAS, eight contestants are put on two teams; Team Rachel and Team Guy, where they will compete against each other for the best entrée, testing their culinary know-how; and,

WHEREAS, Contestants are graded on their entrées and given a report card, where the highest grade for each challenge earns a prize; and,

WHEREAS, the contestant with the best report card will win the grand prize of their own Food Network web series; and,

WHEREAS, Brandon will be competing in the challenge, representing the great City Of Kyle, Texas, displaying his skills in the culinary arts; and,

WHEREAS, Brandon is not only an accomplished kid- chef, but also an accomplished Moto- Cross, Race Karts and Bandolero racer and distinguished STEM (Science, Technology, Engineering and Math) student.

NOW THEREFORE, the City Council of the City of Kyle, Texas, does hereby proclaim Wednesday, October 2nd, 2013, as

"BRANDON SCAWTHORN DAY"

in Kyle, Texas.

FURTHERMORE, I, Mayor Lucy Johnson, along with the City of Kyle City Council, encourage the Citizens of the City of Kyle, to recognize and congratulate Brandon Scawthorn of Kyle, Texas, for his achievements.

SIGNED AND ENTERED THIS 2nd DAY OF OCTOBER, 2013

Lucy Johnson, Mayor

Diane Hervol, Council District 1

Samantha LeMense, Mayor Pro Tem

Becky Selbera, Council District 2

Chad Benninghoff, Council District 3

David Wilson, Council District 4

Ray Bryant, Council District 6

Item # 4



CITY OF KYLE, TEXAS

Community Planning Month Proclamation

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Proclamation of the City of Kyle, Texas Proclaiming the Month of October 2013 as "Community Planning Month" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

Other Information:

Budget Information:

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[Community Planning Month Proclamation, 10-2-13](#)

City of Kyle



City Council Proclamation

WHEREAS, change is constant and affects all cities, towns, suburbs and counties; and

Attachment number 1 \nPage 1

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of the planning commission, long range planning committee and parks advisory committee, and other citizen planners who have contributed their time and expertise to the improvement of City of Kyle and

WHEREAS, We recognize the many valuable contributions made by professional community and regional planners of the State of Texas, Hays County, and the City of Kyle and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED THAT, the month of October 2013 is hereby designated as

"Community Planning Month"

in Kyle, Texas in conjunction with the celebration of National Community Planning Month.

SIGNED AND ENTERED THIS 2ND DAY OF OCTOBER, 2013

Lucy Johnson, Mayor

Diane Hervol, Council District 1

Samantha LeMense, Mayor Pro Tem

Becky Selbera, Council District 2

Chad Benninghoff, Council District 3

David Wilson, Council District 4

Ray Bryant, Council District 6



CITY OF KYLE, TEXAS

Turkeys Tackling Hunger Month Proclamation

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Proclamation of the City of Kyle, Texas Proclaiming the Month of October 2013 as "Turkeys Tackling Hunger Month" in the City of Kyle, Texas ~ *Lucy Johnson, Mayor*

Other Information:

Budget Information:

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[Turkeys Tackling Hunger Proclamation, 10-2-13](#)

City of Kyle



City Council Proclamation

WHEREAS, the Hays County Food Bank represents a county-wide effort to provide nutritious food to families dealing with food insecurity and served more than 18,000 Hays County residents last year, and

WHEREAS, in 2012 the Food Bank provided turkeys and the fixings for a special home-cooked Thanksgiving meal to 2,924 families in need; feeding more than 11,100 people, and

WHEREAS, 3,120 of those people resided in the greater Kyle area, and

WHEREAS, the Hays County Food Bank is launching its annual effort to raise enough money to assist at least 3000 families this Thanksgiving through their annual *Turkeys Tackling Hunger* campaign

WHEREBY, citizens can sponsor a family for Thanksgiving for just \$20 from October through November 30, in cooperation with Kyle area businesses, churches and civic organizations;

WHEREAS, the City of Kyle wishes to demonstrate our support for the important work accomplished throughout the year by the Hays County Food Bank in reaching out to neighbors who need a helping hand in our community;

NOW, THEREFORE, I, Lucy Johnson, Mayor of the City of Kyle, by virtue of the authority vested in me, do hereby proclaim the month of October 2013 as

"TURKEYS TACKLING HUNGER MONTH"

and call upon the people of Kyle to support and participate in this worthwhile project by helping feed less fortunate families and individuals in the Kyle area and throughout Hays County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Kyle, Texas, this 2nd day of October, 2013

Lucy Johnson, Mayor

Diane Hervol, Council District 1

Samantha LeMense, Mayor Pro Tem

Becky Selbera, Council District 2

Chad Benninghoff, Council District 3

David Wilson, Council District 4

Ray Bryant, Council District 6 Item # 6



CITY OF KYLE, TEXAS

Kyle Area Youth Advisory Council Appointments

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration of Nomination(s) for Appointment to the Kyle Area Youth Advisory Council ~ *Lucy Johnson, Mayor*

- Lehman High School Students (new appointments to two year terms)
- Hays High School Students (new appointments to two year terms)

Other Information:

Budget Information:

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[📄 Kyle Area Youth Advisory Council Resolution](#)

Cover Memo

Item # 7

RESOLUTION NO. 806

A RESOLUTION OF THE CITY OF KYLE, TEXAS, ESTABLISHING THE KYLE AREA YOUTH ADVISORY COUNCIL AS FURTHER DESCRIBED IN ATTACHED EXHIBITS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City of Kyle wishes to create and support the Kyle Area Youth Advisory Council so that issues important and concerning the youth in our community can be brought to the attention of City Departments, Committees, Commissions and/or Council; and

Whereas, the Kyle Parks Department is assigned to establish, organize and be a liaison for the Kyle Area Youth Advisory Council;

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

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

Section 2. Authorization. The Kyle City Council, Kyle, Texas, hereby adopts the attached exhibit establishing the Kyle Area Youth Advisory Council and authorizes the Community Relations Committee to work with and Parks and Recreation Department staff to establish, organize and be a liaison to the Kyle Area Youth Advisory Council.

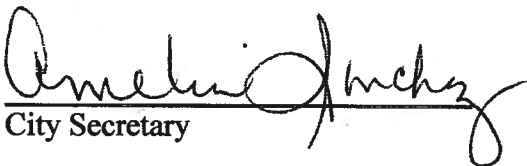
Section 3. Effective Date. This Resolution shall take effect from and after the date of its passage as authorized by the Charter of the City of Kyle.

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

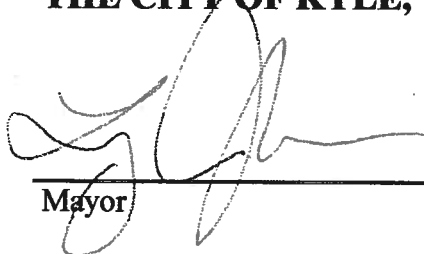
FINALLY PASSED AND APPROVED on this the 17th day of July, 2012.

Attest:

THE CITY OF KYLE, TEXAS



City Secretary



Mayor

Kyle Area Youth Advisory Council

Purpose of Creation

This committee is being created as an eight (8) member committee that will consist of one Freshman, Sophomore, Junior and Senior class representative from each of the two high schools, Hays and Lehman that reside in the city limits of Kyle. This committee shall be known as the Kyle Area Youth Advisory Council (KAYAC)

This committee shall be advisory in nature and is being created for the purpose of providing a youthful viewpoint for the Kyle City Council on community affairs and issues. This commission shall provide the opportunity for youth in the city a formal role in the city's decision making process by hearing items and advising council on the youth perspective.

Powers and Duties

The KAYAC shall be instilled with the following powers and duties:

1. Assist and advise the city council on city youth issues
2. Conduct surveys and determine the concerns and interests of youth of Kyle
3. Encourage the initiation of programs of general interest to youth
4. Encourage youth leadership and responsibility through volunteerism and community involvement
5. Enlist the cooperation of all segments of the community in being more responsive to the youth community
6. Look for ways to promote understanding, respect and community involvement among youth of all cultures and backgrounds

KAYAC shall have no executive or administrative powers or authorities except as herein provided.

Member Qualifications

The KAYAC will consist of eight (8) primary members and eight (8) alternate members composed of students from each grades Freshman through Senior that are residents of Kyle. High schools represented by youth on the committee will be Hays and Lehman. If a primary committee member is unable to attend a scheduled meeting the alternate member will be contacted to fill the vacancy for the assigned meeting.

Appointment and Terms

The KAYAC members representing each of the schools will be selected by the principal or the principal's designee of their respective campuses. The principal or principal's designee shall submit the nominees for the primary and alternate members to the KAYAC liaison no later than the third Friday in September of the year their respective campus has a vacancy. The nominee will be ratified by the city council.

Each member of the KAYAC other than Senior can serve up to a two-year term.

Each member term automatically expires three (3) months after graduation.

The Parks and Recreation Department will assign a city staff to serve as staff liaison to the KAYAC.

Removal

Members of the KAYAC may be removed from office for cause by a majority of the city council. Grounds for removal include failure to satisfy the qualifications set forth in the powers and duties; substantial neglect of duty; gross misconduct in office; or violations of any provision of the city's code of ethics.



CITY OF KYLE, TEXAS

Library Board Appointment

Meeting Date: 10/2/2013
Date time: 7:00 PM

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

- Barbara Pelech

Other Information:

Budget Information: N/A

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

Attachments / click to download

- [Library Board Recommendation to Council](#)
 - [Barbara Pelech Committee Application](#)
-

Kyle Public Library

P.O. Box 2349
550 Scott St., Kyle, TX 78640

September 17, 2013

Dear Mayor Johnson:

The Kyle Public Library Board currently has an open seat. One of our Board members, Charlotte Towles, is moving out of state and has resigned. The Library Board would like to recommend that Barbara Pelech fill the vacant seat. Barbara has previously served on city committees, and the Board members feel she would be an asset to the library board. Her application is attached.

Thank you for giving our Library Board the opportunity to make this recommendation.

Sincerely,
Kathy Ryan
Kyle Library Board



INFORMATION STATEMENT AND COMMITTEE APPLICATION

RECEIVED
JUL 29 2010

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

NAME: <i>Barbara Pelech</i>	TELEPHONE: <i>268-2517</i>
ADDRESS: <i>239 Masonwood Dr. Kyle, TX 78640</i>	EMAIL: <i>bkp@austin.rr.com</i>
SUBDIVISION: <i>The TRAILS</i>	CURRENT OCCUPATION: <i>RETIRED</i>

COMMITTEES YOU ARE INTERESTED IN (rank by preference):

- 1) *Community Relations*
- 2) *Library Board*
- 3) *Park & Recreation*

PROFESSIONAL / EDUCATION / WORK BACKGROUND

Retired - Contract Specialist for Gov, FAA. I had 30 years of experience in handling over 140 contracts, construction & service type & responsible for over 6 States. Excellent communication and administrative skills. I consider myself to be very well organized & a people person.

LIST ANY COMMUNITY / COMMITTEE INVOLVEMENT:

City Leadership member, a volunteer for Seaton Hays & CTMC Hospice. Actively involved in KASZ as culinary chair for 4 1/2 yrs.

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

Excellent communication & administrative skills for any of the committees I've listed above. I have an active interest in Kyle & the community & want to be involved.

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 5 YEARS. ARE YOU REGISTERED TO VOTE IN THE CITY OF KYLE? YES NO

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

Signature of Applicant *Barbara Pelech* Date *July 27, 2010*



CITY OF KYLE, TEXAS

P&Z Appointments

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration of Nomination(s) for Appointment to the Planning and Zoning Commission ~ *Lucy Johnson, Mayor*

- Shane Arabie
- Irene Melendez

Other Information: N/A

Budget Information: N/A

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

Attachments / click to download

[Shane Arabie Committee Application](#)

[Irene Melendez Committee Application](#)



Grace Nino <gracenino@cityofkyle.com>

City of Kyle Texas Website submission: Committee Volunteer Application

City of Kyle Texas <webmaster@cityofkyle.com>

Tue, Sep 17, 2013 at 11:14 PM

To: gracenino@cityofkyle.com

Submitted on Tuesday, September 17, 2013 - 23:14

Submitted by anonymous user: [24.28.9.13]

Submitted values are:

Name: shane arabie

Address: 221 mcgarity

E-Mail: sarabie3@gmail.comBest Phone Number to Reach You: [512-775-9823](tel:512-775-9823)

Sub Division: plum creek

Committees you are interested in:

charter review

ethics

civil service

Professional, Education and Work Background:

USMC ret

lab supervisor engineering technology Texas state university

Previous or Current Community/Committee Involvements: planning and zoning

Special Knowledge or Experience: commercial construction

How long have you been a Kyle resident? 11 years

Today's Date: 2013-09-17

Other Comments:

Item # 9

RECEIVED
SEP 24 2013



INFORMATION STATEMENT AND COMMITTEE APPLICATION

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

NAME: Irene G. Melendez	TELEPHONE: 512-738-6796
ADDRESS: 205 Barrera St. (P.O. Box 846) Kyle, TX 78640	EMAIL: imelendezI@austin.rr.com
SUBDIVISION: Jose Addition	CURRENT OCCUPATION: A/P. Market Manager - Broadway Bank

COMMITTEES YOU ARE INTERESTED IN (rank by preference):

- 1) Planning + Zoning
- 2)
- 3)
- 4)

PROFESSIONAL / EDUCATION / WORK BACKGROUND

Graduated from Hays High School in 1987
 Attended some college @ ACC + Southwest Texas State
 Began my Banking Career in 1989 @ Kyle State Bank.

LIST ANY COMMUNITY / COMMITTEE INVOLVEMENT:

St. Anthony's - Fiesta + A. C. T. S. Core Team Committees.
 MCISD - 40 Developmental Assets Committee
 Kyle - Bud's Chambers - Most recently an Ambassador for BACC

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

I have lived and worked in Kyle my entire life. I have been witness to many changes within our community. I feel that my knowledge of both the community and area businesses, gives me an insight as to what the future of Kyle should look like.

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 44 YEARS. ARE YOU REGISTERED TO VOTE IN THE CITY OF KYLE? YES NO

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

Signature of Applicant Irene G. Melendez Date 9-24-13



CITY OF KYLE, TEXAS

Meeting Date: 10/2/2013
Date time: 7:00 PM

Electrical Services

Subject/Recommendation: Authorize award and execution of a Purchase Order to ALL TRADES REPAIR SERVICE of Kyle, Texas in an amount not to exceed \$4,300.00 to provide electrical service and repairs for specified City facilities during Fiscal Year 2013-14. ~ *Kerry Urbanowicz, Director of Parks & Recreation*

Other Information: Based on the scoring matrix that was published in the RFP that weighed service visits, labor and parts for repairs and based on the references, staff recommends the proposal submitted by All Trades Repair Services from Kyle, Texas, be accepted to process a purchase order for electrical services and repairs services. This proposal is for 3 years with Purchase Order being authorized each fiscal year.

Attached is the Electrical Services RFP that was posted, the Electrical Services Responses and the Electrical Services Scoring.

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

- [Electrical Services RFP](#)
- [Electrical Services Responses](#)
- [Electrical Services Scoring](#)
- [Fiscal Note](#)



CITY OF KYLE, TEXAS
REQUESTS FOR PROPOSAL (RFP)
GENERAL ELECTRICAL SERVICES: RFP-2014-03-PARD

**SPECIFICATIONS AND GENERAL PROPOSAL REQUIREMENTS FOR GENERAL
ELECTRICAL MAINTENANCE & REPAIR SERVICES FOR THE CITY OF KYLE**

NOTICE TO RESPONDERS:

The City of Kyle is accepting sealed proposals to provide general electrical maintenance and repairs for all city facilities and properties as stated in this RFP and posted on our website: www.cityofkyle.com. Sealed proposals marked **GENERAL ELECTRICAL SERVICES: RFP-2014-03-PARD** are to be submitted to:

Kerry Urbanowicz
Director of Parks, Recreation & Facilities
City of Kyle
700 Lehman Rd
Kyle, Texas 78640
(512) 262-3934

REQUEST FOR PROPOSAL DEADLINE:
2:00PM, WEDNESDAY, SEPTEMBER 18, 2013

Proposals will be received at the above address until 2:00pm, Wednesday, September 18, 2013, at which time they will be opened. Proposals will be presented to Kyle City Council for approval in October, 2013.

Proposal envelopes should be clearly marked, “**RFP – GENERAL ELECTRICAL SERVICES: RFP-2014-03-PARD**”. Any proposal received later than the specified time, whether delivered in person or mailed shall be disqualified. The City of Kyle will not be responsible for delivering mail from the post office. The City of Kyle will not be responsible for proposals delivered to any location other than the one specified above. Respondents are encouraged to hand deliver their proposals well ahead of opening time.

The City of Kyle reserves the right to reject any or all proposals submitted. Resolution 795 – Adopted March 20, 2012: The City of Kyle City Council hereby gives local preferences if the contractor meets requirements under the Local Government Code Section 271.9051.

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

SCOPE:

1. It is the intention of the City of Kyle to obtain professional electrical maintenance and repair services for all city facilities and properties for Fiscal Year 2013-14, beginning October 1, 2013 and ending September 30, 2014. The City of Kyle will have the right and option to extend the term for two (2) additional one (1) year periods, total of three (3) years, with the same terms and conditions. The City of Kyle will also have the right and option to terminate the contract upon thirty (30) days written notice.
2. The City of Kyle has many facilities and properties with electrical needs that require maintenance and repairs beyond staff's capabilities.
3. Service calls will be scheduled within a 48 hour period. Emergency calls are those requiring less than 24 hours of notice.
4. Responses need to include cost for service calls and emergency calls, labor rates for service calls and emergency calls, and the cost of parts above contractors cost.
5. Responder shall be registered in good standings with the Texas Department of Licensing and Regulation (TDLR) under "Electricians" License Type.

RFP RESPONSE FORMAT:

The proposal shall be submitted that shows the cost per visit for each service call. The proposal shall be submitted that shows the cost per visit for each emergency service call. These costs shall be submitted for each year of this proposal. Service calls are defined as the minimal charge to respond to a call in addition to labor or parts.

Also required would be a price breakdown for repair labor and parts. This would be done in two ways: 1) cost per hour for personnel/ technician and 2) percentage over cost for parts and materials for repairs.

TERMINATION FOR DEFAULT:

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

TERMS OF PAYMENT

Upon receipt of invoice, payment will be within 30 days. The invoice will have separate charges for each facility or property and related cost for servicing same.

LIABILITY INSURANCE

Upon request, the successful proposal shall furnish the City of Kyle proof of General Liability insurance for personal injury, including death, and property damage with a minimum of \$1 million dollars per occurrence and \$2 million dollars aggregate, including

coverage for advertising injury and products coverage. Proposal shall also provide evidence of workers compensation insurance for all employees performing work on City property.

REFERENCES

A minimum of three (3) references from current commercial and/or governmental accounts are to be submitted with proposal. Names and phone numbers of contact person at each commercial and/or government account must also be included. Additionally, the Texas Department of Licensing and Regulation (TDLR) will be contacted for license verification.

RFP SUBMITTAL SCORING

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

Scoring matrix:

- 30% Minimum Service Call Charge
 - 15% for non-emergency calls
 - 15% for emergency calls
- 30% Hourly Labor Rate
 - 15% for non-emergency calls
 - 15% for emergency calls
- 30% Parts markup
- 10% References

RFP SUBMITTAL FORM

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

Service Calls: Minimum charge for responding to a service call that can be scheduled within 48 hours (non-emergency):

Fiscal Year 2013-14 \$_____

Fiscal Year 2014-15 \$_____

Fiscal Year 2015-16 \$_____

Service Calls: Minimum charge for responding to a service call that need to be scheduled within 24 hours (emergency):

Fiscal Year 2013-14 \$_____

Fiscal Year 2014-15 \$_____

Fiscal Year 2015-16 \$_____

Labor Rates: In addition to service call charges (non-emergency):

Fiscal Year 2013-14 \$_____

Fiscal Year 2014-15 \$_____

Fiscal Year 2015-16 \$_____

Labor Rates: In addition to service call charges (emergency):

Fiscal Year 2013-14 \$_____

Fiscal Year 2014-15 \$_____

Fiscal Year 2015-16 \$_____

Service Repair Parts and Materials will be billed to the City of Kyle on a cost plus basis.

The cost of all parts and materials will be:

Fiscal Year 2013-14 \$_____ or %_____

Fiscal Year 2014-15 \$_____ or %_____

Fiscal Year 2015-16 \$_____ or %_____

Electrician TDLR License # _____

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

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

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

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

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

Company Name: _____

Company Mailing Address: _____

Contact for Company/Vendor: _____

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

Contact's Email: _____

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

Authorized Company Official (signature): _____

Authorized Company Official's Name (printed): _____

Date Signed: _____

RFP SUBMITTAL FORM

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

Service Calls: Minimum charge for responding to a service call that can be scheduled within 48 hours (non-emergency):

Fiscal Year 2013-14 \$ 75.00

Fiscal Year 2014-15 \$ 75.00

Fiscal Year 2015-16 \$ 75.00

Service Calls: Minimum charge for responding to a service call that need to be scheduled within 24 hours (emergency):

Fiscal Year 2013-14 \$ 100.00

Fiscal Year 2014-15 \$ 100.00

Fiscal Year 2015-16 \$ 100.00

Labor Rates: In addition to service call charges (non-emergency):

Fiscal Year 2013-14 \$ 60.00 HR PER MAN

Fiscal Year 2014-15 \$ 60.00 HR. PER MAN

Fiscal Year 2015-16 \$ 60.00 HR. PER MAN

Labor Rates: In addition to service call charges (emergency):

Fiscal Year 2013-14 \$ 100.00 HR PER MAN

Fiscal Year 2014-15 \$ 100.00 HR PER MAN

Fiscal Year 2015-16 \$ 100.00 HR PER MAN

Service Repair Parts and Materials will be billed to the City of Kyle on a cost plus basis.

The cost of all parts and materials will be:

Fiscal Year 2013-14 \$ _____ or % 35 UNDER \$100 20% OVER \$100

Fiscal Year 2014-15 \$ _____ or % 35 ✓ ✓

Fiscal Year 2015-16 \$ _____ or % 35 ✓ ✓

Electrician TDLR License # TECL 26646
TME 71087

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

Company Name: K + J WOODWORKS	
Contact: BRETT BURICH	Title: GENERAL MGR
Address: UHLAND TEXAS	Phone No: 512-848-3704
Scope of Work: ELECTRICAL CONSTRUCTION + REPAIRS	Length Service: 15 YRS

Company Name: CITY OF SAN MARCOS	
Contact: OSCAR HAIRELL	Title: FACILITY MGR
Address: SAN MARCOS	Phone No: 512-644-6489
Scope of Work: ELECTRICAL CONSTRUCTION + REPAIRS	Length Service: 3 YRS

Company Name: FENCE LADY	
Contact: REBECCA DEAN	Title: OWNER
Address: BOERNE TEXAS	Phone No: 830-822-1822
Scope of Work: ELECTRICAL CONSTRUCTION AND REPAIRS	Length Service: 20 YRS

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

Company Name: ALL TRADES REPAIR SERVICE

Company Mailing Address: 210 OPAL LANE, KYLE TX 78640

Contact for Company/Vendor: AUBREY BALES

Contact's Daytime Phone: 512-557-0042 Fax: 512-268-2720

Contact's Email: ABALES201@HOTMAIL.COM

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

Authorized Company Official (signature): Aubrey Bales

Authorized Company Official's Name (printed): AUBREY BALES

Date Signed: 9/10/13

RFP SUBMITTAL FORM

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

Service Calls: Minimum charge for responding to a service call that can be scheduled within 48 hours (non-emergency):

Fiscal Year 2013-14 \$ 204.00

Fiscal Year 2014-15 \$ 215.00

Fiscal Year 2015-16 \$ 225.00

Service Calls: Minimum charge for responding to a service call that need to be scheduled within 24 hours (emergency):

Fiscal Year 2013-14 \$ 306.00

Fiscal Year 2014-15 \$ 321.00

Fiscal Year 2015-16 \$ 337.00

Labor Rates: In addition to service call charges (non-emergency):

Fiscal Year 2013-14 \$ 68.00

Fiscal Year 2014-15 \$ 70.00

Fiscal Year 2015-16 \$ 72.00

Labor Rates: In addition to service call charges (emergency):

Fiscal Year 2013-14 \$ 102.00

Fiscal Year 2014-15 \$ 105.00

Fiscal Year 2015-16 \$ 108.00

Service Repair Parts and Materials will be billed to the City of Kyle on a cost plus basis. The cost of all parts and materials will be:

Fiscal Year 2013-14 \$ _____ or % 15%

Fiscal Year 2014-15 \$ _____ or % 15%

Fiscal Year 2015-16 \$ _____ or % 15%

Electrician TDLR License # 20109

Item # 10

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

Company Name: Texas State University	
Contact: Don Compton	Title: Associate Dir. FPDC
Address: 601 University Dr., San Marcos TX 78666	Phone No: 512-245-9189
Scope of Work: Service, Facility Maintenance Small Projects	Length Service 3 years

Company Name: Lockheed Martin	
Contact: Cecil Ramirez	Title: Facilities Manager
Address: 2523 General Hudnell, Bldg 360 San Antonio, TX 78226	Phone No: 210-827-2375
Scope of Work: Service, Facility Maintenance Small Projects	Length Service 4 years

Company Name: Ascent, LLC	
Contact: David Smith	Title: Critical Facility Manager
Address: 2350 Ball Drive St. Louis, Missouri 63146	Phone No: 512-550-8969
Scope of Work: Service, Facility Maintenance Small Projects	Length Service 2-1/2 years

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

Company Name: The Brandt Companies, LLC

Company Mailing Address: P.O. Box 310

Contact for Company/Vendor: Ed Filla - Director - Integrated Projects

Contact's Daytime Phone: 210 - 875 - 8240

Fax: 210 - 650 - 7570

Contact's Email: efilla@brandt-companies.com

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

Authorized Company Official (signature):



Authorized Company Official's Name (printed): John Zelman - Vice President - Electical Operations

Date Signed: 9.18.13

proposals opened at 8:15am, Thursday, Sept 19 by Michele Jones

Company	Total Matrix Score	Service Call Charge - Non Emergency (15%)						Service Call Charge - Emergency (15%)					
		2013-14	Score	2014-15	Score	2015-16	Score	2013-14	Score	2014-15	Score	2015-16	Score
The Brandt Companies, LLC													
Schertz	70.00	\$ 204.00	2.50	\$ 215.00	2.50	\$ 225.00	2.50	\$ 306.00	2.50	\$ 321.00	2.50	\$ 337.00	2.50
All Trades Repair Service													
Kyle	85.00	\$ 75.00	5.00	\$ 75.00	5.00	\$ 75.00	5.00	\$ 100.00	5.00	\$ 100.00	5.00	\$ 100.00	5.00

Hourly Rate - Non-Emergency (15%)						Hourly Rate - Emergency (15%)						Parts Mark-Up (30%)						Referenc
2013-14	Score	2014-15	Score	2015-16	Score	2013-14	Score	2014-15	Score	2015-16	Score	2013-14	Score	2014-15	Score	2015-16	Score	
\$ 68.00	2.50	\$ 70.00	2.50	\$ 72.00	2.50	\$ 102.00	2.50	\$ 105.00	2.50	\$ 108.00	2.50	15%	10.00	15%	10.00	15%	10.00	
												~1		~1		~1		
\$ 60.00	5.00	\$ 60.00	5.00	\$ 60.00	5.00	\$ 100.00	5.00	\$ 100.00	5.00	\$ 100.00	5.00	20%	5.00	20%	5.00	20%	5.00	

Notes:
~1: 35% parts under \$100 and 20% parts over \$100

es (10%)
Score
10.00
10.00

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: October 2, 2013
 CONTACT CITY DEPARTMENT: Parks and Recreation
 CONTACT CITY STAFF: Kerry Urbanowicz, Director

SUBJECT:

Authorize award and execution of a Purchase Order to ALL TRADES REPAIR SERVICE of Kyle, Texas in an amount not to exceed \$4,300.00 to provide electrical service and repairs for specified City facilities during FY 2013-14.

CURRENT YEAR FISCAL IMPACT:

1. City Department:	Parks and Recreation
2. Project Name:	Electrical Service & Repairs
3. Budget/Accounting Code(s):	110-134-53132 (\$2,000.00)
	110-250-53132 (\$200.00)
	110-251-53132 (\$200.00)
	110-252-53132 (\$200.00)
	110-253-53132 (200.00)
	110-257-53132 (1,000.00)
	110-258-53132 (\$400.00)
	310-280-53132 (\$100.00)
4. Funding Source:	General Fund & Utility Fund
5. Current Appropriation:	\$ 4,300.00
6. Unencumbered Balance:	\$ 4,300.00
7. Amount of This Action:	<u>\$ (4,300.00)</u>
8. Remaining Balance:	<u>\$ 0.00</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order to ALL TRADES REPAIR SERVICE in the amount of \$4,300.00 will be provided from the approved budget of the Parks and Recreation Department (General Fund & Utility Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 9/23/2013

Perwez A. Moheet, CPA - Date
 Director of Finance



CITY OF KYLE, TEXAS

Fleet Services

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize award and execution of a Purchase Order to CHRISTIAN BROTHERS AUTOMOTIVE of Kyle, Texas in an amount not to exceed \$13,500.00 to provide fleet vehicle service and repairs for the Parks and Recreation Department vehicles during Fiscal Year 2013-14.
~ Kerry Urbanowicz, Director of Parks & Recreation

Other Information: Based on the scoring matrix that was published in the RFP that weighed labor rates and parts for repairs and based on the references, staff recommends the proposal submitted by Christian Brothers Automotive from Kyle, Texas, be accepted to process a purchase order for fleet vehicle services and repairs. This proposal is for 3 years with Purchase Order being authorized each fiscal year.

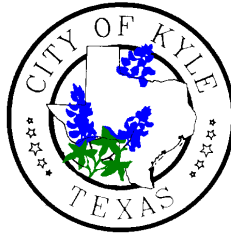
Attached is the Fleet Services RFP, Fleet Services Responses and Fleet Services Scoring

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

- [Fleet Service RFP](#)
- [Fleet Services Responses](#)
- [Fleet Services Scoring](#)
- [Fiscal Note](#)



CITY OF KYLE, TEXAS
REQUESTS FOR PROPOSAL (RFP)
FLEET SERVICES: RFP-2014-06-PARD

**SPECIFICATIONS AND GENERAL PROPOSAL REQUIREMENTS FOR FLEET
 MAINTENANCE & REPAIR SERVICES FOR THE CITY OF KYLE**

NOTICE TO RESPONDERS:

The City of Kyle is accepting sealed proposals to provide general fleet maintenance and repairs for all Parks, recreation & Facilities Department Fleet cars and trucks as stated in this RFP and posted on our website: www.cityofkyle.com. Sealed proposals marked **FLEET SERVICES: RFP-2014-06-PARD** are to be submitted to:

Kerry Urbanowicz
 Director of Parks, Recreation & Facilities
 City of Kyle
 700 Lehman Rd
 Kyle, Texas 78640
 (512) 262-3934

REQUEST FOR PROPOSAL DEADLINE:
2:00PM, WEDNESDAY, SEPTEMBER 18, 2013

Proposals will be received at the above address until 2:00pm, Wednesday, September 18, 2013, at which time they will be opened. Proposals will be presented to Kyle City Council for approval in October, 2013.

Proposal envelopes should be clearly marked, “**RFP – FLEET SERVICES: RFP-2014-06-PARD**”. Any proposal received later than the specified time, whether delivered in person or mailed shall be disqualified. The City of Kyle will not be responsible for delivering mail from the post office. The City of Kyle will not be responsible for proposals delivered to any location other than the one specified above. Respondents are encouraged to hand deliver their proposals well ahead of opening time.

The City of Kyle reserves the right to reject any or all proposals submitted. Resolution 795 – Adopted March 20, 2012: The City of Kyle City Council hereby gives local preferences if the contractor meets requirements under the Local Government Code Section 271.9051.

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

SCOPE:

1. It is the intention of the City of Kyle to obtain professional fleet maintenance and repair services for all Parks, Recreation & Facilities Fleet cars and trucks for Fiscal Year 2013-14, beginning October 1, 2013 and ending September 30, 2014. The City of Kyle will have the right and option to extend the term for two (2) additional one (1) year periods, total of three (3) years, with the same terms and conditions. The City of Kyle will also have the right and option to terminate the contract upon thirty (30) days written notice.
2. The City of Kyle Parks, Recreation and Facilities Department have many cars and trucks with service needs that require maintenance and repairs beyond staff's capabilities.
3. Responses need to include cost for diagnosing, labor rates for repairs, and the cost of OEM parts above cost, and cost of typical oil and filter changes using OEM parts. Additional costs such as Environment and Disposal Fees need to be included. As our current fleet is all gas engines, if there are different rates for gas and diesel, response shall respond with the gas engine rate.
4. Original Equipment Manufacturer, OEM, designates a replacement part made by the manufacturer of the original part. As most of the cars and trucks in the PARD fleet are manufactured by Ford, all parts must be Ford parts or authorized Ford replacement parts.

RFP RESPONSE FORMAT:

The proposal shall be submitted that shows the labor rate and percent over wholesale cost of OEM parts. The proposal shall be submitted that shows the cost per visit for typical oil and filter changes for gas motors.

TERMINATION FOR DEFAULT:

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

TERMS OF PAYMENT

Upon receipt of invoice, payment will be within 30 days. The invoice will have separate charges for each facility or property and related cost for servicing same.

LIABILITY INSURANCE

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

REFERENCES

A minimum of three (3) references from current commercial and/or governmental accounts are to be submitted with proposal. Names and phone numbers of contact person at each commercial and/or government account must also be included. Additionally, the Texas State Board of Plumbing will be contacted for license verification.

RFP SUBMITTAL SCORING

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

Scoring matrix:

- 40% Labor Rate
- 30% Parts markup over wholesale rate for OEM parts
- 20% Oil & Filter changes for gas cars and trucks
- 5% Additional Fees (Environmental, Disposal, etc)
- 5% References

RFP SUBMITTAL FORM

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

Labor Rate for Gas vehicles

Fiscal Year 2013-14 \$_____

Fiscal Year 2014-15 \$_____

Fiscal Year 2015-16 \$_____

Parts mark up, over wholesale, for Ford Authorized OEM Parts

Fiscal Year 2013-14 %_____

Fiscal Year 2014-15 %_____

Fiscal Year 2015-16 %_____

Oil & Filter change charge for gas engine Ford Cars and Trucks using Ford OEM parts and Ford recommended oil

Fiscal Year 2013-14 \$_____

Fiscal Year 2014-15 \$_____

Fiscal Year 2015-16 \$_____

Additional Fees charged for repairs and service such as Environmental, Disposal, Shop Materials or any others. Charges not listed out and quoted will not be paid, so please list all possible extra fees:

Fiscal Year 2013-14 \$_____

Fiscal Year 2014-15 \$_____

Fiscal Year 2015-16 \$_____

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

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

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

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

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

Company Name: _____

Company Mailing Address: _____

Contact for Company/Vendor: _____

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

Contact's Email: _____

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

Authorized Company Official (signature): _____

Authorized Company Official's Name (printed): _____

Date Signed: _____

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

Labor Rate for Gas vehicles

Fiscal Year 2013-14 \$ 78.50Fiscal Year 2014-15 \$ 78.50Fiscal Year 2015-16 \$ 78.50

Parts mark up, over wholesale, for Ford Authorized OEM Parts

Fiscal Year 2013-14 % 30%Fiscal Year 2014-15 % 30%Fiscal Year 2015-16 % 30%

Oil & Filter change charge for gas engine Ford Cars and Trucks using Ford OEM parts and Ford recommended oil

Fiscal Year 2013-14 \$ 34.95 upto 6gtsFiscal Year 2014-15 \$ 34.95 with MotorcraftFiscal Year 2015-16 \$ 34.95 filter

Additional Fees charged for repairs and service such as Environmental, Disposal, Shop Materials or any others. Charges not listed out and quoted will not be paid, so please list all possible extra fees:

Fiscal Year 2013-14 \$ B&H Disposal = 300 Max supply charge 10.00

Fiscal Year 2014-15 \$ Same

Fiscal Year 2015-16 \$ Same

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

Company Name: AMM Collision	
Contact: Kam Barns	Title: Manager
Address: 21681 Interstate 35 Kyle Tx	Phone No: 512 262-1013
Scope of Work: Mechanical, chassis, A/c Alignment service	Length Service 3yr

Company Name: Austex Construction	
Contact: Steve Rankine	Title: owner
Address: 100 Teal Lane Kyle Tx	Phone No: 512 262 1204
Scope of Work: All Maintenance & service on Fleet of work & personal vehicles	Length Service 3 1/2 yr

Company Name: Mac Gray Company	
Contact: Brian Legg	Title: Manager
Address: 5275 Industrial Way Buda Tx	Phone No: 512 738 6205
Scope of Work: inspections, Alignment Vehicle Maintenance on Fleet of Ford vehicles	Length Service 2 1/2 yr

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

Company Name: Christian Brothers

Company Mailing Address: 18660 S IH 35 Buda Tx 78610

Contact for Company/Vendor: Karl Frasier

Contact's Daytime Phone: 512-295-8905 Fax: 512-295-8619

Contact's Email: Karl.Frasier@cbauto.net

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

Authorized Company Official (signature): Karl Frasier

Authorized Company Official's Name (printed): Karl Frasier

Date Signed: 9-11-2013

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

Labor Rate for Gas vehicles

Fiscal Year 2013-14 \$ 90Fiscal Year 2014-15 \$ 90Fiscal Year 2015-16 \$ 90

Parts mark up, over wholesale, for Ford Authorized OEM Parts

Fiscal Year 2013-14 % 30Fiscal Year 2014-15 % 30Fiscal Year 2015-16 % 30

Oil & Filter change charge for gas engine Ford Cars and Trucks using Ford OEM parts and Ford recommended oil

Fiscal Year 2013-14 \$ 39Fiscal Year 2014-15 \$ 39Fiscal Year 2015-16 \$ 39

Additional Fees charged for repairs and service such as Environmental, Disposal, Shop Materials or any others. Charges not listed out and quoted will not be paid, so please list all possible extra fees:

Fiscal Year 2013-14 \$ 3 min \$26 MAX depending on repairFiscal Year 2014-15 \$ 3 min \$26 max depending on repairFiscal Year 2015-16 \$ 3 min \$26 max depending on repair

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

Company Name: Centerpoint Energy	
Contact: Jimmy Gambino	Title: Area Mgr.
Address: 326 Cheatham St. SM, TX	Phone No: 512.392.6673
Scope of Work: Repair & maintenance	Length Service: 6 yrs.

Company Name: Southwestern Pneumatics	
Contact: Tony Collins	Title: Manager
Address: 23999 IH35, Kyle TX 78640	Phone No: 512.268.7974
Scope of Work: Repair & maintenance	Length Service: 6 yrs.

Company Name: Corridor mobile medical services	
Contact: Stan Hunt	Title: System/fleet Administrator
Address: P.O. Box 643 SM, TX 78666	Phone No: 512.738.1307
Scope of Work: Repair & maintenance	Length Service: 6 yrs

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

Company Name: Griffith Ford SAN MARCOS

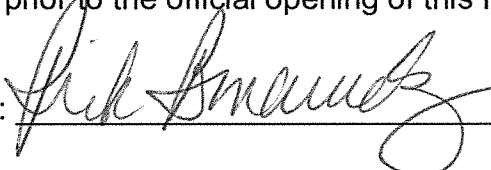
Company Mailing Address: 1305 S. IH 35 SAN MARCOS, TX 78666

Contact for Company/Vendor: William C. Aguirre

Contact's Daytime Phone: 512-353-3673 Fax: 512-353-5346

Contact's Email: William@griffithford.com

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

Authorized Company Official (signature): 

Authorized Company Official's Name (printed): RICK BENAVIDEZ (GM)

Date Signed: 9-17-13

proposals opened at 8:15am, Thursday, Sept 19 by Michele Jones

Company	Total Matrix Score	Labor Rate (40%)						Parts Mark Up (30%)					
		2013-14	Score	2014-15	Score	2015-16	Score	2013-14	Score	2014-15	Score	2015-16	Score
Christian Brothers **													
Buda/Kyle	100.00	\$ 78.50	13.33	\$ 78.50	13.33	\$ 78.50	13.34	30%	10.00	30%	10.00	30%	10.00
Griffin Ford													
San Marcos	60.00	\$ 90.00	6.66	\$ 90.00	6.67	\$ 90.00	6.67	30%	10.00	30%	10.00	30%	10.00

** Qualifies for Local Preference

Oil & Filter Changes (20%)						Additional Fees (5%)						References (5%)	
2013-14	Score	2014-15	Score	2015-16	Score	2013-14	Score	2014-15	Score	2015-16	Score		Score
~1		~1		~1		~2		~2		~2			
\$ 34.95	6.66	\$ 34.95	6.67	\$ 34.95	6.67		1.66		1.67		1.67		5.00
						~3	0.83	~3	0.83	~3	0.84		5.00
\$ 39.00	3.33	\$ 39.00	3.33	\$ 39.00	3.34								

Notes:

~1: upto 6 quarts with Motocraft filter

Notes:

~2: Battery Disposal \$3, Max Supply charge \$10

~3: Min \$3 with max \$26

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: October 2, 2013
 CONTACT CITY DEPARTMENT: Parks and Recreation
 CONTACT CITY STAFF: Kerry Urbanowicz, Director

SUBJECT:

Authorize award and execution of a Purchase Order to CHRISTIAN BROTHERS AUTOMOTIVE of Kyle, Texas in an amount not to exceed \$13,500.00 to provide fleet service and repairs for the Parks & Recreation Department vehicles during FY 2013-14.

CURRENT YEAR FISCAL IMPACT:

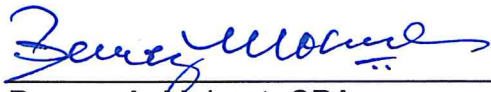
1. City Department:	Parks and Recreation
2. Project Name:	Fleet Vehicle Service & Repairs
3. Budget/Accounting Code(s):	110-130-54131 (\$1,000.00)
	110-133-54131 (\$9,000.00)
	110-134-54131 (\$3,500.00)
4. Funding Source:	General Fund
5. Current Appropriation:	\$ 13,500.00
6. Unencumbered Balance:	\$ 13,500.00
7. Amount of This Action:	<u>\$ (13,500.00)</u>
8. Remaining Balance:	<u>\$ 0.00</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order to CHRISTIAN BROTHERS AUTOMOTIVE in the amount of \$13,500.00 will be provided from the approved budget of the Parks and Recreation Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 9/23/2013

Perwez A. Moheet, CPA - Date
 Director of Finance



CITY OF KYLE, TEXAS

HVAC Services

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Authorize award and execution of a Purchase Order to MADERO AIR & HEATING of Boerne, Texas in an amount not to exceed \$13,350.00 to provide heating, ventilation and air conditioning (HVAC) service and repairs for specified City facilities during Fiscal Year 2013-14. ~
Kerry Urbanowicz, Director of Parks & Recreation

Other Information: Based on the scoring matrix that was published in the RFP that weighed service visits, labor and parts for repairs and based on the references, staff recommends the proposal submitted by Madero Air & Heating from Boerne, Texas, be accepted to process a purchase order for heating, ventilation and air conditioning (HVAC) services and repairs services. This proposal is for 3 years with Purchase Order being authorized each fiscal year.
Attached is the HVAC Services RFP that was posted, along with responses received and the scores of each response.

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

- [HVAC Services RFP](#)
- [HVAC Services Responses](#)
- [HVAC Services Scoring](#)
- [Fiscal Note](#)



CITY OF KYLE, TEXAS
REQUESTS FOR PROPOSAL (RFP)
AIR CONDITIONING, HEATING & REFRIDGERATION
“HVAC” SERVICES: RFP-2014-04-PARD

**SPECIFICATIONS AND GENERAL PROPOSAL REQUIREMENTS FOR AIR
CONDITIONING, HEATING AND REFRIDGERATION MAINTENANCE & REPAIR
SERVICES FOR THE CITY OF KYLE**

NOTICE TO RESPONDERS:

The City of Kyle is accepting sealed proposals to provide general air conditioning, heating, ventilation and refrigeration maintenance and repairs for all city facilities and properties as stated in this RFP and posted on our website: www.cityofkyle.com. Sealed proposals marked **GENERAL HVAC SERVICES: RFP-2014-04-PARD** are to be submitted to:

Kerry Urbanowicz
Director of Parks, Recreation & Facilities
City of Kyle
700 Lehman Rd
Kyle, Texas 78640
(512) 262-3934

REQUEST FOR PROPOSAL DEADLINE:
2:00PM, WEDNESDAY, SEPTEMBER 18, 2013

Proposals will be received at the above address until 2:00pm, Wednesday, September 18, 2013, at which time they will be opened. Proposals will be presented to Kyle City Council for approval in October, 2013.

Proposal envelopes should be clearly marked, “**RFP – GENERAL HVAC SERVICES: RFP-2014-04-PARD**”. Any proposal received later than the specified time, whether delivered in person or mailed shall be disqualified. The City of Kyle will not be responsible for delivering mail from the post office. The City of Kyle will not be responsible for proposals delivered to any location other than the one specified above. Respondents are encouraged to hand deliver their proposals well ahead of opening time.

The City of Kyle reserves the right to reject any or all proposals submitted. Resolution 795 – Adopted March 20, 2012: The City of Kyle City Council hereby gives local

preferences if the contractor meets requirements under the Local Government Code Section 271.9051.

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

SCOPE:

1. It is the intention of the City of Kyle to obtain professional air conditioning, heating, ventilation and refrigeration maintenance and repair services for all city facilities and properties for Fiscal Year 2013-14, beginning October 1, 2013 and ending September 30, 2014. The City of Kyle will have the right and option to extend the term for two (2) additional one (1) year periods, total of three (3) years, with the same terms and conditions. The City of Kyle will also have the right and option to terminate the contract upon thirty (30) days written notice.
2. The City of Kyle has many facilities and properties with HVAC needs that require maintenance and repairs beyond staff's capabilities. Seasonal preventative maintenance may be scheduled at some facilities on some of the units.
3. Service calls will be scheduled within a 48 hour period. Emergency calls are those requiring less than 24 hours of notice.
4. Responses need to include cost for service calls and emergency calls, labor rates for service calls and emergency calls, and the cost of parts above contractors cost.
5. Responder shall be registered in good standings with the Texas Department of Licensing and Regulation (TDLR) under "Air Conditioning & Refrigeration" License Type.

RFP RESPONSE FORMAT:

The proposal shall be submitted that shows the cost per visit for each service call. The proposal shall be submitted that shows the cost per visit for each emergency service call. These costs shall be submitted for each year of this proposal. Service calls are defined as the minimal charge to respond to a call in addition to labor or parts.

Also required would be a price breakdown for repair labor and parts. This would be done in two ways: 1) cost per hour for personnel/ technician and 2) percentage over cost for parts and materials for repairs.

TERMINATION FOR DEFAULT:

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

TERMS OF PAYMENT

Upon receipt of invoice, payment will be within 30 days. The invoice will have separate charges for each facility or property and related cost for servicing same.

LIABILITY INSURANCE

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

REFERENCES

A minimum of three (3) references from current commercial and/or governmental accounts are to be submitted with proposal. Names and phone numbers of contact person at each commercial and/or government account must also be included. Additionally, the Texas Department of Licensing and Regulation (TDLR) will be contacted for license verification.

RFP SUBMITTAL SCORING

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

Scoring matrix:

- 30% Minimum Service Call Charge
 - 15% for non-emergency calls
 - 15% for emergency calls
- 30% Hourly Labor Rate
 - 15% for non-emergency calls
 - 15% for emergency calls
- 30% Parts markup
- 10% References

RFP SUBMITTAL FORM

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

Service Calls: Minimum charge for responding to a service call that can be scheduled within 48 hours (non-emergency):

Fiscal Year 2013-14 \$_____

Fiscal Year 2014-15 \$_____

Fiscal Year 2015-16 \$_____

Service Calls: Minimum charge for responding to a service call that need to be scheduled within 24 hours (emergency):

Fiscal Year 2013-14 \$_____

Fiscal Year 2014-15 \$_____

Fiscal Year 2015-16 \$_____

Labor Rates: In addition to service call charges (non-emergency):

Fiscal Year 2013-14 \$_____

Fiscal Year 2014-15 \$_____

Fiscal Year 2015-16 \$_____

Labor Rates: In addition to service call charges (emergency):

Fiscal Year 2013-14 \$_____

Fiscal Year 2014-15 \$_____

Fiscal Year 2015-16 \$_____

Service Repair Parts and Materials will be billed to the City of Kyle on a cost plus basis. The cost of all parts and materials will be:

Fiscal Year 2013-14 \$_____ or %_____

Fiscal Year 2014-15 \$_____ or %_____

Fiscal Year 2015-16 \$_____ or %_____

Air Conditioning & Refrigeration TDLR License # _____

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

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

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

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

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

Company Name: _____

Company Mailing Address: _____

Contact for Company/Vendor: _____

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

Contact's Email: _____

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

Authorized Company Official (signature): _____

Authorized Company Official's Name (printed): _____

Date Signed: _____

RFP SUBMITTAL FORM

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

Service Calls: Minimum charge for responding to a service call that can be scheduled within 48 hours (non-emergency):

Fiscal Year 2013-14 \$ 39.95

Fiscal Year 2014-15 \$ 39.95

Fiscal Year 2015-16 \$ 39.95

Service Calls: Minimum charge for responding to a service call that need to be scheduled within 24 hours (emergency):

Fiscal Year 2013-14 \$ 39.95

Fiscal Year 2014-15 \$ 39.95

Fiscal Year 2015-16 \$ 39.95

Labor Rates: In addition to service call charges (non-emergency):

Fiscal Year 2013-14 \$ 44.95

Fiscal Year 2014-15 \$ 44.95

Fiscal Year 2015-16 \$ 44.95

Labor Rates: In addition to service call charges (emergency):

Fiscal Year 2013-14 \$ 44.95

Fiscal Year 2014-15 \$ 44.95

Fiscal Year 2015-16 \$ 44.95

Service Repair Parts and Materials will be billed to the City of Kyle on a cost plus basis. The cost of all parts and materials will be:

Fiscal Year 2013-14 \$ _____ or % 20

Fiscal Year 2014-15 \$ _____ or % 20

Fiscal Year 2015-16 \$ _____ or % 20

Air Conditioning & Refrigeration TDLR License # TACL21388E

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

Company Name: @ 9 m Properties.	
Contact: Michael Villareal	Title: Owner
Address: 216 Market Ave # 110	Phone No: 210-391-7711
Scope of Work: HVAC work, Commercial	Length Service 2 yrs.

Company Name: Cypress	
Contact: Sarah Smith.	Title: Owner
Address: 25818 Presidio Alley	Phone No: 210-274-7676
Scope of Work: HVAC work Residential	Length Service 3 yrs 2 mo

Company Name: Acacia.	
Contact: Brian Riebel	Title: Owner
Address: 32005 Interstate 10 (West)	Phone No: (210) 386-9516
Scope of Work: HVAC work Commercial	Length Service 1 yr 2 months

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

Company Name: Madero Air & Heating


Company Mailing Address: 216 Market Ave #145 Boerne TX, 78006

Contact for Company/Vendor: Bobby Aschcraft

Contact's Daytime Phone: 210-218-4288 Fax: 210-568-4942

Contact's Email: bashcraft@maderotx.com

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

Authorized Company Official (signature): 

Authorized Company Official's Name (printed): David A. Schress

Date Signed: 9-17-13

RFP SUBMITTAL FORM

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

Service Calls: Minimum charge for responding to a service call that can be scheduled within 48 hours (non-emergency):

Fiscal Year 2013-14 \$ 50⁰⁰

Fiscal Year 2014-15 \$ 50⁰⁰

Fiscal Year 2015-16 \$ 50⁰⁰

Service Calls: Minimum charge for responding to a service call that need to be scheduled within 24 hours (emergency):

Fiscal Year 2013-14 \$ 50⁰⁰

Fiscal Year 2014-15 \$ 50⁰⁰

Fiscal Year 2015-16 \$ 50⁰⁰

Labor Rates: In addition to service call charges (non-emergency):

Fiscal Year 2013-14 \$ 75⁰⁰ HR

Fiscal Year 2014-15 \$ 75⁰⁰ HR

Fiscal Year 2015-16 \$ 75⁰⁰ HR

Labor Rates: In addition to service call charges (emergency):

Fiscal Year 2013-14 \$ 112⁵⁰

Fiscal Year 2014-15 \$ 112⁵⁰

Fiscal Year 2015-16 \$ 112⁵⁰

Service Repair Parts and Materials will be billed to the City of Kyle on a cost plus basis. The cost of all parts and materials will be:

Fiscal Year 2013-14 \$ _____ or % 35

Fiscal Year 2014-15 \$ _____ or % 35

Fiscal Year 2015-16 \$ _____ or % 35

Air Conditioning & Refrigeration TDLR License # TACLA55225C

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

Company Name: RESTURANT DEPOT / JETRO	
Contact: DALE HUNTER	Title: BRANCH MANAGER
Address: 820 BLACKSON AVE, AUSTIN TX	Phone No: 512-999-4650
Scope of Work: WAREHOUSE REFRIGERATION & HVAC	Length Service: 2 YEARS

Company Name: WHOLE FOODS (GATEWAY STORE) 10036	
Contact: EVAN SCHMIEDEHANS	Title: MANAGER
Address: 96007 RESEARCH BLV. AUSTIN,	Phone No: 512-923-7817
Scope of Work: SUPER MARKET REFRIGERATION & HVAC	Length Service: 2 YEARS

Company Name: PHOENIX FLIGHT (SUBWAY)	
Contact: CAROLYN DUNAGAN	Title: DIRECTOR OF OPERATIONS
Address: 7711 BURNET ROAD, AUSTIN	Phone No: 512-453-7207
Scope of Work: REFRIGERATION & HVAC	Length Service: 2 YEARS

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

Company Name: REAL AMERICAN REFRIGERATION EXPERTS LLC

Company Mailing Address: P.O. Box 787 Round Rock, TX 78680

Contact for Company/Vendor: ERIN LOFTIN

Contact's Daytime Phone: 512-352-6677 Fax: - - -

Contact's Email: ERIN@REALAMERICANREF.COM

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

Authorized Company Official (signature): Howard D Wagner

Authorized Company Official's Name (printed): HOWARD D WAGNER

(PRESIDENT)

Date Signed: 9/9/2013

MPS

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

Service Calls: Minimum charge for responding to a service call that can be scheduled within 48 hours (non-emergency):

Fiscal Year 2013-14 \$ 75⁰⁰

Fiscal Year 2014-15 \$ 78⁰⁰

Fiscal Year 2015-16 \$ 80⁰⁰

Service Calls: Minimum charge for responding to a service call that need to be scheduled within 24 hours (emergency):

Fiscal Year 2013-14 \$ 75⁰⁰

Fiscal Year 2014-15 \$ 78⁰⁰

Fiscal Year 2015-16 \$ 80⁰⁰

Labor Rates: In addition to service call charges (non-emergency):

Fiscal Year 2013-14 \$ 75⁰⁰

Fiscal Year 2014-15 \$ 78⁰⁰

Fiscal Year 2015-16 \$ 80⁰⁰

Labor Rates: In addition to service call charges (emergency):

Fiscal Year 2013-14 \$ 75⁰⁰

Fiscal Year 2014-15 \$ 78⁰⁰

Fiscal Year 2015-16 \$ 80⁰⁰

Service Repair Parts and Materials will be billed to the City of Kyle on a cost plus basis. The cost of all parts and materials will be:

Fiscal Year 2013-14 \$ _____ or % 25

Fiscal Year 2014-15 \$ _____ or % 25

Fiscal Year 2015-16 \$ _____ or % 25

Air Conditioning & Refrigeration TDLR License # TACLA023236C

MPS

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

Company Name: Austin Regional Clinic	
Contact: Perry Mauser	Title: Facilities Manager
Address: 4515 Seton Center Parkway Suite 150A	Phone No: 512-231-5539
Scope of Work: HVAC PM & Service	Length Service: 3 years

Company Name: St Williams Catholic Church	
Contact: Ryan Libscomb	Title: Facilities Manager
Address: Round Rock TX	Phone No: 512-450-2389
Scope of Work: HVAC PM & Service	Length Service: 3 years

Company Name: University of Texas	
Contact: Ronald Roberts	Title: Project Manager
Address: Austin Texas	Phone No: 512-471-1575
Scope of Work: HVAC / Chilled Water Service & Install	Length Service: 5 years

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

Company Name: Mechanical Access Systems LLC

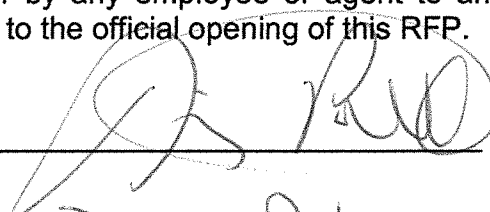
Company Mailing Address: PO Box 7909 Round Rock TX
78683

Contact for Company/Vendor: Jimmy Palosok

Contact's Daytime Phone: 512-691-9259 Fax: 512-691-9258

Contact's Email: Jimmy@MPSLTD.US

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

Authorized Company Official (signature): 

Authorized Company Official's Name (printed): Jimmy Palosok

Date Signed: 9-17-13

RFP SUBMITTAL FORM

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

Service Calls: Minimum charge for responding to a service call that can be scheduled within 48 hours (non-emergency):

Fiscal Year 2013-14 \$ 80/hr

Fiscal Year 2014-15 \$ 80/hr

Fiscal Year 2015-16 \$ N/A

Service Calls: Minimum charge for responding to a service call that need to be scheduled within 24 hours (emergency):

Fiscal Year 2013-14 \$ 100/hr

Fiscal Year 2014-15 \$ 100/hr

Fiscal Year 2015-16 \$ N/A

Labor Rates: In addition to service call charges (non-emergency):

Fiscal Year 2013-14 \$ 80/hr

Fiscal Year 2014-15 \$ 80/hr

Fiscal Year 2015-16 \$ N/A

Labor Rates: In addition to service call charges (emergency):

Fiscal Year 2013-14 \$ 100/hr

Fiscal Year 2014-15 \$ 100/hr

Fiscal Year 2015-16 \$ N/A

Service Repair Parts and Materials will be billed to the City of Kyle on a cost plus basis. The cost of all parts and materials will be:

Fiscal Year 2013-14 \$ _____ or % 175

Fiscal Year 2014-15 \$ _____ or % 175

Fiscal Year 2015-16 \$ _____ or % N/A

Air Conditioning & Refrigeration TDLR License # TACAS1419C

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

Company Name: City of Kyle	
Contact: Michael Sony & Nathan Wehrman	Title: Facility tech
Address: Kyle, Texas	Phone No: (512) 738-6794
Scope of Work: Providing HVAC services for Kyle PD, Kyle city Hall & Kyle library Kyle Adult Probation, VFW & Chambers Commerce	Length Service 9 years

Company Name: Department of Human Services	
Contact: Linda Testerman w/ Falls Capital	Title: SVC coordinator
Address: 1901 Dutton Dr. San Marcos, TX	Phone No: (254) 803-9636
Scope of Work: Providing HVAC service for DHS, Dept of Aging & Rehab, Hays Caldwell clinic	Length Service 11 years

Company Name: First United Meth Church	
Contact: Lydia Reynolds	Title: Church's service coordinator
Address: 129 W. Hutchison - San Marcos, TX	Phone No: (512) 392-6001
Scope of Work: Providing HVAC service for all areas in the church	Length Service 10 years

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

Company Name: San Marcos Air Conditioning

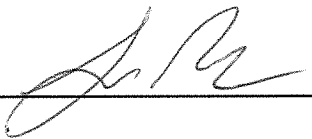
Company Mailing Address: 3500 Hwy 123-San Marcos, TX

Contact for Company/Vendor: Crystal Torres / Lucas Novak
(officemanager) / Owner/President

Contact's Daytime Phone: 512-353-2511 Fax: 512-353-2518

Contact's Email: accounting@smairtx.com

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

Authorized Company Official (signature): 

Authorized Company Official's Name (printed): _____

Date Signed: _____

proposals opened at 8:15am, Thursday, Sept 19 by Michele Jones

Company	Total Matrix Score	Service Call Charge - Non Emergency (15%)						Service Call Charge - Emergency (15%)					
		2013-14	Score	2014-15	Score	2015-16	Score	2013-14	Score	2014-15	Score	2015-16	Score
Mechanical & Process Systems													
Round Rock	63.56	\$ 75.00	2.50	\$ 78.00	2.50	\$ 80.00	1.67	\$ 75.00	2.50	\$ 78.00	2.50	\$ 80.00	1.67
Real American Refridgeration													
Experts	60.22	\$ 50.00	3.75	\$ 50.00	3.75	\$ 50.00	3.34	\$ 50.00	3.75	\$ 50.00	3.75	\$ 50.00	3.75
Round Rock													
San Marcos Air Conditioning													
San Marcos	27.50	\$ 80.00	1.25	\$ 80.00	1.25	no bid	0.00	\$ 100.00	1.25	\$ 100.00	1.25	no bid	0.00
Madero Heating & AC													
Boerne	96.67	\$ 39.95	5.00	\$ 39.95	5.00	\$ 39.95	5.00	\$ 39.95	5.00	\$ 39.95	5.00	\$ 39.95	5.00

Hourly Rate - Non-Emergency (15%)						Hourly Rate - Emergency (15%)						Parts Mark-Up (30%)						Referer
2013-14	Score	2014-15	Score	2015-16	Score	2013-14	Score	2014-15	Score	2015-16	Score	2013-14	Score	2014-15	Score	2015-16	Score	
\$ 75.00	3.13	\$ 78.00	2.50	\$ 80.00	1.67	\$ 75.00	3.75	\$ 78.00	3.75	\$ 80.00	3.75	25%	7.50	25%	7.50	25%	6.67	
\$ 75.00	3.13	\$ 75.00	3.75	\$ 75.00	3.75	\$ 112.50	1.25	\$ 112.50	1.25	\$ 112.50	1.67	35%	5.00	35%	5.00	35%	3.33	
\$ 80.00	1.25	\$ 80.00	1.25	no bid	0.00	\$ 100.00	2.50	\$ 100.00	2.50	no bid	0.00	175%	2.50	175%	2.50	no bid	0.00	
\$ 44.95	5.00	\$ 44.95	5.00	\$ 44.95	5.00	\$ 44.95	5.00	\$ 44.95	5.00	\$ 44.95	5.00	20%	10.00	20%	10.00	20%	10.00	

nces (10%)
Score
10.00
10.00
10.00
6.67

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: October 2, 2013
 CONTACT CITY DEPARTMENT: Parks and Recreation
 CONTACT CITY STAFF: Kerry Urbanowicz, Director

SUBJECT:

Authorize award and execution of a Purchase Order to MADERO HEATING & AIR of Boerne, Texas in an amount not to exceed \$13,350.00 to provide heating, ventilation, and air conditioning (HVAC) service and repairs for specified City facilities during FY 2013-14.

CURRENT YEAR FISCAL IMPACT:


1. City Department:	Parks and Recreation
2. Project Name:	HVAC Service & Repairs
3. Budget/Accounting Code(s):	110-134-53133 (\$2,500.00)
	110-250-53133 (\$4,000.00)
	110-251-53133 (\$400.00)
	110-252-53133 (\$300.00)
	110-253-53133 (\$1,500.00)
	110-256-53133 (\$750.00)
	110-257-53133 (\$3,000.00)
	110-258-53133 (\$200.00)
	110-259-53133 (\$100.00)
	310-280-53133 (600.00)
4. Funding Source:	General Fund & Utility Fund
5. Current Appropriation:	\$ 13,366.00
6. Unencumbered Balance:	\$ 13,366.00
7. Amount of This Action:	<u>\$ (13,350.00)</u>
8. Remaining Balance:	<u>\$ 16.00</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order to MADERO HEATING & AIR in the amount of \$13,350.00 will be provided from the approved budget of the Parks and Recreation Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 9/23/2013

Perwez A. Moheet, CPA - Date
 Director of Finance



CITY OF KYLE, TEXAS

Naming of Public Places Policy

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: *(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ADOPTING A NAMING POLICY FOR PUBLIC PLACES; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS ~ *Lanny Lambert, City Manager*

Other Information:

Budget Information:

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

Attachments / click to download

[Naming Policy](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ADOPTING A NAMING POLICY FOR PUBLIC PLACES; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

WHEREAS, the City Council of the City of Kyle wishes to develop a policy to establish the requirements and procedure for the naming of public places;

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

The Municipal Code of the City of Kyle shall be amended to include the following in its entirety:

Section XX.01. Definitions.

- A. Naming – the initial name associated with a public place.
- B. Public Place – a public place is any facility, building, park, roadway or portion there of such as meeting rooms, trails, benches, pavilions, alcoves, medians and the like that occupy a defined space that could be associated with a particular identity and are constructed for the public benefit.
- C. Renaming – assigning a new name to a public place that already is known by another name.
- D. Naming Significance – the level to which a name is appropriate to a certain place based on the natural, cultural, geographical, historical, social or familial significance to the area.

Section XX.02. General.

- A. The Council shall be the final authority on the naming or renaming of any public place and shall memorialize said naming or renaming by the passage of a Resolution of the governing body.
- B. The Council shall be duly authorized to remove the name of any public place should removal be affirmed by the same.
- C. Before the Council will take a vote to ratify a Resolution naming or renaming a public place, a public hearing must be held before the City Council. This may occur at the same meeting as consideration of the Resolution naming or renaming.
- D. Existing names of public places carry recognition and should take priority over considerations for renaming except in special circumstances as determined by the Council.
- E. Recommendations to name or rename a public place, if not initiated by Council, must originate by application. To be considered by Council, the Council Advisory Committee reviewing the request must vote by affirmative recommendation and the item must be sponsored by a seated Councilmember per Naming Procedure Section XX.04.
- F. An exemption to the naming of public places shall be the naming of roads or a

subdivision as a result of an approval and recordation of a subdivision plat.

- G. Donations shall not be construed to obligate the Council to name any public place except by agreement as duly authorized by the Council.

Section XX.03. Naming Criteria.

- A. The more prominent a public place, the more significant the naming should be.
- B. Names should be appropriate to the particular public place by reflecting native wildlife, history, flora, fauna, geographic area, natural or geological features, or honoring individuals or families significant to Kyle as determined by Council.
- C. Consideration should be given to reflecting the city's ethnic and cultural diversity.
- D. Corporate naming in exchange for due consideration shall be allowed on a case by case basis, but only by agreement for a defined term as approved by Council.
- E. The following questions should be considered for determining naming significance:
 - 1. Will the name have historical, cultural and social significance for generations to come?
 - 2. Will the name engender a strong and positive image?
 - 3. Will the name memorialize or commemorate people, places or events that are of enduring importance to the community or the nation?
 - 4. Will the name engender significant ties of friendship and mutual recognition and support within the community or with those outside of the community?
 - 5. Will the name be identified with some major achievement or the advancement of the public good within the community or the nation?
 - 6. Will the name be particularly suitable for the facility based on the location history of the facility or the surrounding neighborhood?
 - 7. Will the name have symbolic value that transcends its ordinary meaning or use and enhance the character and identity of the facility?
 - 8. Will the naming request that accompanies a financial gift result in the undue commercialization of the facility?

Section XX.04. Naming Procedure.

- A. A request shall be submitted in writing to the City Manager requesting naming or renaming of a public place. This shall be considered the application.
- B. The naming or renaming request will be assigned by staff to the appropriate Council Advisory Committee depending on the nature of the public place under consideration.
- C. The applicant will be required to present the request for naming or renaming for consideration at a public meeting of the Council Advisory Committee assigned to the request.
- D. The Council Advisory Committee hearing the naming request will hold a public hearing on the proposed name. This may occur at the same meeting as the presentation by the applicant.
- E. The Council Advisory Committee must vote in the affirmative to recommend the naming or renaming to Council. If the Advisory Committee fails to vote in support of the request, the request may not be brought back before the Advisory Committee for consideration for one year from the date of application.

- F. Once the Council Advisory Committee has recommended the naming or renaming, a seated Councilmember shall be required to sponsor the request for it to move to Council consideration.
- G. Council shall hold a public hearing on the proposed naming or renaming.
- H. Council may adopt the naming or renaming of the public place after duly holding a public hearing and with an affirmative vote of its body to pass a Resolution declaring the naming or renaming.
- I. Council reserves the right to initiate naming or renaming at its own discretion per Section XX.02, and may also chose by affirmative vote of its body to reach down and consider any naming or renaming request that did not gain the necessary approval in Committee.

Section 3. Amendment and Repeal. All ordinances and parts of ordinances in conflict with this Ordinance are amended and repealed to the extent of such conflict.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 6. Open Meetings. 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. 511, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this _____ day of _____, 200__.

FINALLY PASSED AND APPROVED on this the _____ day of _____, 200__.

ATTEST:

THE CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Honorable Lucy Johnson, Mayor



CITY OF KYLE, TEXAS

Executive Session-Convene-GLO Land Annexation

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.087, Deliberation Regarding Economic Development Negotiations.

Other Information:

Budget Information:

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

Attachments / click to download



CITY OF KYLE, TEXAS

Executive Session-Reconvene-GLO Land Annexation

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding Economic Development Negotiations.

Other Information:

Budget Information:

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

Attachments / click to download



CITY OF KYLE, TEXAS

Meeting Date: 10/2/2013
Date time: 7:00 PM

Bear River LLP - Rezone

Subject/Recommendation:

(First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 35.761 ACRES OF LAND FROM 'R-1-2' SINGLE FAMILY RESIDENTIAL-2 TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED OFF OF BUNTON LANE JUST EAST OF TWIN COVE, IN HAYS COUNTY, TEXAS. (BEAR RIVER LIMITED, LLP Z-13-012); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the rezone request.

- Public Hearing

Other Information:

Please see attachments

Budget Information:

N/A

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

Attachments / click to download

[Ordinance](#)

[Exhibit B](#)

[Exhibit A](#)

[Staff Report](#)

Cover Memo

Item # 16

October 2, 2013

City Council

Zoning

Case Number: Z-13-012

P&Z Recommendation: The Planning and Zoning Commission recommended with a vote of 7-0 to approve the zoning request.

OWNER/APPLICANT: Bear River Limited LLP **AGENT:** Wade Todd, National Site Solutions

LOCATION: The subject property is located east of the Bunton Creek Subdivision, along Bunton Lane. The subject property is part of a larger subdivision, as a result the portion of the property seeking rezoning does not currently have street frontage (see attached location map).

COUNTY: Hays County

AREA: 35.761 acres

PROPOSED CITY COUNCIL HEARINGS: First Reading: October 2, 2013
Second Reading: October 15, 2013

EXISTING ZONING: Single Family residential 2 “R-1-2”

PROPOSED ZONING: Single Family attached “R-1-A”

SITE INFORMATION:

Transportation: The property has no direct access from an existing street. It is located on the back end of a larger property along Bunton Lane.

Surrounding Zoning:

- *North: R-1-2 Single Family Residential 2*
- *South: R-1-2 Single Family Residential 2*
- *East : R-1-2 Single Family Residential 2*
- *West: R-1-2 Single Family Residential 2*

Future Land Use Designation: New Settlement Land Use District

PUBLIC INPUT: Notice of the proposed change was sent to property owners within 200’ of the subject property.

STAFF ANALYSIS:***Background***

The subject property is part of a larger proposed subdivision. The proposed subdivision in its entirety is a 98 acre parcel that is located next to the Bunton Creek Subdivision. The applicant is seeking to create a transition between the adjacent 40 foot lots being developed in the adjacent subdivision and the 55-65’ lots that will be developed in the remainder of the proposed subdivision. A concept plan has been submitted concurrently with this zoning request to demonstrate the transition the applicant is wishing to create.

Comprehensive Plan Guidance

October 2, 2013

City Council

Zoning

Case Number: Z-13-012

- The New Settlement District is comprised primarily of farm fields and new residential developments that are being carved out of the former farm fields.
- The City of Kyle should seek to capitalize on the develop ability while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the future land use district.
- Use patterns should be established that complement residential development and facilitate beneficial land use transitions.

Zoning District

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

Recommendation

In reviewing the requested rezoning request staff has made the following findings:

- The proposed rezoning appears to support the majority policies adopted in the comprehensive master plan.
- The proposed rezoning does not appear to substantially affect the public health, safety or welfare of adjacent property owners.
- The R-1-A zoning designation is identified as a conditional zoning district

Staff is recommending approval of the request.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 35.761 ACRES OF LAND FROM 'R-1-2' SINGLE FAMILY RESIDENTIAL-2 TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED OFF OF BUNTON LANE JUST EAST OF TWIN COVE, IN HAYS COUNTY, TEXAS. (BEAR RIVER LIMITED, LLP Z-13-012); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 35.761 acres from 'R-1-2' Single Family Residential – 2 to 'R-1-A' Single Family Attached, on property located Bunton Lane just East of Twin Cove, and the property location map labeled Exhibit B.

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

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

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

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the ___ day of _____, 2013, at which a quorum was

present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

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

APPROVED this _____ day of _____, 2013.

Lucy Johnson, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

EXHIBIT A, SHEET 1

35.761 ACRES
 35.761 ACRES, ROBERT CARSON SURVEY,
 ABSTRACT 135, HAYS COUNTY, TEXAS

SURVEY MAP FOR PROPOSED ZONING CHANGE

LEGEND

● IRON ROD FOUND
 (XXX) RECORD DATA

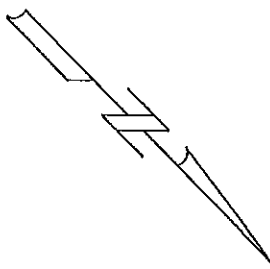
POINT OF BEGINNING
 MILTON B. ATKINSON SURVEY, ABSTRACT NO. 21
 (N 45° E) - BEARING BASIS (1131/335)
 N 45°00'00" E
 LINE PER BOUNDARY
 LINE AGREEMENT (1356/813)
 2794.90'
 (1580.4 VR = 4390.0')
 1571.46'

BUNTON LANE
 (COUNTY ROAD NO. 151)

ROBERT CARSON SURVEY, ABSTRACT NO. 135
 35.761 ACRES
 PORTION (98.109 AC)
 BEAR CREEK LIMITED, LLP
 (4331/645)
 PROPOSED ZONING: R-1-A

EXISTING ZONING: R-1-2
 PROPOSED ZONING: R-1-A

REMAINDER (98.109 AC)
 BEAR CREEK LIMITED, LLP
 (4331/645)
 EXISTING ZONING: R-1-2



N 51°56'06" W
 646.60'
 (357.5 VR = 993.1')
 (N 51°37' W)
 (9.6 VR = 26.7')
 (N 51°43' W)
 (N 51°43' W)
 133.54'
 S 38°03'54" W
 382.11'
 N 51°56'06" W
 38.79'
 S 38°03'54" W
 1769.90'
 S 45°01'36" W
 1047.81'
 S 05°36'01" W

PREPARED BY:

[Handwritten Signature]

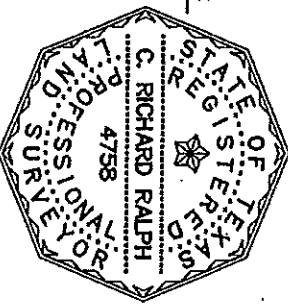
REGISTERED PROFESSIONAL LAND SURVEYOR

PROFESSIONAL LAND SURVEYORS



1515 CHESTNUT STREET
 BASTROP, TEXAS 78602
 PH: (512) 303-0952
 FAX: (512) 332-0961
 PROF.LANDSUR@AOL.COM

PREPARED: 08/13/2013
 SURVEY DATE: 0X/XX/XXXX



REFERENCE:

NATIONAL SITE SOLUTIONS, ATTN: WADE TODD
 PROJECT: PROPOSED ZONING CHANGE, 35.761 ACRES,
 ROBERT CARSON SURVEY, ABSTRACT 135
 HAYS COUNTY, TEXAS

SHEET 1 OF 2
 SHEET 1: SURVEY MAP
 SHEET 2: METES AND BOUNDS DESCRIPTION

SEE EXHIBIT A, SHEET 2 FOR
 METES AND BOUNDS DESCRIPTION
 DRAWN: CRR DATE: 08/13/13 REVISED:
 CHECKED: CRR PROJECT NO.: 0411241.1 FB: 72/13

EXHIBIT A, SHEET 2
SEE EXHIBIT A, SHEET 1 FOR SURVEY MAP

**PROFESSIONAL
LAND SURVEYORS**

1515 Chestnut Street (512) 303-0952
Bastrop, Texas 78621 Fax: (512) 332-0961

PROPOSED ZONING CHANGE

EXISTING ZONE: R-1-2

PROPOSED ZONE: R-1-A

LEGAL DESCRIPTION

35.761 ACRES OF LAND OUT OF THE ROBERT CARSON SURVEY, ABSTRACT NO. 135, HAYS COUNTY, TEXAS, COMPRISED OF A PORTION OF THAT TRACT CONVEYED AS 98.109 ACRES TO BEAR RIVER LIMITED, LLP PER VOLUME 4331, PAGE 645, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS PER SURVEY SUPERVISED BY C. RICHARD RALPH, R.P.L.S. NO. 4758 DURING APRIL, 2006:

BEGINNING at an iron rod found for the west corner hereof, the common west or south corner of said 98.109 acres and that tract conveyed as 97.266 acres to C4D-I, Ltd. per Volume 2552, Page 402 of said Official Public Records and a point on the northwest line of north line of that tract conveyed as 174.65 acres to KB Homes Lone Star, LP per Volume 2137, Page 179 of said Official Public Records;

THENCE N 45°00'00" E, (bearing basis for this survey per said Volume 4331, Page 645) 2794.80 feet along the common line of said 98.109 acres and said 97.266 acres to a point for the north corner hereof;

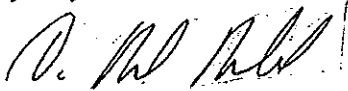
THENCE S 05°36'01" W, 1047.81 feet over and across said 98.109 acres to a point for the east corner hereof;

THENCE the following three (3) courses continuing over and across said 98.109 acres:

- 1) S 45°01'36" W, 1769.90 feet to a point;
- 2) N 51°56'06" W, 38.79 feet to a point;
- 3) S 38°03'54" W, 133.54 feet to a point on the common line of said 98.109 acres and said 174.65 acres for the south corner hereof;

THENCE N 51°56'06" W, 646.60 feet along the common line of said 98.109 acres and said 174.65 acres to the POINT OF BEGINNING, containing 35.761 acres of land, more or less.

Surveyed by:



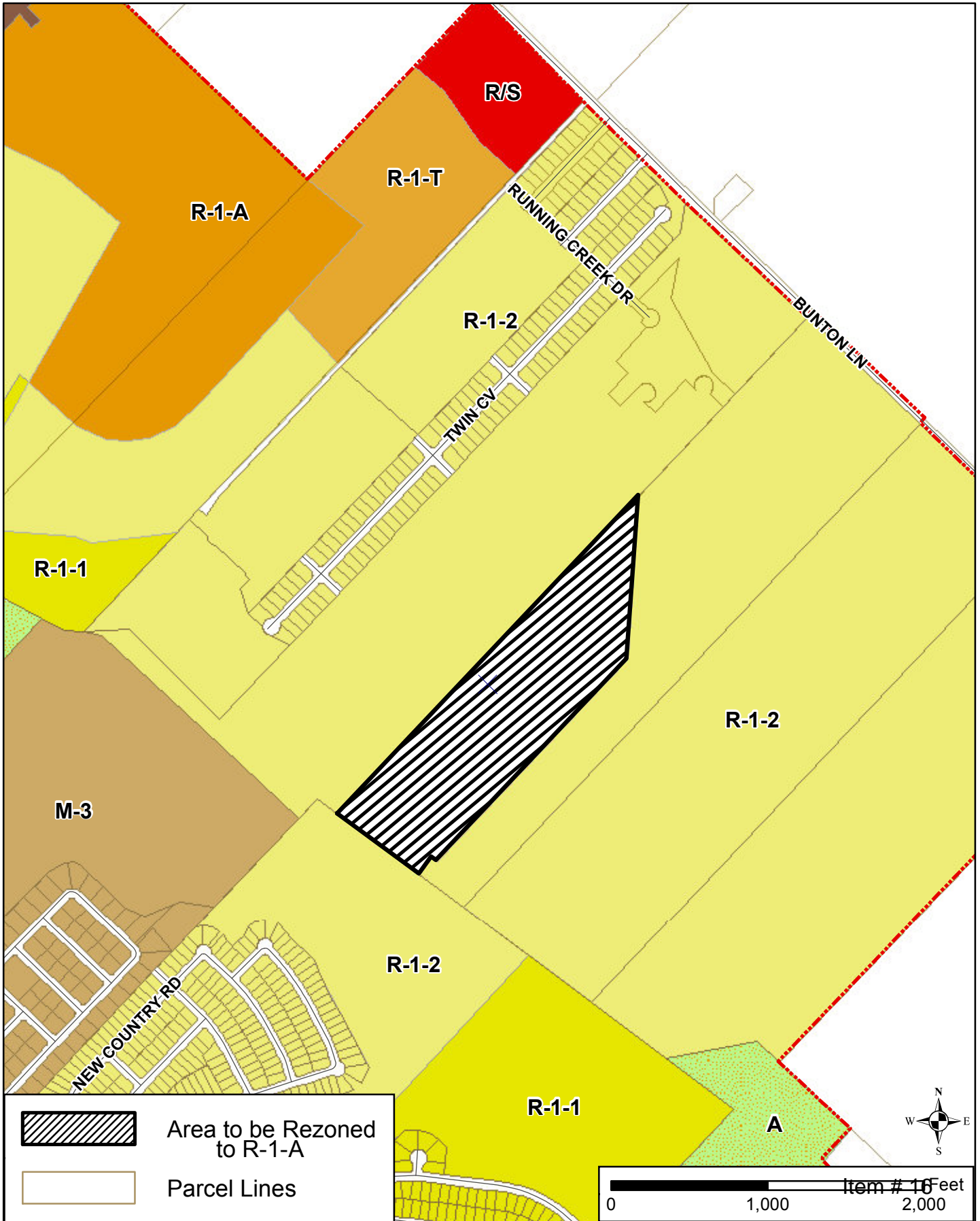
C. Richard Ralph
Registered Professional Land Surveyor No. 4758

Project No. 0411241.1zc - 72/13;84/40



Prepared August 13, 2013 per
survey Dated April 28, 2006

Exhibit B



Area to be Rezoned to R-1-A



Parcel Lines

0 1,000 2,000 feet
Item # 16



CITY OF KYLE, TEXAS

Meeting Date: 10/2/2013
Date time: 7:00 PM

Davidson - Rezone

Subject/Recommendation:

(First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.2479 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED AT 400 S. BURLESON STREET, IN HAYS COUNTY, TEXAS. (TY & MONICA DAVIDSON Z-13-011); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the rezone request.

- Public Hearing

Other Information:

Please see attachments

Budget Information:

N/A

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

Attachments / click to download

[Ordinance](#)

[Exhibit B](#)

[Exhibit A](#)

[Staff Report](#)

Cover Memo

Item # 17

October 2, 2013

City Council

Zoning

Case Number: Z-13-011

P&Z Recommendation: The Planning and Zoning Commission recommended approval of the request with a vote of 7-0.

OWNER/APPLICANT: Ty and Monica Davidson

LOCATION: The subject property is located at the southwest corner of Burleson and South Street. (400 S. Burleson)

COUNTY: Hays County

AREA: 0.2479 acres

PROPOSED CITY COUNCIL HEARINGS: First Reading: October 2, 2013
Second Reading: October 15, 2013

EXISTING ZONING: Single Family Residential “R-1”

PROPOSED ZONING: Single Family Attached “R-1-A”

SITE INFORMATION:

Transportation: The property will front on southbound Burleson Street with access along W. South Street.

Surrounding Zoning:

- *North: R-1 Single Family Residential*
- *South: R-1 Single Family Residential*
- *East : R-1 Single Family Residential*
- *West: R-1 Single Family Residential*

Future Land Use Designation: Old Town Land Use District

PUBLIC INPUT: Notice of the proposed change was sent to property owners within 200’ of the subject property. As of the date of this report staff has received no phone calls in opposition to the requested zoning change.

STAFF ANALYSIS:***Background***

The property owner is proposing to rezone the subject property from “R-1” Residential to “R-1-A” Single Family Attached. The R-1 zoning designation is a zoning designation that was included in the previous zoning ordinance. In 2003 the current zoning ordinance was adopted without the R-1 zoning designation. Because the zoning designation is not within the currently adopted zoning ordinance prior to the development of a property with a R-1 designation the property owner must rezone to a designation included within the current ordinance.

Comprehensive Plan Guidance

October 2, 2013

City Council

Zoning

Case Number: Z-13-011

- The Old Town District represents the historic commercial and residential core of Kyle. This District is envisioned to offer both local service commercial activities and residential uses in order to create a lively and livable area.
- Elements of form and design, such as maintenance of the regular street grid, are critical to ensuring transitions between neighboring uses.
- Civic, specialty commercial, and residential are the primary uses intended for the area.
- The purpose of the Old Town District is to preserve the historic form of Kyle, while encouraging appropriate infill development and redevelopment.
- The Old Town Future Land Use district identifies R-1-A as a conditional zoning designation.

Zoning District

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. A maximum height of 35' is permitted for the R-1-A zoning district. All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

Recommendation

In reviewing the requested rezoning request staff has made the following findings:

- The current zoning category, "R-1", is no longer a recognized zoning category. Prior the redevelopment of the property the lot must be rezoned.
- The Comprehensive Master Plan calls for civic, specialty commercial, and residential development within Old Town future land use district.
- Previously existing structures on the lot have been demolished.
- The proposed rezoning appears to support the vision and character of the Old Town Future land use district.
- The proposed rezoning does not appear to substantially affect the public health, safety or welfare of adjacent property owners.

Staff is recommending approval of the request.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.2479 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED AT 400 S. BURLESON STREET, IN HAYS COUNTY, TEXAS. (TY & MONICA DAVIDSON Z-13-011); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 0.2479 acres from 'R-1' Single Family to 'R-1-A' Single Family Attached, on property located at 400 S. Burleson Street, and the property location map labeled Exhibit B.

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

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

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

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the ___ day of _____, 2013, at which a quorum was

present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

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

APPROVED this _____ day of _____, 2013.

Lucy Johnson, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

HAYES SURVEYING202 SUNFLOWER DRIVE
KYLE, TEXAS 78640**EXHIBIT A****METES & BOUNDS DESCRIPTION FOR 0.2479 ACRES OF LAND**

A tract of land containing 0.2479 acres out of and part of Lots One (1) and Two (2), in Block Nineteen (19), of the Original Town of Kyle, a subdivision in Hays County, Texas, according to the plat recorded in Volume 62, Page 599 of the Hays County Deed Records, said 0.2479 acres being that same tract, called the north 60' of Lots 1 and 2, Block 19, as conveyed by a Warranty Deed in June of 1991 to Anthony Simon as recorded and described in Volume 880, Page 373 of the Official Public Records of Hays County, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found in the south right-of-way of South Street for the northwest corner of the Lot 2, Block 19 and the northwest corner of the herein described tract;

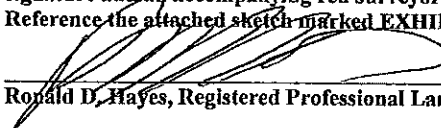
THENCE S 89° 15' 00" E, along the South Street right-of-way, a distance of 180.00 feet to an iron rod with a plastic cap set at the intersection of the south right-of-way of South Street with the west right-of-way of Burleson Street for the northeast corner of the Lot 1, Block 19 and the northeast corner of this tract;

THENCE S 00° 45' 00" W, along the west right-of-way of Burleson Street, a distance of 60.00 feet to an iron rod with a plastic cap set for the southeast corner of this tract and the northeast corner of the Saucedo Tract as described in Volume 2130, Page 520 of the Official Public Records of Hays County;

THENCE N 89° 15' 00" W, leaving the Burleson Street right-of-way, a distance of 180.00 feet to an iron rod with a plastic cap set in the east property line of Lot One (1) of the Kimbro Subdivision as recorded in Volume 3, Page 399 of the Hays County Plat Records, for the southwest corner of this tract and the northwest corner of the Saucedo Tract;

THENCE N 00° 45' 00" E, and at 56.50 feet passing an iron pipe found for the northeast corner of Lot 1, Kimbro Subdivision, in all a total distance of 60.00 feet to the **POINT OF BEGINNING**, containing 0.2479 acres.

This is to certify that this description of land represents an actual survey made on the ground under my supervision in July of 2013. Only those documents with a red surveyor's signature and an accompanying red surveyor's seal shall be deemed reliable and authentic. Reference the attached sketch marked EXHIBIT B, File BRLSNS15.


Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703

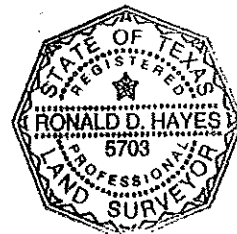
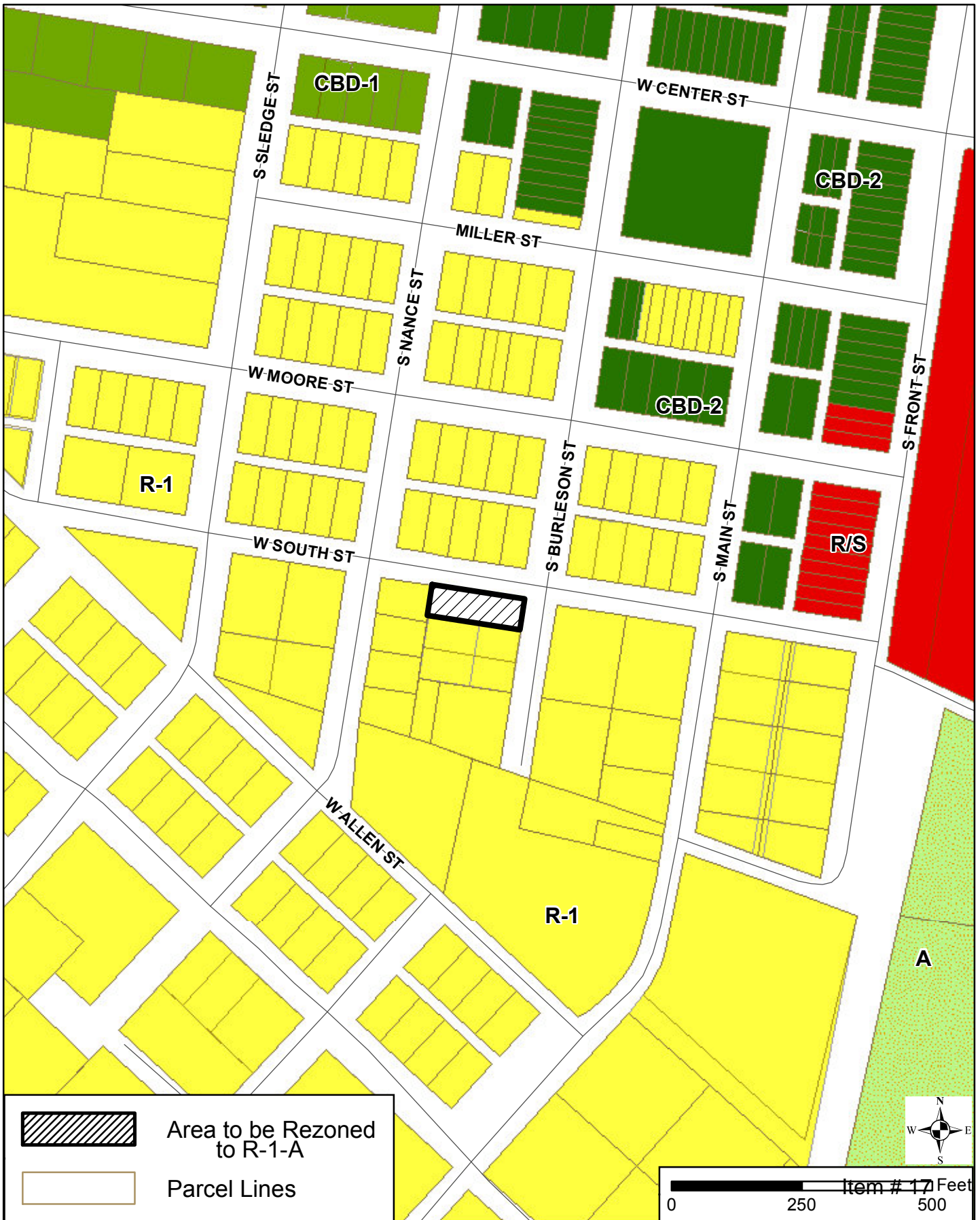


Exhibit B





CITY OF KYLE, TEXAS

Meeting Date: 10/2/2013
Date time: 7:00 PM

FISERV ISS FBO - Rezone

Subject/Recommendation:

(First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.24 ACRES OF LAND FROM 'RS' RETAIL SERVICE TO 'R-1-T' RESIDENTIAL TOWNHOME, ON PROPERTY LOCATED AT 101 CREEKSIDE TRAIL, IN HAYS COUNTY, TEXAS. (FISERV ISS FBO GREGORY LAHR Z-13-014); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the rezone request.

- Public Hearing

Other Information:

Please see attachments

Budget Information:

N/A

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

Cover Memo

Item # 18

October 2, 2013

City Council

Zoning

Case Number: Z-13-014

P&Z Recommendation: The Planning and Zoning Commission recommended with a vote of 7-0 to approve the zoning request.

OWNER/APPLICANT: FISERV ISS FBO Gregory Lahr **AGENT:** Gary Whited

LOCATION: The subject property is located at 101 Creekside Trail.

COUNTY: Hays County

AREA: 3.24 acres

PROPOSED CITY COUNCIL HEARINGS: First Reading: October 2, 2013
Second Reading: October 15, 2013

EXISTING ZONING: Retail Services “R/S”

PROPOSED ZONING: Residential Townhouse “R-1-T”

SITE INFORMATION:

Transportation: The subject property fronts on Creekside Trail.

Surrounding Zoning:

- *North: R/S Retail Services*
- *South: R/S Retail Services*
- *East : R/S Retail Services*
- *West: A Agricultural District*

Future Land Use Designation: New Settlement Community Future Land Use District

PUBLIC INPUT:

Notice of the proposed change was sent to property owners within 200’ of the subject property. No phone calls or correspondence has been received in support or in opposition of this request.

STAFF ANALYSIS:

The property owner is proposing to rezone the subject property from Retail Services to Townhome residential. The request is a less intense zoning classification than the current commercial zoning designation of Retail Services.

Comprehensive Plan Guidance- The following guidance is provided within the comprehensive master plan:

- The Comprehensive Plan identifies R-1-T as a conditional zoning designation.
- Traditional residential enclaves are predominate in The New Settlement District

October 2, 2013

City Council

Zoning

Case Number: Z-13-014

- The Comprehensive Plan identifies the New Settlement District to have a lower density and intensity of development than the adjacent Mid-Town District.
- The Plan calls for the open character of the landscape to evoke the agricultural heritage of the District and states the physical and visual portioning and division of land should be avoided where possible in this District.
- The flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock.
- The City of Kyle should seek to capitalize on “developability,” while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces.
- Use patterns should be established that complement residential development and facilitate beneficial land use transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.

Zoning District Development Standards

- The permitted density shall not exceed 2,844 square feet. There shall be no more than ten units per buildable acre of land.
- *Front yard.* There shall be a common area yard having a depth of not less than 15 feet
- *Side yard.* No side yard shall be required for individual lots. There shall be a side yard setback of not less than 15 feet from the walls of any building, or accessory building, to the nearest boundary line of any property not included within the townhouse development.
- *Rear yard minimum setback.* There shall be a rear yard setback having a depth of not less than 15 feet
- *Approved materials.* All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

Recommendation

In reviewing the requested rezoning request staff has made the following findings:

- The proposed rezoning appears to be consistent with the surrounding uses of townhomes across the street and the adjacent memory care facility, while retaining commercial zoning on the corner of Creekside trail and 150.
- The proposed rezoning appears to support the majority policies adopted in the comprehensive master plan.
- The proposed rezoning does not appear to substantially affect the public health, safety or welfare of adjacent property owners.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.24 ACRES OF LAND FROM 'RS' RETAIL SERVICE TO 'R-1-T' RESIDENTIAL TOWNHOME, ON PROPERTY LOCATED AT 101 CREEKSIDE TRAIL, IN HAYS COUNTY, TEXAS. (FISERV ISS FBO GREGORY LAHR Z-13-014); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 3.24 acres from 'RS' Retail Services to 'R-1-T' Residential Townhome, on property located at 101 Creekside Trail, and the property location map labeled Exhibit B.

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

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

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

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the ___ day of _____, 2013, at which a quorum was

present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

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

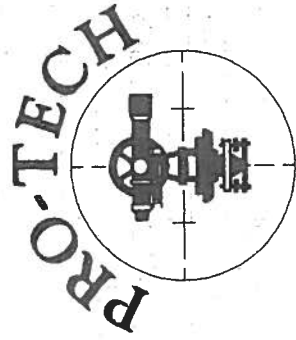
APPROVED this _____ day of _____, 2013.

Lucy Johnson, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A



100 E. San Antonio St. Suite 100
San Marcos, TX 78666-5568

512 / 353-3335
FAX 512 / 396-0224

ENGINEERING GROUP

INCORPORATED

Firm Reg. No. F-1501

FIELD NOTE DESCRIPTION ON

A PORTION OF

LOT 1, BLOCK A

RJ SUBDIVISION

CITY OF KYLE

HAYS COUNTY, TEXAS

BEING 3.250 ACRES OF LAND IN LOT 1, BLOCK A OF RJ SUBDIVISION IN THE CITY OF KYLE, HAYS COUNTY, TEXAS, A SUBDIVISION RECORDED IN BOOK 10, PAGE 158 OF THE HAYS COUNTY PLAT RECORDS, BEING THAT SAME TRACT SHOWN ON PRO-TECH ENGINEERING GROUP, INC. PLAN NO. 7152 MAP OF SURVEY OF EVEN DATE HERewith, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING, at a nail found in asphalt in the center of a 50 foot wide right-of-way easement, called Creekside Trail, for the south corner of Lot 2, Block A, RJ Subdivision and the east corner of said Lot 1 and the tract herein described;

THENCE, leaving Lot 2 with the center of Creekside Trail and the southeast line of said Lot 1 S45°04'48"W, 280.00 feet to a cotton gin spindle with washer marked "PRO-TECH ENG 2219" set for the south corner of the tract herein described;

THENCE, leaving the center of Creekside Trail crossing said Lot 1 N44°56'13"W, at 25 feet passing the northwest line of said right-of-way easement, at 468.67 feet entering a drainage easement, and continuing on, in all, 505.57 feet to an iron stake with aluminum cap marked "PRO-TECH ENG 2219" set in the southeast line of Lot 1A, Brookside Elementary School Subdivision, a subdivision recorded in Book 10, Page 259 of the Hays County Plat Records, and the northwest line of said Lot 1 for the west corner of the tract herein described;

THENCE, with the common line of said Lot 1A and said Lot 1 N45°02'33"E, at 31.48 feet passing an iron stake with plastic cap found for the south corner of that tract called 47.93 acres conveyed by Hays County Parks Foundation to City of Kyle by deed recorded in Volume 3918, Page 28 of the Official Public Records of Hays County, Texas and the east corner of said Lot 1A, at 93.38 feet leaving said drainage easement, and continuing on, in all, 280.00 feet to an iron stake with plastic cap found for the west corner of said Lot 2 and the north corner of said Lot 1 and the tract herein described;

THENCE, leaving the City of Kyle tract with the common line of said Lots 1 and 2 S44°56'13"E, at 475.78 feet passing an iron stake with plastic cap found, at 480.75 feet passing the northwest line of said right-of-way easement, and continuing on, in all, 505.75 feet to the POINT OF BEGINNING, containing 3.250 acres of land. Surveyed July, 2013.

By 

Kelly Kilber
Registered Professional Land
Surveyor No. 2219

3.25 AC- RJ SUBD
EO# 14844-101, JOB #11799
PLAN NO. 7152
FB. 700, PG. 59
FNF# 10036
10036 3.25 AC RJ SUBD 080113.DOC

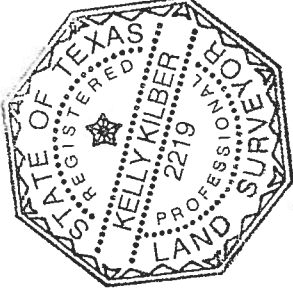
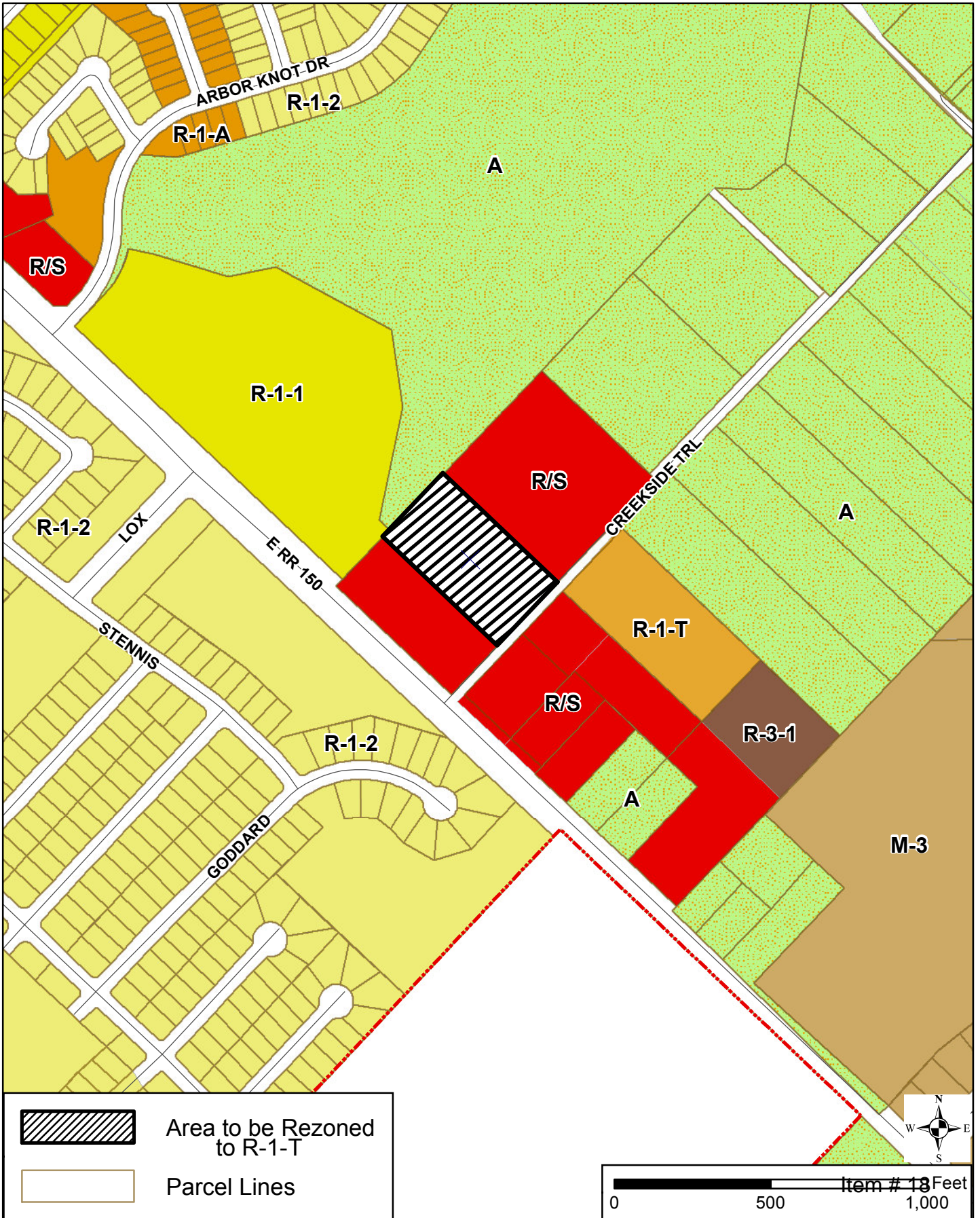


Exhibit B





CITY OF KYLE, TEXAS

Meeting Date: 10/2/2013
Date time: 7:00 PM

Karlyn Ellis - Rezone

Subject/Recommendation: *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.254 ACRES OF LAND FROM 'R-1' RESIDENTIAL-1 TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 705, 709 & 711 N. OLD HWY 81, IN HAYS COUNTY, TEXAS. (KARLYN ELLIS Z-13-010); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the rezone request with the condition outlined in staff report .

- Public Hearing

Other Information: Please see attachments

Budget Information: N/A

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

Cover Memo

October 2, 2013

City Council

Zoning

Case Number: Z-13-010

P&Z Recommendation- The Commission recommended with a vote of 7-0 to approve the rezoning request to RS for 705 and 709 N. Old Hwy 81 and recommend an alternative zoning designation of Community Commercial (CC) for 711 N. Old Hwy. 81

OWNER/APPLICANT: Karlyn Ellis

AGENT: Dustin Inderman

LOCATION: 705, 709, and 711 N. Old Hwy 81. The request for zoning consists of three parcels located along Hwy 81 (south of Martinez Loop and north of Center Street)

COUNTY: Hays County

AREA: 3.254 acres

PROPOSED CITY COUNCIL HEARINGS: First Reading: October 2, 2013
Second Reading: October 15, 2013

EXISTING ZONING: Single Family Residential “R-1” within the I-35 overlay

PROPOSED ZONING: Retail Service “RS” within the I-35 overlay

SITE INFORMATION: The subject property fronts on N. Old Highway 81.

Surrounding Zoning:

- *North: R-1 Single Family Residential (a zoning designation that was part of the previous zoning ordinance)*
- *South: R/S Retail Services*
- *East :N. Old Hwy 81*
- *West: Bounded by the Union Pacific Railroad*

Future Land Use Designation: Regional Node / Old Town Land Use District

PUBLIC INPUT: Notice of the proposed change was sent to property owners within 200’ of the subject property. Under the new notification requirements a sign was also posted on the sign.

STAFF ANALYSIS:

Background

The subject property consists of 3 separate parcels that are zoned R-1 (residential 1). As indicated above, the R-1 zoning designation was removed from the zoning ordinance in 2003 when the current zoning ordinance was approved. The applicant is seeking to develop the property into an organic nursery. As a result of the desire to develop the subject property the applicant is seeking a zoning designation of Retail Services.

Comprehensive Plan Guidance

October 2, 2013

City Council

Zoning

Case Number: Z-13-010

- In the City's recent update of the future land use map, a regional node was added to the I-35/Center Street area that extended towards Goforth road on the north, the railroad tracks on the west, Lehman road on the east, and Hays County correctional facility on the south.
- In the process of updating the future land use map a small node of the Old Town Future land use district was retained east of the Union Pacific Railroad and sandwiched between the Regional Node district and the Core Area Transition District (see attached map). As a result of the map update the subject property straddles the boundaries of Regional Node and the Old Town Future Land Use Districts. However in reviewing the subject property, the future land use map as a whole, and the intent statements of the future land use districts the subject property most closely relates to both the core area transition district and the regional node (see attached map).
 - The core area transition district is a linkage between the Super Regional Node and downtown Kyle and consists of commercial, light industrial uses, and some residential uses. Additionally, the district is important as a transitional zoned between commercial uses along I-35 and large residential area.
- The urban design plan identifies the subject property to be located along a Core Linkage within the Urban Core. Core Linkages are key streets that connect land use districts and provide places with greater appeal to retail development

RS Zoning District

This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas. The conditions and limitations on uses in the RS district are as follows:

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

The subject property is located within the I-35 Overlay District and would be subject to the adopted development standards (use, site and architectural).

Findings and Recommendation

October 2, 2013

City Council

Zoning

Case Number: Z-13-010

In reviewing the requested rezoning application staff has made the following findings:

- The subject property is located along a roadway that is shifting from a residential to a commercial corridor.
- It appears that this property functions as a transitional property (to the south the property is zoned Retail Services and to the north it is zoned and used as residential). While the corridor along Hwy 81 is transitioning from residential to commercial, it appears that the properties along Martinez loop are firmly residential.
- Due to the presence of residential uses adjacent to the northern most property (711 State Highway 81) staff is recommending an alternative zoning designation of Community Commercial for the northern most lot covered in this request.
- In reviewing a zoning request it is required that all possible uses and development standards be reviewed for their suitability on the subject property requesting rezoning. In this particular case the applicant is requesting RS due to the fact the adjacent property is zoned RS. More importantly the rezoning request of RS is the least intense zoning designation that allows the use of a plant nursery (the use the applicant is proposing to develop on the property).
- Due to use and zoning of the surrounding properties, the development standards associated with the I-35 Overlay, and the recommendation of the northern most property to be zoned Community Commercial staff is recommending approval of RS for the two southern lots (705 and 709 State Highway 81).

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.254 ACRES OF LAND FROM 'R-1' RESIDENTIAL-1 TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 705, 709 & 711 N. OLD HWY 81, IN HAYS COUNTY, TEXAS. (KARLYN ELLIS Z-13-010); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 3.254 acres from 'R-1' Residential - 1 to 'RS' Retail Service District, on property located at 705, 709 & 711 N. Old Hwy 81, and the property location map labeled Exhibit B.

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

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

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

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the ___ day of _____, 2013, at which a quorum was

present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

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

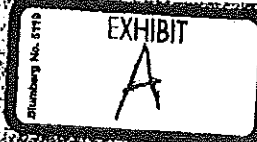
APPROVED this _____ day of _____, 2013.

Lucy Johnson, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A



BEGINNING at a point in the right-of-way of the G.N. Ry. Co. right-of-way, said point being also the S.W. corner of a 20 acre tract of land conveyed to Audelio Cortez by Metz Schmeltekopf and Arthur Schmeltekopf by a deed dated October 1, 1935, and now recorded in Vol. 110, Pages 248-249, of Hays County Deed Records, said point being the beginning corner of this tract;

THENCE northward along the said east line of said railroad right-of-way 500 feet to a point for corner and the N.W. corner of the tract of land hereby conveyed, said N.W. corner being also the S.W. corner of a tract of land conveyed by B.S. Castillo to Francisco Martinez;

THENCE eastward along the boundary line between this tract and the south boundary line of said Francisco Martinez tract of land and continue in the same straight line along the south boundary line of a tract of land heretofore conveyed by Audelio Cortez and Paula Cortez to Aurelio Chavira, and continue in the same direction to the N.W. corner of a tract of land conveyed to Victor Martinez by B.S. Castillo, said N.W. corner of said Martinez tract being a corner of this tract, said distance from said N.W. corner of this tract to said N.W. corner of said Victor Martinez tract being 295 feet;

THENCE 120 feet along the west line of said Victor Martinez tract to the S.W. corner of the same for a corner of this tract;

THENCE 163 feet along the south line of said Victor Martinez tract of land to a point of intersection with the west boundary line of State Highway No. 2 for the corner of this tract;

THENCE along the west boundary line of said State Highway No. 2 to the S.E. corner of said 20 acre tract of land hereinabove referred to, said corner being also the S.E. corner of this tract;

THENCE along the south boundary line of said 20 acre tract of land a distance of 329.7 feet, also the south boundary line of the tract hereby described, to the corner and POINT OF BEGINNING, this corner being the S.W. corner of this tract;

This tract of land is the same as that conveyed to B.S. Castillo by Audelio Cortez and Paula Cortez by a deed dated May 22, 1945, with the exception of the above mentioned tract of land conveyed to Francisco Martinez by B.S. Castillo, said tract of land so conveyed to said Francisco Martinez by B.S. Castillo being the northern portion of said mentioned tract of land conveyed to said B.S. Castillo by said Audelio Cortez and Paula Cortez; and also includes the tract of land above mentioned conveyed by B.S. Castillo to Francisco Martinez;

VOL 579 PG 0126

Exhibit B





CITY OF KYLE, TEXAS

Meeting Date: 10/2/2013
Date time: 7:00 PM

Lowden - Rezone

Subject/Recommendation:

(First Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.67 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'R-1-T' RESIDENTIAL TOWNHOME, ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF PORTER AND COCKERHAM, IN HAYS COUNTY, TEXAS. (ALAN & SHARON LOWDEN Z-13-013); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the rezone request.

- Public Hearing

Other Information:

Please see attachments

Budget Information:

N/A

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

Attachments / click to download

[Ordinance](#)

[Exhibit B](#)

[Exhibit A](#)

[Staff Report](#)

[Letters of Opposition](#)

Cover Memo

Item # 20

October 2, 2013

City Council

Zoning

Case Number: Z-13-013

P&Z Recommendation: The Planning and Zoning Commission recommended with a vote of 7-0 to approve the zoning request.

OWNER/APPLICANT: Alan and Sharon Lowden **AGENT:** Gary Whited

LOCATION: The subject property is located at the northwest corner of Porter and Cockerham Street.

COUNTY: Hays County **AREA:** 3.67 acres

PROPOSED CITY COUNCIL HEARINGS: First Reading: October 2, 2013
Second Reading: October 15, 2013

EXISTING ZONING: Single Family residential “R-1”

PROPOSED ZONING: Residential Townhouse “R-1-T”

SITE INFORMATION:

Transportation: The property has access points from both Porter Street on the south side and Cockerham Street on the east side. At the time of platting the property owner will be required to pay a perimeter road fee in order to bring both streets into compliance with minimum street standards.

Surrounding Zoning:

- *North: R-1 Single Family Residential*
- *South: R-1 Single Family Residential*
- *East : R-2 Residential two-family*
- *West: R-1 Single Family Residential*

Future Land Use Designation: Historic Core Area Transition Land Use District

PUBLIC INPUT: Notice of the proposed change was sent to property owners within 200’ of the subject property. As of the date of this staff report no correspondence or telephone calls have been received in support for or against this request.

STAFF ANALYSIS:***Background***

The subject property is located at the corner of Porter Street and Cockerham. The subject property is zoned R -1 (residential 1). R-1 is a zoning designation that existed in the previous zoning ordinance, however when the current zoning ordinance was approved in 2003 the R-1 designation was not adopted within it.

Comprehensive Plan Guidance

October 2, 2013

City Council

Zoning

Case Number: Z-13-013

- This district serves as a transition between the regular gridded development pattern in the downtown core of the city and newer development patterns to the north.
- Development of the district has historically been small, and on a lot-by-lot basis.
- As new development extends into the district from the Old Town District care should be taken to ensure that the historic street pattern is preserved.
- The stated purpose of the district is to accommodate the growth of residential and neighborhood commercial uses around the Old Town district, while preserving the historic rural fabric.

Zoning District

- The permitted density shall not exceed 2,844 square feet. There shall be no more than ten units per buildable acre of land.
- *Front yard.* There shall be a common area yard having a depth of not less than 15 feet
- *Side yard.* No side yard shall be required for individual lots. There shall be a side yard setback of not less than 15 feet from the walls of any building, or accessory building, to the nearest boundary line of any property not included within the townhouse development.
- *Rear yard minimum setback.* There shall be a rear yard setback having a depth of not less than 15 feet
- *Approved materials.* All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

Recommendation

- Staff is recommending approval of the request for the following reasons:
 - The proposed rezoning would allow for the infill development of property within the City core where existing utilities and infrastructure are already present.
 - The rezoning of this property would create a residential product that does not already exist within this area of Kyle
 - R-1-T is identified as recommended zoning designation within the future land use district.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.67 ACRES OF LAND FROM 'R-1' SINGLE FAMILY TO 'R-1-T' RESIDENTIAL TOWNHOME, ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF PORTER AND COCKERHAM, IN HAYS COUNTY, TEXAS. (ALAN & SHARON LOWDEN Z-13-013); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 3.67 acres from 'R-1' Single Family to 'R-1-T' Residential Townhome, on property located at the northwest corner of Porter and Cockerham, and the property location map labeled Exhibit B.

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

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

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

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the ___ day of _____, 2013, at which a quorum was

present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

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

APPROVED this _____ day of _____, 2013.

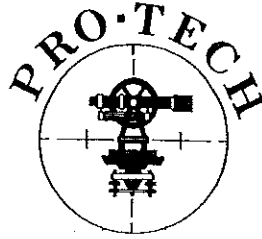
Lucy Johnson, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

100 E. San Antonio St. Suite 100
San Marcos, Tx 78666



512/353-3335
FAX 512/396-0224

**ENGINEERING
GROUP**
INCORPORATED

FIELD NOTE DESCRIPTION OF
3.67 ACRES OF LAND
IN THE
JOHN PHARASS SURVEY
CITY OF KYLE
HAYS COUNTY, TEXAS

BEING A PORTION OF THAT TRACT CALLED 2½ ACRES CONVEYED BY D.K. COCKREHAM AND WIFE TO W.D. BRANUM BY DEED DATED APRIL 21, 1888 AS RECORDED IN VOLUME W, PAGE 386 OF THE HAYS COUNTY DEED RECORDS, A PORTION OF THAT TRACT CALLED 13/16 ACRES CONVEYED BY W.D. BRANUM TO JANE MERRITT BY DEED DATED FEBRUARY 24, 1891 AS RECORDED IN VOLUME 33, PAGE 130 OF THE HAYS COUNTY DEED RECORDS, ALL OF THAT TRACT CALLED 1½ ACRES CONVEYED BY D.K. COCKREHAM TO MRS. M.J. WOLFGEN BY DEED DATED JANUARY 27, 1887 AS RECORDED IN VOLUME V, PAGE 28 OF THE HAYS COUNTY DEED RECORDS, ALL OF THAT TRACT CALLED 1/8 ACRE CONVEYED BY HAYS INDEPENDENT SCHOOL DISTRICT, ET AL TO CHARLES W. KNIGHT, JR. BY QUITCLAIM DEED DATED APRIL 26, 1991 AND RECORDED IN VOLUME 901, PAGE 35 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, ALL OF THAT TRACT CALLED 1 ACRE CONVEYED BY D.K. COCKREHAM AND MANERVA COCKREHAM TO N.O. SNEED BY DEED DATED AUGUST 6, 1884 AS RECORDED IN VOLUME S, PAGE 566 OF THE HAYS COUNTY DEED RECORDS, AND ALL OF THAT TRACT CALLED ½ ACRE CONVEYED BY EDWIN SUNDERLAND AND LAURA L. SUNDERLAND TO S.E. MOSS BY DEED DATED DECEMBER 10, 1887 AS RECORDED IN VOLUME W, PAGE 239 OF THE HAYS COUNTY DEED RECORDS, ALL BEING A PORTION OF THAT TRACT CALLED NINETY ACRES CONVEYED BY E.I. IGLEHART TO DANIEL K. COCKREHAM BY DEED DATED FEBRUARY 13, 1882 AS RECORDED IN VOLUME P, PAGE 144 OF THE HAYS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

COMMENCING at an iron stake with aluminum cap marked "Pro-Tech Eng 2219" set on the northwest right of way line of Cockreham Street for a salient southeast corner of a 3.46 acre tract from which an iron stake found for the east corner of Lot 17 of the H. Garland Stokes Subdivision No. 2, a subdivision recorded in Book 1, Page 139 of the Hays County Plat Records bears N43°49'07"W, 5.00 feet;

THENCE, leaving said Lot 17, with the northwest right-of-way line of Cockreham Street N46°12'58"E, at 298.46 feet passing an iron stake with aluminum cap marked "Pro-Tech Eng 2219" set at the intersection of the northwest right-of-way line of Cockreham Street with the southwest line of Porter Street for the east corner of said 3.46 acre tract, and continuing on, crossing Porter Street, in all, 339.21 feet to a fence post at the intersection of the northwest right-of-way line of Cockreham Street with the northeast line of Porter Street for the south corner of the S.E. Moss tract and the N.O. Sneed tract, and the south corner and POINT OF BEGINNING of the tract herein described;

THENCE, leaving Cockreham Street with the northeast line of Porter Street N43°53'09"W, 208.59 feet to an iron stake with aluminum cap marked "Pro-Tech Eng 2219" set at the south corner of that tract called 0.68 acres conveyed by Viola Thomas to Juan Garcia and Maria Inez Garcia by deed dated September 14, 1967 as recorded in Volume 219, Page 586 of the Hays County Deed Records, the west corner of the Moss and Sneed tracts, the south corner of the W.D. Branum tract and the most southwesterly corner of the tract herein described;

THENCE, with the southeast and northeast lines of the Garcia 0.68 acre tract the following courses, numbered (1) and (2):

- 1) N45°43'47"E, at 105 feet passing the record north corner of the Moss tract, and continuing on in all 140.43 feet to a fence post in the common line of the Sneed and Branum tracts,
- 2) With fence N43°28'13"W, 207.19 feet to a 60d nail found in the northwest line of the Branum tract, for the south corner of that tract called 6.760 acres, known as Tract 1, conveyed by Kevin Cain to Dale Lowden Excavating, Inc. by deed dated May 20, 1997 as recorded in Volume 1315, Page 416 of the Official Public Records of Hays County, Texas, the east corner of that tract called 0.40 acres conveyed by Viola Abrams, et al to Joe Garcia by deed dated November 28, 1978 as recorded in Volume 321, Page 428 of the Hays County Deed Records, the north corner of the Garcia 0.68 acre tract, and the most northwesterly corner of the tract herein described;


THENCE, leaving the Garcia 0.68 acre tract and the Garcia 0.40 acre tract, with the southeast line of the Lowden 6.760 acre tract along the northwest side of a rock wall N45°37'49"E, at 193.92 feet passing the record west corner of the Jane Merritt tract, and continuing on in all 307.81 feet to a fence post in the southwest line of that tract called 13¼ acres conveyed by Mack Aguirre to William C. Aguirre by deed dated October 19, 1999 as recorded at Document #9924796 of the Official Public Records of Hays County, Texas, for the east corner of the Lowden 6.760 acre tract and the north corner of the Branum tract and the tract herein described;


THENCE, leaving the Lowden 6.760 acre tract with the southwest line of the Aguirre 13¼ acre tract S45°20'06"E, 159.16 feet to a fence post for the west corner of that tract called 3 acres conveyed by Narcissus Ratliff Whisenant to Ashley Porter by Affidavit of Heirship dated October 21, 1967 as recorded in Volume 220, Page 274 of the Hays County Deed Records and the south corner of the Aguirre 13¼ acre tract;

THENCE, leaving the Aguirre 13¼ acre tract, with the southwest line of the Porter 3 acre tract as fenced, occupied, and used upon the ground the following courses, numbered (3) through (5):

- 3) S44°05'24"E, at 49.17 feet passing the southeast line of the Merritt and Branum tracts and the north corner of the Mrs. M.J. Wolfgen tract, and continuing on in all 78.65 feet to a fence post,
- 4) S43°51'34"E, 81.75 feet to a fence post,
- 5) S44°44'10"E, 98.76 feet to an iron stake with aluminum cap marked "Pro-Tech Eng 2219" set in the northwest right-of-way line of Cockreham Street for the east corner of the Wolfgen tract and the tract herein described;

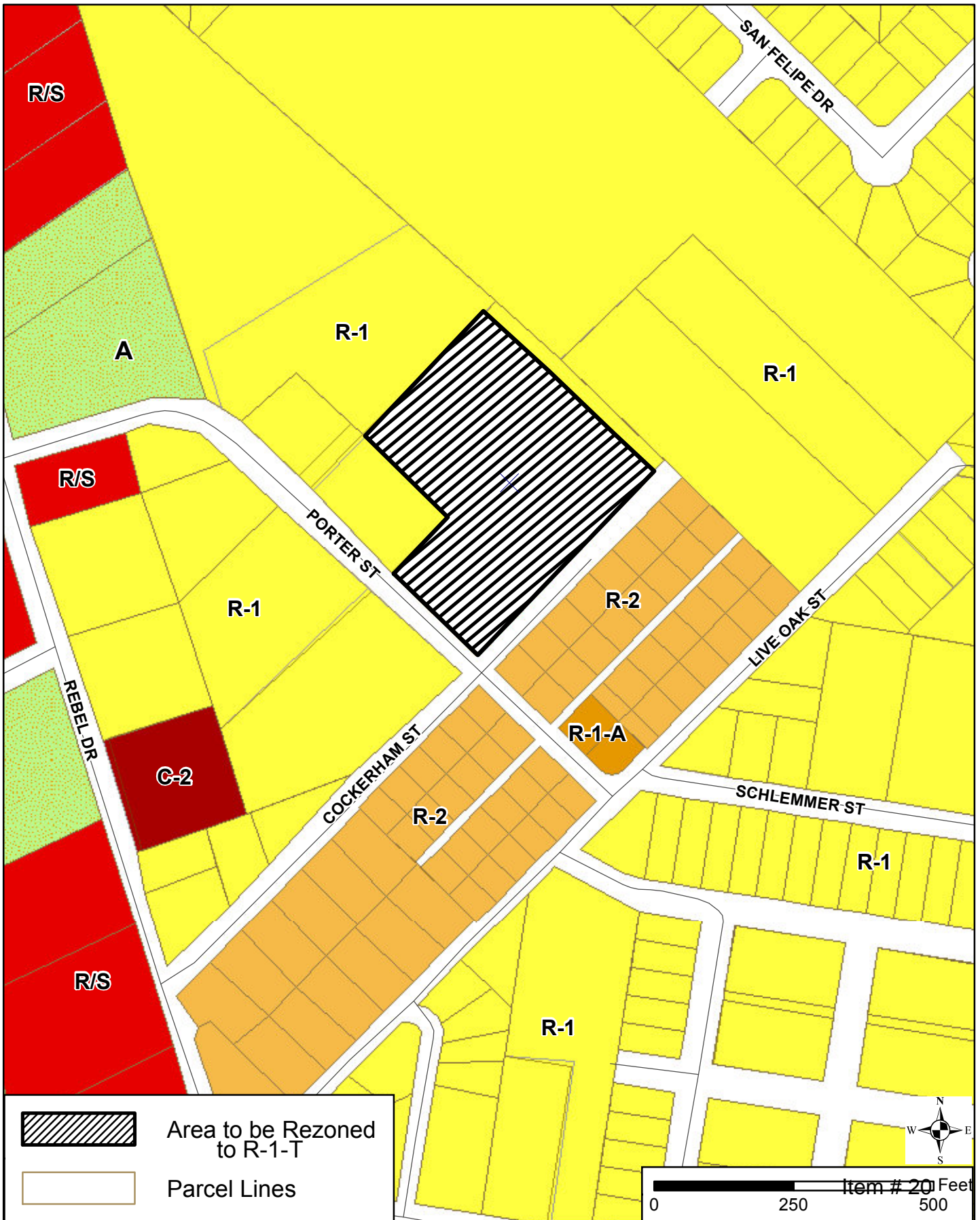
THENCE, leaving the Porter 3 acre tract, with the northwest right-of-way line of Cockreham Street S45°58'50"W, at approximately 228 feet passing the south corner of the Wolfgen tract and the east corner of the Sneed tract, at 350.46 feet passing the east corner of the Moss tract, continuing on in all 455.46 feet to the POINT OF BEGINNING, containing 3.67 acres. Surveyed September 10, 1998.

BY 
Kelly Kilber, Registered Professional
Land Surveyor No. 2219



PORTER TRACTS
EO# 13609 JOB #11228
FB. 416, PG. 6
PLAN NO. 4242
FNF 9467
3.67 AC. 071202.DOC

Exhibit B



You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File #: Z-13-010)

Name: Ypolita Saucedo

Address: P.O. Box 381 Kyle TX 78640

I am in favor, this is why _____

• I am not in favor, and this is why loud noise,
traffic, other changes that
might occur in the future cause
of zoning.



CITY OF KYLE, TEXAS

Yarrington PUD

Meeting Date: 10/2/2013
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 47.74 ACRES OF LAND FROM 'AG' AGRICULTURE TO A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT 'PUD' WITH A BASE ZONING DESIGNATION OF RETAIL SERVICES 'RS' AND MULTI-FAMILY RESIDENTIAL 'R-3-3', ON PROPERTY LOCATED AT 24800 S. IH-35 (THE PROPERTY BOUNDED BY YARRINGTON ROAD ON THE SOUTH, I-35 ACCESS ROAD ON THE EAST AND POST ROAD ON THE WEST), IN HAYS COUNTY, TEXAS. (PGI INVESTMENTS, LLC, Z-13-003); 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 5-2 to approve the rezone request with conditions listed in staff report.

- Public Hearing

Other Information:

Please see attachments

Budget Information:

N/A

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

Attachments / click to download

[Ordinance](#)

Cover Memo

[Update Resubmittal 9 18 13](#)

Item # 21

[Staff Back up Material](#)

[Exhibit B](#)

[Exhibit A](#)

[Staff Report](#)

[Staff Analysis](#)

October 2, 2013	City Council
Zoning	PGI Investments
Case Number: Z-13-003	

Planning and Zoning Commission Recommendation: The Planning Commission recommended with a vote of 5-2 to approve the request with the following conditions: remove the variances to the sign requirements and multi-family parking standards included in the presented PUD.

OWNER/APPLICANT: Hugo Elizondo on behalf of PGI Investment

LOCATION: 24800 S. IH35

AREA: 47.74 acres

EXISTING ZONING: -A (Agriculture)

PROPOSED ZONING: The applicant is seeking a zoning request of PUD (Planned Unit Development Overlay District) with a base zoning district of Retail Services and R-3-3 (Apartment Residential- 28 units per acre).

SITE INFORMATION:

Transportation: The subject property fronts on I-35, Yarrington Road, and Post Road

Surrounding Zoning:

- *North- I-35*
- *South- Yarrington Road*
- *East – I-35*
- *West- Post Road*

Future Land Use Designation: New Settlement District / Regional Node

PUBLIC INPUT

See attached.

STAFF ANALYSIS:

Background

The subject property is located west of I-35 and is bounded on the west by Post Road, on the south by Yarrington Road and the north and east by IH-35. The property was initially annexed into the City on October 20, 2009 and received its current interim zoning designation of AG at that time.

Intent of Requested Zoning District

PUD- purpose and objectives
Sec. 53-669.

(a)The purpose and intent of the planned unit development district is to provide a flexible, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the city consistent with this chapter and accepted urban planning, with overall mixed-use regulations as set

October 2, 2013	<i>City Council</i>
Zoning	PGI Investments
Case Number: Z-13-003	

forth below and in accordance with the city's comprehensive plan. The planned unit development rules are designed to:

- (1) Allow development which is harmonious with nearby areas;
 - (2) Enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance;
 - (3) Provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space, and lower construction and maintenance costs;
 - (4) Encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods;
 - (5) Facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment;
 - (6) Provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and
 - (7) Require the application of professional planning and design techniques to achieve overall coordinated mixed-use developments and avoid the negative effects of piecemeal, segregated, or unplanned development.
- (b) Toward these ends, rezoning of land and development under this district will be permitted only in accordance with the intent and purpose of the city's comprehensive plan and this chapter, and to that end the planned unit development plan must be prepared and approved in accordance with the provisions of this chapter.

Sec. 53-703. Flexible planning.

- (a) When considering a planned unit development (PUD), the unique nature of each proposal for a PUD may require, under proper circumstances, the departure from the strict enforcement of certain present codes and ordinances, e.g., without limitation, the width and surfacing of streets and highways, lot size, parking standards, set backs, alleyways for public utilities, signage requirements, curbs, gutters, sidewalks and streetlights, public parks and playgrounds, drainage, school sites, storm drainage, water supply and distribution, sanitary sewers, sewage collection and treatment, single use districts, etc.
- (b) Final approval of a PUD by the city council shall constitute authority and approval for such flexible planning to the extent that the PUD as approved, departs from existing codes and ordinances.

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(c)The flexibility permitted for a PUD does not imply that any standard or requirement will be varied or decreased.

Sec. 53-704. Rules applicable.

The City Council, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may attach a planned unit development district designation to any tract of land equal to or greater than three buildable acres. Under the planned development designation the following rules apply:

(1)The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the city council, and no such approval will be inferred or implied.

(2)Permitted uses are those listed under the applicable zoning districts for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as CBD-2, RS, W, CM districts). In addition, a planned unit development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective transition between a lesser and more restrictive district. In approving a planned unit development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.

(3)Standards required by the base zoning apply in a planned unit development except that the following regulations and standards may be varied in the adoption of the planned unit development; provided that the plan is consistent with sound urban planning and good engineering practices.

- a. Front, side and rear setbacks.
- b. Maximum height.
- c. Maximum lot coverage.
- d. Floor area ratio.
- e. Off-street parking requirements.
- f. Special district requirements pertaining to the base zoning.
- g. Number of dwelling units per buildable acre.

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h. Accessory building regulations.

i. Sign standards.

(4) In approving a planned unit development, no standards may be modified unless such modification is expressly permitted by this chapter, and in no case may standards be modified when such modifications are prohibited by this chapter.

(5) In approving a planned unit development, the city council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.

(6) The planning and zoning commission and city council, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and gene

Sec. 53-722. Preliminary site plan.

A preliminary site plan of the entire property within the planned unit development will be considered by the planning and zoning commission prior to any recommendation to, or consideration by, the city council of this division.

(1) A preliminary site plan may be approved for a portion of a planned unit development district where the district is divided by a major thoroughfare, and the preliminary site plan includes all the property located on one side of the street.

(2) Approval of a preliminary site plan will determine the location and mix of proposed uses, proposed points of ingress and egress, parking spaces, building locations and height, lot coverage, yards and open spaces, landscaping, screening walls or fences, topography, and other development and protective requirements, considered necessary to create a reasonable transition to, and protection of, the adjacent property.

(3) The planning and zoning commission and/or city council may approve, conditionally approve, request modifications, or deny approval of the preliminary site plan based on evaluation of details with respect to:

a. The plan's compliance with all provisions of this chapter and other ordinances of the city.

b. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.

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- c. The relationship of the development to adjacent uses in terms of harmonious use and design, setbacks, maintenance of property values, and negative impacts.
- d. The provision of a safe and efficient vehicular and pedestrian circulation system.
- e. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- f. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
- g. The coordination of streets so as to compose a convenient system consistent with the thoroughfare plan of the city.
- h. The use of landscaping and screening to:
1. Provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and
 2. Complement the design and location of buildings and be integrated into the overall site design.
- i. The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- j. The adequacy of water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.

Comprehensive Plan Guidance

The Future Land Use map identifies the subject property to be located within the New Settlement Future Land Use District and the Regional Node Future Land Use District.
Intent of Future Land Use Districts

Intent for Future Development and Zoning Changes within the Requested Area

The Comprehensive Master Plan identifies the New Settlement District to have a high level of development potential. Additionally the Comprehensive Master Plan states The City of Kyle should seek to capitalize on the develop ability of the future land use district, while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces and improving connectivity within and outside the district. Furthermore the district encourages use patterns to be established in a manner that complement residential development and facilitate beneficial land use transitions. The New Settlement

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District **does not** recommend the R-3-3 zoning district within the future land use district and zoning district identifies the retail services zoning district as a conditional zoning category within the district.

The Comprehensive Master Plan identifies the Regional Nodes to have regional scale retail and commercial activity complemented by regional scale residential uses. The Regional Node districts are intended to represent the character and identity of Kyle, and signal these traits to the surrounding community. The Comprehensive Master Plan identifies appropriate uses for a Regional Node to include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers. The primary goal of the regional nodes is to capture commercial opportunities necessary to close Kyle's tax gap. In order to achieve this goal the comprehensive plan states that density should be aggregated to enhance value and activity levels. The Comprehensive Master Plan identifies the Retail Services zoning designation as a **conditional** zoning designation within the Regional Node future land use district. When a zoning district is identified conditional the comprehensive master plan states that design improvements shall be made to ensure compliance with intent and character objectives of the future land use district and implementation of the design standards as conveyed in the urban design plan shall be incorporated into the development.

Urban Design Plan Guidance

The Urban Design identifies the subject property to be located in an area that is subject to the transitional condition of the Urban Design Plan (specifically within component 3: Interstate 35 Approachways). The urban design plan identifies the primary function of the transitional district is to visually and cognitively establish a separation from the ordinary interstate landscape (as seen in Buda and San Marcos) and create a sense of approach to the destination portion of the interstate corridor. Additionally it provides the following guidance regarding development

Private Realm Interface:

- Service roads prevent building development from directly fronting the Interstate edge. However, where development fronts the service road, it should relate to such roadways in a more typical pattern (e.g. parking located between the building and the roadway).
- Provisions should be made in the site design for a landscape edge of parking areas that brings a portion of the native planting (within the corridor right of way) into the private realm.

Enhancements:

- In order for a clear separation from the ordinary Interstate landscapes of Buda and San Marcos to be realized, the Approachway section of I-35 must present a more pastoral image. Therefore, key enhancements of the Approachway sections of the I-35 corridor include:
 - A forested Interstate edge created by a program of denser tree planting using native species and the use of understory plant materials to create an image of an undisturbed landscape.
 - Planting of colorful ornamental grasses on certain terraces.

Review Criteria for Zoning Request:

Sec. 10.05. of the City of Kyle City Charter requires the Planning and Zoning Commission to make recommendations to the council regarding the zoning of land and land uses within the corporate limits of

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City Council**PGI Investments****Case Number: Z-13-003**

the city and to insure the consistency of any such land use with the adopted comprehensive plan or element or portion thereof.

- In reviewing this request the Planning Commission is directed by Sec. 53-669 of the City Code to rezone land to PUD only when it is in accordance with the intent and purpose of the city's comprehensive plan and the intent and purpose statement and the requirements of the PUD Ordinance
-

Options for Action:

- If the proposed development is consistent with the o

MEMO

To: City Council

From: Sofia Nelson, Director of Planning

Date: September 20, 2012

RE: PUD request

Below is a review of the rules applicable to PUD requests, these criteria can be found in Section 53-704 of the City of Kyle Code. Below each requirement you will see staff's analysis written in bold and italics

You will find that City Staff did not make a recommendation on this zoning case. As identified below and in the staff report included within the meeting packet PUDs are substantially discretionary on the parts of P&Z and City Council. Because PUDs are called to create a product that is superior to what would normally be developed recommendation for approval is reserved for developments which would meet or exceed all the requirements in the City's code. This particular PUD is requesting special considerations on several items; staff as a result cannot recommend approval. Because the applicant is also exceeding other standards staff did not believe that a recommendation of denial would be fair to the applicant. Staff's role in this process has been to negotiate the best development standards possible should the Planning and Zoning Commission and City Council find the development be consistent with the intent of the comprehensive plan and approve the request.

Sec. 53-704. Rules applicable

The city council, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may attach a planned unit development district designation to any tract of land equal to or greater than three buildable acres. Under the planned development designation the following rules apply:

- (1)The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the city council, and no such approval will be inferred or implied.
- (2)Permitted uses are those listed under the applicable zoning districts for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as CBD-2, RS, W, CM districts). In addition, a planned unit development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective

transition between a lesser and more restrictive district. In approving a planned unit development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.

- ***The applicant is seeking to remove the following uses from uses permitted to be developed: sale of motor vehicles, car wash, bus terminal facility, auto repair***
- (3) Standards required by the base zoning apply in a planned unit development except that the following regulations and standards may be varied in the adoption of the planned unit development; provided that the plan is consistent with sound urban planning and good engineering practices.
 - a. Front, side and rear setbacks. ***-No variance is being requested.***
 - b. Maximum height. ***-No variance is being requested.***
 - c. Maximum lot coverage. ***-The applicant is imposing a restriction of 75% of lot area instead of 80%***
 - d. Floor area ratio. ***- No variance is being requested.***
 - e. Off-street parking requirements. ***- A reduction is being requested for the multi-family development and a request to exceed the maximum parking for the site is being requested for truck parking.***
 - f. Special district requirements pertaining to the base zoning- ***The subject property is within the I-35 Overlay District. The development standards in which the applicant is varying from the overlay development standards are as follows: glazing requirements and the number of design elements required on each building. The following site standards are also differ from those outlined in the overlay ordinance: the number of consecutive parking spaces.***
 - g. Number of dwelling units per buildable acre. ***The applicant is seeking a request to allow 28 units per acre (the new settlement district does not recommend this density, the regional node future land use district identifies this density as a recommended zoning category).***
 - h. Accessory building regulations. ***No variance is being requested.***
 - i. Sign standards. ***The applicant is seeking to install 1- 80' pylon sign with LED sign face, 1- 50' pylon sign, 2-25' and 1 monument sign. The sign code currently allows for a maximum sign of 1 per lot with a maximum of 35' feet. The applicant is seeking to reduce the number of sign faces for an increase in height from 35' to 1-50' and 1-80' sign and the use of LED signage on a non-monument sign. The applicant's renderings also appear to allow for exposed metal where the city code requires all sign structures and their attachments to***

the foundation shall be fully constructed or covered by stone, brick, or stone veneer.

(4) In approving a planned unit development, no standards may be modified unless such modification is expressly permitted by this chapter, and in no case may standards be modified when such modifications are prohibited by this chapter.

- ***It does not appear that any additional standard aside from what is identified above is being modified.***

(5) In approving a planned unit development, the city council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.

- ***The applicant has added additional landscaping requirements to the development standards, however lighting, noise air, and open space requirements have not been included in the PUD document.***

(6) The planning and zoning commission and city council, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this chapter.

- ***The intent of the requested base zoning districts are as follows: Retail Services-This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products. The conditions and limitations on uses in the RS district are as follows:***

(1)The use be conducted wholly within an enclosed building, except for delivery, catering, gasoline sales, nurseries and garden centers.

(2)Required yards and outdoor areas not be used for display, sale vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas.

(3)All merchandise to be sold on the premises, except for delivery and catering.

(4)The use is not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused customer and

employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.

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

- The intent of the multifamily residential district R-3-3 is to permit typical apartment development with buildings not exceeding three stories, nor more than 28 units per buildable acre, and with apartments or units having a minimum living area of 500 square feet; provided that not more than 25 percent of the units in any such apartment development or project shall have less than 750 square feet of living area.*

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 47.74 ACRES OF LAND FROM 'AG' AGRICULTURE TO A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT 'PUD' WITH A BASE ZONING DESIGNATION OF RETAIL SERVICES 'RS' AND MULTI-FAMILY RESIDENTIAL 'R-3-3', ON PROPERTY LOCATED AT 24800 S. IH-35 (THE PROPERTY BOUNDED BY YARRINGTON ROAD ON THE SOUTH, I-35 ACCESS ROAD ON THE EAST AND POST ROAD ON THE WEST), IN HAYS COUNTY, TEXAS. (PGI INVESTMENTS, LLC, Z-13-003); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 47.74 acres from 'AG' Agriculture to a Planned Unit Development Overlay District 'PUD' with a base zoning designation of Retail Services 'RS' and Multi-family Residential 'R-3-3', on property located at 24800 S. IH-35, and the property location map labeled Exhibit B.

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

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

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

SECTION 5. It is hereby officially found and determined that the meeting at which this

ordinance was passed was open to the public as required by law.

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

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

APPROVED this _____ day of _____, 2013.

Lucy Johnson, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

FIELD NOTE DESCRIPTION FOR A 38.67-ACRE TRACT OF LAND, HAYS COUNTY, TEXAS, TRACT 1:

BEING A 38.67 ACRE TRACT OF LAND, LYING PARTIALLY WITHIN THE W. WARD SURVEY, ABSTRACT NO. 467 AND THE JAMES W. WILLIAMS SURVEY, ABSTRACT NO.473, AND BEING OUT OF THAT CERTAIN 47.74 ACRE TRACT CONVEYED BY GENERAL WARRANTY DEED TO PGI INVESTMENT, LLC, AS RECORDED IN DOCUMENT NO. 2012-12002993, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron steel stake found marking the intersection of the north right-of-way line of Yarrington Road (Hays County Road 159), a public street, and the west right-of-way line of Interstate Highway 35, same being the south corner of that certain 47.74 acre tract conveyed to PGI Investment, LLC, as recorded in Document No. 2012-12002993, of the Official Public Records, Hays County, Texas, for the south corner of this described 38.67 acre tract;

THENCE northwest along the said north right-of-way line of Yarrington Road (Hays County Road No. 159), the following five (5) courses:

- 1). North 45°18'08" West, a distance of 83.29 feet to a ½ inch stake found at a point of curvature of a curve to the right;
- 2). Along said curve to the right, an arc length of 366.36 feet; said curve having a radius of 6,000.63 feet, a delta angle of 3°29'53", and a chord which bears North 42°11'18" West, a distance of 366.30 feet to a ½ inch steel stake found at a point of reverse curvature of a curve to the left;
- 3). Along said curve to the left, an arc length of 256.59 feet; said curve having a radius of 6,100.64 feet, a delta angle of 2°24'35", and a chord which bears North 41°38'30" West, a distance of 256.57 feet to a ½ inch steel stake found at its point of tangency along the north line of this tract;
- 4). North 33°21'32" West, a distance of 486.62 feet to a ½ inch steel stake found for an angle point;
- 5). North 53°01'29" West, a distance of 172.81 feet to a ½ inch steel stake found marking the west corner of said 47.74 acre tract, same being at the intersection of the north right-of-way line of Yarrington Road and the east line of Post Road (Hays County Road No. 140), a public street, for the west corner of the herein described 38.67 acre tract;

THENCE along the west line of this tract common with said east right-of-way line of Post Road and the west line of said 47.74 acre tract, the following five (5) courses:

- 1). North 37°13'25" East, a distance of 85.38 feet to a ½ inch steel stake found for an angle point hereof;
- 2). North 40°30'37" East, a distance of 63.93 feet to a ½ inch steel stake found for an angle point;
- 3). North 43°21'19" East, a distance of 355.33 feet to a ½ inch steel stake found for an angle point;
- 4). North 44°08'43" East, a distance of 445.78 feet to a ½ inch steel stake found for an angle point;
- 5). North 44°05'17" East, a distance of 53.44 feet to a calculated point for an angle corner of this tract;

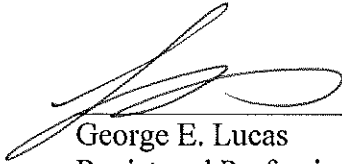
THENCE departing from said east line of Post Road, along the north line of this tract, the following four (4) courses:

- 1). South 80°56'28" East, a distance of 508.82 feet to a calculated point at an interior corner;
- 2). North 12°13'17" East, a distance of 323.06 feet to a calculated point at an angle point;
- 3). North 20°56'10" East, a distance of 227.05 feet to a calculated point for the northwest corner of the herein described tract;
- 4). South 69°03'50" East, a distance of 250.00 feet to a calculated point lying in the west right-of-way line of Interstate Highway 35 for the northeast corner hereof;

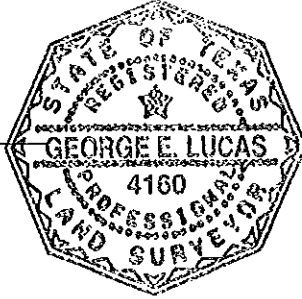
THENCE along the east line of this described tract common with the said west right-of-way line of Interstate Highway 35 and east line of said 47.74 acre tract, the following eight (8) courses:

- 1). South 20°56'10" West, a distance of 208.00 feet to a ½ inch steel stake for an angle point;
- 2). South 12°13'17" West, a distance of 290.20 feet to a ½ inch steel stake for an angle point;
- 3). South 09°03'32" West, a distance of 291.79 feet to a concrete monument for an angle point;
- 4). South 01°48'59" West, a distance of 300.31 feet to a ½ inch steel stake for an angle point;
- 5). South 04°15'20" West, a distance of 301.31 feet to a concrete monument for an angle point;
- 6). South 18°22'34" West, a distance of 294.77 feet to a ½ inch steel stake for an angle point;

- 7). South 32°16'49" West, a distance of 300.47 feet to a ½ inch steel stake for an angle point;
- 8). South 44°50'04" West, a distance of 314.81 feet to the POINT OF BEGINNING, and containing 38.67 acres of land, more or less.



George E. Lucas
Registered Professional
Land Surveyor No. 4160
State of Texas
Date: December 18, 2012



FIELD NOTE DESCRIPTION FOR A 7.38 ACRE TRACT OF LAND, HAYS COUNTY, TEXAS, TRACT 2:

BEING A 7.38 ACRE TRACT OF LAND, LYING WITHIN THE JAMES W. WILLIAMS SURVEY, ABSTRACT NO. 473 AND BEING OUT OF THAT CERTAIN 47.74 ACRE TRACT CONVEYED BY GENERAL WARRANTY DEED TO PGI INVESTMENT, LLC, AS RECORDED IN DOCUMENT NO. 2012-12002993, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½ inch steel stake found marking the intersection of the west right-of-way line of Interstate Highway 35 and the cutoff from Post Road (Hays County Road 140), same being the northeasterly corner of that certain 47.74 acre tract conveyed to PGI Investment, LLC, as recorded in Document No. 2012-12002993, of the Official Public Records, Hays County, Texas;

THENCE southwest along the said west right-of-way line of Interstate Highway 35 common with the east line of said 47.74 acre tract, the following two (2) courses:

- 1). South 10°10'35" West, a distance of 149.65 feet to a ½ inch stake found at an angle point of said 47.74 acre tract;
- 2). South 19°44'31" West, a distance of 304.19 feet to a ½ inch steel stake found marking the northeasterly corner and POINT OF BEGINNING of this described tract;

THENCE continuing along the east line of this tract common with said west right-of-way line of Interstate Highway 35 common with the east line of said 47.74 acre tract, South 23°23'07" West, a distance of 348.50 feet to a ½ inch steel stake found for an angle point;

THENCE South 20°56'10" West, a distance of 48.20 feet to a calculated point for the apparent southeast corner of the herein described 7.38 acre tract;

THENCE departing said west right-of-way of Interstate Highway 35 common with the east line of this tract, and along the south line of this described tract, the following four (4) courses:

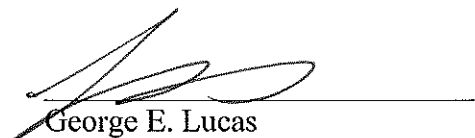
- 1). North 69°03'50" West, a distance of 250.00 feet to a calculated point for an angle point hereof;
- 2). South 20°56'10" West, a distance of 227.05 feet to a calculated point for an angle point;
- 3). South 12°13'17" West, a distance of 323.06 feet to a calculated point at an interior corner;

- 4). North $80^{\circ}56'28''$ West, a distance of 508.82 feet to a calculated point lying on the east right-of-way line of Post Road (Hays County Road No. 140), a public street, for the southwest corner of this tract;

THENCE along the west line of this described tract common with the east right-of-way of said Post Road common with the east line of said 47.74 acre tract, the following two (2) courses:

- 1). North $44^{\circ}05'17''$ East, a distance of 527.58 feet to a $\frac{1}{2}$ inch steel stake for an angle point;
- 2). North $44^{\circ}34'12''$ East, a distance of 605.88 feet to a $\frac{1}{2}$ inch steel stake for the northwesterly corner of this described tract;

THENCE departing said east right-of-way line of Post Road (Hays County Road No. 140), along the north line of this tract, South $70^{\circ}39'26''$ East, a distance of 263.65 feet to the POINT OF BEGINNING, containing 7.38 acres of land, more or less.



George E. Lucas
Registered Professional
Land Surveyor No. 4160
State of Texas
Date: December 18, 2012

FIELD NOTE DESCRIPTION FOR A 1.69 ACRE TRACT OF LAND, HAYS COUNTY, TEXAS, TRACT 3:

BEING A 1.69 ACRE TRACT OF LAND, LYING WITHIN THE JAMES W. WILLIAMS SURVEY, ABSTRACT NO. 473, AND BEING OUT OF THAT CERTAIN 47.74 ACRE TRACT CONVEYED BY GENERAL WARRANTY DEED TO PGI INVESTMENT, LLC, AS RECORDED IN DOCUMENT NO. 2012-12002993, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch steel stake found marking the intersection of the west right-of-way line of Interstate Highway 35 and the cutoff from Post Road (Hays County Road 140), same being the northeasterly corner of that certain 47.74 acre tract conveyed to PGI Investment, LLC, as recorded in Document No. 2012-12002993, of the Official Public Records, Hays County, Texas, for the northeasterly corner of this described 1.69 acre tract;

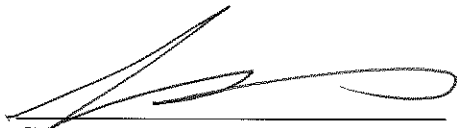
THENCE southwest along the east line of this described tract common with said west right-of-way line of Interstate Highway 35 common with the east line of said 47.74 acre tract, the following two (2) courses:

- 1). South 10°10'35" West, a distance of 149.65 feet to a ½ inch stake found at an angle point;
- 2). South 19°44'31" West, a distance of 304.19 feet to a ½ inch steel stake found marking the southeast corner of the herein described 1.69 acre tract;

THENCE departing said west right-of-way of Interstate Highway 35 common with the east line of this tract, and along the south line of this described tract, North 70°39'26" West, a distance of 263.65 feet to a ½ inch steel stake lying on the east right-of-way line of Post Road (Hays County Road No. 140), a public street, for the southwest corner of this tract;

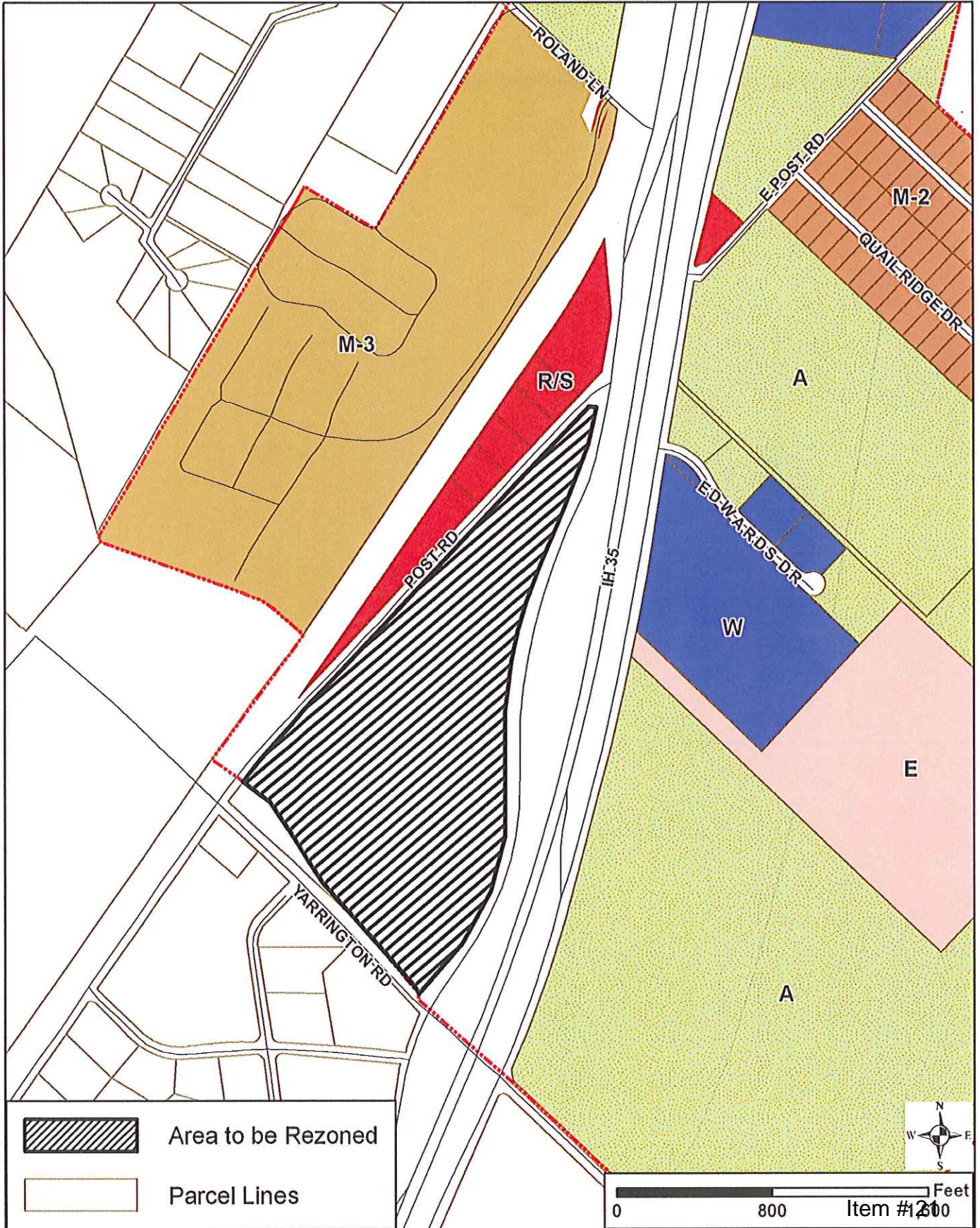
THENCE along the west line of this described tract common with the east right-of-way of said Post Road common with the west line of said 47.74 acre tract, North 42° 42'56" East, a distance of 484.50 feet to a ½ inch steel stake found at the west end of the right-of-way cutoff between Post Road and Interstate Highway 35 for the northwesterly corner of said 47.74 acre tract and the northwesterly corner of this described tract;

THENCE along the north line of this tract common with the north line of said 47.74 acre tract and along the cutoff, South 78°52'17" East, a distance of 50.24 feet to the POINT OF BEGINNING, containing 1.69 acres of land, more or less.



George E. Lucas
Registered Professional
Land Surveyor No. 4160
State of Texas
Date: December 18, 2012

Exhibit B



Sofia Nelson

From: Sofia Nelson
Sent: Friday, September 06, 2013 4:06 PM
To: 'hugo@cuatroconsultants.com'
Cc: 'Jerry Hendrix'; James Earp; Lanny Lambert; Kerry Urbanowicz; Debbie Guerra; Diana Blank
Subject: Staff Comments for PUD submittal on 8613
Attachments: staffcomments on 080613resubmital.pdf

Hugo- Attached to this email are staff comments regarding the 8-6-13 submittal. You are still on track for the P&Z meeting on 9/24/13. Any information other than what you have already submitted that you would like P&Z to receive should be in no later than next Thursday the 12th of September.

Please let me know if you have any other questions.

Sofia Nelson

--

Sofia Nelson, CNU-A
Planning Director
City of Kyle
office- 512.262.3925
cell- 512.644.5432

Staff comments
sent 9/6/13

MEMO

TO: Hugo Elizondo, Applicant for PUD

FROM: Sofia Nelson, Director of Planning

DATE: September 6, 2013

RE: Comments on 8/6/13 PUD resubmittal

-
- A redline word version (with track changes) of the submitted PUD copy still needs to be submitted
 - Postponement fee still has not been paid; please provide the fee of \$66.40
 - Sec 3.2.f- The parkland section of the PUD still does not appear to reflect all of the requirements of the parkland ordinance rather than listing specific standards please refer to the parkland dedication requirements in place at the time of final platting.
 - Exhibit C- Row B.- Remove "or as governed by local airport requirements"
 - Exhibit C- Row D- It is helpful for staff, the Commission, and the Council to understand why an increase is needed to the Floor to Area Ratio requirements
 - Exhibit C- Row E.- The reduction in parking for the apartment complex was a point of discussion at the joint workshop will this amended?
 - Multi-Family zoning district units per acre is not in keeping with comprehensive plan zoning recommended for this district. Please let me know if you are planning to amend the request for zoning.
 - Exhibit C- Row B- Sidewalks and Sidewalk Trees- Please explain 20% of what calculation will be increased (i.e. are you indicating 20% of the required landscape for the lot?)
 - Section 3.2 e. - Replatting- The statement should read- Any portion of the property may be replatted to change the ~~use or designation~~ lot configuration
 - Exhibit D- General Design Standards: Within this section you identify general design standards for the Kyle Travel Center, however the design standards should be required for all commercial development developed within the boundaries of the PUD not just the truck stop area.
 - Exhibit D-page 6 unless you can commit to the retaining the live oak trees along I-35 you should not include the statement of "as much as practicably possible"
 - Exhibit D- page6/ #4-Grouping of plant materials- there are no associated standards with this section please explain why this is included.
 - Exhibit D- page7- C. Parking Area Landscaping- What is a large or medium tree
 - Exhibit D- page7- E. Streetscape- streetscapes shall be in accordance with the zoning ordinance- please explain what section of the zoning ordinance you are referring to for streetscape standards.

- Exhibit D- page7- E. #4- "Any landscape and irrigation location within the public..."
(Are you referring to public ROW)?
- Exhibit D- page 2 C. Elevations
 - Building Elevations shall incorporate pedestrian scale features and patterns in order for this to be a reviewable requirement please identify features that are considered pedestrian in scale. If you need some examples please let me know.
 - "All anchor tenant buildings shall incorporate elements such as..." In order for this to be a reviewable requirement please indicate how many elements should be included.



Response to
Staff
Comments
submitted 9/18

September 17, 2013

Firm Registration No. F-3524

Sofia Nelson
City of Kyle
100 W. Center Street
Kyle, Texas 78640

**RE: KYLE TRAVEL CENTER: 24800 S IH 35 48 ACRE TRACT
KYLE, TEXAS
CCL 11-144**

Subject: PROPOSED PUD UPDATE

Dear Ms. Nelson:

Transmitted herewith, please find two (2) copies of the updated Proposed PUD for Yarrington Subdivision, per City review comments dated September 6, 2013.

I. General Comments:

- Redline word version with tracking changes was emailed to Reviewer, September 17, 2013.
- Postponement fee in the amount of \$66.40 will be provided by Owner under separate cover.
- Section 3.2.f – Parkland Section: The parkland section has been updated accordingly.
- Exhibit C – Row B: Row B has been updated accordingly.
- Exhibit C – Row D: The FAR has been adjusted to match Code. In order to provide more dense development concurrent with increased buffering, we had asked for this increase. It now matches Code.
- In our opinion, the entire tract is technically a Regional Node. The Comprehensive Plan simplistically depicts a 1/3 mile radius from the intersection for the Regional Node. The Node boundary should follow property lines or tract boundaries so area can easily be identified. The Comprehensive Plan as currently written states the Regional Node shall “encourage high intensity residential development.” Thus, we believe R-3-3 better meets this element of the Comprehensive Plan than R-3-2. Also, we note that R-3-2 and R-3-3 both allow up to 28 units per acre under certain conditions. We ask for R-3-3, however, if Staff/Council cannot support this under the PUD Agreement, then we ask that R-3-2 be supported as the residential element of this development.

Nelson-PUD Update_9-17-13.doc

Item # 21

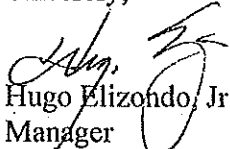
3601 Kyle Crossing, Ste. B, Kyle, Texas 78640

Phone 512-312-5040 Fax 512-312-5399

- Exhibit C – Row B: Sidewalks and Sidewalk Trees – The 20% increase is over that required by Code and by Overlay District. Exhibit C has been modified accordingly.
- Section 3.2.e – Replatting: Statement has been updated accordingly.
- Exhibit D – General Design Standards: Standards have been clarified so no question they apply to entire PUD tract.
- Exhibit D – Page 6: Statement regarding live oak trees along I-35 has been clarified. Lot owner shall have final determination on removal. We leave this verbiage in the document as an indicator to prospective buyers that intent is to retain existing trees where practicable and viable to site development
- Exhibit D – Page 6/#4 Grouping of Plant Materials: This item has been deleted. Grouping will occur on Landscape Plan, as appropriate.
- Exhibit D – Page 7-C – Parking Area Landscaping: “Large” and “medium” has been deleted to match Code definitions of trees.
- Exhibit D – Page 7-E – Streetscape: Reference has been deleted.
- Exhibit D – Page 7-E/#4: R.O.W. has been added to this sentence to clarify where this applies.
- Exhibit D – Page 2-C – Elevations:
 - Per previous discussion with variance Staff members, final building elevations showing all required elements including pedestrian scale are required at time of site plan and building permit application. We respectfully request that these detailed building elevations and review be deferred to building and site plan permitting phase.
 - Five elevations shall be in corporate into customer entrances.

Please review and advise if you have any questions regarding this matter.

Sincerely,


Hugo Elizondo, Jr., R.E.
Manager

Attachments

PLANNED USE DEVELOPMENT OVERLAY DISTRICT

AND

DEVELOPMENT PLAN

BETWEEN

THE CITY OF KYLE

HAYS COUNTY, TEXAS

AND

PGI INVESTMENT, LLC

PLANNED USE DEVELOPMENT OVERLAY DISTRICT

STATE OF TEXAS §

COUNTY OF HAYS §

This Planned Use Development Overlay District (“PUD”) is between the City of Kyle, Texas (the “City”) and **PGI Investment, LLC** (PGI). In this PUD, the City and PGI are sometimes individually referred to as a “Party” and collectively referred to as the “Parties”.

RECITALS:

PGI, directly or through an affiliate or one or more assignees, intends to develop approximately 47.74 acres of land (the “Land”) located within the City of Kyle full purpose annexation area and in Hays County, Texas (the County”). The Land is more fully described on the attached Exhibit A. Owner and City desire that the entire Land be governed by this PUD.

The unique geometry of the Site including its triangular shape, its boundary of Interstate 35 and Post Road/Union Pacific Railroad, and the elevated Yarrington Road. The low lying area and significant tree cover also contributes to the uniqueness of the Project site topography and constraints. This PUD allows this unique site to be developed in compliance with the City of Kyle Comprehensive Plan by allowing flexibility of use, enhanced landscaping, and an enhanced commercial tax base.

PGI intends to develop the Land as a master-planned, mixed-use community that will include commercial and residential uses conforming with Chapter 53 Article III Planned Unit Development District requirements of the City of Kyle Zoning Ordinance. In this PUD, the Land, as it will be developed, is sometimes referred to as the “Project”.

The City is located in a rapidly growing area of the County and new construction and land development will impact the future character of the City. The City has adopted a Comprehensive Master Plan with land use districts (“Master Plan”) to guide the City in planning for future growth and development. PGI and the City wish to enter into this PUD to provide an alternative to the City’s typical regulatory process for development, provide development that is harmonious with the intent of the Plan and PGI’s vision for the Project development, encourage innovative and comprehensive master-planning of the Land, provide certainty of regulatory requirements throughout the term of this PUD and provide assurance of a high-quality development that will benefit the present and future residents of the City of Kyle.

Therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and PGI agree as follows:

ARTICLE 1 DEFINITIONS

- 1.1 **Applicable Fees**: The fees and charges to be paid by PGI to the City with respect to the development of the Land.
- 1.2 **Applicable Rules**: The City rules, regulations and official policies in effect as of Vesting Date, which, as modified by the Project Approvals, will be applicable to the development of the Land.
- 1.3 **CCN**: The right to service the property with water pursuant to a Certificate of Convenience and Necessity issued or established by the TCEQ or its predecessors.
- 1.4 **City**: The City of Kyle, Texas, a State of Texas, home rule city.
- 1.5 **City Manager**: The City Manager of the City of Kyle.
- 1.6 **City Council**: The City Council of the City.
- 1.7 **City Engineer**: The Engineer for the City.
- 1.8 **City Rules**: The City’s ordinances, regulations and official policies.

- 1.9 Comprehensive Master Plan: The Comprehensive Master Plan currently in effect for the City.
- 1.10 County: Hays County, Texas.
- 1.11 Interstate: Interstate Highway 35 which bounds the Project
- 1.12 Land: Approximately 47.74 acres of land, more or less, in Hays County, Texas, and within the full purpose annexation area of the City of Kyle, as more fully described on the attached Exhibit A.
- 1.13 Planning and Zoning Commission: The Planning and Zoning Commission of the City.
- 1.14 Preliminary Site Plan: The preliminary site or conceptual plan of the entire Project attached as Exhibit B,
- 1.15 Project: The Land as it will be developed under this PUD.
- 1.16 Project Approvals: The approvals, variances, waivers and exceptions to the Applicable Rules approved by the City with respect to other development of the Land, as set forth on the attached Exhibit C.
- 1.17 TCEQ: The Texas Commission of Environmental Quality.

ARTICLE 2 PUBLIC BENEFITS, INFRASTRUCTURE AND AMENITIES

2.1 Orderly Growth. The City desires that development within its City limits occur in an orderly manner in order to protect the health, safety and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base and comply with the City's Comprehensive Plan in the manner prescribed by law. This PUD will benefit the City by facilitating the development of a master-planned community within the City, which will allow for thoughtful and high-quality planning, the development of necessary roadways and utility facilities, the provision of required

fire protection services, and the development of a balanced community that includes Interstate-compatible commercial, retail and residential uses.

2.2 Economic Growth. The development of the Project as a master-planned, mixture of uses will benefit the City by providing new employers and an expanded job market for the residents of the City and its extraterritorial jurisdiction, furthering the development of an expanded commercial tax base increasing services available to residents of the City and its extraterritorial jurisdiction.

2.3 Provision of Housing. The development of Land under this PUD is intended to provide multi-family residential housing alternatives for the City's present and future citizens and, as contemplated by the City's Comprehensive Plan to allow the development of housing that will minimize negative environmental impacts and promote the aesthetic enhancement of the City and its extraterritorial jurisdiction.

ARTICLE 3 PROPERTY DEVELOPMENT

3.1 Governing Regulations. The PUD Overlay District shall constitute an "Agreement for Construction" as defined by Texas Local Gov't Code Ann. Section 245.001 with the rights attendant thereto. To the extent permitted by law, and subject to the exceptions contained in Chapter 245 Local Government Code, for the term of this agreement, the development and use of the Land will be controlled by the terms of this agreement, the base zoning district, PUD requirements of the City Code, the and the Applicable Rules.

3.2 Project Approval and Entitlements. The City has reviewed and approved certain development matters regarding the Land. The Parties have specifically agreed as follows:

- a. Project Approvals. The City confirms that the Project Approvals set forth in Exhibit C (the "Project Approval") have been reviewed, and to the extent necessary approved, by all required City departments, boards and commissions

and the City Council and are granted by the City with respect to the development of the Land.

- b. Preliminary Site Plan. The City confirms that the Preliminary Site Plan attached as Exhibit B (including all footnotes and definitions thereon or attached thereto) complies with the rules and regulations set forth in this document, as amended, and that the Preliminary Site Plan has been reviewed, and to the extent necessary approved, by all requisite City departments, boards and commissions and the City Council.

A full site plan per the requirements of the City Code will be required as each individual lot is developed.

- c. Density of Development. Anything contained in this PUD or City ordinances to the contrary notwithstanding, PGI will have the right to develop land at a density as set forth on Exhibit C. For purposes of this PUD, there shall be allowed within areas noted as residential areas: R-3-3 or multifamily residential including parks, sports and playground facilities, amenity centers, clubhouses and similar uses. For purposes of this PUD there shall be allowed within areas noted as commercial areas: R.S. or Retail Services.
- d. Phasing of Development. PGI may plat the Land in phases as determined by the Parties.
- e. Replatting. Any portion of the Property may be replatted to change the lot configuration of that previously platted portion so long as the entire platted portion of the Property meets the Applicable Rules.
- f. Parkland. The Project shall comply with parkland dedication and development requirements in place at the time of final platting.
- g. Land Use. The City acknowledges that the portions of the Land not under active development may remain in use for existing RV Park use or wildlife management or agricultural purposes and must conform to the requirements the City code has established for non-conforming uses, structures, and site.
- h. Prohibited Uses. The following land uses are prohibited.

- Sale of motor vehicles (to include but not limited to golf carts, boats, motorcycles, jet ski, new and used automobiles)
- Car Wash
- Bus terminal Facility
- Auto Repair

i. Storage Requirements. Outdoor storage and container storage are permitted as an accessory use as follows:

- Such storage does not exceed twenty percent (20%) of the gross floor area of the primary building that houses the business storing such materials,
- Such storage or container is located no closer to a street frontage than the primary building that houses the business storing such materials,
- Such storage or container is screened from view from adjacent properties
- Such storage or container is not permitted within required setbacks.

j. Display Requirements.

- Outdoor display of merchandise is permitted when such display is of merchandise from a permanent business located in a permanent legal structure on site and such display is limited to not more than thirty percent (30%) of the gross floor area of the building which houses the business displaying such merchandise.
- Display is not permitted within required setbacks.

3.3 Further Approvals. The City agrees that, upon the effective date of this PUD, PGI has the vested right to develop the Land consistent with the Project Approvals and this PUD. Any approved amendments to the Project Approvals, will become a part of the Project, and shall be subject to the City rules, ordinances, state law and regulations then place to the extent permitted by law.

3.4 Standard for and Timing of Review. The Parties agree that they will use reasonable efforts to review and process approvals required by this PUD consistent

with City rules and regulations. Final authority for the resolution of any unresolved dispute created by this PUD shall be vested in the Board of Adjustment.

3.5 Amendments. All amendments must comply with the requirements established in Section 53.724 of the City of Kyle Code.

3.6 Terms of Approval. The project is subject to the terms of approval outlined in Section 53.725 of the City of Kyle Code.

ARTICLE 4 UTILITIES/SERVICES

4.1 Wastewater. Wastewater service will be provided by the City of San Marcos until such time as the City of Kyle can provide wastewater service to this development. PGI is responsible for determining if the available wastewater infrastructure has sufficient capacity to serve the development. If the development will exceed the capacity of the City of San Marcos' existing wastewater infrastructure, improvements to the existing infrastructure to provide sufficient capacity will be provided by and at the cost of PGI. The development will also be responsible for meeting and maintaining compliance with all applicable City of San Marcos sewer use ordinance requirements such as the Industrial Waste Discharge Regulations and Sewer Surcharge Fees.

The City of Kyle shall use its best efforts to provide to the Project wastewater capacity as and when reasonably requested by PGI. PGI will at its costs install gravity flow wastewater lines within the Project necessary to service the Project in accordance with Applicable Rules (the "Wastewater Facilities"). All wastewater interceptor and offsite improvements and any necessary onsite lift stations, force mains, pumps or similar facilities for nongravity collection of wastewater will be provided by and at the cost of the City at such location as PGI may reasonably request subject to the City's ability to obtain project financing. The City and PGI will negotiate in good faith the location for the onsite wastewater lift station and route of the planned wastewater interceptor traversing the Land. PGI will provide the land area or site needed for the wastewater lift station to be constructed including construction easements as needed from time to

time and maintained by the City. Once the public wastewater onsite improvements are completed in accordance with the Applicable Rules and Project Approvals, the City will accept the same for maintenance and operation.

4.2 Water. The City will provide to the Project, water capacity as and when needed and reasonably requested by PGI. If applicable, once the water onsite improvements are completed in accordance with the Applicable Rules and Project Approvals, the City will accept the same for maintenance and operation.

4.3 Easements. PGI agrees to provide use of all necessary PGI lands, and easements and to provide further required easements or lands as may be necessary for construction of the City's segment of the wastewater Project.

4.4 Signage. Project signage will comply with the requirements set forth in this Section, Exhibit C, Exhibit F: Signage Plan, and Exhibit D. It is the intent of the Project to have less square footage of signage than what is allowed by Code, if these lots were developed individually and not as a master planned development. Sign type and location are shown on Exhibit F. The project shall include one (1) two-sided pylon sign with an 80 foot maximum height and a maximum of six (6) tenant signs and full color LED display; two (2) two-sided pylon signs, with a 50 foot maximum height and a maximum of six (6) tenant signs. In addition, at two of the joint access driveway locations along IH 35 and one driveway entrance along Post Road, three (3) pylon signs with a 25 foot maximum height and a maximum of four (4) tenant signs. One monument sign with an 8 foot maximum height and a maximum of one (1) tenant sign. These signs shall comply with all requirements of the City Sign Ordinance as of the vested date of this document, save and except any requirements in conflict with the number, sizes and types of signs stated above.

ARTICLE 5 GENERAL PROVISIONS

5.1 Applicable Law and Venue. The interpretation, performance, enforcement, and validity of this PUD is governed by the laws of the State of Texas. Exclusive venue for any dispute, interpretation, explanation or application of the PUD will be in a court of appropriate jurisdiction in Hays County, Texas.

5.2 No Third Party Beneficiary. This PUD is not intended, nor will it be construed, to create any third beneficiary rights in any person or entity who is not a Party, unless expressly otherwise proved.

5.3 Certificate of Compliance. Upon the written request by either Party given in accordance with this PUD, the other Party will reasonably execute and deliver to the requesting Party a statement certifying that: (a) this PUD is unmodified and in full force and effect or, if there have been modifications, that this PUD is in full force and effect as modified and stating the date and nature of each modification; (b) there are no current uncured defaults under this PUD, or specifying the date and nature of each default; and (c) any other information that may be reasonably requested. The City Manager will be authorized to execute any requested certificate on the behalf of the City.

5.4 Remedies for Default. If either Party defaults under this PUD and fails to cure the default within the applicable cure period, the non-defaulting Party will have all rights and remedies available under this PUD or applicable law, including the right to institute legal action to cure any default, to enjoin any threatened or attempted violation of this PUD or to enforce the defaulting Party's obligations under this PUD by specific performance or writ of mandamus, or to terminate this PUD. The City acknowledges that any refusal of or delay by the City to perform its obligations under this PUD may have a substantial and material impact on PGI, and its ability to exercise its rights and perform its obligations under this PUD. Accordingly, in the event of a default by the City, PGI will be entitled to seek a writ of mandamus, in addition to seeking any other available remedies. All remedies available to a Party will be

cumulative and the pursuit of one remedy will not constitute an election of remedies or a waiver of the right to pursue any other available remedy.

5.5 Reservation of Rights. To the extent not inconsistent with this PUD, each Party reserves all available rights, privileges, and immunities under applicable laws. City specifically reserves all rights of sovereign immunity provided by the constitution, state law and the City Charter. Nothing contained herein shall ever be construed as a waiver of sovereign immunity the rights to which are specifically and expressly reserved herein to the fullest extent permitted by law and minimally to the extent then and there existing prior to the execution hereof.

5.6 Waiver. Any failure by a Party to insist upon strict performance by the other Party of any provision of this PUD will not, regardless of the length of time during which that failure continues, be deemed a waiver of that Party's right insist upon strict compliance with all terms of this PUD. In order to be effective as to a Party, any waiver of default under this PUD must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of item set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default, or of the right to require performance of the same or any other provisions of this PUD in the future.

5.7 Entire Agreement. This PUD and the Exhibits hereto contain the entire agreement of the Parties, and there are no other agreements or promises, oral or written, between the Parties regarding the subject matter of this PUD. This PUD may be amended only by written agreement signed by the Parties.

5.8 Exhibits, Headings, Construction and Counterparts. All Exhibits attached to this PUD are incorporated into and made a part of this PUD for all purposes. The paragraph headings contained in this PUD are for the convenience only and do not enlarge or limit the scope or meaning of the paragraphs. Wherever appropriate, words of the masculine gender may include the feminine or neuter, and singular may include

the plural, and vice-versa. Each of the Parties has been actively and equally involved in the negotiation of this PUD. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not be employed in interpreting this PUD or its exhibits. This PUD may be executed in any number of counterparts, each of which will be deemed to be an original, all of which will together constitute the same instrument. This PUD will become effective only when one or more counterparts, individually or taken together, bear the signatures of all the Parties.

5.9 Employment of Undocumented Workers. During the term of this PUD, if Developer shall knowingly employ any undocumented workers, and, if convicted of a violation under 8 U.S.C. Section 1324a (f), Developer shall be in default of this PUD. Developer shall assure that any work done on the Project shall be performed by a contractor, subcontractor or other entity that shall observe the conditions provided for in this section.

5.10 **Indemnity. Developer shall indemnify, defend, save and hold harmless the CITY and its officers, agents, contractors, volunteers, employees and assigns from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Developer or any of its owners, officers, directors, agents, employees or contractors, arising out of or related to Developer's occupancy and use of the Licensed Premises. It is the specific intention of the Parties that the CITY shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the CITY, be indemnified by Developer from and against any and all claims. It is agreed that the Developer will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration for the use and**

occupancy of the Licensed Premises, the Developer agrees to waive all rights of subrogation against the CITY its officers, officials, agents and employees for losses arising from the use, occupancy or condition of the Licensed Premises which shall be separate and apart from the required blanket waivers of subrogation contained in the mandatory insurance required by Section 5.12 hereof.

5.11 Insurance. Developer shall procure and maintain during any term of this PUD such typical and ordinary insurance as required to secure the indemnity provisions contained herein. Such insurance shall include comprehensive general liability insurance containing coverage for public liability, bodily injury, property damage and death; automobile liability insurance; workers compensation; and errors omissions insurance. City shall be named as an additional insured on all policies required herein, shall provide certificates of insurance evidencing such coverage, with all required policies obtaining blanket waivers of subrogation.

5.12 Alternative Dispute Resolution(ADR)/Mediation. Prior to the initiation of any suit herein, and except in the case where either party may be entitled to request injunctive relief to avoid imminent and irreparable harm, the Parties shall first engage in good faith negotiations between the upper management of each. The City designates the City Manager as its representative for any negotiations provided for herein. If such negotiations are unsuccessful, the Parties will thereafter engage in mediation under the commercial mediation rules of the American Arbitration Association.

5.13 Notices. Any notices under this PUD may be sent by hand delivery, facsimile (with confirmation of delivery) or certified mail, return receipt requested, to the Parties at the address set forth by their signatures, or as such addresses may be changed from time to time by written notice to the other Parties. Either City or PGI may change its mailing address at any time by giving written notice of such change to the other in the manner provided herein at least ten days prior to the date such change is effected. All notices under this PUD will be deemed given on the earlier of the date personal

delivery is effected or on the delivery date or attempted delivery date shown on the return receipt or facsimile confirmation.

5.14 Exhibits. The following exhibits are attached to this PUD, and made part hereof for all purposes:

- Exhibit A - Metes and Bounds Description of the Land
- Exhibit B - Preliminary Site Plan/Land Use Chart
- Exhibit C - Project Approvals, including Variances and Exceptions
- Exhibit D - PDD Development Standards
- Exhibit E - Building Elevations
- Exhibit F - Signage Plan

IN WITNESS WHEREOF, the undersigned Parties have executed this PUD on the dates indicated below, to be effective on the date the last party signs.

PGI INVESTMENT, LLC

By: _____

Name: Kamlesh Shah

Title: _____

Address: 19511 Comal River Drive, Cypress, Texas 77433

CITY OF KYLE

By: _____

Name: _____

Title: _____

Address: 100 W. Center Street, Kyle, TX 78640

EXHIBIT "A"

FIELD NOTES DESCRIBING 47.74 ACRES OF LAND OUT OF THE JAMES W. WILLIAM SURVEY NO. 11, HAYS COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 49.61 ACRE TRACT DESCRIBED IN A WARRANTY DEED RECORDED IN DOCUMENT 9714749 OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAVE AND EXCEPT THAT PORTION CONVEYED FOR RIGHT-OF-WAY DESCRIBED IN VOLUME 3051, PAGE 217, OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found at the intersection in the west r.o.w. line of the Interstate Highway 35 and the northerly r.o.w. line of Yarrington Road for the most southerly corner hereof;

THENCE along the northerly r.o.w. line of Yarrington Road, North 45°16'08" West, 83.29 feet to cap iron rod set for the beginning of a curve to the right;

THENCE along said curve with a radius of 6000.63 feet and whose chord bearing distance bears North 42°11'18" West, 366.30 feet to a cotton spindle set for the beginning of a curve to the left;

THENCE along said curve with a radius of 6100.64 feet and whose chord bearing distance bears North 41°38'36" West, 256.41 feet to a fence post found for the end of said curve;

THENCE continuing along the north r.o.w. line of Yarrington Road North 33°21'32" West, 486.62 feet to a cap iron rod found for angle point and North 53°01'29" West, 172.81 feet to a cap iron rod set in the southerly r.o.w. line of Post Road for the most westerly corner hereof;

THENCE along the southerly r.o.w. line of Post Road the following courses:

1. North 37°13'35" East, 85.38 feet to a ½ inch iron rod found;
2. North 40°30'37" East, 63.93 feet to a ½ inch iron rod found;
3. North 43°21'19" East, 355.33 feet to a cap iron rod set;
4. North 44°08'43" East, 445.78 feet to a cap iron rod set;
5. North 44°05'17" East, 581.02 feet to a cap iron rod set;
6. North 44°34'12" East, 605.88 feet to a ½ inch iron rod found;
7. North 42°42'56" East, 484.50 feet to a concrete monument found for the most northerly corner hereof;

THENCE South 78°52'17" East, 50.24 feet to a concrete monument found in the westerly r.o.w. line of IH 35 for the most easterly corner hereof;

THENCE along the westerly r.o.w. line of IH 35 the following courses:

1. South 10°10'35" West, 149.65 feet to a concrete monument found;
2. South 19°44'31" West, 304.19 feet to a cap iron rod set;
3. South 23°23'07" West, 348.50 feet to a cap iron rod set;
4. South 20°56'10" West, 256.20 feet to a concrete monument found;
5. South 12°13'17" West, 290.20 feet to a cap iron rod set;
6. South 09°03'32" West, 291.79 feet to a concrete monument found;
7. South 01°48'59" West, 300.31 feet to a ½ inch iron rod found;
8. South 04°15'20" West, 301.31 feet to a concrete monument found;
9. South 18°22'34" West, 294.77 feet to a ½ inch iron rod found;
10. South 32°18'49" West, 300.47 feet to a 60d nail found;
11. South 44°50'04" West, 314.81 feet to the PLACE OF BEGINNING and containing 47.74 acres of land more or less.

FIELD NOTES TO BE USED WITH THE ATTACHED PLAT.

R0902208
9/9/08

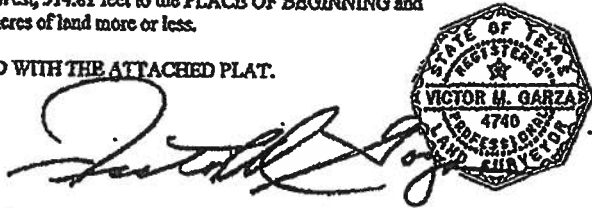
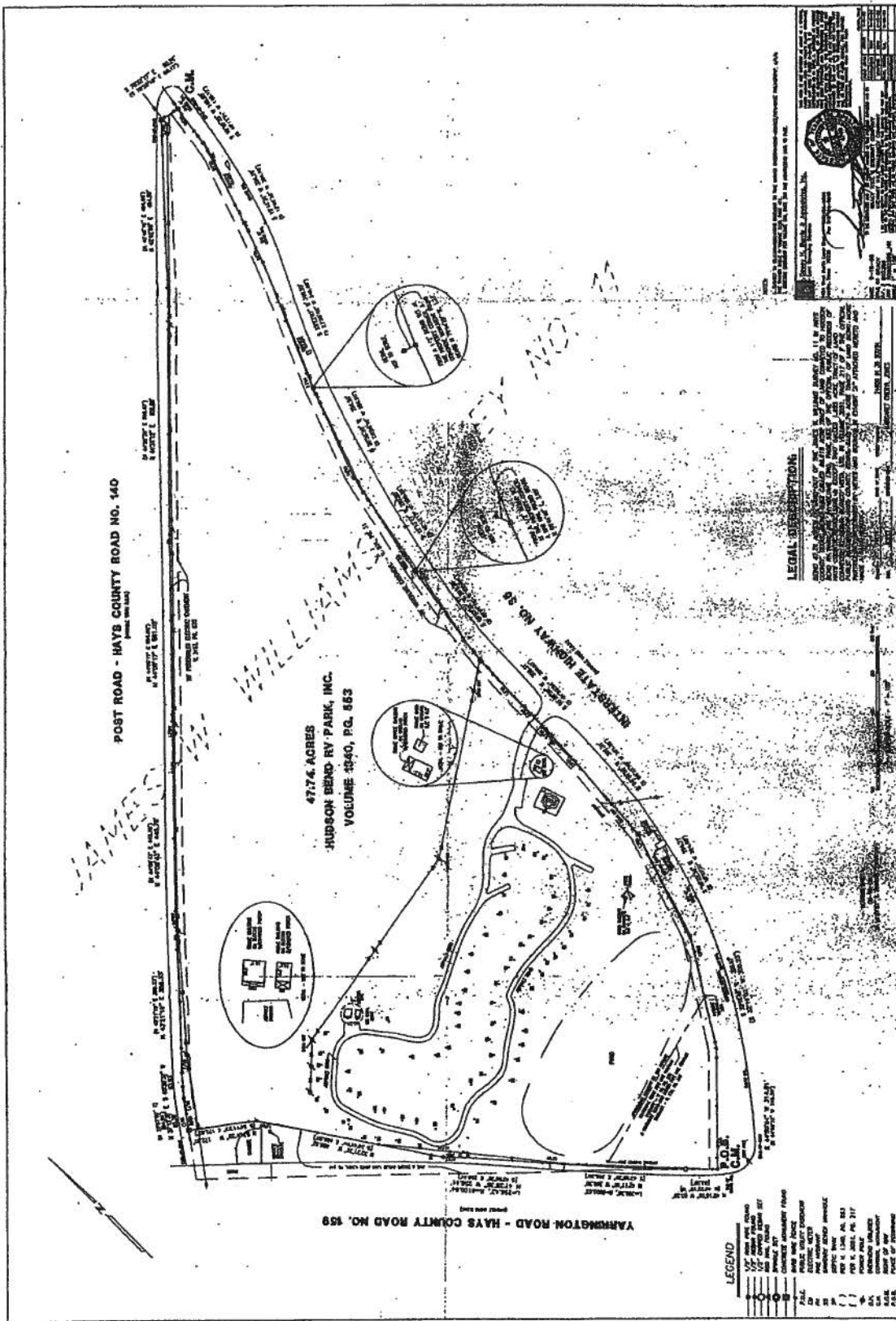


EXHIBIT "A"



**EXHIBIT C:
PROJECT APPROVALS, INCLUDING VARIANCES AND EXCEPTIONS**

	CODE SECTION OR STANDARD	CODE	IH 35 OVERLAY	PUD
A	Front, side and rear setbacks	RS: 25', 10' and 15', R-3-3: 25', 7' and 15'	Same as Code	Propose 30 foot minimum landscape buffer along IH 35 and Yarrington Road.
B	Maximum Height	RS and R-3-3: 45'	Same as Code	45' Maximum
C	Maximum Lot Coverage	80 percent driven by 20 percent landscaping requirement	Same as Code	75 percent of Lot area
D	Floor Area Ratio:	1.8 to 1	Same as Code	1.8 to 1
E	Off Street Parking Requirements	RS: 1 space required per 250 square feet of gross floor area. R-3-3: Two spaces minimum for each living unit and 1/2 space per each bedroom above	Same as Code	RS: 1 space required per 275 square feet of gross floor area, Note: Parking reduction from Code may be based on hours of use and reciprocal parking agreements. R-3-3: One space per living unit minimum and 1/2 space per each bedroom above, Note: If unit size mix and historic use data can be used to support said reduction. Truck Parking: Numbers of spaces shall be determined by site specific Parking Study completed for Lot 6.
F	Special District Requirements pertaining to base zoning	NA	100 percent masonry, no verbiage regarding trade dressing, 30 percent glazing minimum, massing and form requirement of 5 design features for buildings less than 50,000 square feet	Allow trade dressing or corporate brands, 90 percent masonry including front façade and sides limit, glazing on front of buildings to 25 percent, reduce building massing and form requirements to 5 for same.
G	Number of dwelling units per acre	RS: Not applicable, MF: 28 units/acre	Same as Code	28/acre

**EXHIBIT C:
PROJECT APPROVALS, INCLUDING VARIANCES AND EXCEPTIONS**

	CODE SECTION OR STANDARD	CODE	IH 35 OVERLAY	PUD
4	Sign Standards	Per Sign Ordinance	Same as Code	<p>Note: The overall number of signs and sign face area will be less than that allowed by Code if these lots were developed outside a PUD. Install 80 foot high Pylon sign on Lot 6; Install 50' high Pylon sign at IH 35 and Yarrington and at north end of Project. Install 25 foot pylons at two of the proposed joint access driveways and one on Post Road. Install one 8' foot monument on multifamily lot on IH 35 access.</p>
ADDITIONAL NON-CODE ITEMS RESULTING FROM PUBLIC INPUT:				
A	Tree Inventory and Preservation	Not required	Same as Code	<p>Inventoried Live Oaks greater than 18 inch diameter and other hardwoods. Save all trees shown on Exhibit B that are behind retaining walls and curbs. Allow reasonable and practicable planning around existing trees for individual lot layouts.</p>
B	Sidewalks and Sidewalk Trees	5' sidewalk along ROW	5' sidewalk along ROWs and a 2" tree every 40' within a 7' buffer from sidewalk	<p>Provide 20% increase of the required trees and shrubs along the proposed 30 foot buffer along IH-35 and Yarrington Road. The net increase shall be 20% greater than requirement. Construct a 6'-8' wide rock lined channel to convey spring flow. Truck parking reduced to the amount justified by the site specific Parking Study. Lot Impervious Cover to be restricted to 75%. Increase IH35 setbacks (30') with additional landscape trees and understory screening. Increase internal lot perimeter setbacks as shown in Exhibit B for screening.</p>
C	Environmental	Per Code	N/A	<p>Coordinate with TXDOT to determine safe locations for IH ramps and driveways for the proposed uses. Include truck stop parking safety including perimeter fence and security personnel.</p>
D	Safety	N/A	N/A	<p>Support Hays County Historical Commission in pursuing a historical marker for the Spring. Provide a minimum 10'x50' Memorial Site for fire and police officers that have perished in the line of duty. Add a bench and kiosk as appropriate to enhance the marker designated for the DPS Trooper as currently marked.</p>
E	Cultural	N/A	N/A	

EXHIBIT “D”

DEVELOPMENT STANDARDS

FOR

P.U.D. OVERLAY DISTRICT

CITY OF KYLE AND PGI INVESTMENTS, LLC

KYLE, TEXAS

GENERAL DESIGN STANDARDS

The buildings and other improvements constructed for the project shall be consistent with the design concepts, architectural theme and materials, used in the construction of Kyle City Hall. The project shall include several building front facade designs that will carry the theme throughout the site. The buildings constructed within the Project area shall have a minimum of ninety (90%) percent masonry walls as defined below. Red brick and white limestone shall be used throughout the Kyle Travel Center as a design element on building facades facing a public street and shall be similar in color. Landscaping, hardscape features, site furnishings and signage will employ similar materials and compatible designs to further the perception of the Kyle City Hall.

Any design standard not specially addressed in this Exhibit, shall comply with the City’s IH 35 Overlay Ordinance and Zoning Ordinance.

MATERIAL SELECTIONS

A. Masonry

1. For this project “Masonry” shall be defined to include the following:

Brick
 Natural Stone
 Concrete Masonry Units
 Stucco/Plaster/Synthetic Stucco to be used in detail applications only
 Concrete either exposed, sandblasted or texture and painted

2. All brick used throughout the site shall be red in color and be compatible with any indigenous stone used.
3. Natural stone will come from sources within the regional proximity and may be used in varying sizes and shapes throughout the Project.
4. Stucco/Plaster/Synthetic Stucco in general will be integrally colored in hues and tones pulled from and compatible with the red brick and natural colors of the stone.

However, other colors may be introduced in specific small areas when necessary to accomplish the design.

5. Concrete and/or Concrete Masonry Units may be used in any of several finishes ranging from exposed to textured and painted to resemble stucco. Colors for the textured/painted surfaces shall be integrally colored in hues and tones pulled from and compatible with the red brick and natural colors of the stone.

B. Other Wall Materials

The ten (10%) percent of exterior walls not included in the masonry requirements may be covered with a variety of materials that could include but not limited to non-reflective corrugated steel panels, wood, prefinished metal panels, glass block, or other materials that are compatible with the overall design and use for the specific area in which they are placed.

C. Elevations

1. The following shall apply:

- All facades, including back and side elevations of any building generally visible from public view or adjacent to residential areas, shall be architecturally treated and relate. All elevations generally visible from public view shall reflect the overall design, colors and textures used on the front facade.
- Building elevations shall incorporate architectural features and patterns that include pedestrian scale.
- Utilize architectural features, screen walls, landscaping into the overall building design.
- All anchor tenant buildings shall incorporate (at least 5) elements such as:
 - (1) Canopies or Porticos
 - (2) Overhangs
 - (3) Recesses/Projections
 - (4) Raised corniced parapets over the door.
 - (5) Peaked roof forms
 - (6) Arches
 - (7) Entrance framed by outdoor pedestrian features or enhanced landscaping
 - (8) Integral planters or wing walls that incorporate landscaped areas and/or sitting areas
 - (9) Enhanced pedestrian surfaces
- Other canopies, trellis, pergolas, and awnings will also be incorporated into the front façade and sidewalk areas. In some cases these may be no more than minor

shading devices, but in other situations they may be large enough to provide shade for outdoor seating. Permitted materials for these include steel, wood and canvas.

D. Roofing

1. Materials for the roof areas include the following:

- Standing Seam Metal Panels in either Preweathered Galvalume or Prefinished Painted Finishes. No reflective finishes are allowed.
- Clay tile may be used on some of the slope roof elements. Color blends will be chosen to be compatible with the other materials present.

E. Storefronts

The majority of the storefronts will be framed with typical prefinished aluminum components. The color of the finishes may vary as the façade materials vary from the stone to red brick, etc. in an attempt to add variety and interest at the pedestrian level. Glass will be clear and or lightly tinted with no reflective type glazing allowed.

F. Sidewalks

Sidewalls may be of typical concrete construction, provided however that ten (10%) percent of the sidewalk area around the buildings will be constructed with red brick or red stained and scored concrete to have the appearance of red brick. These accent areas are to emphasize important interceptions, building entrances and desirable pedestrian routes. All interior sidewalks shall be minimum of five (5) feet in width.

Project seeks no variance from sidewalk requirements of Code or Overlay.

G. Railings

Guardrails, handrails, and any other miscellaneous site related railing that may be required per code or for aesthetic reasons may be constructed of wood, masonry, or metal.

H. Lighting

Site lighting is broken into two components, General and Pedestrian. The General site lighting refers to illumination of large portions of the parking areas, while the Pedestrian site lighting references those areas along building fronts, plaza, outdoor, dining areas, boulevards and areas where similar scale lighting is appropriate. Wall pack lighting shall only be used when the rear of the building does not face an area visible by the general public.

Fixture types used for General Site lighting shall be cut-off so that the source of the illumination is shielded from view to the maximum extent possible. Fixtures shall be mounted no higher than thirty five (35) feet with two (2) foot six (6) inch concrete bases.

I. Equipment

Mechanical equipment mounted on the ground shall be screened by ornamental fences and incorporated landscaping. Mechanical equipment mounted on roofs shall be screened by appropriate building elements such as parapet wall, ornamental tower, or pitched roof to the extent that the mechanical equipment is not readily visible from any street level location inside or immediately adjacent to the Project.

Parapet walls used to screen mechanical equipment mounted on roofs shall be a minimum of three (3) feet six (6) inches above the height of the roof.

J. Vehicle Circulation and Parking

1. Crosswalks shall be required for traffic calming interior to the site to enhance pedestrian safety. Speed humps shall not be permitted.
2. Only ninety (90) degree head in parking shall be allowed along two way drive aisles.

K. Loading Areas

Loading and service areas shall be screened with walls that match the building materials and colors. Screen walls shall be a minimum of eight (8) feet in height.

Berms, used in conjunction with intensive landscaping may be considered to reduce the height of the screen wall.

L. Drive-through Facilities

1. Circulation shall allow adequate length of stacking for drive-through facilities and not interfere with the movement of traffic.
2. A minimum of four (4) queue spaces shall be required per drive-through lane.
3. A twelve (12) foot by-pass lane or a convenient means to by-pass the drive-through activity shall be required to allow vehicles an opportunity to circumvent the drive-through activity and exit the site.
4. Drive-through lanes shall be to the side or rear of the property.
5. A minimum five (5) foot landscape island shall be located between the drive-through lane and the adjacent parking areas or drive aisles.

GENERAL SIGNAGE STANDARDS

The sign improvements constructed for the Project will follow the design concepts illustrated on the attached Exhibit F: Signage Plan. The sign designs will incorporate shapes, forms, scale and materials associated with the building architecture. The signs for the Kyle Travel Center will be constructed with the following materials: red brick, stone, core tin, galvanized steel and painted metal.

Monument and pylon signs shall be illuminated either by (i) ground-mounted fixtures or (ii) with internally illuminated with white lexan faces within aluminum frames.

Except to the extent that this Agreement provides for signage regulation that is in conflict with the City's Sign Ordinance, the signage regulations of the City's Sign Ordinance shall apply to the property.

A. Pylon Signs

For the purpose of directing traffic off the Interstate 35 corridor and into the various entrances of the travel center, six (6) double sided freestanding pylon signs and one monument sign may be installed and maintained by Owners. Signage shall be of the type and installed at the locations shown on Exhibit F: Signage Plan. Signage heights and elevations shall match the Signage Elevations shown in Exhibit F and as further described in Section 4.4 of this PUD Agreement.

Five (5) freestanding signs shall be located along the IH-35 frontage road and one (1) freestanding pylon sign shall be located along Post Road. Each freestanding sign shall have a stone or brick base and be consistent with the masonry and design standards applicable to the Project pursuant to these architectural guidelines. Entrance signs shall incorporate materials and colors that are complementary to the overall design of the shopping center. See Exhibit F for sign elevations to be used on this Project.

B. Monument Sign

One monument sign is proposed for the multifamily residential lot or use. Signage height, material, and theme shall be as shown on Exhibit F: Signage Plan and related elevations.

LANDSCAPE DESIGN STANDARDS

A. General Requirements

In addition to the basic landscape requirements established in the Zoning Ordinance, Section 61. Landscaping and Screening requirements, the Project shall offer the following landscape amenities:

1. Enhanced landscape features at all major road intersections, including but not limited to berming, boulders, water features, towers or a combination thereof.
2. Enhanced landscaping along the perimeter of the property, particularly along IH-35 frontage road and Yarrington Road. A 30 foot wide landscape buffer is designated along IH 35 and along south side of Lot 1 to the proposed driveway. No pavement or impervious cover other than access driveways shall be permitted within this buffer.

Along Yarrington Road, plant Afghan pines as additional screening from proposed driveway west to lift station site. These 4 inch caliper trees will be planted on 15 foot centers.

Along IH 35, the existing 18 inch and greater live oak trees adjacent and along the frontage will be retained as much as practicably possible. Lot owner shall make final determination on retaining these existing trees. These are shown on Exhibit B: Preliminary Site Plan. Loblolly and pinon pines will be used along IH 35 as landscape trees. These will be planted at in the gaps that are not needed for sight windows to enhance screening. These trees shall be 4 inch caliper trees at 15 foot spacing.

For required shrubs, minimum size of 1 gallon container. Required shrub plantings will be exceeded by 15 percent along the IH 35 and Yarrington Road frontages.

3. Landscape end islands and medians in and along drives and in the parking areas shall meet or exceed the Ordinance requirements and shall provide for pedestrian traffic so that the landscaping is not compacted or destroyed by pedestrian traffic.
4. Trees shall be planted to avoid interference with streetlights, signage and fixtures.
5. Trees shall be kept out of street intersection sight triangles at a minimum of thirty five (35) feet as measured from face of curb.
6. When possible trees shall be planted no less than five (5) linear feet (whether horizontal or an angle) from underground utilities and fifteen (15) feet from overhead lines.
7. Trees shall be planted no less than five (5) linear feet (whether horizontal or an angle) from fire hydrant.

B. Perimeter Landscaping

Parking areas and the rear of all buildings shall be screened visually from all roadways by a combination of earthen berms, trees and a continuous shrub or ornamental grass row between thirty (30) and forty (40) inches high(at maturity) measured from final grade or

parking nearest the road. These shrubs and grasses shall be spaced on average four (4) to six (6) feet on center (depending on mature growth habit of plant) utilizing clustering and grouping to provide periodic open views to architectural elements, signs and additional landscape elements. Per Ordinance, all shrubs shall be a minimum of 1 gallon size container. Berms, not to exceed a four to one (4:1) slope, shall also be strategically located to provide maximum screening of parking while providing open views to architectural elements, signs and additional landscape elements.

C. Parking Area Landscaping

1. Landscaped end islands in the parking areas shall be a minimum of ten (10) feet wide. Minor deviations may be allowed due to topographic and other site constraints.
2. Each median island shall have a tree spaced on average a minimum of fifty (50) feet on center. Also, each end island shall have a minimum of one (1) tree.

D. Screening Walls

1. Service areas shall be visually screened from all public right-of-way. Acceptable methods of screening include walled entrances, evergreen landscaping and depressed service areas. Service areas shall meet definition of Screening requirements in the Code, including off street parking, loading spaces and docks, outside storage areas, mechanical equipment, must be screened from view from the street or public right of way.

Per Code, approved screening shall include privacy fencing, evergreen vegetative screens, landscape berms, existing vegetation, or any combination thereof.

2. Landscape buffer and screening requirements shall apply for ground mounted equipment, dumpsters, trash receptacles, refuse storage containers, loading docks, large utility cabinets and similar structures.

E. Streetscape

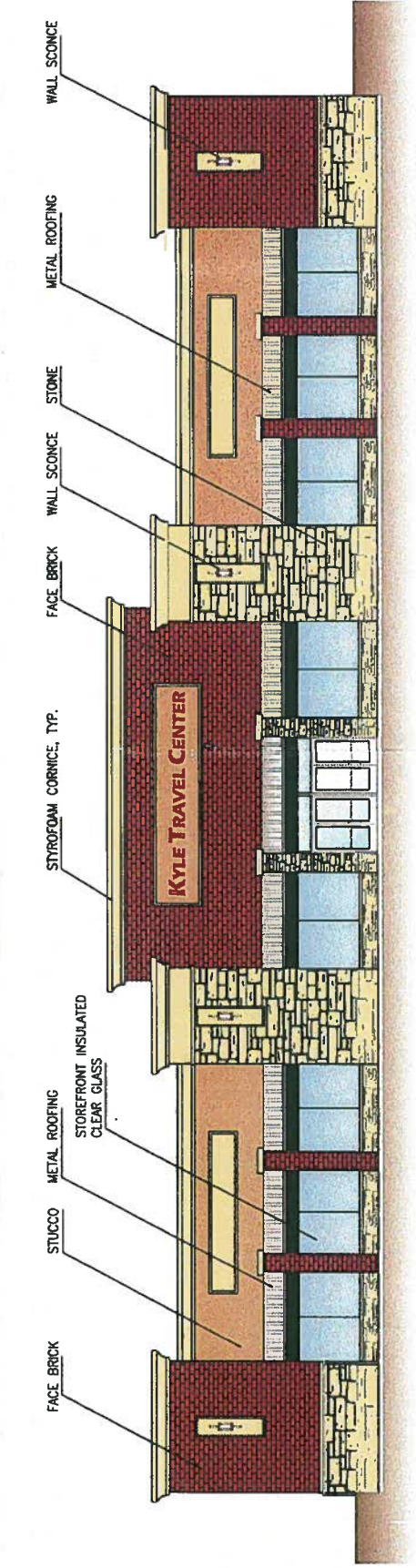
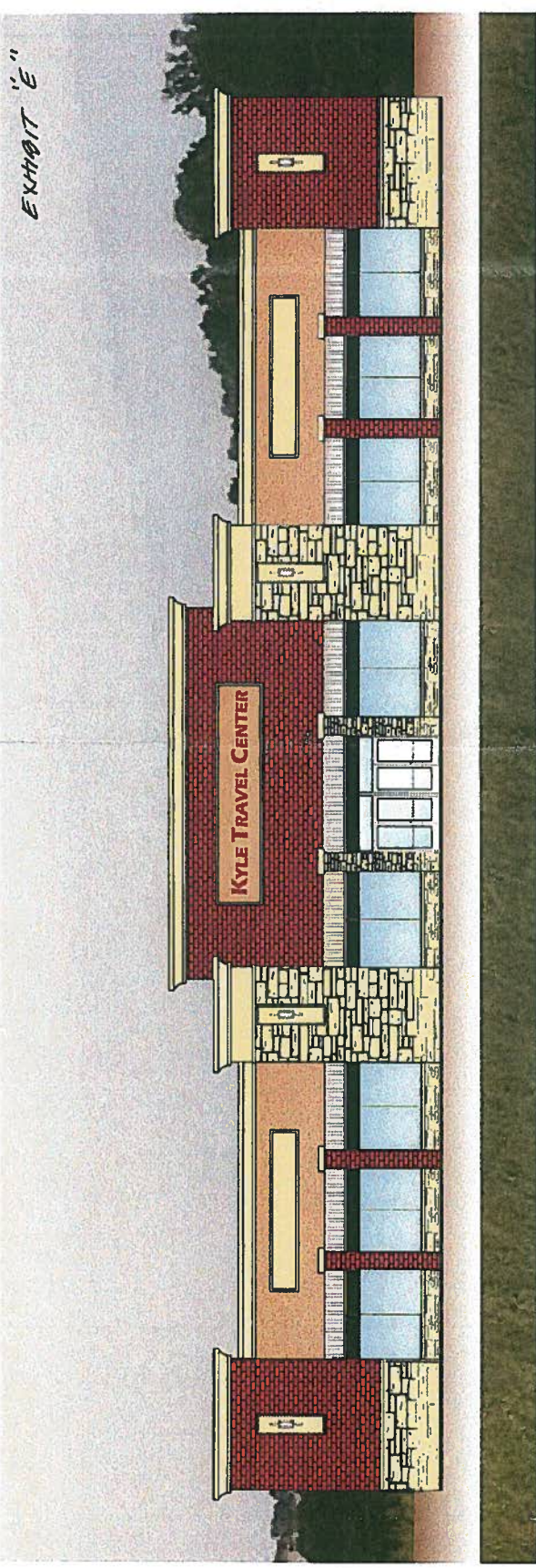
1. A license agreement from the City and/or TxDOT is required prior to any improvements in the public right-of-way. If license agreement is not secured improvements will be placed within the property boundaries.
2. Street trees shall be irrigated by a permanent automatic irrigation system.
3. Any landscaping and irrigation located within the public right-of-way shall be installed, irrigated and maintained by the property owner's association.

F. Plant Material Palette

The list of plant material considered to be appropriate for the development shall be from the City's Approved Plant Guide. Other plant material may be used, but shall be plants that are chosen for hardiness to climate and utility in the landscape that will foster the Central Texas plant style.

EXHIBIT "E"

<p>Tichen Architects 10000 Katy Road, Suite 100 Houston, Texas 77055 Phone: 281.460.1111 Fax: 281.460.1112 Email: info@tichen.com</p>		<p>PROJECT NAME: 04.03.2014 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: AS SHOWN DATE: [Date]</p>	<p>KYLE TRAVEL CENTER 24800 IH-35 KYLE, TEXAS 78640</p>	<p>ELEVATIONS</p>
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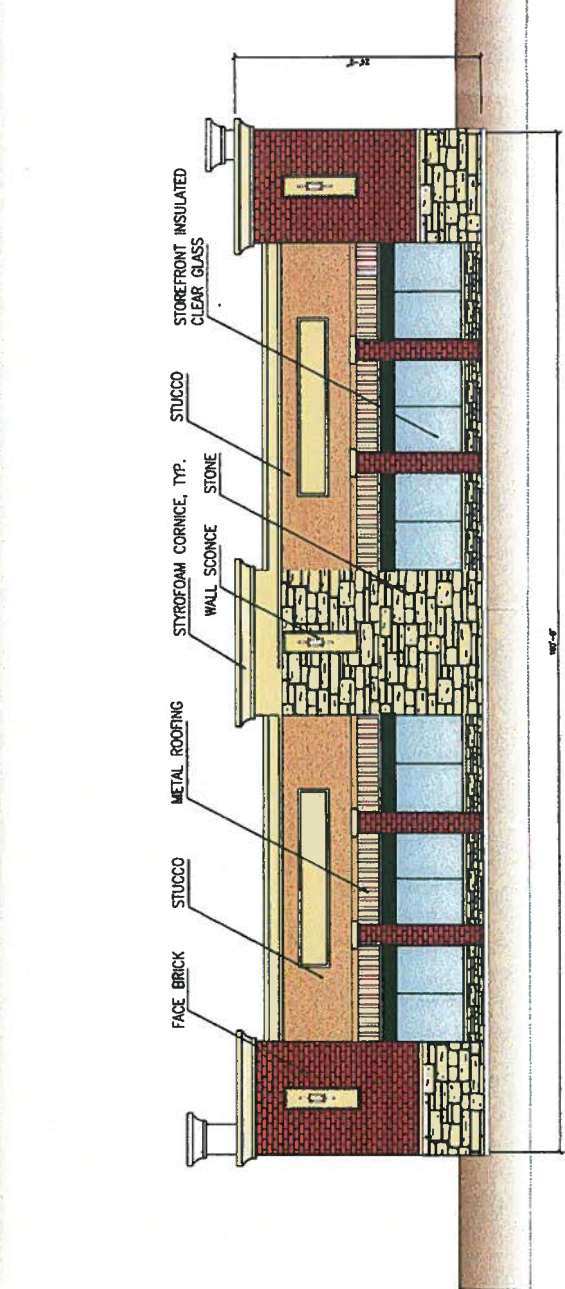
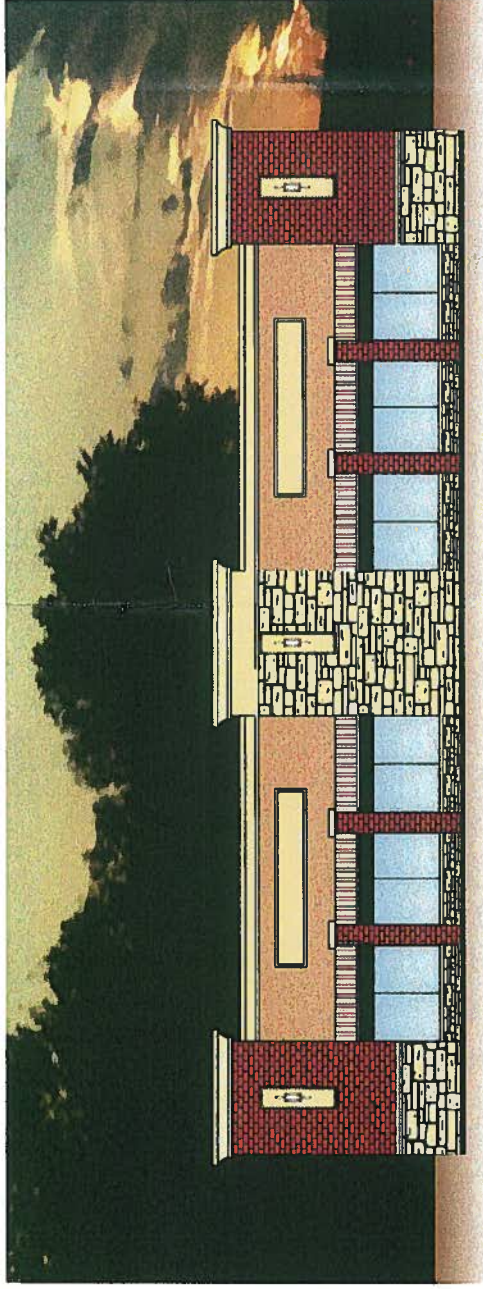


SIGNAGE: SIGNAGE UP TO 10' WIDE, 10' X 150' = 1500 S.F.
 SIGN REQUIRED CLADDING AREA: 450 S.F.
 PROVIDED: 618 S.F.(WINDOVS) + 74 S.F.(DOORS) = 692 S.F. > 450 S.F. OK
 MAX. SIGN ALLOWANCE: 15' X 150' X 108" = 725 S.F. OF SIGNAGE ON BUILDING.
 PROPOSED SIGN BOARD: 120 S.F. + 2352.5 S.F. = 2472.5 S.F. > 225 S.F. OK
 MAX. Pylon SIGN ALLOWANCE: 160 S.F. @ MAX. HEIGHT OF 35FT. (SEC. 29.17)

EAST (FRONT) ELEVATION 3/16" = 1'-0"
 ARCHITECTURAL DESIGN SCHEMATICS MUST COMPLY WITH THE REQUIREMENTS STATED IN "ASB OVERLAY DISTRICT DEVELOPMENT STANDS" SEC. 03-099 OF CITY OF KYLE ORDINANCE. THE USE OF MASONRY MATERIAL, GLASS, AND THE "FOUR SIDE" DESIGN MUST BE IN COMPLIANCE WITH SAID ORDINANCE.

<p>Tichen Architects 10000 Katy Fwy Suite 1000 Houston, TX 77054 Tel: 281.466.1000 Fax: 281.466.1001 www.tichenarchitects.com</p>	<p>PROJECT NO. 24800-H-35 DATE: 12.18.2014</p>	<p>PROJECT NAME KYLE TRAVEL CENTER KYLE, TEXAS 78640</p>	<p>PROJECT NUMBER A-2.1</p>	<p>ELEVATIONS</p>

EXHIBIT "E"



NORTH ELEVATION 3/16" = 1'-0"

ARCHITECTURAL DESIGN SCHEMATICS MUST COMPLY WITH THE REQUIREMENTS STATED IN "SS OVERLAY DISTRICT DEVELOPMENT STANDS" SEC. 23-699 OF CITY OF KYLE ORDINANCE. THE USE OF MASONRY MATERIAL, GLASS, AND THE "FOUR SIDE" DESIGN MUST BE IN COMPLIANCE WITH SAID ORDINANCE.

PERMITS: GROUND UP TO 10 FT AGO AREA = 10'x100' = 1000 S.F.
 SIGNAGE: 10'x10'x10' AREA = 100 S.F.
 PROVIDED: 456 S.F. > 300 S.F. OK
 MAX. SIGN ALLOWANCE: 15' x 100' x 108" = 150 S.F. OF SIGNAGE ON BUILDING.
 PROPOSED SIGN BOARD: 108 S.F. < 150 S.F. OK
 MAX. Pylon SIGN ALLOWANCE: 180 S.F. @ MAX. HEIGHT OF 35 FT. (SEC. 28.17)

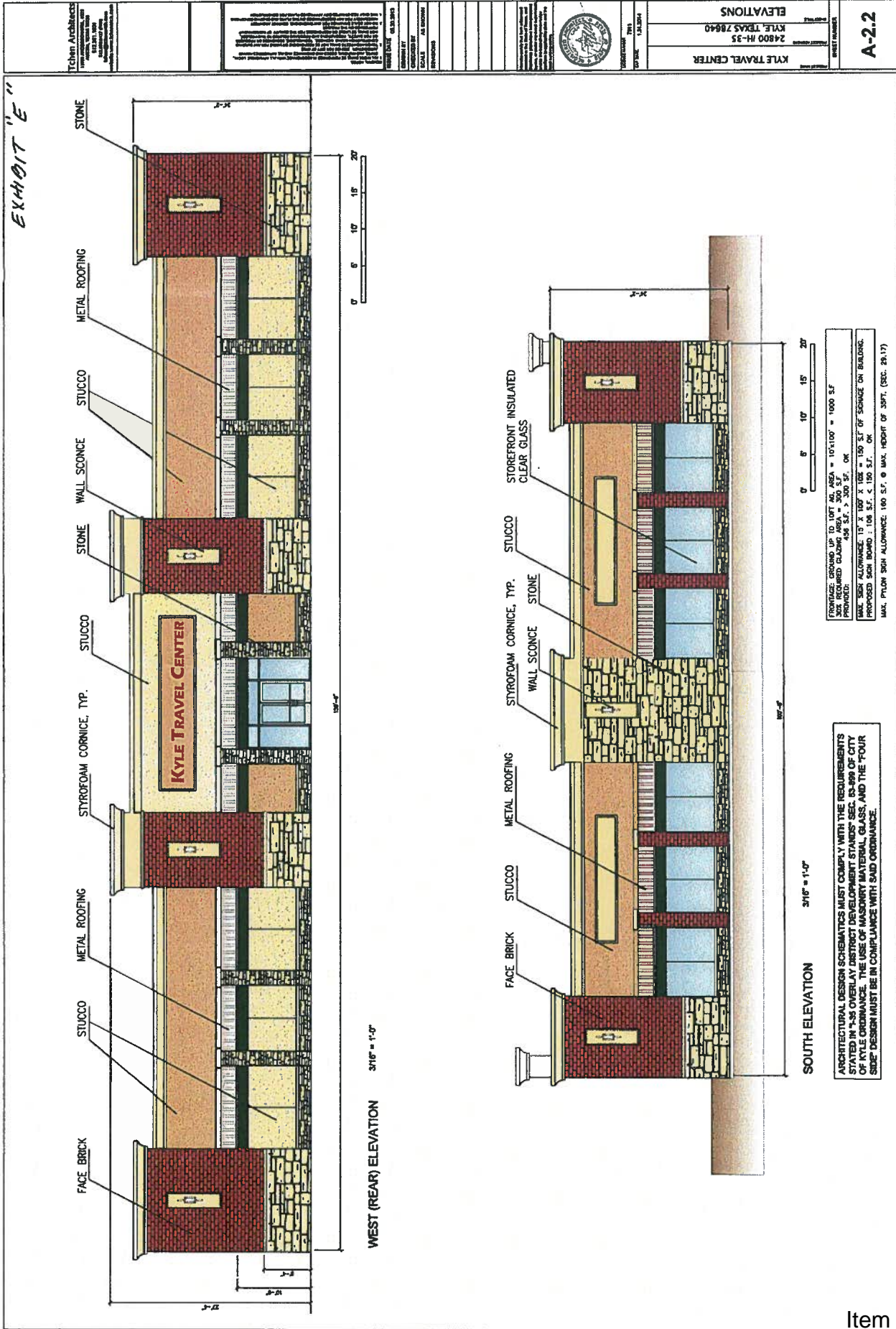
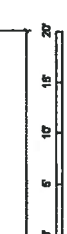
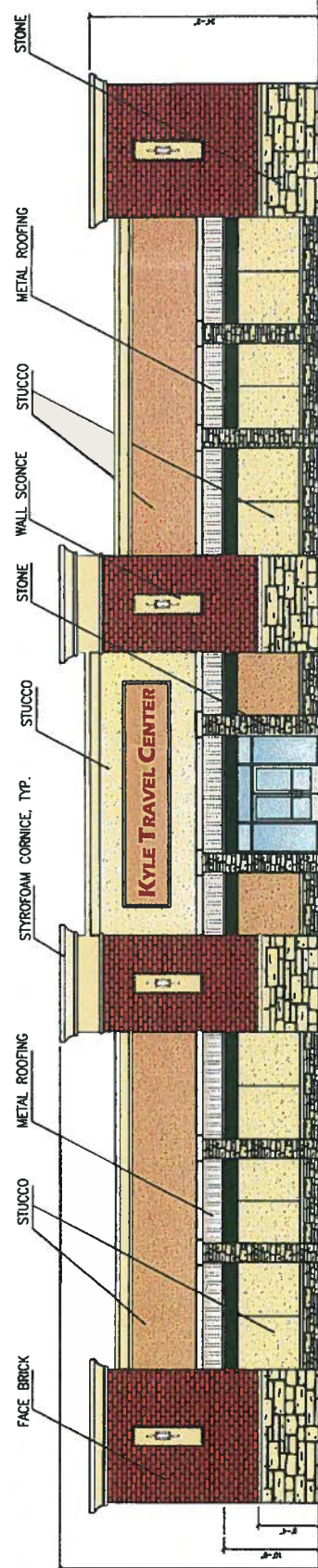
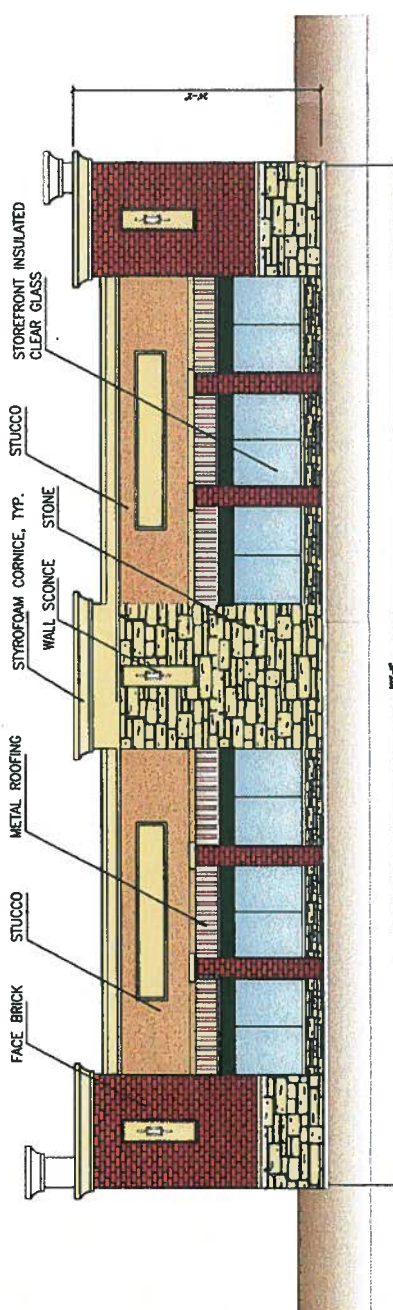


EXHIBIT "E"



WEST (REAR) ELEVATION
3/16" = 1'-0"



SOUTH ELEVATION
3/16" = 1'-0"

FOR THESE DRAWINGS UP TO 1000 SQ. AREA = 10'x100' = 1000 S.F.
 MAX. PERMITTED GLAZING AREA = 300 S.F.
 PROVIDED: 450 S.F. > 300 S.F. OK
 MAX. PERMITTED GLAZING AREA = 100 S.F. < 300 S.F. OK
 MAX. PERMITTED GLAZING AREA = 100 S.F. < 150 S.F. OK
 MAX. PERMITTED GLAZING AREA = 100 S.F. < 150 S.F. OK
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 MAX. PERMITTED GLAZING AREA = 100 S.F. < 150 S.F. OK
 MAX. PERMITTED GLAZING AREA = 100 S.F. < 150 S.F. OK

ARCHITECTURAL DESIGN SCHEMATICS MUST COMPLY WITH THE REQUIREMENTS STATED IN THE OVERLAY DISTRICT DEVELOPMENT STANDARDS, SEC. 82-099 OF CITY OF KYLE ORDINANCE, THE USE OF MASONRY MATERIAL, GLASS, AND THE "FOUR SIDES" DESIGN MUST BE IN COMPLIANCE WITH SAID ORDINANCE.

Tichen Architects
 1000 W. 10th Street
 Suite 100
 Kyle, Texas 78640
 Phone: 361-233-1111
 Fax: 361-233-1112
 www.tichen.com

PROJECT NAME: KYLE TRAVEL CENTER
 PROJECT NO.: 24800-H-35
 DATE: 12/15/2014
 DRAWING NO.: 01
 SCALE: AS SHOWN
 SHEET NO.: 01 OF 01

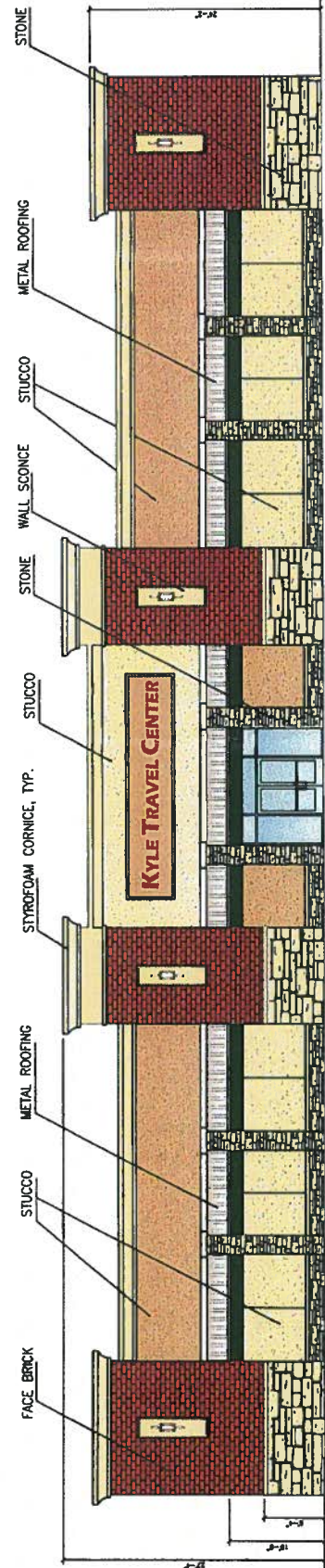
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 DATE: 12/15/2014
 DRAWING NO.: 01
 SCALE: AS SHOWN
 SHEET NO.: 01 OF 01



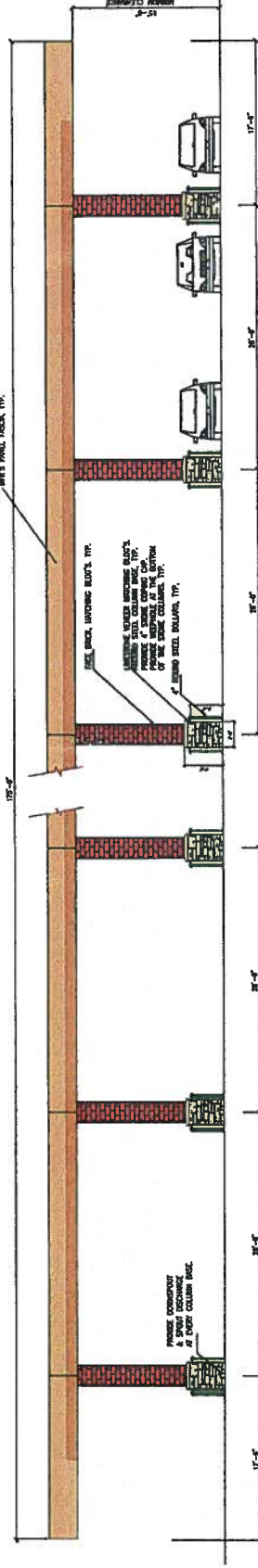
KYLE TRAVEL CENTER
 24800 H-35
 KYLE, TEXAS 78640
 ELEVATIONS

A-2.2

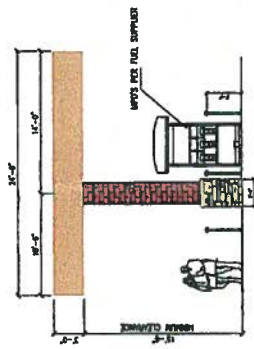
EXHIBIT 'E'



WEST (REAR) ELEVATION 316' = 1'-0"



FUEL CANOPY ELEVATION 316' = 1'-0"



FUEL CANOPY ELEVATION 316' = 1'-0"

Tchen Architects
1100 West 10th Street, Suite 200
Arlington, Texas 76010
817.271.1000
www.tchenarchitects.com

PROJECT NO. 24800-M-35
DATE: 06.28.2013

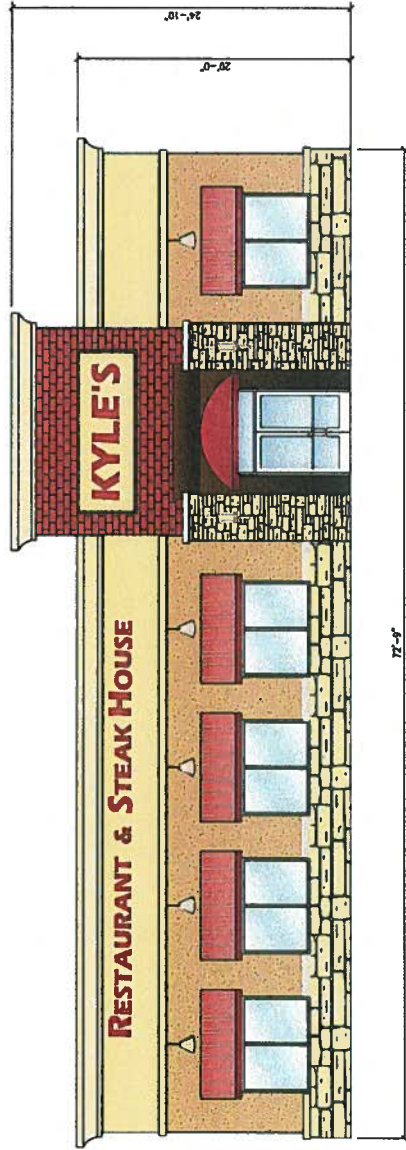
DESIGNED BY: TCHEN ARCHITECTS
DRAWN BY: TCHEN ARCHITECTS
CHECKED BY: TCHEN ARCHITECTS
DATE: 06.28.2013

KYLE TRAVEL CENTER
24800 M-35
KYLE, TEXAS 78640

REAR ELEVATION & CANOPY ELEVATION

PROJECT NUMBER: A-2.2

EXHIBIT E

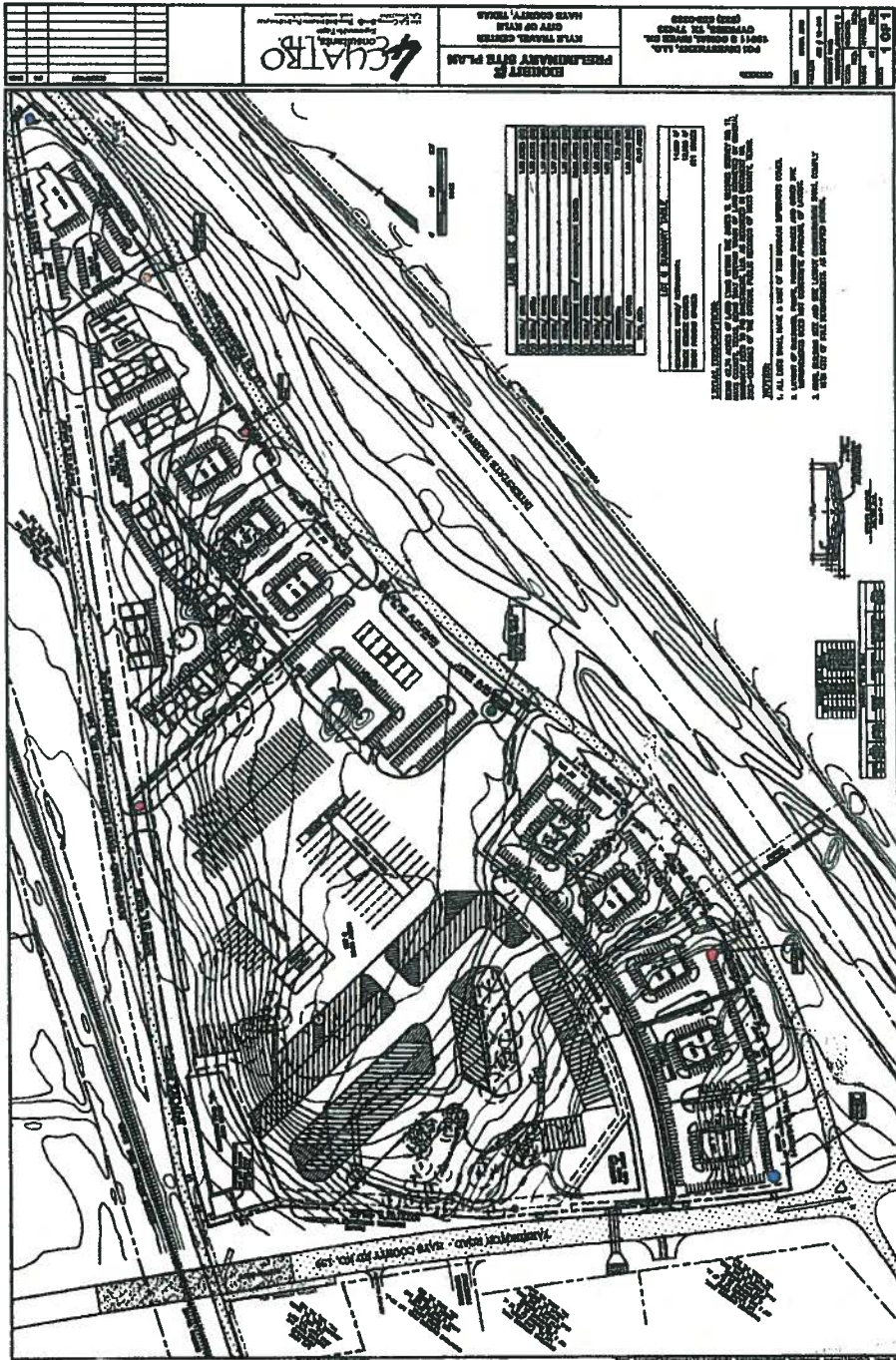


TYPICAL PAD SITE ELEVATION (SAMPLE - RESTAURANT) 1/4" = 1'-0"

Tchen Architects 1700 WESTERN BLVD SUITE 100 DALLAS, TEXAS 75201 TEL: 214.443.1100 FAX: 214.443.1101 www.tchenarchitects.com	PROJECT NO. 24800 IH-35 SHEET NUMBER A-2.3		TYPICAL PAD SITE FRONT ELEVATION
			PROJECT NAME KYLE TRAVEL CENTER
DRAWN BY CHECKED BY SCALE AS SHOWN DATE	PROJECT NO. 24800 IH-35	LICENSE NO. 148284	SHEET NAME TYPICAL PAD SITE FRONT ELEVATION

EXHIBIT F

- 80' Pylon (136 SF)
- 50' Pylons (448 SF/EA)
- 25' Pylons (120 SF)
- 8' Entry Monument (40 SF)



PROPOSED SIGN PLAN

ECUATRO
 CONSULTING ENGINEERS
 1401 S. GARDNER, SUITE 200
 DALLAS, TEXAS 75241
 PHONE: 214.427.3323
 FAX: 214.427.3323
 WWW.AETNASIGN.COM



2458 FREEDOM DRIVE + SAN ANTONIO, TX 78217 + PH: 210.826.2800
 FAX: 210.477.3323 + WWW.AETNASIGN.COM + FOLLOW US ON

PROJECT	Kyle Travel Center	PROJECT NO.	9782.5
OWNER	24600 I&S	DESIGNER	Jametta M.
CITY	Kyle, Texas	DATE	8-8-13
CONTRACT NO.	8-8-13	SCALE	AS SHOWN

CONTRACT REF: 8/13/13/9782.5
 REVISION HISTORY:

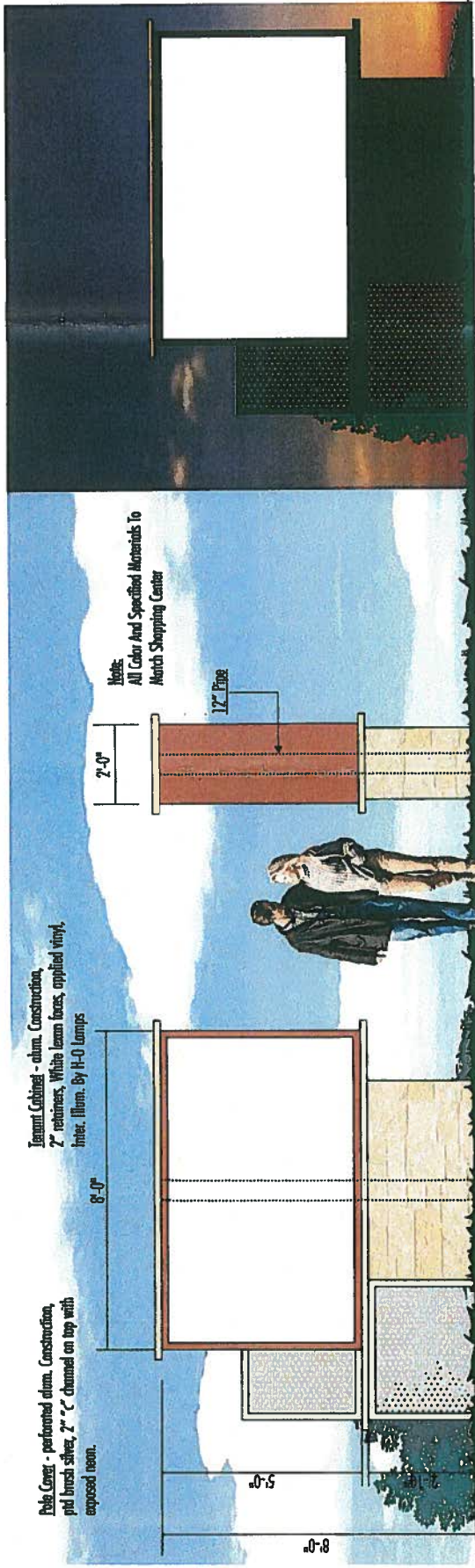
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EXHIBIT F

Specifications:
Manufacture and install one (1) new
D/F monument sign.

Post Core - perforated alum. Construction,
pfd brush silver, 2" x 2" channel on top with
exposed neon.

Tenant Cabinet - alum. Construction,
2" retainers, white lexan faces, opfited vinyl,
inter. illum. By H-O Lamps



Front View - Scale: 3/8" = 1'-0"

Stone work to match building by others.

Footings required:
2'-0" hole dia.
5'-6" deep.

Night View



2438 FREEDOM DRIVE + SAN ANTONIO, TX 78217 + PH: 210.626.2800
FAX: 210.777.2323 + WWW.AETNASIGN.COM + FOLLOW US ON

All signs will be manufactured according to the specifications unless otherwise instructed by customer. The sign will use 7000 Series aluminum extrusions, and 1/2" x 3/4" letters. The sign will be constructed of aluminum. The sign will be constructed of aluminum.

GROUP	Kyle Travel Center	PROJECT	9782.4
ADDRESS	24800 I-35	DESIGNER	Jeanette M.
CITY	Kyle, Texas	DATE	April V.
DATE	7-26-13	CLIENT	Kyle Travel Center

COMPUTER FILE: aetna\sign\9782_kyle travel center
REVISION HISTORY:

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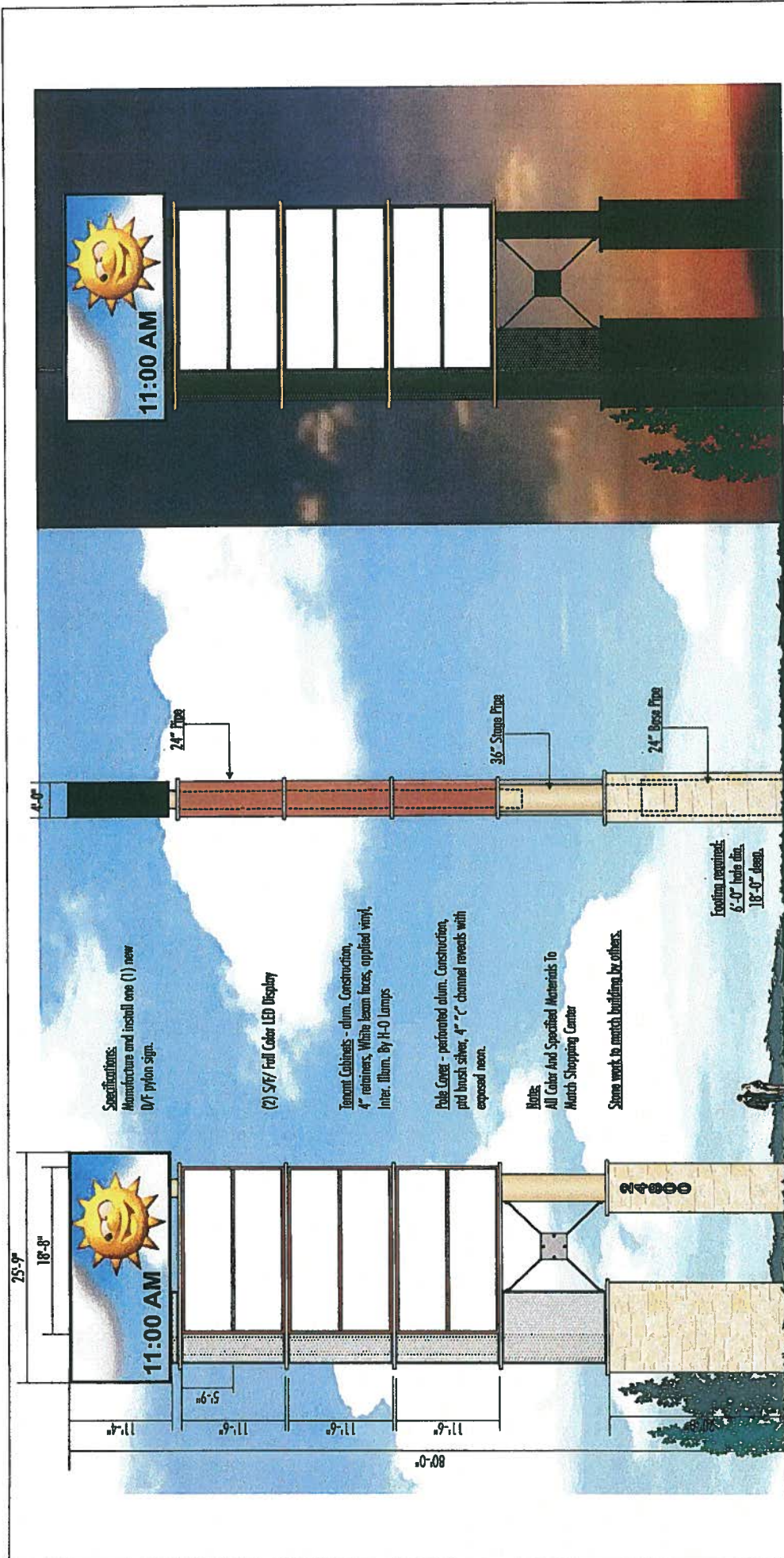


EXHIBIT F

Night View

Front View - Scale: 3/32" = 1'-0"

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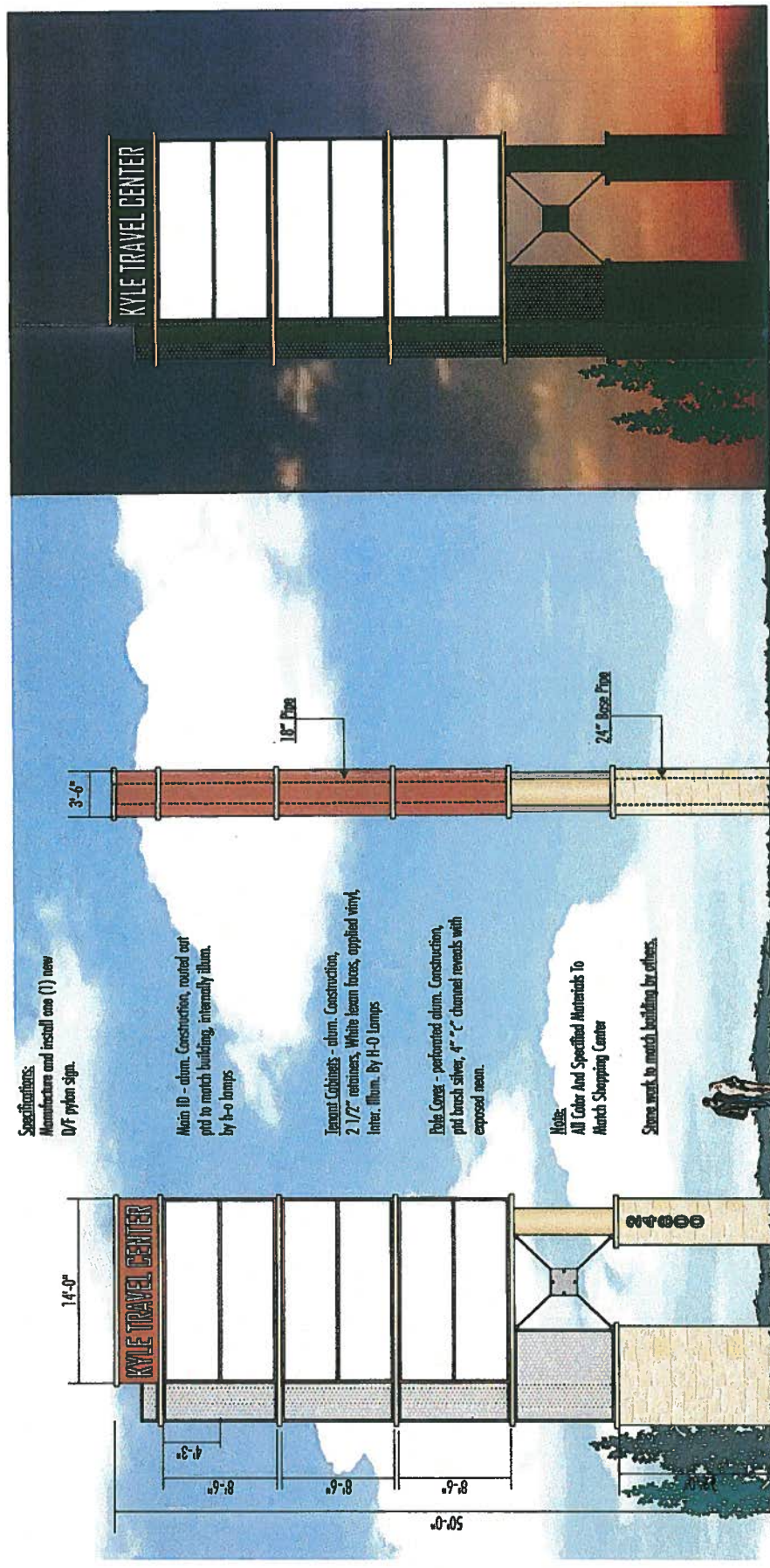
OWNER	Kyle Travel Center	PROJECT NO.	9782.3
ADDRESS	24800 DASH	DESIGNER	Jametta M.
CITY	Kyle, Texas	DATE	8-6-13
DATE	8-6-13	REVISIONS	

COMPUTER FILE: arch\p\kyle\9782_kyle travel center
REVISION HISTORY:

Aetna SIGN GROUP
2438 FREEDOM DRIVE + SAN ANTONIO, TX 78217 + PH: 210.626.2800
FAX: 210.777.2323 + WWW.AETNASIGN.COM + FOLLOW US ON

2. All files shall be manufactured as submitted. 1.3) All curved prices are as shown in the drawing. 2. All curved prices are as shown in the drawing. 3. All curved prices are as shown in the drawing. 4. All curved prices are as shown in the drawing. 5. All curved prices are as shown in the drawing. 6. All curved prices are as shown in the drawing. 7. All curved prices are as shown in the drawing. 8. All curved prices are as shown in the drawing. 9. All curved prices are as shown in the drawing. 10. All curved prices are as shown in the drawing.

EXHIBIT F



Specifications:
Manufacture and install one (1) new
D/F pylon sign.

Main lb - alum. Construction, routed out
grid to match building, internally illum.
by h-o lamps

Tenant Cabinets - alum. Construction,
2 1/2" retainers, White beam faces, applied vinyl,
inter. illum. By H-O Lamps

Pole Cores - perforated alum. Construction,
grid brush silver, 4" x 4" channel reveals with
exposed rear.

Notes:
All Color And Specified Materials To
Match Shopping Center

Stems work to match building by others.

Foundry required:
4'-0" hole dia.
12'-6" deep.

Night View



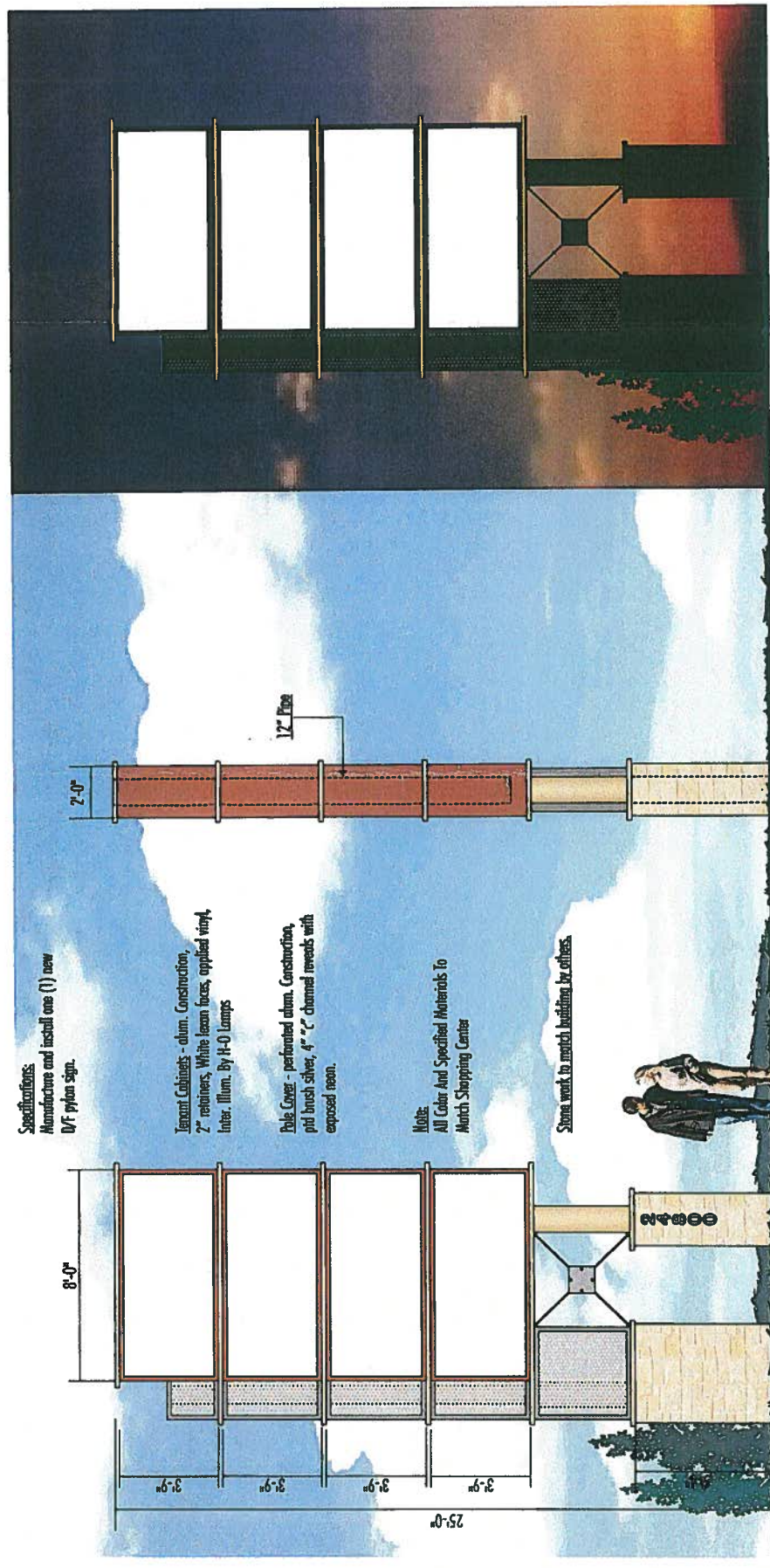
2438 FREDRICK DRIVE + SAN ANTONIO, TX 78217 + PH: 210.666.2800
FAX: 210.777.2323 + WWW.AETNASIGN.COM + FOLLOW US ON

CLIENT	Kyle Travel Center	PROJECT NO.	9792.1
ADDRESS	24600 JKS5	DESIGNER	Jametta M. Arns V.
CITY	Kyle, Texas	DATE	6-5-13
REVISION HISTORY:	COMPUTER FILE: ar1307130609792_kyle travel center		

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EXHIBIT F



Specifications:
 Manufacture and install one (1) new DVF pylon sign.

Tenants Cabinets - alum. Construction, 2" retainers, White lexan faces, applied vinyl, Inter. Illum. By H-O Lamps

Tube Cover - perforated alum. Construction, pld brush silver, 4" x 2" channel reveals with exposed neon.

Note:
 All Color And Specified Materials to Match Shopping Center

Signs work to match building or others.

Footings required:
 3'-0" hole dia.
 10'-0" deep.

Front View - Scale: 1/4" = 1'-0"

Night View



2438 FREEMAN DRIVE + SAN ANTONIO, TX 78217 + PH: 210.626.2800
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PROJECT	Kyle Travel Center	PROJECT NO.	9792.2
ADDRESS	24800 AS5	DESIGNER	Jeanette M.
CITY	Kyle, Texas	DATE	Armed V.
DATE	6-6-13	REVISIONS	

COMPUTER FILE: ar57922\ar57922_kyle travel center
 REVISION HISTORY:

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CITY OF KYLE, TEXAS

Friends of Library Fee Waiver Request

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration and Possible Action regarding a fee waiver request for the site development application in the amount of \$1,581.92 from the Friends of the Kyle Library for their planned addition to the Library Thrift Shop ~ *Wynette Barton, President, Friends of the Kyle Library*

Other Information: Please see attachment

Budget Information: N/A

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

Attachments / click to download

[Request](#)



Debbie Guerra <dguerra@cityofkyle.com>

FW: Friends of Library building request

1 message

Sofia Nelson <snelson@cityofkyle.com>

Wed, Sep 25, 2013 at 3:26 PM

To: Grace Nino <gracenino@cityofkyle.com>, Amelia Sanchez <asanchez@cityofkyle.com>, cbrooks@cityofkyle.com

Cc: Debbie Guerra <dguerra@cityofkyle.com>

Email sent from friends of library regarding fee waiver.

From: WYNETTE BARTON [mailto:wbarton2@austin.rr.com]

Sent: Thursday, September 19, 2013 1:48 PM

To: snelson@cityofkyle.com

Subject: Friends of Library building request

Dear Sophia,

The Friends of the Kyle Library (FOKL) has planned to expand the Thrift Shop for some time, and our plans are now working their way through the city's planning department. There is a \$1500 fee for city approval of the plans, and we are asking that this fee be waived for these reasons:

1. This is a fairly simple addition, not a huge new structure. It will be on land already covered by non-permeable material (pavement). No engineering oversight is anticipated, no new plumbing is expected, and electrical work is basic: overhead lights, wall plugs, dumb-waiter lift, and additional A/C.

2. FOKL contributes \$34,400 a year (\$8600 quarterly) directly to the city to help defray library costs. In addition, so far this year we have covered costs of a part-time library employee, new computers and fixtures for the children's area, and additional library fixtures, so the city did not have to provide these from its cramped budget, and provided badly needed books through two grants we obtained for the library. When plans for the new library were being considered, we contributed \$100,000 to the city for its construction.

We are a Non-profit Corporation working quietly (usually) and diligently exclusively for the library. We have saved money for this addition for years, but with what we have recently spent on the library, our funds are limited. For a large new building started from scratch, we can see that oversight could be costly to the city. This is not the case with this addition.

We plan for this project to be an attractive addition to the downtown area as well as increasing the money we will be able to contribute in the future. Any request for a fee waiver must be approved by the Council. Any fee now waived will eventually go back into the city's library. If under the circumstances, the \$1500 fee can be waived by the Council, we will appreciate it.

Sincerely,

Wynette (Tutta) Barton,

President, Friends of the Kyle Library

Item # 22

Kathy Ryan, Ceverene Lackey, Blanche Richmond, Ned Arcides, and Shirley Lucas, FOKL Board Members

Item # 22



CITY OF KYLE, TEXAS

City Council Goals for 2014

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration and Possible Action regarding the City Council Goals for 2014 ~ *Lucy Johnson, Mayor*

Other Information:

Budget Information:

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

Attachments / click to download

[City Council Goals for 2014](#)

City Council Goals for 2014

(more than one Council member brought it up)

1. Hire new full time City Attorney
2. Complete annexations
3. Renovate the pool
4. Improve downtown streets/create street plan
5. Create new Tourism Plan, expand Tourism services and advertising
6. Build up Street Maintenance Program
7. Continue fighting Monarch legislatively
8. Renovate and repair water towers
9. Do something with the trolleys
10. Start “Green” programs promoting environmentalism and recycling
11. Finish South side sewer line
12. Regain ownership and expand the sewer plant
13. Downtown beautification plan



CITY OF KYLE, TEXAS

YMCA of Austin Proposal

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Recommendation from the Parks Committee regarding the proposal from the YMCA of Austin ~ *Lucy Johnson, Mayor*

Other Information: The YMCA-Austin made a presentation to contract operation and maintenance of the Kyle Pool to the Parks and Recreation Committee on Monday, September 23. After public comments, the committee voted 5-1 to not accept the proposal and keep the operation and maintenance within the Parks and Recreation Department.

Budget Information:

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

Attachments / click to download

[Pool Proposal](#)



FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

CITY of KYLE POOL OPERATION PROPOSAL YMCA OF AUSTIN

In exchange for the opportunity to operate the City of Kyle pool, the YMCA of Austin will provide increased value to the residents, non-residents, and all third-party users. We aim to increase the hours of operation, increase the number of swim lessons, and provide financial assistance to those who would otherwise be turned away. Below, you will see the breakdown of the swimming pool season, pool management cost, projected income from daily and seasonal passes, swim lesson operation, Aquatic Exercise Season, Kyle Kudas Swim Team, and rental groups. In addition, the YMCA of Austin will assume all expenses related to facility operations, employee services, service fees/contracts, and related supplies.

Kyle Pool Season:

June 4, 2014 – September 8, 2014

Kyle Pool Hours:

Monday:	Closed
Tuesday:	12p – 8p
Wednesday:	12p – 8p
Thursday:	12p – 8p
Friday:	12p – 8p
Saturday:	11a – 6p
Sunday:	12p – 6p

We will increase the total weekly hours from 32 hours per week to 45 hours per week.

Pool Management Cost:

Lifeguard:	\$41,080
Pool Management:	\$7,647
Support Staff:	\$10,561
Chemical Supplies:	\$10,000
Operations & Maintenance:	\$14,700

Total:

Item # 24
\$85,988.00

Projected Income for Daily and Season Passes:

Daily Admission: Residents of Kyle (inside city limits)		Est# of Passes sold	Income per Pass
Ages	Rate		
0-12	\$3.00	4,633	\$13,899.00
13-54	\$4.00	4,335	\$17,341.60
55+	\$2.00	572	\$1,144.00
Total:			\$32,384.60
Daily Admission: Non-Residents of Kyle (outside of city limits)			
Ages	Rate		
0-12	\$2.00	60	\$120.00
13+	\$4.00	70	\$280.00
			\$400.00
Season Pass: Residents of Kyle (inside city limits)			
Ages	Rate		
Youth 13-17	\$40.00	30	\$1,200.00
Single	\$60.00	113	\$6,780.00
Couple	\$120.00	10	\$1,200.00
Family	\$180.00	20	\$3,600.00
			\$12,780.00
Season Pass: Non-Residents of Kyle (outside of city limits)			
Ages	Rate		
Youth 13-18	\$60.00	2	\$120.00
Single	\$80.00	1	\$80.00
Couple	\$140.00	1	\$140.00
Family	\$200.00	0	\$0.00
			\$340.00
Total income:			\$45,904.60

Swim Lesson Season:

June 4, 2014 – August 23, 2014

We will offer swim lessons in two-week sessions, monthly sessions, and weekend sessions. Residents will be given the YMCA of Austin member rate of \$5.00 per class and non-residents will be given the non-member rate of \$11.00 per class. In addition, the YMCA of Austin will provide financial assistance for those who qualify. We will continue to offer private swim lesson instruction at a rate of \$18.00 per half-hour session for residents and \$36.00 per half-hour session for non-residents. Based on actuals provided by the City of Kyle, we believe that we can provide a total of 356 swim lessons with an estimated gross income of \$18,800. In addition, we estimate that we can provide a total of 56 private swim lessons for a total gross of \$1,000.

Total income: **\$16,200.00**

Total expense including supplies for season

\$4,500.00

Item # 24

Aquatic Exercise Season:

June 4, 2014 – August 23, 2014

We will offer aquatic fitness classes in monthly sessions with options for two times a week and three times a week. We will charge a fee of the current price of \$40 for two times a week and \$60 for three times a week. In addition, the YMCA of Austin will provide financial assistance for those who qualify. However, all participants must be season pass holders. Based on actuals provided by the City of Kyle, we believe that we can serve a total of 90 individuals in the Aquatic Fitness Program.

Total income:	\$3,600.00
Total expense including supplies	\$1,900.00

Kyle Kudas Swim Team Season:

June 1, 2014 – July 31, 2014

We will continue to offer a competitive swimming program for both residents and non-residents. Our pricing structure will increase from \$152.50 to \$160 per season. In addition, we will require all participants to be season pass holders. The YMCA of Austin will provide financial assistance to those who qualify. We estimate we will serve between 25-30 swim team members.

Total income	\$4,000.00
Total expense including supplies	\$2,300.00

Swimming Rentals:

April 2014 – September 2014

We will continue to offer opportunities for pool rentals and work to increase the awareness of this option in the community. In addition, we will work with local childcare providers and summer camps to manage the usage in such a way that provides ample time for residents and groups.

1 – 50	Guest \$80 per hour	18 parties
51-75	Guest \$105 per hour	10 parties
76 -100	Guest \$130 per hour	4 parties
101 – 125	Guest \$155 per hour	1 party
126 – 150	Guest \$180 per hour	2 parties
151 – 175	Guest \$230 per hour	0 parties
176 – 200	Guest \$250 per hour	3 parties

Total income: **\$4,290.00**

Total expense: **\$1,700.00**

Bottom Line:

Based on all the data regarding the pool usage and operational cost, the YMCA of Austin estimates a total projected seasonal income of \$73,994.60. Additionally, we estimate a total expense of \$94,388 with a net loss of **\$20,393.40**.

This price does not include the estimated \$30,000 needed to re-plaster the pool.



CITY OF KYLE, TEXAS

Ratify PSA for Interim Engineering Services - Neptune-Wilkinson Associates, Inc.

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: Consider ratifying a professional engineering services agreement with NEPTUNE-WILKINSON ASSOCIATES INC., of Austin, Texas, to perform site development plan and subdivision plan reviews on a time expended and charges incurred basis at specified hourly rates as Interim City Engineer. ~ *James Earp, Assistant City Manager*

Other Information: This action item will allow the city to utilize Neptune Wilkinson for development reviews that would normally be conducted by the City Engineer, during the Interim time it takes to successfully recruit a new City Engineer. Neptune Wilkinson was chosen for both their reasonable pricing, and familiarity with development reviews from the time they served as City Engineer prior to bringing the position in house.

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

[Letter Proposal for Interim Engineering Services](#)

[Fiscal Note](#)

NEPTUNE - WILKINSON ASSOCIATES, INC.
Consulting Engineers
TBPE Firm# F-359

4010 Manchaca Road
Austin, Texas 78704

(512) 462-3373
(FAX) 462-3469

September 18, 2013

James Earp, Assistant City Manager
City of Kyle
P.O. Box 40
Kyle, Texas 78640

Re: Site Development Plan and Subdivision Plan Reviews
Letter Proposal for Interim Engineering Services
NWA# 1190-600

Dear James:

As requested, Neptune-Wilkinson Associates, Inc. (NWA) proposes to provide engineering services in relation to the review of proposed plans submitted to the City of Kyle for the development of subdivisions, site development and other infrastructure under the jurisdiction of City ordinances and regulations on an interim basis. The work provided will include but not necessarily be limited to:

- review of plan submissions for conformance with City ordinance and general civil engineering practices,
- preparation of plan review comments for use by City staff, and
- meeting with City personnel or staff regarding plan reviews as requested.

Services will be provided at the request of City staff as needed for a specific project. Only materials provided directly from the City shall be reviewed and all review comments prepared shall be provided back to the City and City staff exclusively unless City staff requests copies of review comments be provided to specific third parties.

City of Kyle
 Page 2
 September 18, 2013

NWA proposes to perform the above described work on a time expended and charges incurred basis at the rates listed in attached Exhibit "A". The cost for this work will be invoiced to the City on a monthly basis and each invoice will identify the costs specific to individual plan reviews.

We are pleased to offer these engineering services to the City of Kyle. NWA will begin work upon acceptance of this letter proposal by the City. Please review, execute, sign and return or, if additional information is needed, simply contact our office.

Sincerely,

John A Bartle

John A. Bartle, P.E.

JAB:jm

Proposal Accepted and Authorization to Proceed

Signature: _____

Print Name: _____

Date: _____

City of Kyle

EXHIBIT "A"

PAYMENTS TO BE BASED ON TIME EXPENDED AT THE FOLLOWING RATES

Principal	\$120.00 per hour
Engineer	95.00 per hour
Engineering Technician	45.00 per hour
Survey Technician	45.00 per hour
CAD Technician (Drafter)	45.00 per hour
Administrative/Clerical	35.00 per hour

Direct expenses will be billed at the engineer's cost plus 10%. Travel expenses will be billed at the rate of \$0.48 per mile. Principal time charged by NWA for meeting attendance on behalf of CLIENT will be for the approximate time expended on engineering and/or related technical consultation which occurs during the meeting, but not less than two (2) hours will be charged for any one meeting.

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: October 2, 2013
 CONTACT CITY DEPARTMENT: Engineering
 CONTACT CITY STAFF: James R. Earp, CPM
 Asst. City Manager

SUBJECT:

Consider ratifying a professional engineering services agreement with NEPTUNE-WILKINSON ASSOCIATES, INC., of Austin, Texas, to perform site development plan and subdivision plan reviews on a time expended and charges incurred basis at specified hourly rates as Interim City Engineer.

CURRENT YEAR FISCAL IMPACT:

This engineering services contract with NEPTUNE-WILKINSON ASSOCIATES, INC., will require expenditure of funds estimated at \$57,600.00 for a 3-month interim period from the approved FY 2013-14 Operating Budget of the City's Engineering Department.

1. City Department:	Engineering
2. Project Name:	Interim City Engineer Contract Services
3. Budget/Accounting Code(s):	110-162-Various (\$57,535.00) 310-162-Various (\$56,535.00)
4. Funding Source:	General Fund & Utility Fund
5. Current Appropriation:	\$ 114,070.00
6. Unencumbered Balance:	\$ 114,070.00
7. Amount of This Action:	<u>\$(57,600.00)</u> Estimated Cost for 3-Months
8. Remaining Balance:	<u>\$ 56,470.00)</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for this engineering services contract in the amount of \$57,600.00 will be provided from the approved FY 2013-14 Operating Budget of the Engineering Department.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A

 9/25/2013

Perwez A. Moheet, CPA - Date
 Director of Finance



CITY OF KYLE, TEXAS

SB1086 Resolution

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation:

A RESOLUTION OF THE CITY OF KYLE, TEXAS, RECOGNIZING TEXAS STATE SENATORS DONNA CAMPBELL AND JUDITH ZAFFIRINI, AND TEXAS STATE REPRESENTATIVE JASON ISAACS FOR THEIR SUPPORT IN PASSING TEXAS STATE SENATE BILL 1086 (SB 1086) DURING THE 83RD REGULAR LEGISLATIVE SESSION AND SECURING A MEANS TO COMPEL INVESTOR OWNED UTILITIES TO PROVIDE PROPERLY PAINTED FIRE HYDRANTS IN THE CITY OF KYLE NEIGHBORHOODS ALLOWING FIREFIGHTERS THE ABILITY TO USE THE APPROPRIATE HYDRANTS IN THEIR DUTY TO PROTECT KYLE'S RESIDENTS. ~ *Jerry Hendrix, Director of Community Development*

Other Information:

Budget Information:

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

Attachments / click to download

[SB1086 Resolution](#)

RESOLUTION # _____

A RESOLUTION OF THE CITY OF KYLE, TEXAS, RECOGNIZING TEXAS STATE SENATORS DONNA CAMPBELL AND JUDITH ZAFFIRINI, AND TEXAS STATE REPRESENTATIVE JASON ISAACS FOR THEIR SUPPORT IN PASSING TEXAS STATE SENATE BILL 1086 (SB 1086) DURING THE 83RD REGULAR LEGISLATIVE SESSION AND SECURING A MEANS TO COMPEL INVESTOR OWNED UTILITIES TO PROVIDE PROPERLY PAINTED FIRE HYDRANTS IN THE CITY OF KYLE NEIGHBORHOODS ALLOWING FIREFIGHTERS THE ABILITY TO USE THE APPROPRIATE HYDRANTS IN THEIR DUTY TO PROTECT KYLE'S RESIDENTS.

Whereas, the City of Kyle is committed to ensuring that all residents within the Kyle city limits are provided the same access to resources needed to protect and secure their lives and property; and,

Whereas, residents living in the neighborhoods of Amberwood and Indian Paintbrush are served by Monarch Water, an investor owned utility not regulated by the City; and,

Whereas, Monarch Water arbitrarily decided to paint the fire hydrants in these neighborhoods black and thereby signaling that the hydrants could not support proper minimum fire flow for firefighting; and,

Whereas, subsequent tests by the Kyle fire department determined that the hydrants could support minimum fire flow requirement; and,

Whereas, repeated requests by the City of Kyle to Monarch Water to repaint the hydrants red to verify their use for fire fighting purposes were repeatedly rejected; and,

Whereas, SB 1086 authorizes a city to impose fire flow requirements on an investor-owned utility (IOU) or water supply corporation (WSC), subject to Texas Commission on Environmental Quality (TCEQ) monitoring, in and around Buda, Cibolo, and Kyle; and,

Whereas, SB 1086 amends current law relating to the regulation of certain water and sewage utilities to ensure public safety in and around certain municipalities; and,

Whereas, Without the support and dedication of District 25 Texas State Senator Donna Campbell, District 21 Texas State Senator Judith Zaffirini and District 45 Texas State House Representative Jason Isaacs, the City Of Kyle residents would not receive adequate protection from fires where fire hydrant water flow is insufficient.

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

The City Council of the City of Kyle does hereby recognize and thank Senators Campbell and Zaffirini, and Representative Isaacs for their commitment and dedication to the safety of the citizens and business community of the City Of Kyle, Texas, and call on all citizens of Kyle to recognize and thank these legislators for their tireless and dedicated efforts to support and protect our residents.

FINALLY PASSED AND APPROVED, on this the 2nd day of October, 2013.

ATTEST:

THE CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor



CITY OF KYLE, TEXAS

Hays County Appraisal District

Meeting Date: 10/2/2013
Date time: 7:00 PM

Subject/Recommendation: A RESOLUTION OF THE CITY OF KYLE, TEXAS NOMINATING MIKE FULTON TO THE HAYS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS IN ACCORDANCE TO § 6.07 OF THE TEXAS PROPERTY TAX CODE; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE. ~ *Lanny Lambert, City Manager*

Other Information:

Budget Information:

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[Appraisal Dist Nomination](#)

Cover Memo

Item # 27

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KYLE, TEXAS NOMINATING MIKE FULTON TO THE HAYS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS IN ACCORDANCE TO § 6.07 OF THE TEXAS PROPERTY TAX CODE; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, there is a vacancy at the Hays County Appraisal District Board of Directors; and

WHEREAS, the City of Kyle is entitled to nominate an individual to the Hays County Appraisal District Board of Directors under § 6.07 of the Texas Property Tax Code; now

WHEREAS, the City of Kyle unanimously voted to nominate Mike Fulton to the Hays County Appraisal District Board of Directors; now

BE IT RESOLVED BY THE CITY OF KYLE, TEXAS:

SECTION 1. AUTHORIZATION. The Mayor is authorized to notify the Hays County Appraisal District that the City of Kyle has unanimously nominated Mike Fulton to the Board of Directors.

SECTION 2. PUBLIC PURPOSE. The City Council finds that the submission of its nomination in the manner specified above is in the public interest.

SECTION 3. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City hereby incorporates such recitals as findings of fact and as a part of this Resolution.

SECTION 4. SEVERABILITY. If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 5. EFFECTIVE DATE. This Resolution shall become effective immediately following its passage.

RESOLVED AND APPROVED by the City Council of the City of Kyle, this 2nd day of October, 2013.

BY: _____
Lucy Johnson, Mayor

Attest: _____
Amelia Sanchez City Secretary



CITY OF KYLE, TEXAS

Meeting Date: 10/2/2013
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*

1. Discuss City Council Goals for 2014 document
2. Discuss 2013 TML Conference, October 8 - 11, 2013
3. Discuss proposed calendar for hiring City Attorney
4. Discuss City Council Workshops
 - Thursday, October 3, 2013-7:00 p.m.-ESD #5 Workshop
 - Thursday, October 3, 2013-8:15 p.m.-LED Sign Ordinance Workshop
 - Tuesday, October 22, 2013-7:00 p.m.-Lone Star Rail Public Transit Workshop
 - Tuesday, October 22, 2013-8:00 p.m.-Plum Creek PID Workshop

Other Information:

Budget Information:

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

Attachments / click to download

- [City Council Goals for 2014](#)
 - [City Attorney Search Proposed Timeline](#)
-

City Council Goals for 2014

(more than one Council member brought it up)

1. Hire new full time City Attorney
2. Complete annexations
3. Renovate the pool
4. Improve downtown streets/create street plan
5. Create new Tourism Plan, expand Tourism services and advertising
6. Build up Street Maintenance Program
7. Continue fighting Monarch legislatively
8. Renovate and repair water towers
9. Do something with the trolleys
10. Start “Green” programs promoting environmentalism and recycling
11. Finish South side sewer line
12. Regain ownership and expand the sewer plant
13. Downtown beautification plan



**City Attorney Search Proposed Timeline
September 10, 2013**

Wednesday, October 2, 2013

Council to recommend or change any key qualifications other than those stated in Job Description and approves the Job Posting, Salary Range and Timeline.

Thursday, October 03, 2013

The Human Resources Department will begin to advertise on TML, SGR, Local Newspapers (San Antonio, Austin, Kyle, San Marcos) and the City's website. Open until filled.

Tuesday, November 5, 2013

City Council Meeting:

City Council will have the opportunity to do a first review of applications received to date.

Tuesday, November 19, 2013

City Council Meeting:

City Council completes second review of applications received by the deadline posted and selects candidates for interview.

Tuesday, December 10, 2013

City Council Meeting:

Interview selected candidates for the position of City Attorney

Tuesday, December 17, 2013

City Council Meeting:

Selection of Finalist(s)

Wednesday, December 18, 2013

HR to conduct pre-employment assessments on selected candidate(s).

Tuesday, January 07, 2014

City Council Meeting:

City Council to make final selection

Tuesday, January 21, 2014

City Council Meeting:

City Council to sign-off on Contract for the City Attorney