

# 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 5/20/2014, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 16th day of May, 2014 prior to 7:00 p.m.

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### I. Call Meeting To Order

### II. 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.

### III. Presentation

#### 1. Recognition of the 5th Graduating Class of the Kyle Citizen's Police Academy ~ *Jeff Barnett, Chief of Police*

- *Lisa Ayala*
- *Cody Cooper*
- *Jenna Cooper*
- *Rebecca Duran*
- *Donna Frank*
- *Rae Knoebel*
- *John Lahmon*
- *Claudia Madrazo*
- *William Manning*
- *Jose Mendoza*
- *Matthew Mieszkowski*
- *Richard Moninger*
- *Raquel Moreno*
- *Sarah Preston*
- *Oscar Sanchez*
- *Bill Sinor*
- *Mararet Somma*
- *Sharon West*
- *Lauren Wisener*

 [Attachments](#)

2. End of school-year presentation by the Kyle Area Youth Advisory Council

(KAYAC). ~ *Terrah Friesenhahn, KAYAC Chair and James Collins, KAYAC Vice Chair*

 [Attachments](#)

3. Presentation by Staff on the City of Kyle Stormwater Management Plan ~ *James Earp, Assistant City Manager*

 [Attachments](#)

#### **IV. Proclamations**

4. Proclamation of the City of Kyle, Texas Proclaiming May 26, 2014 as "Memorial Day" in the City of Kyle, Texas. ~ *David Wilson, Council Member District 4 & Chad Benninghoff, Council Member District 3*

 [Attachments](#)

#### **V. Appointments**

5. Consideration of Nomination(s) for Appointment to the Ethics Commission ~ *Lucy Johnson, Mayor*

- *District 2, New Appointment, Fidel Alvarez*

 [Attachments](#)

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

- *Stanley See*

 [Attachments](#)

#### **VI. Consent Agenda**

7. (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.399 acres of land from 'RS' Retail Service District to 'PUD' Planned Unit Development, on property located on the west side of IH-35 between Loop 4 and Kyle Crossing, in Hays County, Texas. (Cavalier Lamar Holding, LP, Z-14-008) ~ *James Earp, Assistant City Manager*

*Planning and Zoning Commission voted 6 - 0 to approve the rezone request.*

 [Attachments](#)

8. (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.999 acres of land from 'PUD' Planned Unit Development to 'RS' Retail Service District, on property located on the west side of IH-35 between Loop 4 and Kyle Crossing, in Hays County, Texas. (RR HPI, LP, Z-14-007) ~ *James Earp, Assistant City Manager*

*Planning and Zoning Commission voted 6 - 0 to approve the rezone request.*

 [Attachments](#)

9. *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 5.45 acres of land from 'R-1-T' Residential Townhome to 'R-3-3' Apartments Residential 3, on property located on the South side of Bebee Road, just west of Dacy Lane, in Hays County, Texas. (Dacy Lane, LLC Z-14-009) ~ *James Earp, Assistant City Manager*

*Planning and Zoning Commission voted 6 - 0 to approve the rezone request*

 [Attachments](#)

10. *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 1.02 acres of land from 'AG' Agriculture to 'RS' Retail Service District, on property located at 2580 Kyle Crossing, in Hays County, Texas. (Jason Martinez Z-14-010). ~ *James Earp, Assistant City Manager*

*Planning and Zoning Commission voted 6 - 0 to approve the rezone request.*

 [Attachments](#)

11. *(Second Reading)* An ordinance declaring a moratorium not to exceed one-hundred eighty (180) days prohibiting the collection of assessments and enforcement of liens on properties located in the Bunton Creek Subdivision Public Improvement District for the purpose of the city council making a reassessment or new assessment on the properties, and taking possible legal action. ~ *Ken Johnson, City Attorney*

 [Attachments](#)

12. *(Second Reading)* An Ordinance amending the City's Approved Budget for Fiscal Year 2013-14 by increasing appropriations in the General Fund for the Economic Development Department by \$4,000.00 and decreasing fund balance in the General Fund by the same amount to increase City's contribution to the GREATER SAN MARCOS PARTNERSHIP from \$1,000.00 to \$5,000.00 for Fiscal Year 2013-14. ~ *Lucy Johnson, Mayor*

 [Attachments](#)

13. *(Second Reading)* An ordinance amending the Code of Ordinances, Chapter 2, "Administration" Article III, Division 4, Subdivision III, Sec. 2-118(a) to limit the Long Range Planning Committee to at least seven (7) but not more than eleven (11) members. ~ *Samantha LeMense, Mayor Pro Tem*

 [Attachments](#)

14. Award a bid to LESLIE'S SWIMMING POOL SUPPLIES, San Marcos, Texas, lowest and most responsible bidder, in an amount not to exceed \$1,600.00 for the purchase of a portable vacuum system for the Kyle Pool. ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

15. Award a bid to PROGRESSIVE COMMERCIAL AQUATICS, INC., Manor, Texas, lowest and most responsible bidder, in an amount not to exceed \$3,101.00 for the purchase and installation of a chemical controller for the Kyle Pool. ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

16. Award a bid in an amount not to exceed \$1,600.00 to B&G SEPTIC, Kyle, TX, lowest and most responsible bidder, to construct and tie-in a new wastewater service line at 320 Evening Star, Woodlands Subdivision, Kyle. ~ *Harper Wilder, Director of Public Works*

 [Attachments](#)

17. Approve the purchase of five (5) transport bags for Hart Judges booth controllers for the city election judge from A. RIFKIN CO., Wilkes-Barre, PA, in an amount not to exceed \$731.94. ~ *Ken Johnson, City Attorney*

 [Attachments](#)

## **VII. Consider and Possible Action**

18. Authorize the City Manager to execute an agreement with the Hays County elections officer for election services provided for the May 31, 2014, city runoff election. ~ *Ken Johnson, City Attorney*

 [Attachments](#)

19. Authorize the City Manager to negotiate and execute a professional services agreement with KIMLEY-HORN & ASSOCIATES, INC., Austin, Texas, in an amount not to exceed \$121,400.00 to conduct an amenity access audit of certain city-owned facilities and properties, develop a transition plan, and prepare a comprehensive report. ~ *Kerry Urbanowicz, Director of Parks and Recreation*

 [Attachments](#)

20. *(First Reading)* An Ordinance amending chapter 23 of the Code of Ordinances of the City of Kyle by adding Article IIIA to regulate and prohibit electronic cigarettes being provided to minors or possessed by minors. ~ *Nik Fisher, KAYAC Liaison to City Council; James Collins, KAYAC Vice Chair; Aidan O'Keefe, KAYAC*



 [Attachments](#)

21. Consideration of Letter of Resignation of City Council Member Chad Benninghoff and Declaration of a Vacancy on the City Council ~ *Lucy Johnson, Mayor*

 [Attachments](#)

## VIII. ADJOURN

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

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



# CITY OF KYLE, TEXAS

## Kyle Citizen's Police Academy

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:** Recognition of the 5th Graduating Class of the Kyle Citizen's Police Academy ~ *Jeff Barnett, Chief of Police*

- *Lisa Ayala*
- *Cody Cooper*
- *Jenna Cooper*
- *Rebecca Duran*
- *Donna Frank*
- *Rae Knoebel*
- *John Lahmon*
- *Claudia Madrazo*
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- *Matthew Mieszkowski*
- *Richard Moninger*
- *Raquel Moreno*
- *Sarah Preston*
- *Oscar Sanchez*
- *Bill Sinor*
- *Mararet Somma*
- *Sharon West*
- *Lauren Wisener*

**Other Information:**

**Budget Information:**

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Cover Memo

Item # 1



# CITY OF KYLE, TEXAS

## KAYAC end of year presentation

**Meeting Date: 5/20/2014**  
**Date time: 7:00 PM**

**Subject/Recommendation:** End of school-year presentation by the Kyle Area Youth Advisory Council (KAYAC). ~ *Terrah Friesenhahn, KAYAC Chair and James Collins, KAYAC Vice Chair*

**Other Information:**

**Budget Information:**

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 [KAYAC 2013-2014 Year in Review](#)

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# KAYAC

**Kyle Area Youth Advisory Council**

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*2013-2014 Year in Review*

# Our Purpose

“KAYAC shall be advisory in nature and has . . . the purpose of providing a youthful point of view for the Kyle City Council on community affairs and issues.”

- KAYAC By-Laws

# Members



Top: Andrew Garza, James Collins, Aidan O'Keefe, Taylor Friesenhahn, Nik Fisher, Ranson Moore

Bottom: Lila Ramos, Melysa Alvarez, Terrah Friesenhahn, Carly Hogue, Gabriel Doria

Not Pictured: Ivon Balderas, Neriah Sosa, Andy Garza

# Leadership

Chair:

Terrah Friesenhahn

City Council:

Nik Fisher

Vice Chair:

James Collins

Economic Development Committee:

Terrah Friesenhahn

Secretary:

Carly Hogue

Planning Committee:

James Collins

Treasurer:

Ranson Moore

Parks and Recreation Committee:

Carly Hogue



# Meetings

- Meetings every two weeks  
18 meetings held thus far
- Youth-run, By-laws
- Open-meetings act  
compliant
- Parliamentary procedure
- Attendance at 2014 Texas  
YAC Summit



# Accomplishments & Projects

# High School Survey

- Developed survey to capture youth perspective on City needs
- Distributing survey to Hays and Lehman HS
- Compiling data into comprehensive report

# E-Cigarette Ordinance

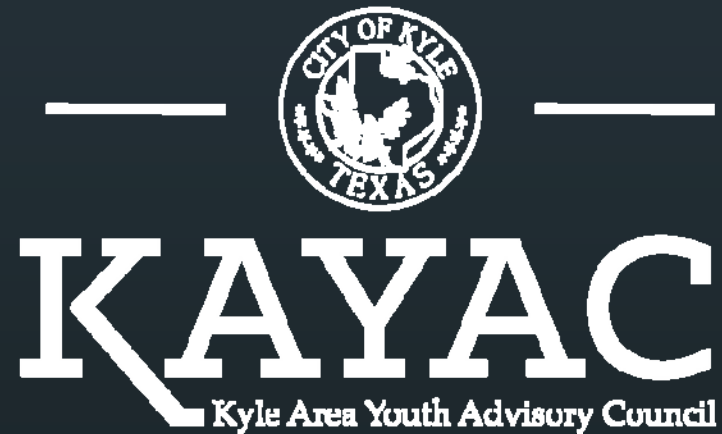
- Conducted research about dangers of E-Cigarettes
- Drafted new city ordinance to prohibit E-Cigarettes sales to minors
- Presenting ordinance to City Council (first reading May 20, 2014)
- Received the support of State Representative Jason Isaac to sponsor a State Bill addressing this issue

# Community Involvement

- Hays Women's Shelter Book Drive
- Founders' Day Parade
- Hays County Food Bank
- Plum Creek Watershed Clean-Up
- City Tour & Staff Presentations
- Santa's Arrival
- Lake Kyle Jubilee
- Legend Oaks Volunteering

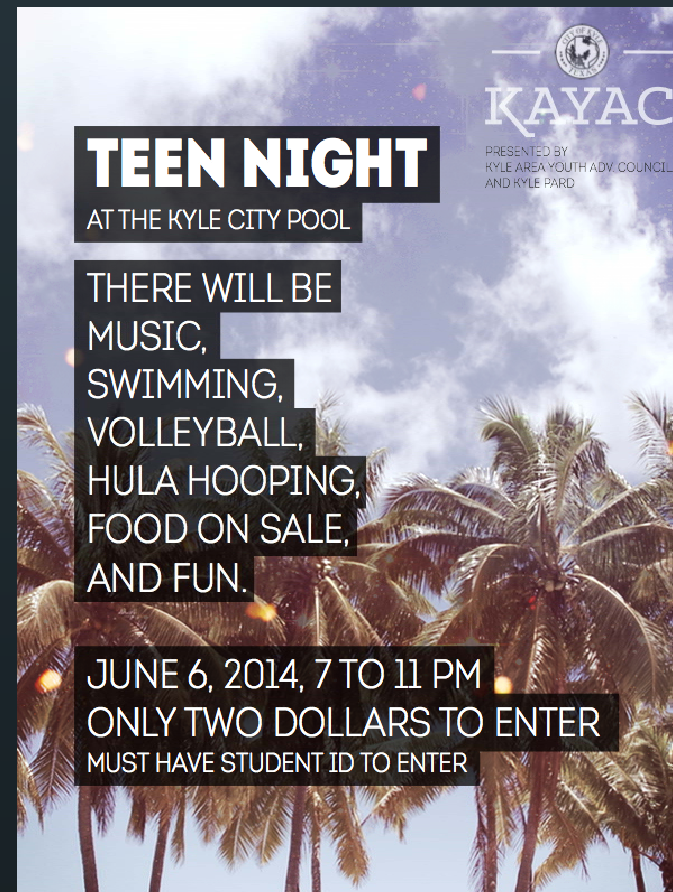
# Other Accomplishments

- KAYAC Logo
- Membership doubled
- Raised funds from Santa's Arrival & Lake Kyle Jubilee
- Ethics and Open Meetings Act training



# In the Future

- Kyle Teen Night
- Vision and Mission Statement
- 5-Year Plan
- Expand representation





# A Special Thank-You

We express our most sincere gratitude to Hays CISD for your continued support in our efforts to make Kyle the best city for all of our citizens!



# CITY OF KYLE, TEXAS

## Stormwater Management Plan

**Meeting Date: 5/20/2014**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Presentation by Staff on the City of Kyle Stormwater Management Plan ~ *James Earp, Assistant City Manager*

**Other Information:**

**Budget Information:**

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 [SWMP DRAFT](#)

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**CITY OF KYLE**



**MUNICIPAL SEPARATE STORMWATER SEWER SYSTEM  
(MS4) PHASE II PERMIT**

**STORMWATER MANAGEMENT PLAN**

**2014**

## 1.0 INTRODUCTION

### 1.1 Background

The City of Kyle (City) was added to the Austin urbanized area, as determined by the U.S. Census Bureau, and now must obtain authorization for the discharge of pollutants in stormwater run-off and is eligible for coverage under a Texas Pollution Discharge Elimination System (TPDES) General Permit, complying with Title 40 CFR Part 122 of the Federal Register. This initial stormwater management plan (SWMP) is to be submitted with a Notice of Intent to the Texas Commission on Environmental Quality (TCEQ) to acquire coverage under the TPDES General Permit. Modifications to this SWMP are allowed, although the revisions shall be summarized in an annual report submitted to the TCEQ.

### 1.2 City Information

The City was incorporated in 1928 and is located within Hays County. Currently, the City covers 19.3 square miles consisting of 12,355 acres of land, 1,258 acres of waters or water ways, and contains approximately 118 miles of public streets. The current population of Kyle, according to the 2010 census, is 28,016, and 30,875 in 2012. Approximately 10,200 residential homes and XXXX commercial businesses are located in the city. Figure 1 of this section includes a vicinity map. Figure 2 illustrates the topography data for the City of Kyle, according to the U.S. Geological Survey (USGS).

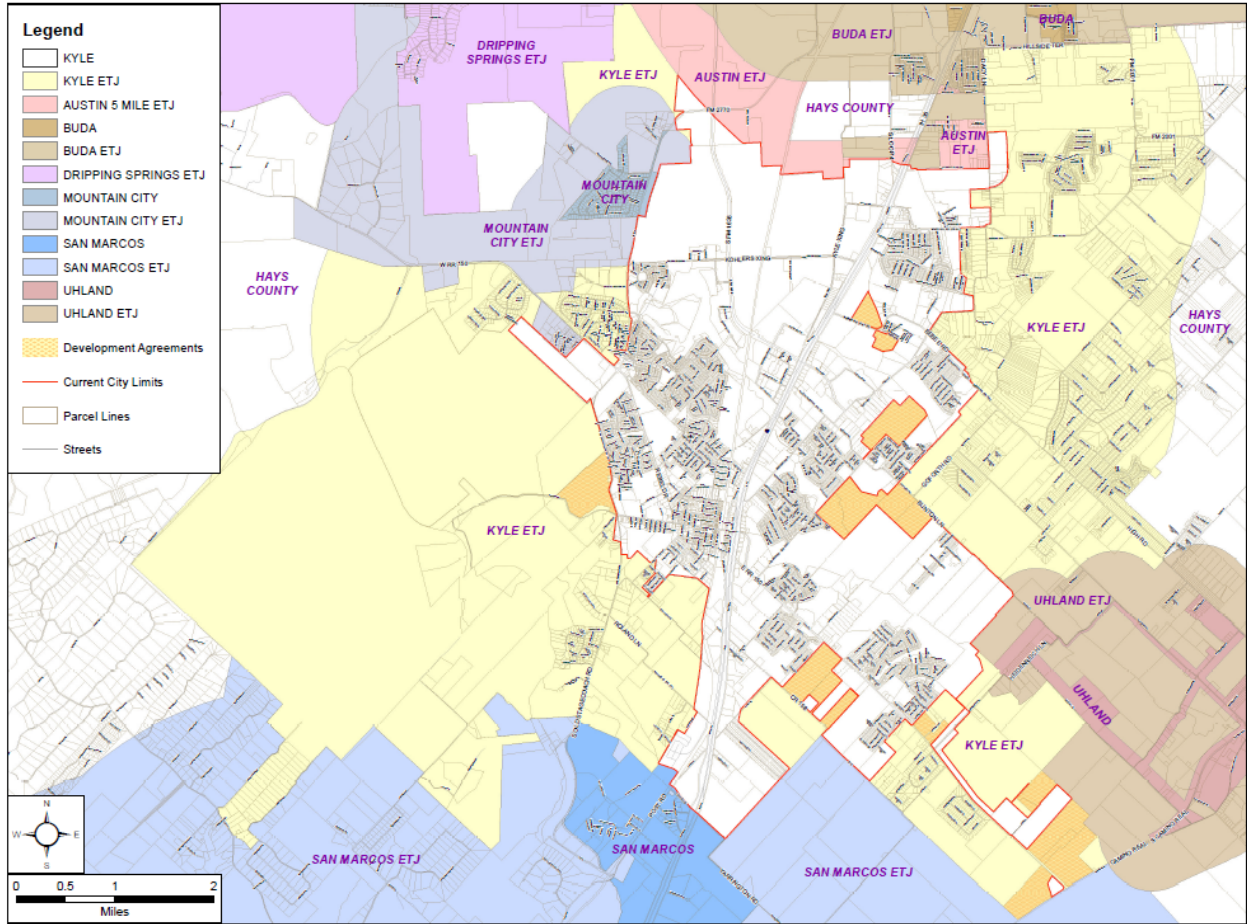
The City is operated under a Council-Manager form of government and governed by an elected mayor and six city council members. The city council and planning and zoning commission regulate development within the city. The City has a public works department, planning department, engineering department, and a sophisticated building department. All of which play a role in development in Kyle.

### 1.3 Other Entities Assisting with the SWMP Preparation

The City is utilizing its own professional staff in the preparation of this SWMP.

There are no co-permittees included in the development and implementation of this SWMP.

### FIGURE 1 VICINITY MAP

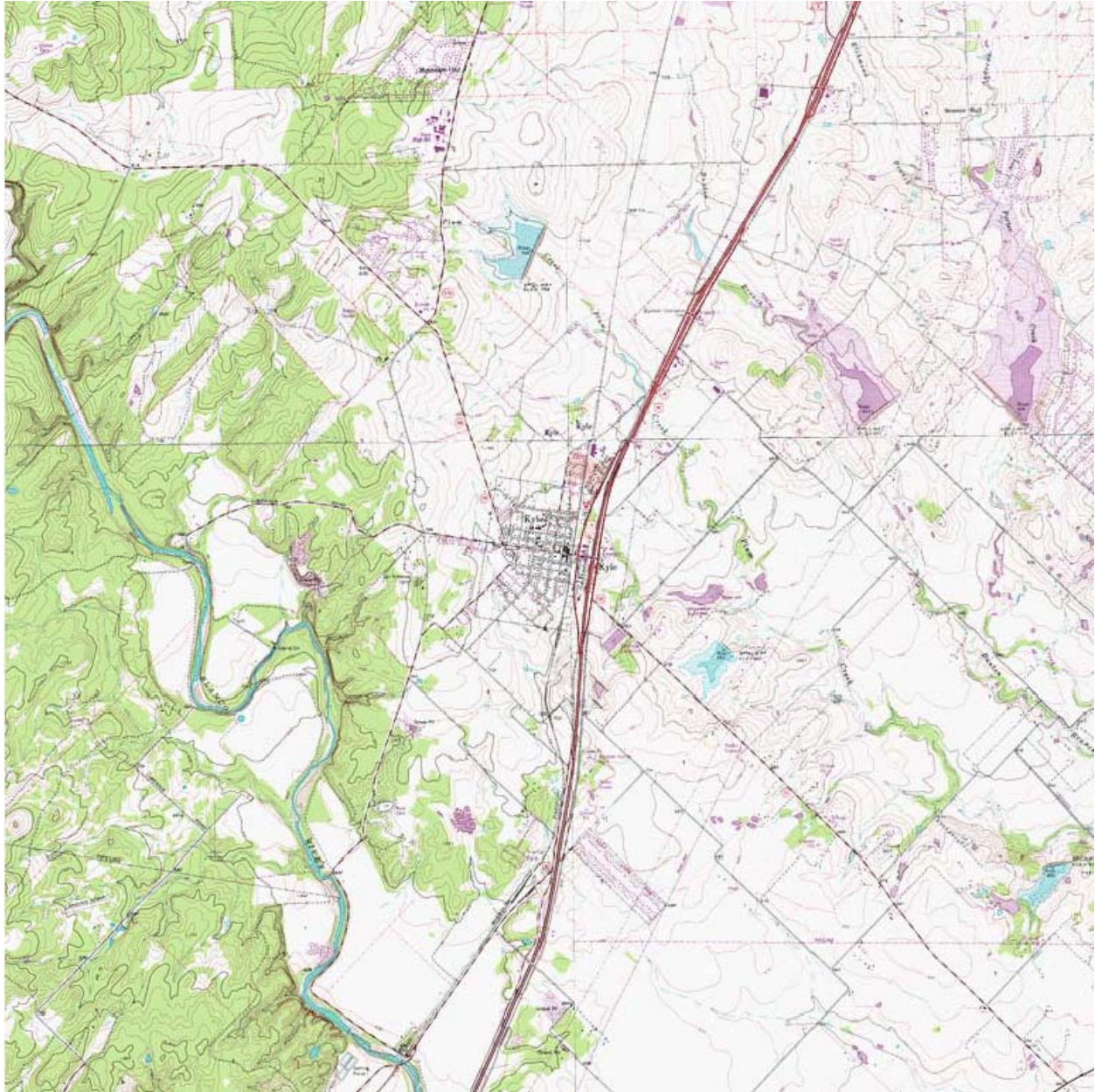


[http://www.cityofkyle.com/sites/default/files/fileattachments/etj\\_csize.pdf](http://www.cityofkyle.com/sites/default/files/fileattachments/etj_csize.pdf)





**FIGURE 2  
TOPOGRAPHY AND DRAINAGE BASINS**



<http://www.topoquest.com/map.php?lat=29.98911&lon=-97.87723&datum=nad83&zoom=16&map=auto&coord=d&mode=zoomin&size=m>

## 1.4 Definitions

Following are definitions to key words or phrases that are used throughout this SWMP. The definitions are taken directly from the TPDES Phase II MS4 general permit.

Best Management Practices (BMPs) - schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

Classified Segment - refers to a water body that is listed and described in Appendix A or Appendix C of the Texas Surface Water Quality Standards, at 30 TAC § 307.10.

Discharge - When used without a qualifier, refers to the discharge of stormwater runoff or certain non-stormwater discharges as allowed under the authorization of this general permit.

Illicit Connection - Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge - Any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire fighting activities.

Industrial Activities - manufacturing, processing, material storage, and waste material disposal areas (and similar areas where stormwater can contact industrial pollutants related to the industrial activity) at an industrial facility described by the TPDES Multi Sector General Permit, TXR050000, or by another TCEQ or TPDES permit.

Maximum Extent Practicable (MEP) - The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges that was established by CWA § 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR § 122.34.

MS4 Operator – For the purpose of this permit, the public entity, and/ or the entity contracted by the public entity, responsible for management and operation of the small municipal separate storm sewer system that is subject to the terms of this general permit.

Notice of Change (NOC) - Written notification from the permittee to the executive director providing changes to information that was previously provided to the agency in a notice of intent.

Notice of Intent (NOI) - A written submission to the executive director from an applicant requesting coverage under this general permit.



Outfall - For the purpose of this permit, a point source at the point where a municipal separate storm sewer discharges to waters of the United States (U.S.) and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S.

Point Source - (from 40 CFR § 122.22) any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant(s) of Concern - Include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4. (Definition from 40 CFR § 122.32(e)(3)).

Small Municipal Separate Storm Sewer System (MS4) – refers to a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the CWA; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; (iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2; and (v) Which was not previously authorized under a NPDES or TPDES individual permit as a medium or large municipal separate storm sewer system, as defined at 40 CFR §§122.26(b)(4) and (b)(7). This term includes systems similar to separate storm sewer systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings. For the purpose of this permit, a very discrete system also includes storm drains associated with certain municipal offices and education facilities serving a nonresidential population, where those storm drains do not function as a system, and where the buildings are not physically interconnected to an MS4 that is also operated by that public entity.

Stormwater and Stormwater Runoff - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Management Program (SWMP) - A comprehensive program to manage the quality of discharges from the municipal separate storm sewer system.

Structural Control (or Practice) - A pollution prevention practice that requires the construction of device, or the use of a device, to capture or prevent pollution in stormwater runoff. Structural controls and practices may include but are not limited to: wet ponds, bioretention, infiltration

basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Total Maximum Daily Load (TMDL) - The total amount of a substance that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Urbanized Area (UA) - An area of high population density that may include multiple MS4s as defined and used by the U.S. Census Bureau in the 2010 decennial census.

Waters of the United States - (from 40 CFR § 122.2) Waters of the United States or waters of the U.S. means:

- (a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) all interstate waters, including interstate wetlands;
- (c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (3) which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) all impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) the territorial sea; and



- (g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA. fined and used by the U.S. Census Bureau in the 2000 decennial census.

## **2.0 WATER QUALITY**

### **2.1 Stormwater and Water Quality in Texas**

Stormwater affects the quality of water in urban lakes, rivers, neighborhood creeks, and storm drains. These drainage ways, both natural and man-made, effectively remove stormwater runoff from urban areas. In North Texas, storm drain systems are separate from sewage systems, and typically untreated stormwater runoff flows directly to the nearest bodies of water. Any pollutants such as pesticides, oil, detergents, and bacteria that are present on urban land, streets, or other surfaces are also carried along.

In order to protect water quality, it is necessary to identify the types and sources of pollution and implement plans to protect the city's water resources. Historically, waters have been protected through State and Federal regulation of "point-sources" or end-of-pipe sources of pollution. Over time, it has become more evident that non-point sources of pollution, such as urban stormwater runoff, can create problems in water ways and impact the community's quality of life.

The Texas Commission on Environmental Quality (TCEQ) is charged through federal mandate with protecting the quality of waters within the State. The TCEQ's approach to this mandate includes measuring water quality at locations across the state, determining if the quality in streams, lakes, and creeks is acceptable, and implementing plans to clean up water bodies that are negatively impacted.

The Texas Surface Water Quality Standards are rules designed to establish goals for water quality throughout the state, and provide a basis for regulatory programs to attain those goals. Water quality standards serve to signal a situation where water quality may be inadequate to meet the use or uses of a particular water body. Four general categories for water use are defined in Texas: aquatic life use, contact recreation, public water supply, and fish consumption. These are known as "designated uses." Most streams in the State have been classified with designated uses but many smaller, intermittent streams have not been classified and do not have associated designated uses.

Since it would be cost-prohibitive to test every water body for every possible pollutant, assessments of water quality in Texas are performed by evaluating indicators of water quality. Indicators are an indirect measure of the health or quality of a particular part of the aquatic system. Some indicators, such as the health of fish communities, are tied to specific designated uses, while others such as nutrients are not. Some of the most common indicators used by TCEQ to determine the quality of water bodies include bacteria, dissolved oxygen, dissolved solids, metals, and organic substances.

If the indicator data published in the *Texas Water Quality Inventory* (305(b) report) reveal that water quality is inadequate to meet the goals of the water body's designated use, the TCEQ puts the water body on the State's 303(d) list. This list is required by the federal Clean Water Act and is submitted to EPA for approval. Water bodies put on the list are subject to a Total Maximum Daily Load (TMDL) assessment. The TMDL is an intensive assessment of the root cause of poor water quality and serves as the basis for development of a plan by local stakeholders to remediate pollution sources.

## 2.2 Water Quality in City Area

The major body receiving stormwater run off in Kyle is the Plum Creek Watershed. A portion of the western and southern area of Kyle drains into the Blanco basin, but these areas are not yet developed. The Plum Creek Watershed is comprised of the Elliot Branch, Clear Fork, and other nameless tributaries which drain into the Plum Creek segment TX-1810\_03 which is traditionally a seasonally wet creek, but with the presence of several municipal waste water treatment plants that discharge to the segment, has failed to dry seasonally as it did historically.

The TCEQ 303(d) list identifies water bodies in Texas with known water quality impairments. The stream segment of the Plum Creek on the eastern limits of Kyle is included on the 2010 303(d) List for a water quality impairment due to elevated concentrations of bacteria, specifically *e.coli*. Concern for elevated concentrations of nutrients, as demonstrated by chlorophyll-a concentrations, and low concentrations of dissolved oxygen in the stream segment are also indicated in the *2010 TCEQ Water Quality Inventory*. The 303(d) list indicates that progress is being made on the water body's impairments through an alternative to a Total Maximum Daily Load order, namely a Watershed Protection Plan, which was adopted by the Plum Creek Stakeholders in 2008.

**TABLE 1. Plum Creek segment TX-1810\_03**

<u>Designated Use</u>	<u>Designated Use Group</u>	<u>Status</u>
Aquatic Life Use	Fish, Shellfish, And Wildlife Protection And Propagation	Good
Fish Consumption Use	Aquatic Life Harvesting	Not Assessed
General Use	Fish, Shellfish, And Wildlife Protection And Propagation	Good
Primary Recreation/Swimming	Recreation	Impaired

Source: [http://iaspub.epa.gov/tmdl/attains\\_waterbody.control?p\\_au\\_id=TX-1810\\_03&p\\_cycle=2010&p\\_state=TX&p\\_report\\_type=](http://iaspub.epa.gov/tmdl/attains_waterbody.control?p_au_id=TX-1810_03&p_cycle=2010&p_state=TX&p_report_type=)



### 3.0 REGULATORY REQUIREMENTS

#### 3.1 Environmental Protection agency

Under the requirements of the Clean Water Act, the EPA is required to protect the water quality of natural waters throughout the country. The EPA established the National Pollutant Discharge Elimination System (NPDES) program to identify sources of water pollution and work to reduce or eliminate the pollutants from the waters of the U.S.

The EPA has delegated responsibility for the NPDES program in Texas to the TCEQ. In addition to issuing discharge permits to traditional “point sources,” such as municipal wastewater treatment plants, the TCEQ is also responsible for minimizing pollution from “non-point sources”, such as stormwater runoff from construction sites, industrial facilities or municipal storm sewer systems.

The TCEQ has issued requirements for minimizing stormwater pollution from construction sites and industrial facilities through the issuance of general permits. Sites and facilities comply with these requirements by developing and implementing site-specific stormwater pollution prevention plans.

To protect stormwater quality from pollution entering municipal separate storm sewer systems (MS4s) in highly populated areas, the TCEQ developed a general permit, with specific conditions for municipalities to follow. This SWMP has been developed to meet those requirements.

#### 3.2 Stormwater Management Plan Overview

The City is required to develop a SWMP that describes specific actions that will be taken over a five-year period to reduce pollutants and protect the City's stormwater quality. This SWMP also sets measurable goals and provides a schedule for the implementation of BMPs over the next five years.

Various BMPs must be developed for each of six required “minimum control measures” (MCMs) that are expected to minimize or eliminate stormwater pollutants discharged into the storm sewer system and provide water quality protection for receiving water bodies. An optional seventh minimum control measure, to address municipal construction activities through their SWMP is available for use by the City but has not been selected for inclusion in this SWMP.

A general description of the six required and one optional minimum control measures is provided below. The specific requirements for each minimum control measure are provided in Section 5.

1. Public Education and Outreach on Stormwater Impacts – develop a public education program about stormwater quality issues
2. Public Involvement/Participation – involve the public in the stormwater management program

3. Illicit Discharge Detection and Elimination – develop a program for the detection and elimination of non-stormwater discharges
4. Construction Site Stormwater Runoff Control – develop a program to reduce pollutants in stormwater runoff from construction sites
5. Post Construction Stormwater Management in New Development and Redevelopment – develop a program to reduce pollutants in stormwater runoff from new development and redevelopment projects
6. Pollution Prevention/Good Housekeeping for Municipal Operations – develop an operation and maintenance program to reduce pollutants in stormwater runoff from municipal operations

### **3.3 Permit Applicability And Coverage**

The TPDES Phase II MS4 permit applies to operators of publicly-owned storm sewer systems in urbanized areas in Texas. The U.S. Census Bureau defines the urbanized areas based on the population density and total population for an area. The City is located within the Austin U.S. Census Urbanized Area. This SWMP encompasses the City's MS4 area to the city limit boundaries (Figure 1).

## **4.0 APPROACH**

### **4.1 Compliance With Texas Pollutant Discharge Elimination System**

The City developed this SWMP to comply with TPDES requirements for stormwater discharges and certain non-stormwater discharges. The SWMP is intended to aid in the City's efforts to reduce stormwater pollutants from the City's storm sewer system to the maximum extent practicable as required by the TPDES General Permit.

The SWMP describes specific actions that will be taken over a five-year period to reduce pollutants and protect the City's stormwater quality. The specific activities to be implemented are referred to as best management practices. Various BMPs have been developed for each of the six "minimum control measures" required by the General Permit. The SWMP also sets measurable goals and provides a schedule for the implementation of the BMPs. Implementation of the selected BMPs is expected to result in reductions of pollutants discharged into City's streams, ponds, and lakes.

### **4.2 Best Management Practice Selection Process**

A two-step process was utilized to select the BMPs to be included in City's SWMP. The first step in selecting BMPs included an evaluation of existing practices. The second step included meetings with staff from affected City departments to identify new BMPs. Various structural and non-structural BMPs will be implemented throughout the five-year permit term authorized under the General Permit.



### 4.3 Assessment of Existing BMPs

The City has historically implemented various BMPs intended to protect stormwater quality. An important aspect of developing an effective, compliant, and cost efficient SWMP is to account for these existing programs. Details of the City's existing stormwater-related practices are summarized below and are included as BMPs selected for this SWMP.

The City currently conducts the following activities. Each specifically aids in compliance with the City's permit requirements for stormwater quality protection.

- Storm Drain Stenciling
- Bulk Waste Cleanup
- Household Hazardous Waste Collection
- Park Cleanup
- Plum Creek Cleanup
- Pet Waste Disposal Stations
- Stormwater Mapping
- Street Sweeping
- Sanitary sewer line maintenance and inspection
- Engineering design review
- Illegal dumping response
- Chemical applications management
- Spill response by fire department

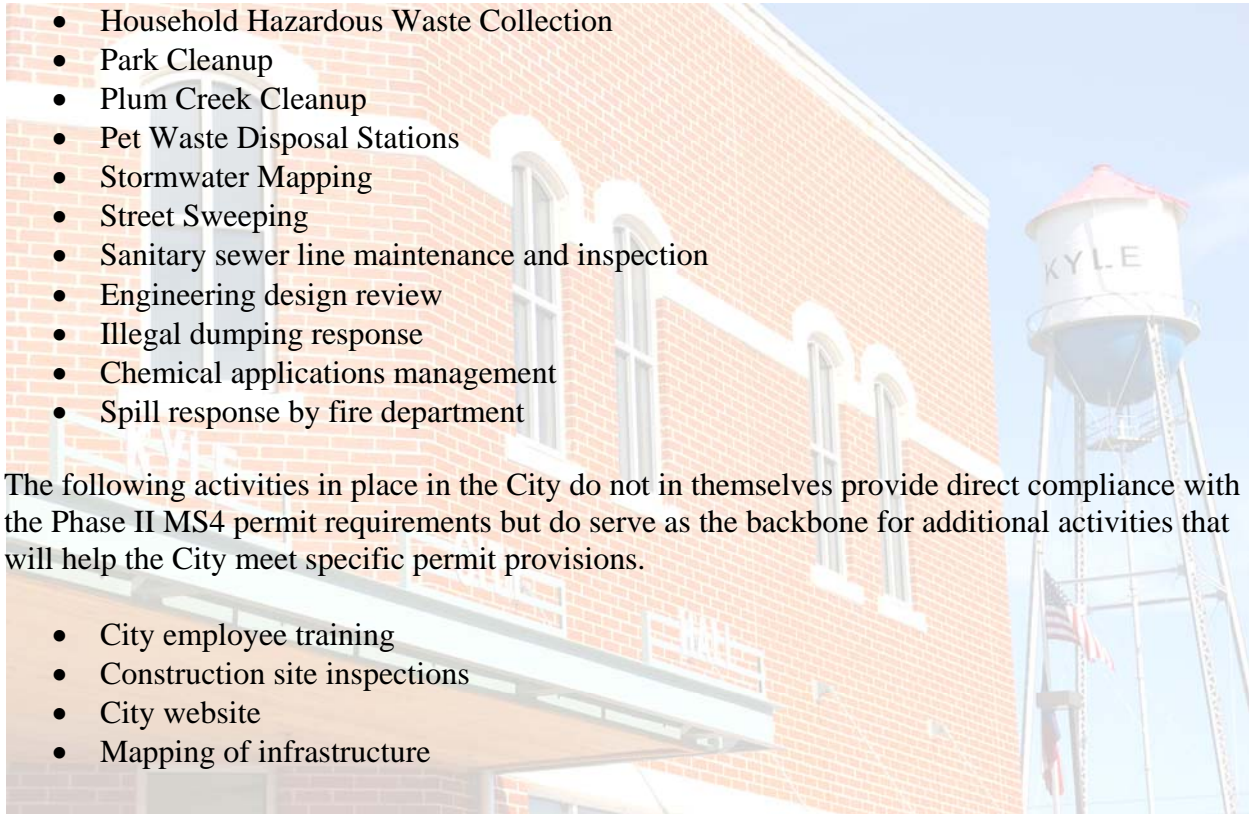
The following activities in place in the City do not in themselves provide direct compliance with the Phase II MS4 permit requirements but do serve as the backbone for additional activities that will help the City meet specific permit provisions.

- City employee training
- Construction site inspections
- City website
- Mapping of infrastructure

As shown in Appendix B, the minimum control measure requirements met by each existing BMP are noted. Some of the City's existing programs meet specific permit requirements, while others serve as a foundation for the continued development of additional BMPs to meet the requirement of reducing pollutants to the maximum extent practicable.

### 4.3 Identification of Additional BMPs

Additional BMPs were selected to supplement the City's existing programs and to satisfy unmet requirements of the Phase II MS4 permit. The supplemental BMPs were evaluated based on their ability to meet at least one, and preferably several, of the minimum control measure requirements.





The evaluation process involved researching a variety of sources of BMPs, such as regulatory agencies, industry associations, and private enterprises. Some of the additional BMPs were selected directly from standard BMP “toolboxes” available from the EPA or the North Central Texas Council of Governments (NCTCOG), while others were tailored to the specific needs of Frisco. Each BMP considered was evaluated based on the following criteria:

- Which of the minimum control measure requirements does the BMP meet?
- How does the BMP fit into the City’s existing goals, operations, and activities?
- What is the anticipated effectiveness of the BMP?
- What is the general cost range to implement the BMP?

Specific costs for the BMPs were not identified for the development of this plan; however, BMPs with significant investment requirements and relatively minor stormwater quality benefit were not selected. More detailed budget requirements will be evaluated for each BMP in the first year of the plan’s implementation. Selected BMP’s are detailed in Section 6.

#### **4.4 Selection Process for Measurable Goals and Implementation Schedule**

Specific measurable goals have been developed for each BMP. In accordance with the permit requirements, measurable goals have been developed to evaluate the success of the City's SWMP toward reaching the goal of protecting water quality and reducing pollutants to the maximum extent practicable. Goals were selected with a consideration toward achieving steady implementation, assessing the ability to measure and track progress, and working within budgetary constraints.

For the first five-year permit term, the TCEQ has authorized the steady implementation of the SWMP over a five-year period. In general, measurable goals for existing BMPs monitor the effectiveness of the BMP, whereas measurable goals for new BMPs monitor their implementation progress.

The first year of the permit program is largely dedicated to identifying the budgetary requirements of each of the BMPs. The second through fifth years focus on implementation, evaluating the effectiveness of existing BMPs, and tracking the implementation of new BMPs.

#### **4.5 Measurable Goal Evaluation Process**

The selected measurable goals for each BMP will be evaluated on an annual basis. Implementation of each BMP will be tracked as appropriate during each permit year in order to provide documentation of the BMP activities. Relative success at achieving the measurable goals, as well as an assessment of the effectiveness of each BMP, will also be evaluated on an annual basis.

Multiple City departments will be responsible for implementing portions of the SWMP and for tracking and evaluating the City's success in meeting the plan's measurable goals. Each City department with activities or responsibilities that may impact stormwater quality will provide the

City staff documentation showing progress towards meeting the annual measurable goals for each BMP to the person designated for SWMP coordination.

## 5.0 MINIMUM CONTROL MEASURES

### 5.1 MCM Required by TCEQ

The TCEQ has specified six required and one optional “minimum control measures” (MCM) for inclusion in each SWMP. Specific requirements have been developed by the TCEQ for each required control measure, and the City has selected not to include the optional seventh MCM in this SWMP. The City has identified numerous existing and supplemental BMPs that will be included in the SWMP. Additional discussion of the BMPs is provided in Appendix D of the SWMP.

Following is text from the TPDES General Permit No. TXR04000, Part III. A., setting forth the regulatory requirements for each minimum control measure.

#### Part III. Stormwater Management Program (SWMP)

##### A. Minimum Control Measures

##### 1. Public Education and Outreach on Stormwater Impacts

(a) A public education program must be developed and implemented to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the public. The MS4 operator may determine the most appropriate sections of the population at which to direct the program. The MS4 operator must consider the following groups and the SWMP shall provide justification for any listed group that is not included in the program:

- (1) residents;
- (2) visitors;
- (3) public service employees;
- (4) businesses;
- (5) commercial and industrial facilities; and
- (6) construction site personnel.

The outreach must inform the public about the impacts that stormwater run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and steps that they can take to reduce pollutants in stormwater runoff.



(b) The MS4 operator must document activities conducted and materials used to fulfill this control measure. Documentation shall be detailed enough to demonstrate the amount of resources used to address each group. This documentation shall be retained in the annual reports required in Part IV.B.2. of this general permit.

## 2. Public Involvement/Participation

The MS4 operator must, at a minimum, comply with any state and local public notice requirements when implementing a public involvement/participation program. It is recommended that the program include provisions to allow all members of the public within the City the opportunity to participate in SWMP development and implementation.

## 3. Illicit Discharge Detection and Elimination

### (a) Illicit Discharges

A section within the SWMP must be developed to establish a program to detect and eliminate illicit discharges to the small MS4. The SWMP must include the manner and process to be used to effectively prohibit illicit discharges. To the extent allowable under state and local law, an ordinance or other regulatory mechanism must be utilized to prohibit and eliminate illicit discharges. Elements must include:

#### (1) Detection

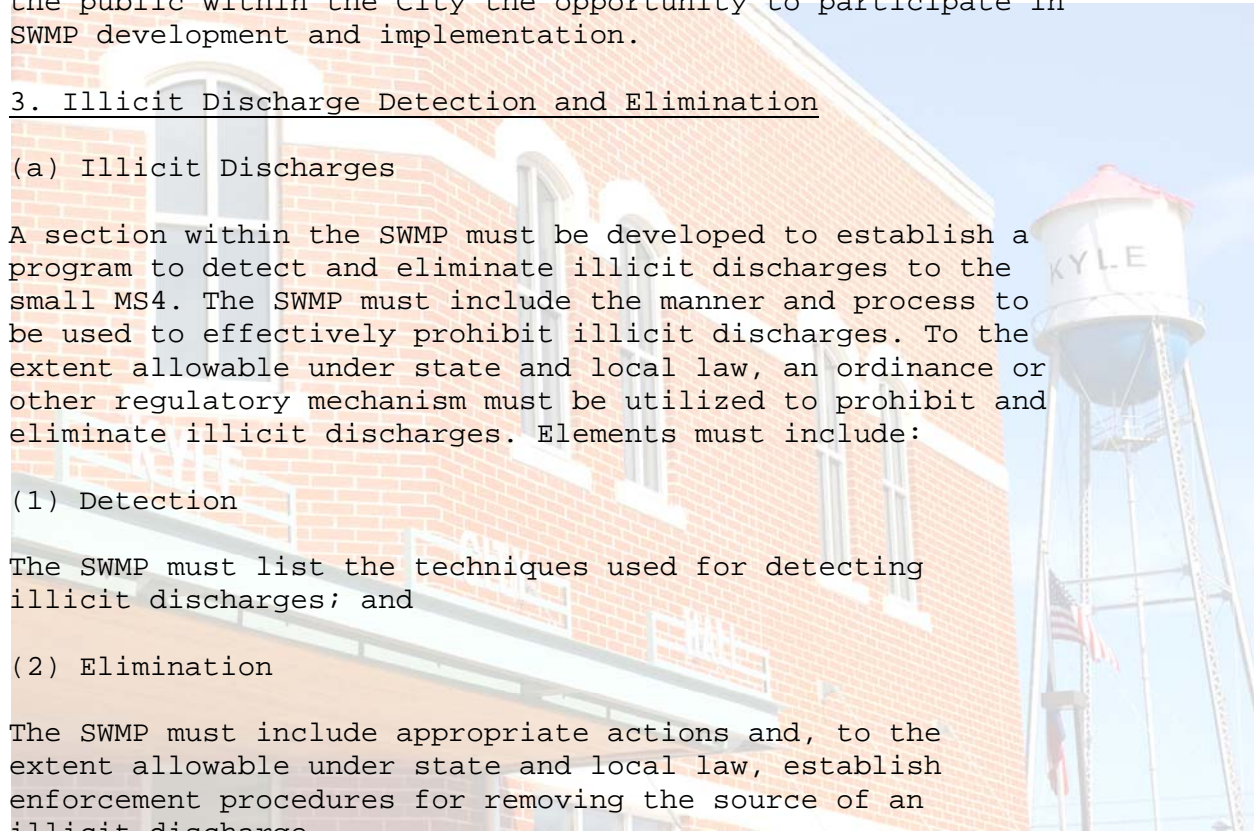
The SWMP must list the techniques used for detecting illicit discharges; and

#### (2) Elimination

The SWMP must include appropriate actions and, to the extent allowable under state and local law, establish enforcement procedures for removing the source of an illicit discharge.

### (b) Allowable Non-Stormwater Discharges

Non-stormwater flows listed in Part II.B and Part VI.B. do not need to be considered by the MS4 operator as an illicit discharge requiring elimination unless the operator of the small MS4 or the executive director of the TCEQ identifies the flow as a significant source of pollutants to the small MS4. In lieu of considering non-stormwater sources on a case-by-case basis, the MS4 operator may develop a list of common and incidental non-stormwater discharges that will not be addressed as illicit discharges requiring elimination. If developed, the listed sources must not be



reasonably expected to be significant sources of pollutants either because of the nature of the discharge or the conditions that are established by the MS4 operator prior to accepting the discharge to the small MS4. If this list is developed, then all local controls and conditions established for these listed discharges must be described in the SWMP and any changes to the SWMP must be included in the annual report described in Part IV.B.2. of this general permit, and must meet the requirements of Part II.D.3. of the general permit.

(c) Storm Sewer Map

(1) A map of the storm sewer system must be developed and must include the following:

(i) the location of all outfalls;

(ii) the names and locations of all waters of the U.S. that receive discharges from the outfalls; and

(iii) any additional information needed by the permittee to implement its SWMP.

(2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls are verified and how the map will be regularly updated.

4. Construction Site Stormwater Runoff Control

The MS4 operator, to the extent allowable under State and local law, must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre or if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more of land. The MS4 operator is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from sites where the construction site operator has obtained a waiver from permit requirements under NPDES or TPDES construction permitting requirements based on a low potential for erosion.

(a) The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.

(b) Requirements for construction site contractors to, at a minimum:



(1) implement appropriate erosion and sediment control BMPs; and

(2) control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

(c) The MS4 operator must develop procedures for:

(1) site plan review which incorporate consideration of potential water quality impacts;

(2) receipt and consideration of information submitted by the public; and

(3) site inspection and enforcement of control measures to the extent allowable under state and local law.

#### 5. Post-Construction Stormwater Management in New and Redevelopment

To the extent allowable under state and local law, the MS4 operator must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre of land, including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbance of one or more acres, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The permittee shall:

(a) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the community;

(b) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state and local law; and

(c) Ensure adequate long-term operation and maintenance of BMPs.

#### 6. Pollution Prevention/Good Housekeeping for Municipal Operations

A section within the SWMP must be developed to establish an operation and maintenance program, including an employee training component, that has the ultimate goal of

preventing or reducing pollutant runoff from municipal operations.

(a) Good Housekeeping and Best Management Practices (BMPs)

Housekeeping measures and BMPs (which may include new or existing structural or non-structural controls) must be identified and either continued or implemented with the goal of preventing or reducing pollutant runoff from municipal operations. Examples of municipal operations and municipally owned areas include, but are not limited to:

- (1) park and open space maintenance;
- (2) street, road, or highway maintenance;
- (3) fleet and building maintenance;
- (4) stormwater system maintenance;
- (5) new construction and land disturbances;
- (6) municipal parking lots;
- (7) vehicle and equipment maintenance and storage yards;
- (8) waste transfer stations; and
- (9) salt/sand storage locations.

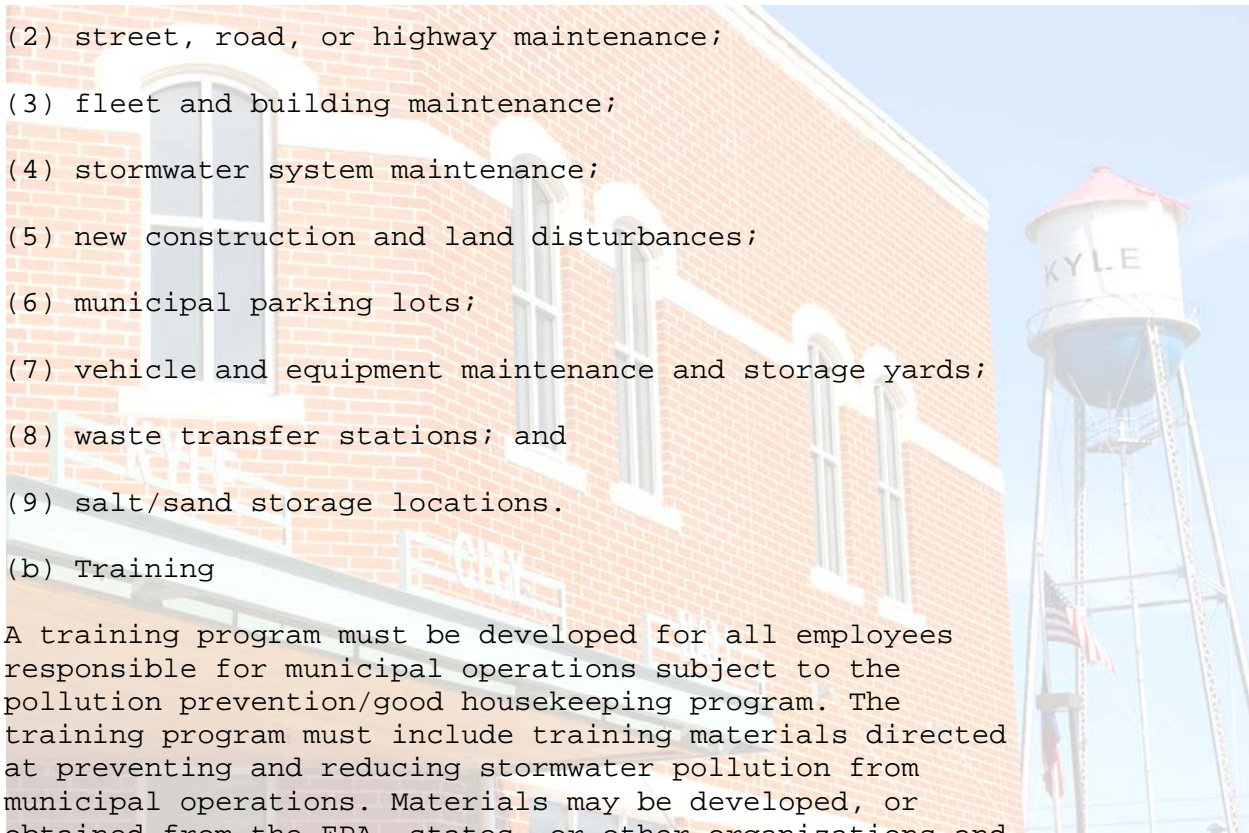
(b) Training

A training program must be developed for all employees responsible for municipal operations subject to the pollution prevention/good housekeeping program. The training program must include training materials directed at preventing and reducing stormwater pollution from municipal operations. Materials may be developed, or obtained from the EPA, states, or other organizations and sources. Examples or descriptions of training materials being used must be included in the SWMP.

(c) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent with maintaining the effectiveness of the BMP. The SWMP must list all of the following:

- (1) maintenance activities;



(2) maintenance schedules; and

(3) long-term inspection procedures for controls used to reduce floatables and other pollutants.

(d) Disposal of Waste

Waste removed from the small MS4 and waste that is collected as a result of maintenance of stormwater structural controls must be properly disposed. A section within the SWMP must be developed to include procedures for the proper disposal of waste, including:

(1) dredge spoil;

(2) accumulated sediments; and

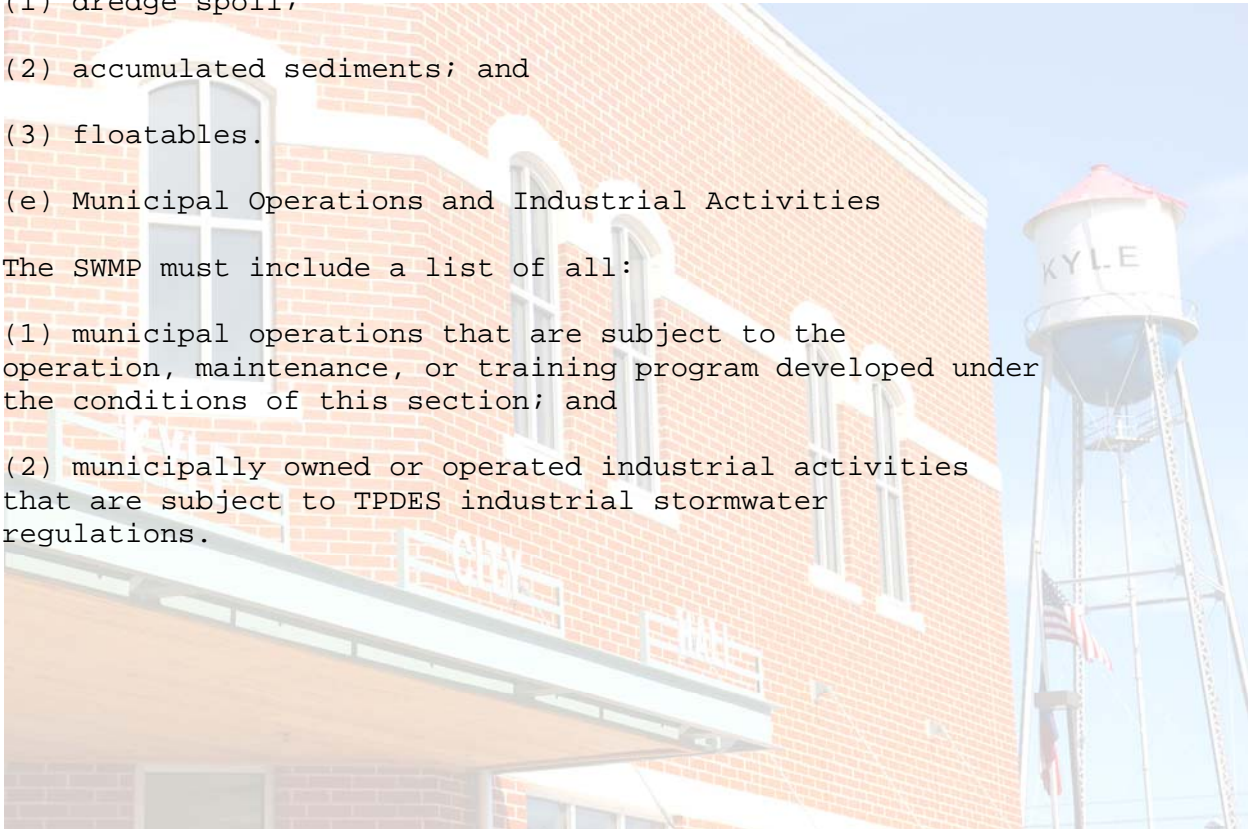
(3) floatables.

(e) Municipal Operations and Industrial Activities

The SWMP must include a list of all:

(1) municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and

(2) municipally owned or operated industrial activities that are subject to TPDES industrial stormwater regulations.





## 6.0 BEST MANAGEMENT PRACTICES

### 6.1 Public Education and Outreach

#### BMP No. 1 – Construct Stormwater Management Page of City Website

The City maintains a Public Works section within the existing city website. A new section of the Public Works site will specifically address stormwater quality issues. Stormwater run-off pollution impacts, public education on stormwater pollution, and general stormwater management details will be outlined in this section. This section shall be tied with BMP Nos. 2 and 3 Stormwater Pamphlets, Utility Bill Insert respectively. Downloadable MS4 education and application forms will be housed on this website.

Another feature of the Public Works site will be a contact page to be used by members of the community seeking information regarding stormwater pollution as well as to report stormwater polluters. Details for this contact page are found in BMP No. 12—Stormwater Hotline.

*Measurable Goals* – The measurable goal for implementation of this BMP is to construct an acceptable Stormwater section, within the City of Kyle website, which directly addresses stormwater quality issues in the community.

#### Schedule

Public Education and Outreach – BMP No. 1	Target Date	Activity
	Year 1	-Plan webpage addition -Implement Public Contact portion of webpage -Include downloadable forms for MS4
	Year 2	Update/Maintain Webpage Quarterly
	Year 3	Update/Maintain Webpage Quarterly
	Year 4	Update/Maintain Webpage Quarterly
	Year 5	Update/Maintain Webpage Quarterly

#### BMP No. 2 – Stormwater Pamphlets

The City will produce and distribute pamphlets detailing the impacts of polluted stormwater run-off on water quality, hazards associated with illegal discharges and improper disposal of waste, and methods to minimize their impact on stormwater quality. Reasonable effort shall be made to distribute the information to all constituents within the city. The location the pamphlets have been distributed to and the amount to each location shall be documented. Pamphlets will be handed out at preconstruction meetings.

*Measurable Goals* – The measurable goals for implementation of this BMP are to research existing information and determine the content of the pamphlet to be distributed, produce the pamphlets and distribute them to the public, construction sites, etc.



### Schedule

Public Education and Outreach – BMP No. 2	Target Date	Activity
	Year 1	- Begin researching content of Pamphlet. - Research existing pamphlets provided by TCEQ, NCTCOG, or other cities to see if they can be adopted. -Research budget requirements for printing and distribution of pamphlet.
	Year 2	Produce and distribute pamphlet to public places
	Year 3	Produce and distribute pamphlet to public places
	Year 4	Produce and distribute pamphlet to public places
	Year 5	Produce and distribute pamphlet to public places

### BMP No. 3 – Utility Bill Communication

The City will produce and distribute public awareness messages detailing the impacts of polluted stormwater run-off on water quality, hazards associated with illegal discharges and improper disposal of waste, and methods to minimize their impact on stormwater quality. Reasonable effort shall be made to distribute the information to all water customers within the city by using the public awareness message box on all utility bills.

*Measurable Goals* – The measurable goals for implementation of this BMP are to research existing information and determine the content of the public awareness messages to be distributed as a part of the utility bill.

### Schedule

Public Education and Outreach – BMP No. 3	Target Date	Activity
	Year 1	- Develop outline of information to be communicated - Identify budget requirements for physical inserts
	Year 2	Distribute information through the Utility Bill at least once per year.
	Year 3	Distribute information through the Utility Bill at least once per year.
	Year 4	Distribute information through the Utility Bill at least once per year.
	Year 5	Distribute information through the Utility Bill at least once per year.

### BMP No. 4 – Storm Drain Stenciling or Markers

The City will coordinate stenciling or installation of markers of existing storm drain inlets throughout the city. The stenciling or markers may be performed by volunteers, possibly student or other local organizations could be contacted to supply volunteers. City development requirements will be amended to require all new construction to install storm drain stencils or markers as a part of all future development.

*Measurable Goals* – The measurable goal for implementation of this BMP is to complete stenciling or installation of markers of all curb inlets and those grate inlets with space for stenciling by the end of the permit period.

#### Schedule

Public Education and Outreach – BMP No. 4	Target Date	Activity
	Year 1	<ul style="list-style-type: none"> <li>- Develop schedule to inventory and mark storm drain inlets in the City over the permit term.</li> <li>- Identify budget requirements to acquire drain markers, as well as recruit and coordinate volunteers.</li> <li>- Amend or append city ordinances to require all new construction to stencil Stormwater inlets as a part of site development. Require builders to utilize the same markers adopted by the City for use.</li> </ul>
	Year 2	Track placed storm drain markers and use of volunteer efforts.
	Year 3	Track placed storm drain markers and use of volunteer efforts.
	Year 4	Track placed storm drain markers and use of volunteer efforts.
	Year 5	Track placed storm drain markers and use of volunteer efforts.

#### BMP No. 5 – General Education of City Employees

The City will develop and implement a training program for city employees responsible for municipal operations subject to the program described in BMP No. 1. Training materials will be gathered for the various municipal operations directed at preventing and reducing stormwater pollution. The employees and operations selected to require training is directly linked to the Operation and Maintenance Program developed as part of BMP No. 1.

*Measurable Goals* – The measurable goal for implementation of this BMP is to hold education sessions for City Employees and report attendance at CAECN luncheons.

#### Schedule

Public Education and Outreach – BMP No. 5	Target Date	Activity
	Year 1	<ul style="list-style-type: none"> <li>- Encourage staff participation in the Capital Area Erosion Control Network (CAECN).</li> <li>- Develop training courses for city employees.</li> <li>- Determine Budget requirements.</li> </ul>
	Year 2	Continue staff education.
	Year 3	Continue staff education.
	Year 4	Continue staff education.
	Year 5	Continue staff education.

#### BMP No. 6 – General Education of Elected and Appointed Officials

The City will develop and implement an overview of the MS4 Ph II permit requirements for our community to be presented to Elected and Appointed Officials responsible for policy establishment and final approval of certain development processes. Education materials will be gathered for the various

municipal operations directed at preventing and reducing stormwater pollution. Elected and appointed officials will have stormwater education as a part of their new member orientation and then again at least once annually.

*Measurable Goals* – The measurable goal for implementation of this BMP is to hold education sessions for elected and appointed officials annually and during new member orientation.

#### Schedule

Public Education and Outreach – BMP No. 6	Target Date	Activity
	Year 1	- Develop MS4 overview presentation for elected officials. - Present MS4 education as a part of orientation. - Present MS4 program education for officials annually.
	Year 2	- Present MS4 education as a part of orientation. - Present MS4 program education for officials annually.
	Year 3	- Present MS4 education as a part of orientation. - Present MS4 program education for officials annually.
	Year 4	- Present MS4 education as a part of orientation. - Present MS4 program education for officials annually.
	Year 5	- Present MS4 education as a part of orientation. - Present MS4 program education for officials annually.

#### BMP No. 7 – City Inspector/Public Works Inspector Education and Training

The City will develop and implement a training program specifically for city employees responsible for inspection and plan review for new construction. Inspection employees will be responsible for validating plans, construction and adherence to BMP's by developers in the field and must be trained on proper and appropriate use and installation of stormwater quality facilities.

*Measurable Goals* – The measurable goal for implementation of this BMP is to hold education sessions for City Inspectors.

#### Schedule

Public Education and Outreach – BMP No. 7	Target Date	Activity
	Year 1	- Develop training session for site review and inspections. - Train Inspectors.
	Year 2	Continue staff education.
	Year 3	Continue staff education.
	Year 4	Continue staff education.
	Year 5	Continue staff education.



### BMP No. 8 – General Education of Developer/Builder/Engineer(s)

The City will develop and implement an overview of the MS4 Ph II permit requirements for our community to be presented to party's responsible for the planning, implementation and construction of new development. Education materials will be gathered for the various municipal operations directed at preventing and reducing stormwater pollution. Professionals will have access to city specific stormwater education as a part of the development process.

*Measurable Goals* – The measurable goal for implementation of this BMP is to make education sessions and or materials available for professionals that are a part of the development cycle.

#### Schedule

Public Education and Outreach – BMP No. 8	Target Date	Activity
	Year 1	Research cooperative education and training for the professionals that work on projects in the City.
	Year 2	Develop cooperative education and training for the professionals that work on projects in the City.
	Year 3	Make construction site erosion control educational material and/or training opportunities available for builders, developers, and engineers that are active in the City.
	Year 4	Make construction site erosion control educational material and/or training opportunities available for builders, developers, and engineers that are active in the City.
	Year 5	Make construction site erosion control educational material and/or training opportunities available for builders, developers, and engineers that are active in the City.

### BMP No. 9 – Classroom Outreach

The City will develop and implement a classroom presentation covering stormwater quality education, either as a stand alone lecture, or in partnership with other watershed groups that also present lectures in public school classrooms. Schools will also be considered for distribution of printed stormwater quality materials such as pamphlets in BMP No. 2.

*Measurable Goals* – The measurable goal for implementation of this BMP is to measure the number of lectures conducted by city staff, or partnered on with other groups. The number of campuses and quantity of education material disseminated will be tracked.



### Schedule

Public Education and Outreach – BMP No. 9	Target Date	Activity
	Year 1	Coordinate with the School District to determine feasibility of providing stormwater education materials and or lectures.
	Year 2	Provide stormwater education materials and or lectures as determined by coordination meetings with the School District and budgeting may allow.
	Year 3	Provide stormwater education materials and or lectures as determined by coordination meetings with the School District and budgeting may allow.
	Year 4	Provide stormwater education materials and or lectures as determined by coordination meetings with the School District and budgeting may allow.
	Year 5	Provide stormwater education materials and or lectures as determined by coordination meetings with the School District and budgeting may allow.

## 6.2 Public Involvement and Participation

### BMP No. 10 – Comply with State and Local Public Notice Requirements

The City will comply with state and local public notice requirements when implementing a public involvement/participation program. Notice is required for adoption of new ordinances or revision of existing ordinances. Notice is also required for public meetings regarding the SWMP. Notice for other actions resulting from implementation of the SWMP may also be required. Effort will be made to have notification in several different outlets posted at city hall, on the website, and through utility stuffer notices to reach as many different groups of people as feasible.

*Measurable Goals* – The measurable goal for implementation of this BMP is to provide state and local required public notice during implementation of a public involvement/participation program.

### Schedule

Public Involvement/Participati on – BMP No. 10	Target Date	Activity
	Year 1	Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.
	Year 2	Provide required notice of all public meetings.
	Year 3	Provide required notice of all public meetings.
	Year 4	Provide required notice of all public meetings.
	Year 5	Provide required notice of all public meetings.

### BMP No. 11 – Public Meetings

The City will hold a series of public meetings to discuss and seek input on SWMP implementation measures, BMPs and stormwater management policies. These meetings will serve two roles, providing an opportunity for public involvement as well as informing the public on stormwater quality. The meetings will be held by the Public Works Committee, and notification of the meetings will be included on the website, in the city newsletter and in local newspapers as necessary. Key stakeholders that should be involved in these meetings include local developers, builders and environmental groups. Documentation of public notice for these meetings is required.

*Measurable Goals* – The measurable goal for implementation of this BMP is to hold at least one public meeting per year on stormwater management policies and BMPs. During these meetings input regarding SWMP revisions will be considered, notes will be taken, and a record of attendances will be saved.

### Schedule

Public Involvement/Participation – BMP No. 11	Target Date	Activity
	Year 1	Public Works Committee to hold at least one Public Meeting to seek input on SWMP and BMP's.
	Year 2	Public Works Committee to hold at least one Public Meeting to seek input on SWMP and BMP's.
	Year 3	Public Works Committee to hold at least one Public Meeting to seek input on SWMP and BMP's.
	Year 4	Public Works Committee to hold at least one Public Meeting to seek input on SWMP and BMP's.
	Year 5	Public Works Committee to hold at least one Public Meeting to seek input on SWMP and BMP's.

## BMP No. 12 – Stormwater Hotline

The City encourages the public to be involved in the reporting of potential stormwater quality violations. To facilitate public reporting, the City will investigate the potential for a dedicated public “hotline” for reports to be filed through. With the increase in smart phones and public access to internet and web services, an alternative web form will be considered as an alternative to a dedicated phone line.

*Measurable Goals* – The measurable goal for this BMP is the creation of either a dedicated phone “hotline” or the creation of a web form for the public to make reports to the city.

### Schedule

Public Involvement/Participation – BMP No. 12	Target Date	Activity
	Year 1	<ul style="list-style-type: none"> <li>- Develop plan for stormwater hotline. Consider online submission form in lieu of dedicated 24/7 phone line.</li> <li>- Identify procedures for receiving calls, routing calls to appropriate personnel for proper response, and documenting subject of call for future analysis.</li> <li>- Identify budget requirements for stormwater hotline.</li> </ul>
	Year 2	<ul style="list-style-type: none"> <li>- Establish the stormwater hotline.</li> <li>- Document each report for proper response.</li> <li>- Conduct annual review of reported violations to identify trends.</li> </ul>
	Year 3	<ul style="list-style-type: none"> <li>- Establish the stormwater hotline.</li> <li>- Document each report for proper response.</li> <li>- Conduct annual review of reported violations to identify trends.</li> </ul>
	Year 4	<ul style="list-style-type: none"> <li>- Establish the stormwater hotline.</li> <li>- Document each report for proper response.</li> <li>- Conduct annual review of reported violations to identify trends.</li> </ul>
	Year 5	<ul style="list-style-type: none"> <li>- Establish the stormwater hotline.</li> <li>- Document each report for proper response.</li> <li>- Conduct annual review of reported violations to identify trends.</li> </ul>

## BMP No. 13 – Bulk Waste Cleanup

The City offers a once per year curbside bulk trash pickup for every household in partnership with the city’s franchise sanitation service. The City needs to publicize this to increase the number of participants. The City has also budgeted to provide a roll off dumpster for a fixed period of time in strategic locations in the city to allow property owners to dispose of bulk trash, limbs, and large items.



*Measurable Goals* – The measureable goal for this BMP is the amount of education done, as well as the number of extra dumpsters placed by the city. If possible, the City will attempt to collect data from the sanitation franchisee to track the number of bulk pickups requested each year to track trends.

### Schedule

Public Involvement/Participation – BMP No. 13	Target Date	Activity
	Year 1	<ul style="list-style-type: none"> <li>- Continue Bulk Pickup through contracted waste disposal service.</li> <li>- Communicate to the public annually about the ability to use one curbside bulk pick up per calendar year for free.</li> <li>- If budget allows, deliver one roll off dumpster per year in strategic areas identified by staff to allow targeted bulk cleanup.</li> </ul>
	Year 2	<ul style="list-style-type: none"> <li>- Continue Bulk Pickup through contracted waste disposal service.</li> <li>- Communicate to the public.</li> <li>- If budget allows, deliver one roll off dumpster to allow targeted bulk cleanup.</li> </ul>
	Year 3	<ul style="list-style-type: none"> <li>- Continue Bulk Pickup through contracted waste disposal service.</li> <li>- Communicate to the public.</li> <li>- If budget allows, deliver one roll off dumpster to allow targeted bulk cleanup.</li> </ul>
	Year 4	<ul style="list-style-type: none"> <li>- Continue Bulk Pickup through contracted waste disposal service.</li> <li>- Communicate to the public.</li> <li>- If budget allows, deliver one roll off dumpster to allow targeted bulk cleanup.</li> </ul>
	Year 5	<ul style="list-style-type: none"> <li>- Continue Bulk Pickup through contracted waste disposal service.</li> <li>- Communicate to the public.</li> <li>- If budget allows, deliver one roll off dumpster to allow targeted bulk cleanup.</li> </ul>

### BMP No. 14 – Household Hazardous Waste Collection

The City encourages the public to dispose of household hazardous waste such as chemicals, pesticides, batteries and paint through a recycling effort available to all county residents and hosted in the county seat. All county residents can take household hazardous waste for recycling or disposal free of charge, however this program is not known widely. The City will raise awareness of the program through education efforts and public information dissemination.

*Measurable Goals* – The measureable goal for this BMP is the creation of public service announcements distributed to the public throughout the year.



### Schedule

Public Involvement/Participation – BMP No. 14	Target Date	Activity
	Year 1	<ul style="list-style-type: none"> <li>- Continue support of County Household Hazardous Material Collection Site.</li> <li>- Advertise collection site and location on City website and in newsletters.</li> <li>- Focus on two public education events per year to raise awareness of program.</li> </ul>
	Year 2	<ul style="list-style-type: none"> <li>- Support County Household Hazardous Material Collection Site.</li> <li>- Advertise collection site and location.</li> <li>- Hold two public education events per year.</li> </ul>
	Year 3	<ul style="list-style-type: none"> <li>- Support County Household Hazardous Material Collection Site.</li> <li>- Advertise collection site and location.</li> <li>- Hold two public education events per year.</li> </ul>
	Year 4	<ul style="list-style-type: none"> <li>- Support County Household Hazardous Material Collection Site.</li> <li>- Advertise collection site and location.</li> <li>- Hold two public education events per year.</li> </ul>
	Year 5	<ul style="list-style-type: none"> <li>- Support County Household Hazardous Material Collection Site.</li> <li>- Advertise collection site and location.</li> <li>- Hold two public education events per year.</li> </ul>

### BMP No. 15 – Park Cleanup

The City encourages the public to be involved in picking up debris and illegally dumped items from the City's parks and waterways. Currently there is one annual park clean up held in conjunction with a creek clean up where thousands of pounds of trash, some recyclable, get removed from the park land and trails. Dead trees and brush are removed and nature trails are groomed just in time for the busy spring and summer. This item is related to BMP 16.

*Measurable Goals* – The measureable goal for this BMP is holding at least one annual park cleanup day.

### Schedule

Public Involvement/Participation – BMP No. 15	Target Date	Activity
	Year 1	- Evaluate existing program by identifying number of actual Park Cleanup locations and the number of potential Park Cleanup locations. - Conduct cleaning once per year for selected parks.
	Year 2	Conduct cleaning once per year for selected parks.
	Year 3	Conduct cleaning once per year for selected parks.
	Year 4	Conduct cleaning once per year for selected parks.
	Year 5	Conduct cleaning once per year for selected parks.

### BMP No. 16 – Plum Creek Cleanup

The City encourages the public to be involved in picking up debris and illegally dumped items from the City's parks and waterways. The primary waterway of the City is impaired, and this activity is directly related to improving water quality in the waterway. Currently there is one annual creek cleanup held in conjunction with a park clean up where thousands of pounds of trash, some recyclable, get removed from the park land and trails. Dead trees and brush are removed and nature trails are groomed just in time for the busy spring and summer. This item is related to BMP 15.

*Measurable Goals* – The measureable goal for this BMP is holding at least one annual creek cleanup day.

### Schedule

Public Involvement/Participation – BMP No. 16	Target Date	Activity
	Year 1	Continue Plum Creek Clean Up annually, in partnership with the Plum Creek Watershed Protection Group and GBRA.
	Year 2	Continue Plum Creek Clean Up annually, in partnership with the Plum Creek Watershed Protection Group and GBRA.
	Year 3	Continue Plum Creek Clean Up annually, in partnership with the Plum Creek Watershed Protection Group and GBRA.
	Year 4	Continue Plum Creek Clean Up annually, in partnership with the Plum Creek Watershed Protection Group and GBRA.
	Year 5	Continue Plum Creek Clean Up annually, in partnership with the Plum Creek Watershed Protection Group and GBRA.

### BMP No. 17 – Pet Waste

The City encourages the public to be involved in picking up after their animals to limit the amount of fecal coliform that washes into the City's waterways. The primary waterway of the City is impaired, and this activity is directly related to improving water quality in the waterway.

Currently there are pet waste stations in one park that has unimpeded access to the waterway. The City will develop a pet waste management program focused on education and abatement.

*Measurable Goals* – The measurable goal for this BMP is developing a Pet Waste Management Plan, and providing public education events, including at least one for school age children. If budget allows, also the installation of additional pet waste stations.

### Schedule

Public Involvement/Participation – BMP No. 17	Target Date	Activity
	Year 1	<ul style="list-style-type: none"> <li>- Develop pet waste management and education program.</li> <li>- Develop education materials to be included in stormwater education material delivered to schools.</li> <li>- Develop budget for installation of additional pet waste stations in parks and public places.</li> </ul>
	Year 2	<ul style="list-style-type: none"> <li>- Continue the pet waste management education program.</li> <li>- Continue distribution of educational materials.</li> <li>- Install additional pet waste stations.</li> </ul>
	Year 3	<ul style="list-style-type: none"> <li>- Continue the pet waste management education program.</li> <li>- Continue distribution of educational materials.</li> <li>- Install additional pet waste stations.</li> </ul>
	Year 4	<ul style="list-style-type: none"> <li>- Continue the pet waste management education program.</li> <li>- Continue distribution of educational materials.</li> <li>- Install additional pet waste stations.</li> </ul>
	Year 5	<ul style="list-style-type: none"> <li>- Continue the pet waste management education program.</li> <li>- Continue distribution of educational materials.</li> <li>- Install additional pet waste stations.</li> </ul>

### 6.3 Illicit Discharge

#### BMP No. 18 – Stormwater Map

The city will develop a stormwater system map, detailing the location of major stormwater conveyances within the city i.e., rivers, tributaries, creeks, etc. The location of all major outfalls and receiving streams shall be shown. The map will be created from existing survey and map information (which will be field verified) as well as through field surveys if necessary. The map will be updated as necessary at least once per year. A base map of the existing watersheds within the city and its surrounding areas is included on **Figure 3.**

*Measurable Goals* – The measurable goal for implementation of this BMP is to complete the storm sewer system map by the end of the permit period.



### Schedule

Public Involvement/Participation – BMP No. 18	Target Date	Activity
	Year 1	- Collect existing mapping information for the storm sewer system. - Develop plan and budget requirements for effort necessary to identify regulated stormwater outfalls and drainage areas or system features.
	Year 2	Continue developing map of stormwater outfall drainage areas or system features for the City.
	Year 3	Continue developing map of stormwater outfall drainage areas or system features for the City.
	Year 4	Continue developing map of stormwater outfall drainage areas or system features for the City.
	Year 5	Continue developing map of stormwater outfall drainage areas or system features for the City.

### BMP No. 19 – Illicit Discharge Ordinance

The City will review existing ordinances and develop modifications as deemed necessary to effectively prohibit non-stormwater discharges into the storm sewer system. The ordinance will include enforcement procedures and actions.

*Measurable Goals* – The measurable goal for implementation of this BMP is to develop an ordinance and have it implemented by year 2 of the permit period.

### Schedule

Public Involvement/Participation – BMP No. 19	Target Date	Activity
	Year 1	- Draft revised/new illicit discharge prohibition ordinance, if necessary, for public review and comment. - Solicit input from the public for the draft ordinance.
	Year 2	- Issue final illicit discharge prohibition ordinance. - Conduct education activities to inform the public about the new ordinance requirements. - Begin education-focused enforcement of ordinance.
	Year 3	Continue education focused enforcement of new ordinance requirements.
	Year 4	Begin penalty-based enforcement of illicit discharge ordinance.
	Year 5	Continue penalty-based enforcement of illicit discharge ordinance.

### BMP No. 20 – Illicit Discharge Inspections

The City will review existing plans and modify them as necessary to detect and address non-stormwater discharges, including illegal dumping into the MS4. The program shall include locating problem areas, identifying sources contributing to problem areas, and correction of the sources. All actions under this



program shall be documented. The techniques used to detect illicit discharges and the enforcement procedures will be determined during the implementation of this BMP.

*Measurable Goals* – The measurable goal for implementation of this BMP is to develop a program and implement it during the permit period.

#### Schedule

Public Involvement/Participation – BMP No. 20	Target Date	Activity
	Year 1	- Develop plan to inspect the storm sewer system for illicit connections, illegal dumping, and dry weather discharges. - Identify inspection staff, inspection schedule, and training procedures.
	Year 2	- Begin training personnel in illicit discharge detection procedures. - Establish procedure to eliminate detected illicit discharges. - Identify budget requirements for illicit discharge inspections.
	Year 3	- Continue to train personnel in illicit discharge detection procedures. - Conduct illicit discharge inspections for the City's regulated outfalls, as specified in the illicit discharge inspection plan.
	Year 4	- Continue to train personnel in illicit discharge detection procedures. - Conduct illicit discharge inspections for the City's regulated outfalls, as specified in the illicit discharge inspection plan.
	Year 5	- Continue to train personnel in illicit discharge detection procedures. - Conduct illicit discharge inspections for the City's regulated outfalls, as specified in the illicit discharge inspection plan.

#### BMP No. 21 – Sanitary Sewer Line Maintenance and Inspection

The City will review existing procedures for inspection of sanitary sewer lines, including related facilities such as manholes, lift stations and treatment plants, and put in place plans to limit sanitary sewer overflows by providing appropriate maintenance. In locations where regular operations may result in occasional overflows, strategies will be considered to limit and contain overflows, especially in low lying areas either located in a drainage way, or near a waterway.

*Measurable Goals* – The measurable goal for implementation of this BMP is to develop a program and implement it during the permit period.

#### Schedule

Public Involvement/Participation – BMP No. 20	Target Date	Activity
	Year 1	- Develop plan to inspect the sanitary sewer system. - Provide regular maintenance to the sanitary sewer system. - Identify inspection staff, inspection schedule, and training procedures.
	Year 2	- Begin training personnel in inspection procedures. - Establish procedure to eliminate detected deficiencies.

		- Identify budget requirements for maintenance.
	Year 3	- Continue to train personnel in detection procedures. - Conduct regular maintenance on sanitary sewer system.
	Year 4	- Continue to train personnel in detection procedures. - Conduct regular maintenance on sanitary sewer system.
	Year 5	- Continue to train personnel in detection procedures. - Conduct regular maintenance on sanitary sewer system.

## 6.4 Construction Site Controls

### BMP No. 22 – Construction Site Stormwater Runoff and Erosion Control Ordinance

The City will evaluate the existing city ordinances regarding control of construction site stormwater runoff. Sanctions for noncompliance will also be evaluated.

*Measurable Goals* – The measurable goal for implementation of this BMP is to evaluate and develop modifications to the existing ordinance as necessary and have them adopted by Year 3 of the permit period.

#### Schedule

	Target Date	Activity
Public Involvement/Participation – BMP No. 22	Year 1	- Evaluate the City's existing ordinances to identify adequacy of erosion control requirements and enforcement mechanisms in meeting the MS4 permit requirements. - Include BMP for regional detention ponds that includes "first flush" channelization for all detention ponds that serve more than one parcel, or five acres. - Include required Low Impact Design criteria in controlling ordinances. - Require biodegradable mulch tubes for areas adjacent to or draining to waterways, or located within environmentally sensitive areas.
	Year 2	- Develop draft ordinance to meet permit conditions. - Provide draft to Public Works Committee, City Council and the community for review and input.
	Year 3	- Issue final ordinance. - Conduct education activities to inform the public about the new ordinance requirements. - Begin education-focused enforcement of ordinance.
	Year 4	Begin penalty-based enforcement of illicit discharge ordinance.
	Year 5	Continue penalty-based enforcement of illicit discharge ordinance.

### BMP No. 23 – Review/Implement Site Plan Review Procedures

The City will evaluate the existing city procedures for site plan review for new development so that potential water quality impacts are considered. This shall include control of erosion, sediment and waste at the site.

*Measurable Goals* – The measurable goal for implementation of this BMP is to first evaluate the existing procedures for site plan review and then recommend modifications as necessary to control erosion, sediment and waste at the site. The modifications to the existing procedures will then be implemented.

#### Schedule

Public Involvement/Participation – BMP No. 23	Target Date	Activity
	Year 1	<ul style="list-style-type: none"> <li>- Evaluate existing plan review procedures for compliance with permit requirements.</li> <li>- Review for inclusion of required Low Impact Design criteria in Site Plans.</li> <li>- Identify any necessary modifications to the procedures needed to achieve compliance with the permit conditions.</li> </ul>
	Year 2	<ul style="list-style-type: none"> <li>- Revise plan review procedures, if necessary, to include adequate consideration of potential stormwater quality impacts.</li> <li>- Educate the public about new plan review procedures.</li> </ul>
	Year 3	Continue to conduct plan reviews.
	Year 4	Continue to conduct plan reviews.
	Year 5	Continue to conduct plan reviews.

### BMP No. 24 – Review/Implement Construction Plan Review and Inspection Procedures

The City will evaluate the existing city procedures for construction plan review and inspections for new development so that potential water quality impacts are addressed. This shall include control of erosion, sediment and waste at the site that was included in the site plan submission. Construction plans shall be reviewed for compliance with site development standards and onsite inspections. Enforcement procedures shall be included and may include stop work orders, fines and other suitable enforcement procedures.

*Measurable Goals* – The measurable goal for implementation of this BMP is to first evaluate the existing procedures for construction plan review and then recommend modifications as necessary to ensure that site development controls are executed in construction phase. In addition building inspections shall include regular water quality and erosion control inspections. The modifications to the existing procedures will then be implemented.



### Schedule

Public Involvement/Participation – BMP No. 24	Target Date	Activity
	Year 1	No Activity Scheduled - Controlling Ordinances under development
	Year 2	<ul style="list-style-type: none"> <li>- Evaluate existing site inspection procedures for compliance with permit requirements.</li> <li>- Identify any necessary modifications to the procedures needed to achieve compliance with the permit conditions.</li> <li>- Identify budget requirements for erosion control site inspections, documentation, and tracking.</li> </ul>
	Year 3	<ul style="list-style-type: none"> <li>- Revise site inspection procedures, if necessary, to include documented inspection of erosion control measures.</li> <li>- Educate the public about new site inspection procedures.</li> </ul>
	Year 4	Continue to conduct erosion control site inspections.
	Year 5	Continue to conduct erosion control site inspections.

### 6.5 Post Construction

#### BMP No. 25 – Post Construction Stormwater Runoff Control Ordinance

The City will evaluate the existing city ordinances regarding control of postconstruction site stormwater run-off.

*Measurable Goals* – The measurable goal for implementation of this BMP is to evaluate and develop modifications to the existing ordinances and have them implemented by Year 3 of the permit period. Modifications will be developed for the City’s Zoning Plan, Comprehensive Plan, Greenspace and Tree Preservation, Subdivision Rules, Setback and Platting Rules, Impervious Limits, etc.

### Schedule

Public Involvement/Participation – BMP No. 25	Target Date	Activity
	Year 1	Include in stormwater ordinance post construction requirements and make available for public review and input.
	Year 2	<ul style="list-style-type: none"> <li>- Implement the new ordinance requirements (if revised).</li> <li>- Conduct education activities to inform the public about the new ordinance requirements.</li> <li>- Begin education-focused enforcement of ordinance.</li> </ul>
	Year 3	<ul style="list-style-type: none"> <li>- Issue final ordinance.</li> <li>- Conduct education activities to inform the public about the new ordinance requirements.</li> <li>- Continue education focused enforcement of ordinance.</li> </ul>
	Year 4	Begin penalty-based enforcement of new ordinance requirements.
	Year 5	Continue penalty-based enforcement of new ordinance requirements.

#### BMP No. 26 – Develop and Implement Post Construction Structural and Non-Structural BMPs



The City will develop and implement standard structural and non-structural BMPs which will mitigate postconstruction run-off. Review existing ordinances and modify to include the selected BMPs and ensure adequate long-term operation and maintenance of BMPs.

*Measurable Goals* – The measurable goals for implementation of this BMP will be to review and select post-construction structural and non-structural strategies for typical development in the City. Postconstruction strategies to be developed include operation and maintenance procedures, inspection requirements, a design criteria manual, plan review and approval procedures, and final plan BMPs. The **City of Austin** requirements will be used as guidance materials.

### Schedule

Public Involvement/Participation – BMP No. 26	Target Date	Activity
	Year 1	Review post-construction structural and non-structural strategies for inclusion in stormwater control ordinance.
	Year 2	- Include BMP's in control ordinance. - Continue to explore additional BMP's for consideration presented through professional development trainings or CAECN luncheons.
	Year 3	- Evaluate new BMP's for inclusion in stormwater control ordinance. - Continue to explore additional BMP's for consideration presented through professional development trainings or CAECN luncheons.
	Year 4	- Evaluate new BMP's for inclusion in stormwater control ordinance. - Continue to explore additional BMP's for consideration presented through professional development trainings or CAECN luncheons.
	Year 5	- Evaluate new BMP's for inclusion in stormwater control ordinance. - Continue to explore additional BMP's for consideration presented through professional development trainings or CAECN luncheons.

### BMP No. 27 – Stormwater Sampling

The City will develop stormwater sampling procedures that will utilize the two automated sampling stations the city owns, but does not currently operate, along with stormwater samples taken by hand during storm events in other locations.

*Measurable Goals* – The measurable goals for implementation of this BMP will be to establish a stormwater sampling plan, properly fund the operation of automated sampling stations and testing of samples.

### Schedule

Public Involvement/Participation – BMP No. 27	Target Date	Activity
	Year 1	<ul style="list-style-type: none"> <li>- Review post-construction structural and non-structural strategies for inclusion in stormwater control ordinance. Design a stormwater sampling plan using hand grabs and two automated water sampling stations.</li> <li>- Develop budget requirements for regular stormwater sampling and for operation of two automated sampling stations.</li> </ul>
	Year 2	<ul style="list-style-type: none"> <li>- Implement stormwater sampling plan.</li> <li>- Reactivate two automated sampling stations.</li> <li>- Track results of samples for trend information, management information, and determination of effectiveness of stormwater controls.</li> <li>- Budget for regular sampling as well as wet weather sampling.</li> </ul>
	Year 3	<ul style="list-style-type: none"> <li>- Continue stormwater sampling plan utilizing hand grabs and two automated sampling stations.</li> <li>- Track results of samples for trend information, management information, and determination of effectiveness of stormwater controls.</li> <li>- Budget for regular sampling as well as wet weather sampling.</li> </ul>
	Year 4	<ul style="list-style-type: none"> <li>- Continue stormwater sampling plan utilizing hand grabs and two automated sampling stations.</li> <li>- Track results of samples for trend information, management information, and determination of effectiveness of stormwater controls.</li> <li>- Budget for regular sampling as well as wet weather sampling.</li> </ul>
	Year 5	<ul style="list-style-type: none"> <li>- Continue stormwater sampling plan utilizing hand grabs and two automated sampling stations.</li> <li>- Track results of samples for trend information, management information, and determination of effectiveness of stormwater controls.</li> <li>- Budget for regular sampling as well as wet weather sampling.</li> </ul>

### BMP No. 28 – Land Use Plan

The City will evaluate its comprehensive plan, taking into account uses that contribute to stormwater, as well as acceptable land use and traits of structures adjacent or immediately contributing to waterways. In addition, water quality will be taken into account during zoning change requests that come before the Planning and Zoning Commission.

*Measurable Goals* – The measurable goals for implementation of this BMP will be to incorporate stormwater considerations into the next 5 year update of the comprehensive plan as well as reviewing stormwater concerns during zoning cases.

### Schedule

Public Involvement/Participation — BMP No. 28	Target Date	Activity
	Year 1	Evaluate the comprehensive plan with respect to water quality protection through acceptable land use.
	Year 2	Evaluate the current process of assessing proposed zoning changes with respect to the water quality protection goals of the land use plan.
	Year 3	Assess proposed zoning changes in relation to the City's existing land use plan with respect to water quality protection.
	Year 4	Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan.
	Year 5	Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan.

### 6.6 Pollution Prevention and Good Housekeeping

#### BMP No. 29 – Municipal Operations and Industrial Activity Operations and Maintenance Program

The City will develop and implement an operation and maintenance program with the goal of preventing or reducing pollutant run-off from municipal operation into the storm sewer system. The operations to be included in this process shall include: park and open space maintenance, street maintenance, fleet and building maintenance, stormwater system maintenance, new construction and land disturbances, municipal parking lots, vehicle and equipment maintenance and storage yards, waste transfer stations, salt/sand storage locations, waste disposal from municipal operations, and structural control maintenance for BMPs. The program will include a list of all maintenance activities, maintenance schedules, and long term inspection procedures for controls used to reduce floatables and other pollutants. As part of the program, procedures for the proper disposal of waste from structural controls and maintenance activities will be included.

*Measurable Goals* – The measurable goal for implementation of this BMP is to develop the operation and maintenance program in Year 1 of the permit period and implement the program in Year 3.



### Schedule

Public Involvement/Participation – BMP No. 29	Target Date	Activity
	Year 1	<ul style="list-style-type: none"> <li>- Develop a plan to evaluate municipal operations with the potential to impact stormwater quality.</li> <li>- Identify the budget requirements to conduct assessments of the municipal operations.</li> </ul>
	Year 2	<ul style="list-style-type: none"> <li>- Begin assessments of selected municipal operations and develop recommendations for BMPs.</li> <li>- Identify budget requirements to implement recommended modifications.</li> </ul>
	Year 3	<ul style="list-style-type: none"> <li>- Continue assessments of selected municipal operations and develop recommendations for BMPs.</li> <li>- Begin implementation of the BMPs for facilities evaluated in prior years.</li> </ul>
	Year 4	Continue the implementation of the BMPs identified through municipal operations assessments.
	Year 5	Continue the implementation of the BMPs identified through municipal operations assessments.

#### **BMP No. 30 – Develop and Implement Training Program for City Employees to Minimize Runoff Caused by Municipal Operations**

The City will develop and implement a training program for city employees responsible for municipal operations subject to the program described in BMP No. 29. Training materials will be gathered for the various municipal operations directed at preventing and reducing stormwater pollution. The employees and operations selected to require training is directly linked to the Operation and Maintenance Program developed as part of BMP No. 29.

*Measurable Goals* – The measurable goal for implementation of this BMP is to develop the operation and maintenance training program in Year 1 of the permit period and implement the training program in Year 2.



### Schedule

Public Involvement/Participation – BMP No. 30	Target Date	Activity
	Year 1	<ul style="list-style-type: none"> <li>- Identify municipal operations in which activities have the potential to impact stormwater.</li> <li>- Identify effort and method necessary to properly train affected employees.</li> <li>- Develop budget requirements for employee training program.</li> </ul>
	Year 2	Conduct BMP training for the municipal employees responsible for activities that may impact stormwater quality.
	Year 3	Conduct BMP training for the municipal employees responsible for activities that may impact stormwater quality.
	Year 4	Conduct BMP training for the municipal employees responsible for activities that may impact stormwater quality.
	Year 5	Conduct BMP training for the municipal employees responsible for activities that may impact stormwater quality.

### BMP No. 31 – Chemical Applications and Materials Management

The City will develop and implement procedures for management of the storage and application of chemicals and materials.

*Measurable Goals* – The measurable goal for implementation of this BMP is to develop the procedures in Year 3 of the permit period and implement the procedures in Year 4.

### Schedule

Public Involvement/Participation – BMP No. 31	Target Date	Activity
	Year 1	Evaluate the status of the city's chemical and materials management procedures.
	Year 2	<ul style="list-style-type: none"> <li>- Develop plan.</li> <li>- Continue to provide training for chemical applicators.</li> </ul>
	Year 3	<ul style="list-style-type: none"> <li>- Identify chemicals and materials used in municipal activities.</li> <li>- Develop a chemical and materials management program. Develop material management procedures for each facility.</li> <li>- Continue to provide training for chemical applicators.</li> </ul>
	Year 4	<ul style="list-style-type: none"> <li>- Begin implementation of chemical and materials management program, and evaluate effectiveness of current program.</li> <li>- Continue to provide and document refresher training for chemical applicators in accordance with industry guidelines.</li> </ul>
	Year 5	<ul style="list-style-type: none"> <li>- Continue implementation of existing chemical and materials management program, and implement any changes based on prior year's evaluation.</li> <li>- Continue to provide and document refresher training for chemical applicators in accordance with industry guidelines.</li> </ul>

### BMP No. 32 – Storm Sewer System Maintenance

The City will develop a schedule to conduct visual inspections of the City's storm sewer system and evaluate the need for maintenance.

The system will be cleaned as needed in response to complaints or reported problems, and procedures will be developed to remove the debris and eroded materials from the system prior to discharge into a waterway.

*Measurable Goals* – The measurable goal for implementation of this BMP is to develop and implement the procedures by year 2.

#### Schedule

Public Involvement/Participation – BMP No. 32	Target Date	Activity
	Year 1	Develop a schedule to conduct visual inspections of the City's storm sewer system and evaluate the need for maintenance.  Develop a system to monitor and track storm sewer maintenance activities.  Clean system as needed in response to complaints or reported problems.  Identify budget requirements to perform routine maintenance on the storm sewer system.
	Year 2	Implement the inspection schedule.  Perform maintenance as necessary.  Clean system as needed in response to complaints or reported problems.
	Year 3	- Perform maintenance as necessary. -Clean system as needed in response to complaints or reported problems.
	Year 4	- Perform maintenance as necessary. -Clean system as needed in response to complaints or reported problems.
	Year 5	- Perform maintenance as necessary. -Clean system as needed in response to complaints or reported problems.

### BMP No. 33 – Street Sweeping

The City will develop a schedule to conduct regular street sweeping to remove debris from roadways before it washes into the storm sewer system.

The streets will be cleaned as needed in response to complaints or reported problems.

*Measurable Goals* – The measurable goal for implementation of this BMP is to measure the distance and regularity of roadways that are swept.

#### Schedule

	Target Date	Activity
Public Involvement/Participation – BMP No. 33	Year 1	<ul style="list-style-type: none"> <li>- Continue street sweeping program for City streets.</li> <li>- Develop schedule for street sweeping activities.</li> <li>- Identify budget requirements for street sweeping program.</li> </ul>
	Year 2	<ul style="list-style-type: none"> <li>- Continue street sweeping program for City streets.</li> <li>- Evaluate the need for supplemental street sweeping efforts as funds are available.</li> </ul>
	Year 3	<ul style="list-style-type: none"> <li>- Continue street sweeping program for City streets.</li> <li>- Implement any supplemental street sweeping efforts identified in the evaluation.</li> </ul>
	Year 4	<ul style="list-style-type: none"> <li>- Continue street sweeping program for City streets.</li> <li>- Evaluate the need for supplemental street sweeping efforts as funds are available.</li> </ul>
	Year 5	<ul style="list-style-type: none"> <li>- Continue street sweeping program for City streets.</li> <li>- Implement any supplemental street sweeping efforts identified in the evaluation.</li> </ul>

### BMP No. 34 – Structural Control Maintenance

The City will develop a plan for inspection and maintenance of City maintained structural controls as well as establish procedures to monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection. Penalties for failure to maintain private structural controls will be implemented.

*Measurable Goals* – The measurable goal for implementation of this BMP is to implement procedures in Year 2, fully by Year 3.



### Schedule

Public Involvement/Participation – BMP No. 34	Target Date	Activity
	Year 1	<ul style="list-style-type: none"> <li>- Develop a plan for inspection and maintenance of City maintained structural controls.</li> <li>- Establish procedures to monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection.</li> </ul>
	Year 2	<ul style="list-style-type: none"> <li>- Implement procedures to monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection.</li> <li>- Inspect private structural controls.</li> <li>- Inspect City-maintained structural controls.</li> <li>- Identify budget requirements to maintain City-maintained structural controls.</li> </ul>
	Year 3	<ul style="list-style-type: none"> <li>- Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection.</li> <li>- Inspect and maintain City maintained structural controls.</li> </ul>
	Year 4	<ul style="list-style-type: none"> <li>- Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection.</li> <li>- Inspect and maintain City maintained structural controls.</li> </ul>
	Year 5	<ul style="list-style-type: none"> <li>- Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection.</li> <li>- Inspect and maintain City maintained structural controls.</li> </ul>

### BMP No. 35 – Spill Response

The City will develop a plan for assisting the Emergency Service District Fire Personnel in the event of hazardous, or non-hazardous material spills on the city's roadways. Public works crews and equipment will be trained and made available to assist the Fire Department to minimize and mitigate contamination or runoff.

*Measurable Goals* – The measurable goal for implementation of this BMP is to implement procedures and training to assist in spill responses.



### Schedule

Public Involvement/Participation – BMP No. 35	Target Date	Activity
	Year 1	Develop spill response procedures and training to assist the Fire Department on spill responses.
	Year 2	Implement spill response procedures and training in assistance to the Fire Department.
	Year 3	Continue implementation of existing spill response procedures and training in assistance to the Fire Department.
	Year 4	Continue implementation of existing spill response procedures and training in assistance to the Fire Department.
	Year 5	Continue implementation of existing spill response procedures and training in assistance to the Fire Department.

### BMP No. 36 – Disposal of Collected Storm Sewer System Waste

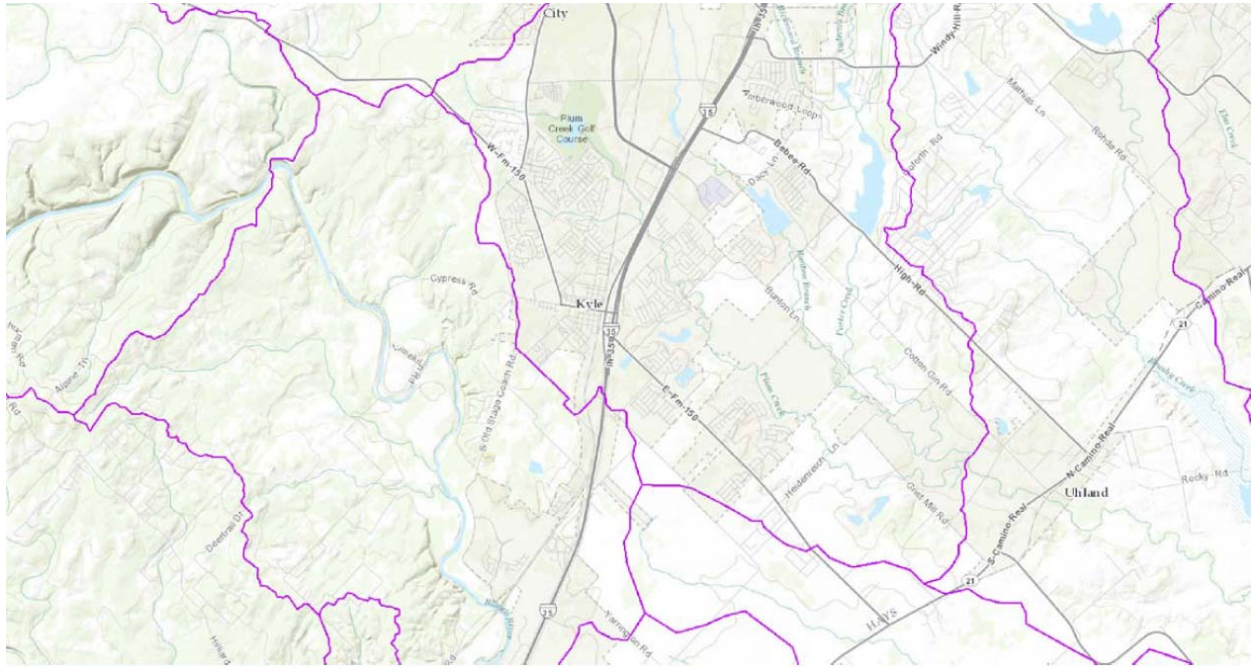
The City will develop a plan for disposing of waste collected and removed during the cleaning and maintenance of the Storm Sewer System. Attention will be paid to using proper methods of disposal, reusing material when able, and hauling or disposing of material when necessary.

*Measurable Goals* – The measurable goal for implementation of this BMP is to implement procedures in regards to disposal of waste from Stormwater Sewer systems.

### Schedule

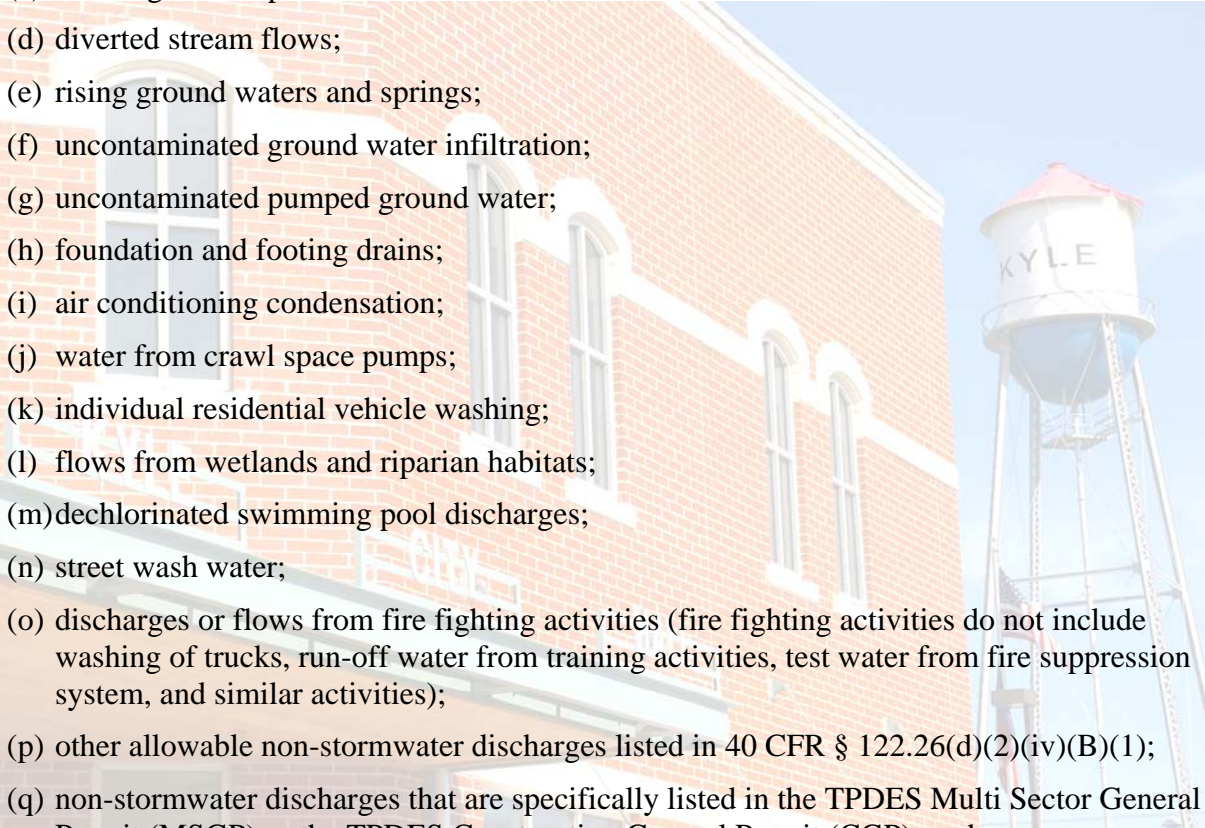
Public Involvement/Participation – BMP No. 35	Target Date	Activity
	Year 1	Develop budget requirements for waste handling and disposal.
	Year 2	<ul style="list-style-type: none"> <li>- Identify sources of waste requiring disposal as part of stormwater management program activities.</li> <li>- Identify proper methods for handling and disposal of waste materials.</li> <li>- Develop a procedure to evaluate waste and properly dispose according to water quality protection goals.</li> </ul>
	Year 3	Perform proper disposal of waste materials according to the developed procedures.
	Year 4	Perform proper disposal of waste materials according to the developed procedures.
	Year 5	Perform proper disposal of waste materials according to the developed procedures.

**FIGURE 3  
DRAINAGE BASIN MAP**



## 7.0 ASSESSMENT OF ALLOWABLE NON-STORMWATER DISCHARGES

In accordance with the requirements of the Phase II MS4 permit, the following non-stormwater discharges will be assessed in order to determine whether they are known to be significant contributors of pollutants to the City's water bodies:

- 
- (a) water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
  - (b) runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
  - (c) discharges from potable water sources;
  - (d) diverted stream flows;
  - (e) rising ground waters and springs;
  - (f) uncontaminated ground water infiltration;
  - (g) uncontaminated pumped ground water;
  - (h) foundation and footing drains;
  - (i) air conditioning condensation;
  - (j) water from crawl space pumps;
  - (k) individual residential vehicle washing;
  - (l) flows from wetlands and riparian habitats;
  - (m) dechlorinated swimming pool discharges;
  - (n) street wash water;
  - (o) discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression system, and similar activities);
  - (p) other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
  - (q) non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General Permit (CGP); and
  - (r) other similar occasional incidental non-stormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges.

Non-stormwater discharges from the list above must be evaluated by the City to determine if any known, significant, water quality impacts were created as a result of the discharges. Evaluation of allowable non-stormwater discharges will be conducted as part of the illicit discharge inspection BMP identified in Appendix B and detailed in Section 6.



## 8.0 RECORDKEEPING AND REPORTING

### 8.1 Introduction

Recordkeeping is a required element of the SWMP. The City must retain all records, a copy of the TPDES General Permit, and records of all data used to complete the application for this permit for the term of the permit, currently 5 years. A copy of this SWMP must be retained at a location accessible to the TCEQ and the public.

The City is required to submit an annual report to the Executive Director within 90 days of the end of each calendar year. A copy of the annual report must be readily available for review by the TCEQ. The annual report shall contain an assessment of the BMPs, report on progress of implementing the BMPs, proposed changes, and an evaluation of the success of the SWMP. More detailed requirements for recordkeeping and reporting are found in Part III of this SWMP and in the individual permit application.

### 8.2 Recordkeeping

The City will maintain all records, a copy of the TPDES general permit and all data used to complete the Notice of Intent (NOI) for this permit, for a period of at least three years, or for the term of this permit, whichever is longer. A current, up-to-date copy of the SWMP and a copy of the general permit requirements will be maintained at City Hall.

The City will make the compiled records, including the NOI and SWMP, available for public viewing at City Hall. The SWMP will be available for viewing during normal office hours, and available supporting documents will be able to be viewed within ten working days following the request from the public. Other records will be provided within 10 working days, unless the request requires an unusual amount of time or effort to assemble. In such a case, Texas law regarding the Public Information Act will be followed. Reasonable charges, in accordance with Texas law, may be levied by the City for researching and preparing any requested materials.

### 8.3 Annual Report

The City will submit an annual update report to the Executive Director of the TCEQ by the reporting deadline each year of the permit term. The City will maintain copies of the annual reports at City Hall.

The annual report will address the requirements listed in the TPDES Phase II MS4 general permit rules. Generally, the update report will document the stormwater-related activities for the previous year, evaluate the success of each BMP relative to their measurable goals, and discuss plans for the upcoming year, including modifications to the SWMP. Modifications may include replacement of previously selected BMPs, alteration of the implementation schedule, or other changes allowed by the permit.

### 8.4 Plan Updates

This plan may be updated by the City at any time. When considering eliminating a BMP, it is necessary to review the information in Appendix B to determine if the removal of the BMP will result in non-compliance for any of the minimum control measures. This would occur if the BMP is the only BMP that provides compliance for a specific permit provision. In such a case, the BMP would need to be replaced with a new BMP that continues to meet the relevant permit requirement.

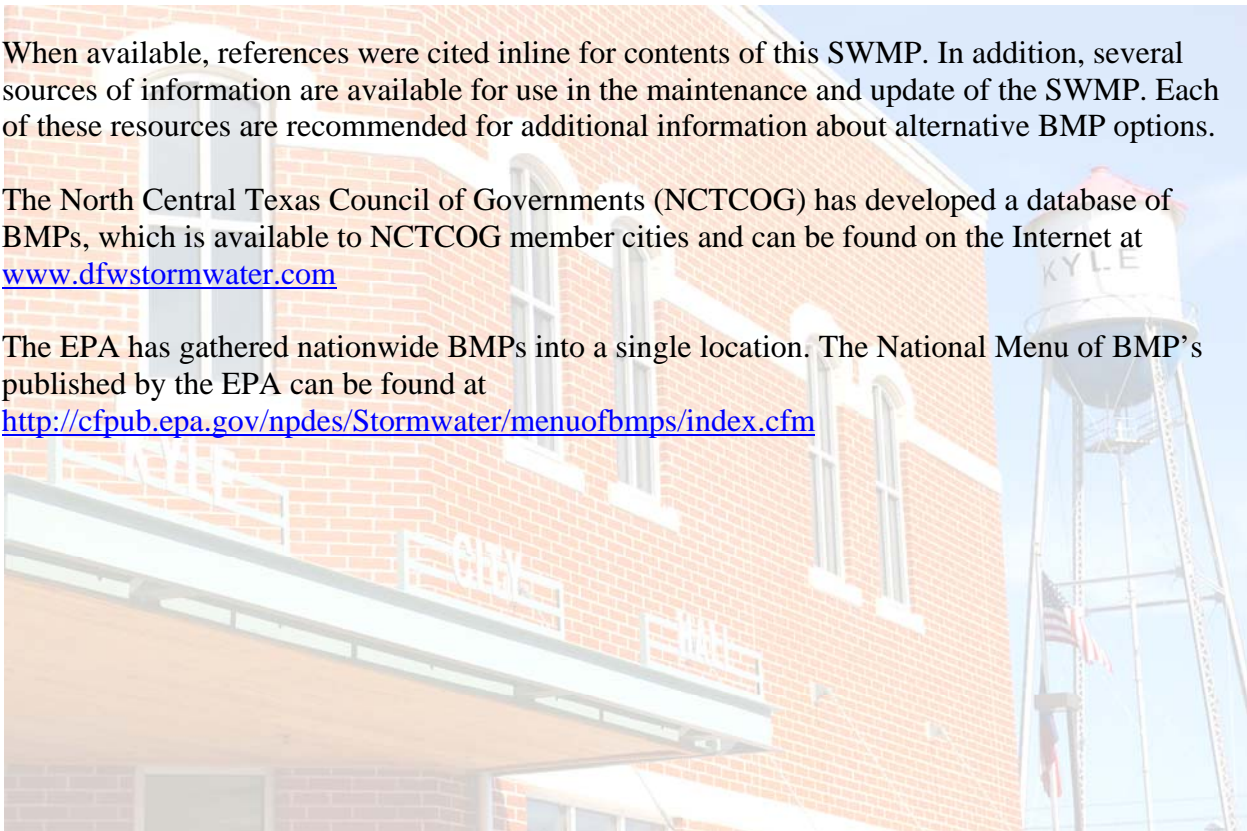
According to the general permit, “adding components, controls, or requirements to the SWMP”, or replacing a BMP with an equivalent or better BMP only requires notification of TCEQ. Other changes require TCEQ approval.

### **8.5 Reference Material**

When available, references were cited inline for contents of this SWMP. In addition, several sources of information are available for use in the maintenance and update of the SWMP. Each of these resources are recommended for additional information about alternative BMP options.

The North Central Texas Council of Governments (NCTCOG) has developed a database of BMPs, which is available to NCTCOG member cities and can be found on the Internet at [www.dfwstormwater.com](http://www.dfwstormwater.com)

The EPA has gathered nationwide BMPs into a single location. The National Menu of BMP's published by the EPA can be found at <http://cfpub.epa.gov/npdes/Stormwater/menuofbmeps/index.cfm>





## APPENDIX A

### Water Pollution Abatement Plans – Edwards Recharge Zone Properties

<b>TITLE 30</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>PART 1</b>	<b>TEXAS COMMISSION ON ENVIRONMENTAL QUALITY</b>
<b>CHAPTER 213</b>	<b>EDWARDS AQUIFER</b>
<b>SUBCHAPTER A</b>	<b>EDWARDS AQUIFER IN MEDINA, BEXAR, COMAL, KINNEY, UVALDE, HAYS, TRAVIS, AND WILLIAMSON COUNTIES</b>

#### **RULE §213.5 Required Edwards Aquifer Protection Plans, Notification, and Exemptions**

[Historical](#)

[Texas Register](#)

- (a) Required plans. A plan must be submitted for the following, as appropriate:
- (1) a **water pollution abatement plan** under subsection (b) of this section to conduct regulated activities on the recharge zone not covered by subsections (c), (d), or (e) of this section;
  - (2) an organized sewage collection system plan under subsection (c) of this section for rehabilitation or construction related to existing or new organized sewage collection systems on the recharge zone;
  - (3) an underground storage tank facility plan for static hydrocarbon and hazardous substance storage under subsection (d) of this section for the construction or rehabilitation of an underground storage tank system; including tanks, piping, and related systems located on the recharge zone or transition zone; and
  - (4) an aboveground storage tank facility plan for static hydrocarbon and hazardous substance storage under subsection (e) of this section for the construction or rehabilitation of an aboveground storage tank system; including tanks, piping, and related systems, for the storage of hydrocarbon or hazardous substance located on the recharge zone or transition zone.
- (b) **Water pollution abatement plan.** A **water pollution abatement plan** must contain the following information.
- (1) Application. The information required under §213.4 of this title (relating to Application Processing and Approval) is part of the plan and must be filed with the executive director at the appropriate regional office.
  - (2) Site location.
    - (A) Location data and maps must include a legible road map with directions, including mileage, which would enable the executive director to locate the site for inspection.
    - (B) A general location map must include:
      - (i) the site location on a copy (or spliced composite of copies, if necessary) of an official recharge zone map(s) with quadrangle name(s) and recharge and transition zone boundaries clearly labeled; and
      - (ii) a drainage plan, shown on the recharge zone map, indicating all paths of drainage from the site.
    - (C) A site plan with a minimum scale of one inch to 400 feet must show:



- (i) the 100-year floodplain boundaries (if applicable);
- (ii) the layout of the development showing existing and finished contours as appropriate, but not greater than ten-foot contour intervals;
- (iii) the location of all known wells (including, but not limited to, water wells, oil wells, and unplugged and abandoned wells);
- (iv) the location of any sensitive feature on the site of the proposed regulated activity as identified in the geologic assessment under paragraph (3) of this subsection;
- (v) the drainage patterns and approximate slopes anticipated after major grading activities;
- (vi) areas of soil disturbance and areas which will not be disturbed;
- (vii) locations of major structural and nonstructural controls identified in the technical report;
- (viii) locations where stabilization practices are expected to occur;
- (ix) surface waters (including wetlands); and
- (x) locations where stormwater discharges to a surface water or a sensitive feature.

(3) Geologic assessment. For all regulated activities, the applicant must submit a geologic assessment report prepared by a geologist describing the site-specific geology. The report must identify all potential pathways for contaminant movement to the Edwards Aquifer. Single-family residential subdivisions constructed on less than ten acres are exempt from this requirement. The geologic assessment report must be signed, sealed, and dated by the geologist preparing the report.

(A) The geologic assessment must include a geologic map, at site-plan scale, illustrating:

- (i) the outcrop of surface geologic units; and
- (ii) all geologic and manmade features, specifically identifying:
  - (I) caves;
  - (II) sinkholes;
  - (III) faults;
  - (IV) permeable fractures;
  - (V) solution zones;
  - (VI) surface streams; and
  - (VII) other sensitive features.

(B) The geologic assessment must contain a stratigraphic column showing, at a minimum, formations, members, and thicknesses.

(C) The geologic assessment must contain a description and evaluation of all geologic and manmade features, on forms provided by, or approved by, the executive director. The assessment must determine which of these features are sensitive features. The assessment must include:

- (i) the identification of each geologic or manmade feature, with a cross-reference to the site-plan map coordinates; and
- (ii) the type of geologic or manmade feature including, but not limited to:
  - (I) sinkholes;
  - (II) caves;
  - (III) faults;
  - (IV) wells;
  - (V) surface streams; or
  - (VI) potentially permeable fractures and solution zones.

(D) The geologic assessment must contain a narrative assessment of site-specific geology. The assessment must detail the potential for fluid movement to the Edwards Aquifer and include a discussion of the stratigraphy, structure, and karstic characteristics of the site.

(E) The geologic assessment must contain a narrative description of soil units and a soil profile, including thickness and hydrologic characteristics.

(4) Technical report.

(A) The technical report must address the following issues.

(i) The report must describe the nature of the regulated activity (such as residential, commercial, industrial, or utility), including:

(I) the size of the site in acres;

(II) the projected population for the site;

(III) the amount and type of impervious cover expected after construction is complete, such as paved surface or roofing;

(IV) the amount of surface expected to be occupied by parking lots; and

(V) other factors that could affect surface water and groundwater quality.

(ii) The report must describe the volume and character of wastewater expected to be produced. Wastewater generated at a site should be characterized as either domestic or industrial, or if commingled, by approximate percentages of each type.

(iii) The report must describe the volume and character of stormwater runoff expected to occur. Estimates of stormwater runoff quality and quantity should be based on area and type of impervious cover, as described in clause (i) of this subparagraph. An estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions should be included in the report.

(iv) The report must describe any activities or processes which may be a potential source of contamination.

(v) The report must describe the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation).

(vi) The report must contain estimates of the total area of the site that is expected to be disturbed by excavation, grading, or other activities.

(vii) The report must contain the name of the receiving water(s) at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project.

(B) The technical report must describe the temporary best management practices (BMPs) and measures that will be used during and after construction. The technical report must clearly describe for each major activity identified in subparagraph (A)(v) of this paragraph appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented.

(i) BMPs and measures must prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site and flows across the site as provided under this paragraph.

(ii) BMPs and measures must prevent pollution of surface water or groundwater that originates on-site or flows off site, including pollution caused by contaminated stormwater runoff from the site as provided under this paragraph.

(iii) BMPs and measures must prevent pollutants from entering surface streams, sensitive features, or the aquifer as provided under this paragraph.

(iv) To the maximum extent practicable, BMPs and measures must maintain flow to naturally-occurring sensitive features identified in either the geologic assessment, executive director review, or during excavation, blasting, or construction.

(I) The temporary sealing of a naturally-occurring sensitive feature which accepts recharge



to the Edwards Aquifer as a temporary pollution abatement measure during active construction should be avoided.

(II) A request to temporarily seal must include a justification as to why no reasonable and practicable alternative exists. The request will be evaluated by the executive director on a case-by-case basis.

(v) Temporary BMPs and measures must meet the requirements contained in subparagraph (D)(i) of this paragraph.

(vi) The report must include a plan for the inspection of temporary BMPs and measures and for their timely maintenance, repair, and, if necessary, retrofit.

(vii) Temporary sediment pond or basin construction plans and design calculations for a proposed temporary BMP or measure must be prepared by or under the direct supervision of a Texas licensed professional engineer. All construction plans and design information must be signed, sealed, and dated by the Texas licensed professional engineer.

(viii) Pilot-scale field testing (including water quality monitoring) may be required for BMPs that are not contained in technical guidance recognized by, or prepared by, the executive director.

(ix) The construction-phase BMPs for erosion and sediment controls should be designed to retain sediment on site to the extent practicable.

(x) All control measures must be properly selected, installed, and maintained in accordance with the manufacturers specifications and good engineering practices. If periodic inspections by the applicant or the executive director, or other information indicates a control has been used inappropriately, or incorrectly, the applicant must replace or modify the control for site situations.

(xi) If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain).

(xii) Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50%.

(xiii) Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).

(C) The technical report must describe the permanent BMPs and measures that will be used during and after construction is completed.

(i) BMPs and measures must prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site and flows across the site.

(ii) BMPs and measures must prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff from the site.

(iii) BMPs and measures must prevent pollutants from entering surface streams, sensitive features, or the aquifer.

(iv) To the extent practicable, BMPs and measures must maintain flow to naturally occurring sensitive features identified in either the geologic assessment, executive director review, or during excavation, blasting, or construction.

(I) The permanent sealing of, or diversion of, flow from a naturally occurring sensitive feature that accepts recharge to the Edwards Aquifer as a permanent pollution abatement measure should be avoided.



(II) A request to seal a naturally occurring sensitive feature must include a justification as to why no reasonable and practicable alternative exists. The request will be evaluated by the executive director on a case-by-case basis.

(v) Permanent BMPs and measures must meet the requirements contained in subparagraph (D)(ii) of this paragraph.

(vi) Construction plans and design calculations for the proposed permanent BMPs and measures must be prepared by, or under the direct supervision of, a Texas licensed professional engineer. All construction plans and design information must be signed, sealed, and dated by the Texas licensed professional engineer.

(vii) The technical report must include a plan for the inspection of the permanent BMPs and measures and for their timely inspection, maintenance, repair, and, if necessary, retrofit. The plan must be prepared and certified by the engineer designing the permanent BMPs and measures.

The plan must be signed by the owner or responsible party. (viii) Pilot-scale field testing (including water quality monitoring) may be required for BMPs that are not contained in technical guidance recognized by, or prepared by, the executive director.

(I) When pilot-scale field testing of an innovative technology (including water quality monitoring) is required, only one pilot site will be approved.

(II) No additional approvals will be granted until the pilot study is complete and the applicant demonstrates adequate protection of the Edwards Aquifer.

(III) If the innovative technology demonstrates adequate protection of the Edwards Aquifer, additional units may be approved for use as permanent pollution abatement measures on the Edwards Aquifer recharge zone.

(IV) If the innovative technology demonstrates inadequate protection of the Edwards Aquifer, a retrofit of the pollution abatement measure may be required to achieve compliance with requirements under subparagraph (D) of this paragraph and no additional units will be approved for use on the Edwards Aquifer recharge zone.

(D) Requirements for BMPs and measures.

(i) Temporary BMPs.

(I) The technical report must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Stabilization practices may include, but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.

(-a-) The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated.

(-b-) Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently cease is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of site. In areas experiencing

droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures shall be initiated as soon as practicable.

(II) The technical report must include a description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural practices may include, but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, checks dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable.

(-a-) For common drainage locations that serve an area with ten or more acres disturbed at one time, a sediment basin that provides storage for a calculated volume of runoff from a two-year, 24-hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location it is not necessary to include flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

(-b-) In determining whether installing a sediment basin is attainable, the applicant may consider factors such as site soils, slope, and available area on site. For drainage locations which serve ten or more disturbed acres at one time and where a sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The executive director encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(-c-) For drainage locations serving less than ten acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a two-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided. The executive director encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(ii) Permanent BMPs and measures.

(I) BMPs and measures must be implemented to control the discharge of pollution from regulated activities after the completion of construction. These practices and measures must be designed, constructed, operated, and maintained to insure that 80% of the incremental increase in the annual mass loading of total suspended solids from the site caused by the regulated activity is removed. These quantities must be calculated in accordance with technical guidance prepared or accepted by the executive director.

(II) Owners of permanent BMPs and measures must insure that the BMPs and measures are



constructed and function as designed. A Texas licensed professional engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the appropriate regional office within 30 days of site completion.

(III) Where a site is used for low density single-family residential development and has 20% or less impervious cover, other permanent BMPs are not required. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by §213.4(g) of this title, may no longer apply and the property owner must notify the appropriate regional office of these changes.

(IV) The executive director may waive the requirement for other permanent BMPs for multi-family residential developments, schools, or small business sites where 20% or less impervious cover is used at the site. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by §213.4(g) of this title, may no longer apply and the property owner must notify the appropriate regional office of these changes.

(E) The technical report must describe measures that will be used to avoid or minimize surface stream contamination and changes in the way in which water enters a stream as a result of the construction and development. The measures should address the following:

- (i) increased stream flashing;
- (ii) the creation of stronger flows and in-stream velocities; or
- (iii) other in-stream effects caused by the regulated activity which increase erosion that results in water quality degradation.

(F) The technical report must describe the method of wastewater disposal from the site.

(i) If wastewater is to be disposed of by conveyance to a sewage treatment plant for treatment and disposal, the existing or proposed treatment facility must be identified.

(ii) If wastewater is to be disposed of by an on-site sewage facility, the application must include a written statement from the appropriate authorized agent, stating that the site is suitable for the use of private sewage facilities and will meet the special requirements for on-site sewage facilities located on the Edwards Aquifer recharge zone as specified under Chapter 285 of this title (relating to On-Site Sewage Facilities), or identifying those areas that are not suitable.

(G) The technical report must describe the measures that will be used to contain any spill of hydrocarbons or hazardous substances such as on a roadway or from a pipeline or from temporary aboveground storage of 250 gallons or more.

- (i) Temporary storage facilities are those used on site for less than one year.
- (ii) Temporary aboveground storage tank systems of 250 gallons or more cumulative storage capacity must be located a minimum horizontal distance of 150 feet from any domestic, industrial, irrigation, or public water supply well, or other sensitive feature.

(5) Responsibility for maintenance of permanent BMPs and measures after construction is complete.

(A) The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred.



(B) A copy of the transfer of responsibility must be filed with the executive director at the appropriate regional office within 30 days of the transfer.

(C) This paragraph applies to:

- (i) multiple single-family residential developments, multi-family residential; and
- (ii) non-residential developments such as commercial, industrial, institutional, schools, and other sites where regulated activities occur.

(c) Organized sewage collection systems.

(1) No person may commence rehabilitation or construction related to an existing or new organized sewage collection system on the recharge zone, until final design plans, specifications, and an engineering report, as specified in Chapter 317 of this title (relating to Design Criteria for Sewerage Systems) and appropriate special requirements of this section, have been filed with and approved by the executive director.

(2) General design of sewage collection systems. Design of new sewage collection systems on the recharge zone must comply with Chapter 317 of this title.

(3) Special requirements for sewage collection systems. In addition to the requirements in paragraph (2) of this subsection, sewage collection systems on the recharge zone must meet the following special requirements.

(A) Manhole rehabilitation or construction. All manholes rehabilitated or constructed after March 21, 1990, must be watertight, with watertight rings and covers and must be constructed and tested to meet the requirements of §317.2(c)(5)(H) of this title (relating to Sewerage Collection System).

(B) Piping for gravity and pressurized collection systems. Compliance with the following is required, unless local regulations dictate more stringent standards:

(i) for gravity collection systems, all PVC pipe must have a Standard Dimension Ratio (SDR) of 35 or less and meet the requirements of §317.2(a) - (c)(4) of this title; and

(ii) for all pressurized sewer systems, all PVC pipe must have a minimum working pressure rating of 150 pounds per square inch and meet the requirements of §317.2(d)(2) - (4) and §317.3(d)(5) - (7) of this title (relating to Sewerage Collection System and Lift Stations).

(C) Lift station design. Lift stations must be designed and constructed to ensure that bypassing of any sewage does not occur. All lift stations must be designed to meet the requirements of §317.2(d) and §317.3 of this title. A lift station application must include final construction plans and a design report prepared by or under the direct supervision of a Texas licensed professional engineer. All design information must be signed, sealed, and dated by a Texas licensed professional engineer.

(D) Certification of new sewage collection system lines by a Texas licensed professional engineer. Owners of sewage collection systems must insure that all new gravity sewer system lines having a diameter greater than or equal to six inches and all new force mains are tested for leakage following construction. Such lines must be certified by a Texas licensed professional engineer to meet the appropriate requirements of §317.2 of this title. The engineer must retain copies of all test results which must be made available to the executive director upon request. The engineer must certify in writing that all wastewater lines have passed all required testing to the appropriate regional office within 30 days of test completion and prior to use of the new collection system. Following the completion of the new sewer lines and manholes, they must be tested every five years thereafter in accordance with subparagraph (E) of this paragraph.

(E) Testing of existing sewer lines. Owners of sewage collection systems must insure that all existing sewer lines having a diameter greater than or equal to six inches, including private

service laterals, manholes, and connections, are tested to determine types and locations of structural damage and defects such as offsets, open joints, or cracked or crushed lines that would allow exfiltration to occur. Existing manholes and lift station wet wells must be tested using methods for new structures which are approved by the executive director.

(i) Testing of all sewage collection systems must be conducted every five years after being put into use. Any sewage collection system in place as of March 21, 1990 must have commenced and completed the first round of five-year testing. Every five years, existing sewage collection systems must be tested to determine types and locations of structural damage and defects such as offsets, open joints, or cracked or crushed lines that would allow exfiltration to occur. These test results must be certified by a Texas licensed professional engineer. The test results must be retained by the plan holder for five years and made available to the executive director upon request. The use of one of the following methods will satisfy the requirements for the five-year testing of existing sewer lines.

(I) In-place deflection testing must meet the requirements of §317.2(a)(4)(C) of this title. No pipe shall exceed a deflection rate of 5.0%.

(II) Internal line inspections, using a color television camera to verify that the lines are free of structural damage such as offsets, open joints, or cracked or crushed lines, that would allow exfiltration to occur, are acceptable. The use of black and white television equipment may be used following demonstration to the executive director that an acceptable inspection can be performed as provided in subclause (IV) of this clause.

(III) In-line smoke testing is acceptable only for the testing of private service laterals.

(IV) Testing methods other than those listed in this subsection must be approved by the executive director prior to initiating the sewer line testing.

(ii) Except as otherwise provided in an enforcement order of the commission, as soon as possible, but at least within one year of detecting defects, repairs to the sewage collection system must be completed by the system's owner. However, all leakage must be immediately contained to prevent any discharge to water in the state or pollution of the Edwards Aquifer whether necessary repairs have been completed or not. Leakage is a violation of Texas Water Code, §26.121 and these rules are not intended to excuse such unlawful discharge of waste into or adjacent to water in the state. All repairs must be certified by a Texas licensed professional engineer. Repairs must be tested within 45 days of completion using the methods described in clause (i) of this subparagraph. Results must be submitted to the appropriate regional office within 30 days of testing.

(F) Blasting for sewer line excavation. Blasting for sewer line excavation must be done in accordance with appropriate criteria established by the National Fire Protection Association. Should such blasting result in damage to an existing or newly completed sewer line or any of its appurtenances, the owner of the sewer system and appurtenances must repair and retest the damaged sewer line and its appurtenances immediately. The use of sand for pipe embedment or backfill in blasted rock is prohibited.

(G) Sewer line stub outs. New collection system lines must be constructed with stub outs for the connection of anticipated extensions. The location of such stub outs must be marked on the ground such that their location can be easily determined at the time of connection of the proposed extensions. All stub outs must be sealed with a manufactured cap to prevent leakage. Extensions that were not anticipated at the time of original construction or that are to be connected to an existing sewer line not furnished with stub outs must be connected using a manufactured saddle in accordance with accepted plumbing techniques.



(i) Main line stub outs. Manholes must be placed at the end of all sewer lines that will be extended at a future date, as specified in §317.2(c)(5) of this title. If the main line is to be extended within one year, a variance to allow the use of a stub out until the line is extended will be considered on a case-by-case basis. At the time of original construction, new stub outs must be constructed sufficiently to extend beyond the end of the street pavement. Stub outs that were not anticipated at the time of original construction must enter the manhole using a bored or drilled hole. Chiseling or hammering to enter a manhole is prohibited.

(ii) Private service lateral stub outs. Such stub outs must be manufactured using wyes or tees that are compatible in size and material with both the sewer line and the extension. Private service lateral stub outs that were not anticipated at the time of original construction must be connected using a manufactured saddle in accordance with accepted plumbing techniques.

(H) Locating sewer lines within a five-year floodplain. Sewer lines may not be located within the five-year floodplain of a drainageway, unless an exemption is granted by the executive director. If the applicant demonstrates to the executive director that such location is unavoidable, and the area is subject to inundation and stream velocities which could cause erosion and scouring of backfill, the trench must be capped with concrete to prevent scouring of backfill, or the sewer lines must be encased in concrete. All concrete must have a minimum thickness of six inches.

(I) Inspection of private service lateral connections. After installing and prior to covering and connecting a private service lateral to an organized sewage collection system, a Texas licensed professional engineer, Texas registered sanitarian, or appropriate city inspector must inspect the private service lateral and the connection to the collection system and certify that construction conforms with the applicable provisions of this subsection and local plumbing codes. Private service laterals may only be connected to approved sewage collection systems.

(J) Embedment materials. Embedment materials must meet the specification for bedding contained in §317.2(a)(5) of this title.

(K) Sewer lines bridging caverns or other sensitive features. Sewer lines that bridge caverns or sensitive features must be constructed in a manner that will maintain the structural integrity of the line. When such geologic features are encountered during construction, the location and extent of those features must be assessed by a geologist and must be reported to the appropriate regional office in writing within two working days of discovery. Notification and inspection must comply with the requirements under subsection (f) of this section.

(L) Erosion and sedimentation control. A temporary erosion and sedimentation control plan must be included with all construction plans. All temporary erosion and sedimentation controls must be installed prior to construction, must be maintained during construction, and must be removed when sufficient vegetation is established to control the erosion and sedimentation and the construction area is stabilized.

(M) Alternative sewage collection systems. The executive director may approve an alternative procedure which is technically justified; signed, sealed, and dated by a Texas licensed professional engineer indicating equivalent environmental protection; and which complies with the requirements of §317.2(d) of this title.

(N) Required corrective action. Notwithstanding compliance with the requirements of subparagraphs (A) - (M) of this paragraph, sewage collection systems must operate in a manner that will not cause pollution of the Edwards Aquifer. Any failure must be corrected in a manner satisfactory to the executive director.

(4) Contents of organized sewage collection system plan.



(A) Application. For organized sewage collection systems, the information required under §213.4 of this title must be filed with the executive director at the appropriate regional office.

(B) Narrative description of proposed organized sewage collection system. A narrative report must include, at a minimum, a geographic description and anticipated type of development within the sewage collection system service area.

(C) Geologic assessment. A geologic assessment, as described in subsection (b)(3) of this section, must be performed by a geologist along the path of the proposed sewer line(s), plus 50 feet on each side of the proposed sewer line(s). The geologic assessment report must be signed, sealed, and dated by the geologist preparing the report.

(D) Technical report. For an organized sewage collection system, a technical report must be submitted on forms provided by, or approved by, the executive director. The technical report must contain the information requested in the following subsections of this section: (b)(4)(A)(ii) and (iv), (B), (D)(i), (F)(i), and (G). A technical report for a water pollution abatement plan submitted under subsection (b) of this section satisfies this requirement, provided it properly addresses the proposed sewage collection system.

(E) Plans and specifications. Plans and specifications addressing all the requirements in paragraphs (2) and (3) of this subsection, must include at a minimum:

(i) a map showing the location of the organized sewage collection system layout in relation to recharge zone boundaries;

(ii) a map showing the location of the organized sewage collection system layout overlaid by topographic contour lines, using a contour interval of not greater than ten feet, and showing the area within both the five-year floodplain and the 100-year floodplain of any drainage way;

(iii) construction documents prepared by, or under the supervision of, a Texas licensed professional engineer, which have also been signed, sealed, and dated by that Texas licensed professional engineer, at a minimum, must include:

(I) plan and profile views of the collection system;

(II) construction details of collection system components;

(III) specifications for all collection system components; and

(IV) proposed pollution abatement measures for sensitive features identified along the path of the proposed sewer line.

(d) Static hydrocarbon and hazardous substance storage in underground storage tanks system.

(1) Standards for underground storage tank systems. New or replacement systems for the underground storage of static hydrocarbons or hazardous substances must be of double-walled or an equivalent method approved by the executive director. Methods for detecting leaks in the inside wall of a double-walled system must be included in the facility's design and construction. The leak detection system must provide continuous monitoring of the system and must be capable of immediately alerting the system's owner of possible leakages.

(A) Installation. All underground hydrocarbon and hazardous substance storage tank systems must be installed by a person possessing a valid certificate of registration in accordance with the requirements of Chapter 334, Subchapter I of this title (relating to Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration).

(B) Siting. Any new underground hydrocarbon and hazardous substance storage tank system that does not incorporate a method for tertiary containment must be located a minimum horizontal distance of 150 feet from any domestic, industrial, or irrigation well, or other sensitive feature as determined under the geologic assessment at the time of construction or replacement under paragraph (2)(C) of this subsection or the tankhold inspection under subsection (f)(2)(B)

of this section. This method of tertiary containment also applies to the placement of a tank system within 150 feet of a public water supply well without a sanitary control easement of 150 feet as defined in §290.41(c)(1)(F) of this title (relating to Water Sources).

(2) Contents of an underground storage tank facility plan. An underground storage tank facility plan must, at a minimum, contain the following information.

(A) Application. The information required under §213.4 of this title must be filed with the executive director at the appropriate regional office.

(B) Site location map. A site location map as specified in subsection (b)(2) of this section including a legible road map, a general location map, and a site plan, must be submitted as part of the plan.

(C) Geologic assessment. For all facilities located on either the recharge zone or transition zone, a geologic assessment prepared by a geologist, as described in subsection (b)(3) of this section, must be submitted for the site. The geologic assessment report must be signed, sealed, and dated by the geologist preparing the report.

(D) Technical report. For all facilities, located on either the recharge zone or transition zone, a technical report must be submitted on forms provided by, or approved by, the executive director. The technical report must contain the information requested in subsection (b)(4)(B) and (C) and (5) of this section. A technical report for a water pollution abatement plan submitted under subsection (b) of this section satisfies this requirement, provided it properly addresses the proposed underground storage tank facility.

(e) Static hydrocarbon and hazardous substance storage in an aboveground storage tank facility.

(1) Design standards. Systems used for the temporary and permanent aboveground storage of static hydrocarbon and hazardous substance must be constructed within controlled drainage areas that are sized to capture one and one-half (1-1/2) times the storage capacity of the system. The controlled drainage area must be constructed of, and in a material impervious to, the substance(s) being stored, and must direct spills to a convenient point for collections and recovery. Any spills from storage tank facilities must be removed from the controlled drainage area for disposal within 24 hours of the spill.

(2) Contents of an aboveground storage tank facility plan. A permanent aboveground storage tank facility plan must contain, at a minimum, the following information.

(A) Application. For an aboveground storage tank facility, the information required under §213.4 of this title must be filed with the executive director at the appropriate regional office.

(B) Site location map. A site location map as specified in subsection (b)(2) of this section, including a legible road map, a general location map, and a site plan, must be submitted as part of the plan for a permanent facility.

(C) Geologic assessment. For all facilities located on either the recharge zone or transition zone, a geologic assessment prepared by a geologist, as described in subsection (b)(3) of this section, must be submitted for the area containing the aboveground storage tank system. The geologic assessment report must be signed, sealed, and dated by the geologist preparing the report.

(D) Technical report. For all facilities located on either the recharge zone or transition zone, a technical report must be submitted on forms provided by, or approved by, the executive director. The technical report must contain the information requested in subsection (b)(4)(B) and (C) and (5) of this section. A technical report for a water pollution abatement plan submitted under subsection (b) of this section satisfies this requirement, provided it properly addresses the proposed aboveground storage tank facility.



(3) A description of measures that will be used to contain any spill of hydrocarbons or hazardous substances from temporary storage of 250 gallons or more must be included with the plan unless described under subsection (b)(4)(G) of this section. Any new temporary aboveground hydrocarbon and hazardous substance storage tank system must be located a minimum horizontal distance of 150 feet from any domestic, industrial, irrigation, or public water supply well, or other sensitive feature.

(4) Exemptions from this section.

(A) Equipment used to transmit electricity that utilizes oil for insulation or cooling purposes, including transformers and oil circuit breakers, are exempt from this subsection. Construction of supporting structures is a regulated activity for which a water pollution abatement plan under subsection (a)(1) of this section is required.

(B) Permanent storage facilities with a cumulative storage capacity of less than 500 gallons are exempt from this section.

(f) Notification and inspection.

(1) The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation. Notification must be given to the appropriate regional office no later than 48 hours prior to commencement of the regulated activity.

(A) Written notification must include:

- (i) the date on which the regulated activity will commence;
- (ii) the name of the approved plan for the regulated activity; and
- (iii) the name of the prime contractor and the name and telephone number of the contact person.

(B) The executive director will use the notification to determine if the applicant is eligible for an extension of an approved plan. Construction will not be considered to have commenced until written notification is received by the appropriate regional office.

(2) If any sensitive feature is discovered during construction, replacement, or rehabilitation, all regulated activities near the sensitive feature must be suspended immediately.

(A) The holder of an approved Edwards Aquifer protection plan must immediately notify the appropriate regional office of any sensitive features encountered during construction. This notice must be given before continuing construction.

(B) Regulated activities near the sensitive feature may not proceed until the executive director has reviewed a geologic assessment report prepared by a geologist that consists of information required under subsection (b)(3)(C) and (D) of this section for the sensitive feature and has reviewed and approved the methods proposed to protect the sensitive feature and the Edwards Aquifer from potentially adverse impacts to water quality. The geologic assessment report must be signed, sealed, and dated by the geologist preparing the report.

(C) The holder of an approved sewage collection system plan, must meet the following.

(i) Upon completion of any lift station excavation, a geologist must certify that the excavation has been inspected for the presence of sensitive features. The certification must be signed, sealed, and dated by the geologist preparing the certification. Certification that the excavation has been inspected must be submitted to the appropriate regional office.

(I) Further activities may not proceed until the executive director has reviewed and approved the methods proposed to protect any sensitive feature and the Edwards Aquifer from potentially adverse impacts to water quality from the lift station.

(II) Construction may continue if the geologist certifies that no sensitive feature or features were present.



(ii) The applicant must submit a plan for ensuring the structural integrity of the sewer line or for modifying the proposed collection system alignment around the feature. The plan must be certified by a Texas licensed professional engineer. These plans must be submitted to the appropriate regional office for review and approval.

(D) For an approved underground storage tank facility plan, a geologist must certify that a completed tankhold excavation has been inspected for the presence of sensitive features. The certification must be signed, sealed, and dated by the geologist preparing the certification.

(i) Certification that the tankhold excavation has been inspected must be submitted to the appropriate regional office.

(ii) If a sensitive feature is discovered, the applicant must propose methods to protect the feature and the Edwards Aquifer from potentially adverse impacts to water quality from the underground storage tank system. Installation activities may not proceed until the executive director has reviewed and approved the proposed methods. The protection methods must be consistent with subsection (d)(1)(B) of this section.

(iii) Construction may continue if the geologist certifies that no sensitive feature or features were present.

(3) The executive director must review methods or plans proposed to protect sensitive features and the Edwards Aquifer from potentially adverse impacts to water quality. This review will be completed within one week of receiving a method or plan. Regulated activities near the sensitive feature may not continue until the executive director has approved the proposed methods or plans.

(g) On-site sewerage systems. On-site sewerage systems located on the recharge zone are subject to §285.40 of this title (relating to OSSFs on the Recharge Zone of the Edwards Aquifer) and other applicable provisions contained in Chapter 285 of this title. Systems must be designed, installed, maintained, repaired, and replaced in accordance with Chapter 285 of this title.

(h) Exemption.

(1) Regulated activities exempt from the Edwards Aquifer protection plan application requirements under this section are:

- (A) the installation of natural gas lines;
- (B) the installation of telephone lines;
- (C) the installation of electric lines;
- (D) the installation of water lines;
- (E) the installation of other utility lines which are not designed to carry and will not carry the

following:

- (i) pollutants;
- (ii) stormwater runoff;
- (iii) sewage effluent; or
- (iv) treated effluent from a wastewater treatment facility.

(2) An individual land owner who seeks to construct his/her own single-family residence or associated residential structures on the site is exempt from the Edwards Aquifer protection plan application requirements under this section, provided that he/she does not exceed 20% impervious cover on the site.

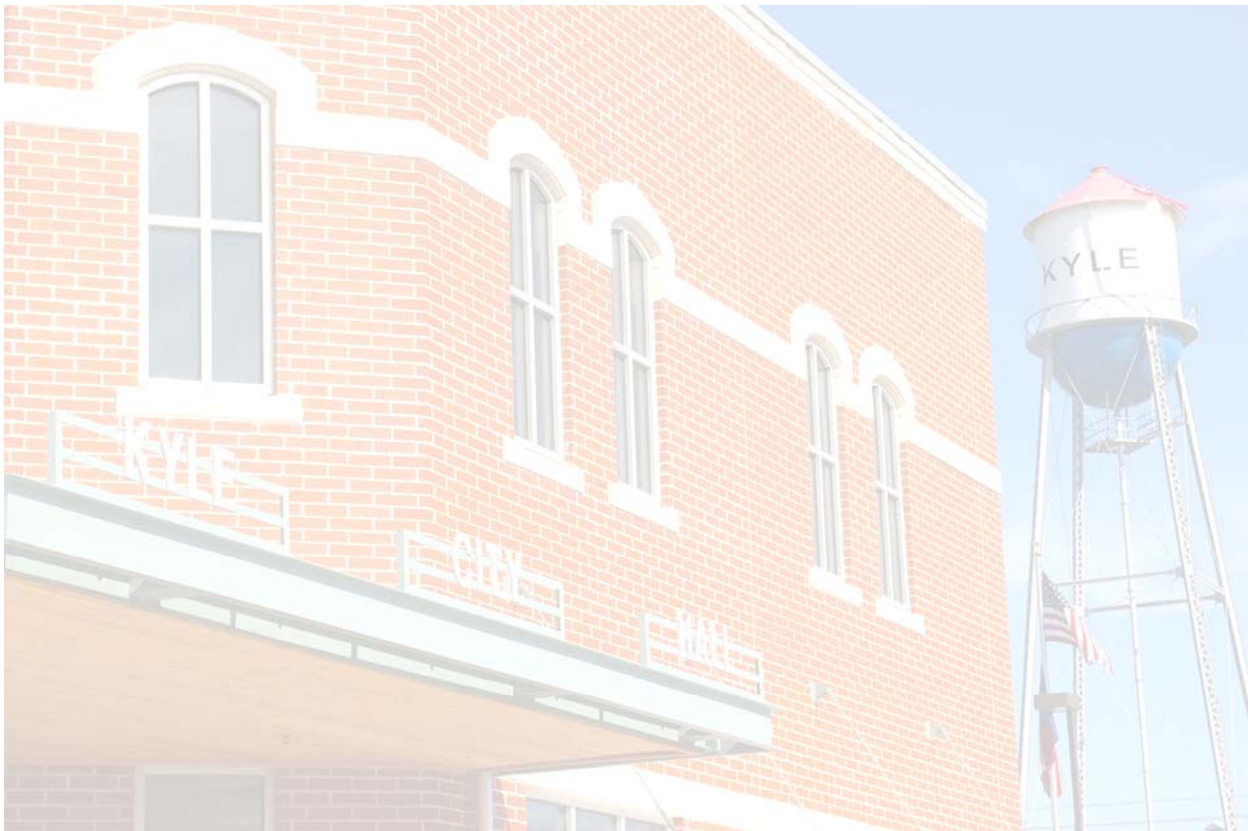
(3) Temporary erosion and sedimentation controls are required to be installed and maintained for exempted activities on the recharge zone.

(4) All temporary erosion and sedimentation controls:

- (A) must meet the requirements contained in subsection (b)(4)(D)(i) of this section;

(B) must be installed prior to construction;  
(C) must be maintained during construction; and  
(D) may be removed only when vegetation is established and the construction area is stabilized.

(5) The executive director may monitor stormwater discharges from these projects to evaluate the adequacy of the temporary erosion and sedimentation control measures. Additional protection will be required if the executive director determines that these controls are inadequate to protect water quality.



**APPENDIX B**  
**Best Management Practice Tables**



Item # 3



I. PUBLIC EDUCATION AND OUTREACH								
BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
1	Construct Storm Water Management Page on City Website	Communications Public Works	<u>III.A.1. Public Education</u> (a)(1) Residents (a)(2) Visitors (a)(3) Public Service Employees (a)(4) Businesses (a)(5) Commercial/Industrial (a)(6) Construction Site Personnel (b) Documentation  <u>III.A.2. Public Involvement/Participation</u>	-Plan webpage addition -Implement Public Contact portion of webpage -Include downloadable forms for MS4	Update/Maintain Webpage Quarterly	Update/Maintain Webpage Quarterly	Update/Maintain Webpage Quarterly	Update/Maintain Webpage Quarterly
2	Storm Water Pamphlets	Communications Public Works	<u>III.A.1. Public Education</u> (a)(1) Residents (a)(2) Visitors (a)(3) Public Service Employees (a)(4) Businesses (a)(5) Commercial/Industrial (b) Documentation	Begin researching content of Pamphlet.  Research existing pamphlets provided by TCEQ, NCTCOG, or other cities to see if they can be adopted.  Research budget requirements for printing and distribution of pamphlet.	Produce and distribute pamphlet to public places and through utility bill if funding allows.	Produce and distribute pamphlet to public places and through utility bill if funding allows.	Produce and distribute pamphlet to public places and through utility bill if funding allows.	Produce and distribute pamphlet to public places and through utility bill if funding allows.
3	Utility Bill Insert	Communications Utility Billing Public Works	<u>III.A.1. Public Education</u> (a)(1) Residents (a)(2) Visitors (a)(3) Public Service Employees (a)(4) Businesses (a)(5) Commercial/Industrial (b) Documentation	Develop outline of information to be communicated over a 5 year period.  Identify budget requirements for physical inserts and weigh against Utility Bill public messages.	Distribute educational information through the Utility Bill at least once per year.  If budget allows, utilize insert, otherwise utilize Public Message Box on bill.	Distribute educational information through the Utility Bill at least once per year.  If budget allows, utilize insert, otherwise utilize Public Message Box on bill.	Distribute educational information through the Utility Bill at least once per year.  If budget allows, utilize insert, otherwise utilize Public Message Box on bill.	Distribute educational information through the Utility Bill at least once per year.  If budget allows, utilize insert, otherwise utilize Public Message Box on bill.

**I. PUBLIC EDUCATION AND OUTREACH**

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
4	Storm Drain Stenciling or Markers	Public Works Planning	<p><u>III.A.1. Public Education</u></p> <p>(a)(1) Residents (a)(2) Visitors (a)(3) Public Service Employees (a)(4) Businesses (a)(5) Commercial/Industrial (a)(6) Construction Site Personnel (b) Documentation</p> <p><u>III.A.2. Public Involvement/Participation</u></p> <p><u>III.A.3. Illicit Discharge Detection and Elimination</u></p> <p>(a) Illicit Discharges</p>	<p>Develop schedule to inventory and mark storm drain inlets in the City over the permit term.</p> <p>Identify budget requirements to acquire drain markers, as well as recruit and coordinate volunteers.</p> <p>Amend or append city ordinances to require all new construction to stencil storm water inlets as a part of site development. Require builders to utilize the same markers adopted by the City for use.</p>	Track location of placed storm drain markers and use of volunteer efforts.	Track location of placed storm drain markers and use of volunteer efforts.	Track location of placed storm drain markers and use of volunteer efforts.	Track location of placed storm drain markers and use of volunteer efforts.
5	General Education of City Employees	Human Resources Public Works Engineering Building	<p><u>III.A.1. Public Education</u></p> <p>(a)(3) Public Service Employees (b) Documentation</p> <p><u>III.A.3. Illicit Discharge Detection and Elimination</u></p> <p>(a)(1) detection (a)(2) elimination</p>	<p>Encourage staff participation in the Capital Area Erosion Control Network, or equivalent, in order to develop staff in localized Best Management Practices, and create a network for staff to reach out to for support.</p> <p>Develop general training courses to educate city employees on Storm Water Management.</p> <p>Determine Budget requirements for training.</p>	Encourage staff participation in the Capital Area Erosion Control Network, or equivalent, in order to develop staff in localized Best Management Practices, and create a network for staff to reach out to for support. <p>Provide general training courses to educate city employees on Storm Water Management as the budget allows.</p>	Encourage staff participation in the Capital Area Erosion Control Network, or equivalent, in order to develop staff in localized Best Management Practices, and create a network for staff to reach out to for support. <p>Provide general training courses to educate city employees on Storm Water Management as the budget allows.</p>	Encourage staff participation in the Capital Area Erosion Control Network, or equivalent, in order to develop staff in localized Best Management Practices, and create a network for staff to reach out to for support. <p>Provide general training courses to educate city employees on Storm Water Management as the budget allows.</p>	Encourage staff participation in the Capital Area Erosion Control Network, or equivalent, in order to develop staff in localized Best Management Practices, and create a network for staff to reach out to for support. <p>Provide general training courses to educate city employees on Storm Water Management as the budget allows.</p>
6	General Education of Elected and Appointed Officials	Public Works	<p><u>III.A.1. Public Education</u></p> <p>(a)(3) Public Service Employees (b) Documentation</p> <p><u>III.A.2. Public Involvement/Participation</u></p>	<p>Provide overview of Phase II MS4 permit requirements and annual updates of implementation progress.</p> <p>Conduct a minimum of one public meeting per year</p>	<p>Provide overview of Phase II MS4 permit requirements and annual updates of implementation progress.</p> <p>Conduct a minimum of one public meeting per year</p>	<p>Provide overview of Phase II MS4 permit requirements and annual updates of implementation progress.</p> <p>Conduct a minimum of one public meeting per year</p>	<p>Provide overview of Phase II MS4 permit requirements and annual updates of implementation progress.</p> <p>Conduct a minimum of one public meeting per year</p>	<p>Provide overview of Phase II MS4 permit requirements and annual updates of implementation progress.</p> <p>Conduct a minimum of one public meeting per year</p>

**I. PUBLIC EDUCATION AND OUTREACH**

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
7	City Inspector/Public Works Inspector Education and Training	Public Works Engineering Building	<p><u>III.A.1. Public Education</u></p> <p>(a)(3) Public Service Employees (b) Documentation</p> <p><u>III.A.4. Construction Site Storm Water Runoff Control</u></p> <p>(c)(3) site inspection and enforcement of control measures</p> <p><u>III.A.6. Pollution Prevention/Good Housekeeping for Municipal Operations</u></p> <p>(a)(5) new construction and land disturbances (b) training</p>	<p>Develop education and training program for site inspections.</p> <p>Track and document training courses of individual inspectors.</p> <p>Identify budget requirements for the inspector training program.</p>	<p>Distribute educational information through the Utility Bill at least once per year.</p> <p>If budget allows, utilize insert, otherwise utilize Public Message Box on bill.</p>	<p>Provide appropriate construction site erosion control training to inspection personnel at least once every three years.</p> <p>Provide appropriate training for new City inspectors prior to them conducting unassisted construction site erosion control inspections.</p>	<p>Provide appropriate construction site erosion control training to inspection personnel at least once every three years.</p> <p>Provide appropriate training for new City inspectors prior to them conducting unassisted construction site erosion control inspections.</p>	<p>Provide appropriate construction site erosion control training to inspection personnel at least once every three years.</p> <p>Provide appropriate training for new City inspectors prior to them conducting unassisted construction site erosion control inspections.</p>
8	Developer/Builder/ Engineer Education and Training	Public Works Engineering	<p><u>III.A.1. Public Education</u></p> <p>(a)(6) Construction Site Personnel (b) Documentation</p> <p><u>III.A.4. Construction Site Storm Water Runoff Control</u></p> <p>(b) construction site requirements</p> <p><u>III.A.5. Post-Construction Storm Water Management in New and Redevelopment</u></p> <p>(a) structural and non-structural BMPs (b) long-term BMP maintenance</p>	<p>Research storm water programs that include developers, builders and engineers to begin developing cooperative education and training for the professionals that work on projects in the City.</p>	<p>Develop cooperative education and training for the professionals that work on projects in the City.</p>	<p>Make construction site erosion control educational material and/or training opportunities available for builders, developers, and engineers that are active in the City.</p>	<p>Make construction site erosion control educational material and/or training opportunities available for builders, developers, and engineers that are active in the City.</p>	<p>Make construction site erosion control educational material and/or training opportunities available for builders, developers, and engineers that are active in the City.</p>
9	Classroom Outreach	Public Works	<p><u>III.A.1. Public Education</u></p> <p>(a)(1) Residents (b) Documentation</p> <p><u>III.A.2. Public Involvement/Participation</u></p>	<p>Coordinate with the School District to determine feasibility of providing storm water education materials and or lectures.</p> <p>Identify budget requirements and resource and needs.</p>	<p>Provide storm water education materials and or lectures as determined by coordination meetings with the School District and budgeting may allow.</p>	<p>Provide storm water education materials and or lectures as determined by coordination meetings with the School District and budgeting may allow.</p>	<p>Provide storm water education materials and or lectures as determined by coordination meetings with the School District and budgeting may allow.</p>	<p>Provide storm water education materials and or lectures as determined by coordination meetings with the School District and budgeting may allow.</p>



**II. PUBLIC INVOLVEMENT AND PARTICIPATION**

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
10	Comply with State and Local Public Notice Requirements	City Secretary	<u>III.A.2. Public Involvement/ Participation</u>	Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.	Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.	Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.	Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.	Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.
11	Public Meetings	Public Works	<u>III.A.2. Public Involvement/ Participation</u>	Public Works Committee to hold at least one Public Meeting to seek input on SWMP and BMP's.	Public Works Committee to hold at least one Public Meeting to seek input on SWMP and BMP's.	Public Works Committee to hold at least one Public Meeting to seek input on SWMP and BMP's.	Public Works Committee to hold at least one Public Meeting to seek input on SWMP and BMP's.	Public Works Committee to hold at least one Public Meeting to seek input on SWMP and BMP's.
12	Storm Water "Hotline"	Communications Public Works	<u>III.A.2. Public Involvement/ Participation</u> <u>III.A.3. Illicit Discharge Detection and Elimination</u> (a)(1) Detection <u>III.A.4. Construction Site Storm Water Runoff Control</u> (c)(2) public information submittals	Develop plan for storm water hotline program through Public Works Department. Consider online submission form to serve as "hotline" in lieu of dedicated 24/7 phone line. Identify procedures for receiving calls, routing calls to appropriate personnel for proper response, and documenting subject of call for future analysis. Identify budget requirements for storm water hotline.	Establish the storm water hotline and educate the public about its availability through various Public Education BMPs. Document each report and dispatch to appropriate department for proper response, as necessary. Conduct annual review of reported violations to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for hotline improvement, and areas requiring additional educational or enforcement effort to protect storm water quality.	Establish the storm water hotline and educate the public about its availability through various Public Education BMPs. Document each report and dispatch to appropriate department for proper response, as necessary. Conduct annual review of reported violations to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for hotline improvement, and areas requiring additional educational or enforcement effort to protect storm water quality.	Establish the storm water hotline and educate the public about its availability through various Public Education BMPs. Document each report and dispatch to appropriate department for proper response, as necessary. Conduct annual review of reported violations to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for hotline improvement, and areas requiring additional educational or enforcement effort to protect storm water quality.	Establish the storm water hotline and educate the public about its availability through various Public Education BMPs. Document each report and dispatch to appropriate department for proper response, as necessary. Conduct annual review of reported violations to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for hotline improvement, and areas requiring additional educational or enforcement effort to protect storm water quality.

**II. PUBLIC INVOLVEMENT AND PARTICIPATION**

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
13	Bulk Waste Cleanup Education	Communications	<u>III.A.2. Public Involvement/Participation</u> <u>III.A.3. Illicit Discharge Detection and Elimination</u> (a)(2) Elimination	Continue Bulk Pickup through contracted waste disposal service.  Communicate to the public annually about the ability to use one curbside bulk pick up per calendar year for free.  If budget allows, deliver one roll off dumpster per year in strategic areas identified by staff to allow targeted bulk cleanup.	Continue Bulk Pick up through contracted waste disposal service.  Communicate to the public annually about the ability to use one curbside bulk pick up per calendar year for free.	Continue Bulk Pick up through contracted waste disposal service.  Communicate to the public annually about the ability to use one curbside bulk pick up per calendar year for free.	Continue Bulk Pick up through contracted waste disposal service.  Communicate to the public annually about the ability to use one curbside bulk pick up per calendar year for free.	Continue Bulk Pick up through contracted waste disposal service.  Communicate to the public annually about the ability to use one curbside bulk pick up per calendar year for free.
14	Household Hazardous Waste Collection	Communications	<u>III.A.2. Public Involvement/Participation</u> <u>III.A.3. Illicit Discharge Detection and Elimination</u> (a)(2) Elimination	Continue support of County Household Hazardous Material Collection Site.  Advertise collection site and location on City website and in newsletters.  Focus on two public education events per year to raise awareness of program.	Continue support of County Household Hazardous Material Collection Site.  Advertise collection site and location on City website and in newsletters.  Focus on two public education events per year to raise awareness of program.	Continue support of County Household Hazardous Material Collection Site.  Advertise collection site and location on City website and in newsletters.  Focus on two public education events per year to raise awareness of program.	Continue support of County Household Hazardous Material Collection Site.  Advertise collection site and location on City website and in newsletters.  Focus on two public education events per year to raise awareness of program.	Continue support of County Household Hazardous Material Collection Site.  Advertise collection site and location on City website and in newsletters.  Focus on two public education events per year to raise awareness of program.
15	Park Cleanup	Parks	<u>III.A.2. Public Involvement/Participation</u> <u>III.A.3. Illicit Discharge Detection and Elimination</u> (a)(2) Elimination	Evaluate existing program by identifying number of actual Park Cleanup locations and the number of potential Park Cleanup locations.  Conduct cleaning once per year for selected parks.	Conduct cleaning once per year for selected parks.	Conduct cleaning once per year for selected parks.	Conduct cleaning once per year for selected parks.	Conduct cleaning once per year for selected parks.
16	Plum Creek Cleanup	Parks	<u>III.A.2. Public Involvement/Participation</u> <u>III.A.3. Illicit Discharge Detection and Elimination</u> (a)(2) Elimination	Continue Plum Creek Clean Up annually, in partnership with the Plum Creek Watershed Protection Group and GBRA.	Continue Plum Creek Clean Up annually, in partnership with the Plum Creek Watershed Protection Group and GBRA.	Continue Plum Creek Clean Up annually, in partnership with the Plum Creek Watershed Protection Group and GBRA.	Continue Plum Creek Clean Up annually, in partnership with the Plum Creek Watershed Protection Group and GBRA.	Continue Plum Creek Clean Up annually, in partnership with the Plum Creek Watershed Protection Group and GBRA.

**II. PUBLIC INVOLVEMENT AND PARTICIPATION**

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
17	Pet Waste	Parks	<u>III.A.1. Public Education</u> (a)(1) Residents (a)(2) Visitors (b) Documentation  <u>III.A.2. Public Involvement/ Participation</u>	Develop pet waste management and education program.  Develop education materials to be included in storm water education material delivered to schools.  Develop budget for installation of additional pet waste stations in parks and public places.	Continue the pet waste management education program.  Continue distribution of educational materials to schools and new residents.  Install additional pet waste stations.	Continue the pet waste management education program.  Continue distribution of educational materials to schools and new residents.  Install additional pet waste stations.	Continue the pet waste management education program.  Continue distribution of educational materials to schools and new residents.  Install additional pet waste stations.	Continue the pet waste management education program.  Continue distribution of educational materials to schools and new residents.  Install additional pet waste stations.



III. ILLICIT DISCHARGE DETECTION AND ELIMINATION								
BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
18	Create Storm Water System Map	Planning/GIS Public Works	<u>III.A.3. Illicit Discharge Detection and Elimination</u> (d) storm sewer map	Collect existing mapping information for the storm sewer system.  Develop plan and budget requirements for effort necessary to identify regulated storm water outfalls and drainage areas or system features.	Continue developing map of storm water outfall drainage areas or system features for the City.	Continue developing map of storm water outfall drainage areas or system features for the City.	Continue developing map of storm water outfall drainage areas or system features for the City.	Continue developing map of storm water outfall drainage areas or system features for the City.
19	Illicit Discharge Ordinance	Public Works Engineering	<u>III.A.3. Illicit Discharge Detection and Elimination</u> (a) illicit discharges (b) non-storm water discharges	Draft revised/new illicit discharge prohibition ordinance, if necessary, for public review and comment.  Solicit input from the public for the draft ordinance.	Issue final illicit discharge prohibition ordinance.  Conduct education activities to inform the public about the new ordinance requirements.  Begin education-focused enforcement of ordinance.	Continue education focused enforcement of new ordinance requirements.	Begin penalty-based enforcement of illicit discharge ordinance.	Continue penalty-based enforcement of illicit discharge ordinance.
20	Illicit Discharge Inspections	Public Works	<u>III.A.3. Illicit Discharge Detection and Elimination</u> (a) illicit discharges (b) non-storm water discharges	Develop plan to inspect the storm sewer system for illicit connections, illegal dumping, and dry weather discharges.  Identify inspection staff, inspection schedule, and training procedures.	Begin training personnel in illicit discharge detection procedures.  Establish procedure to eliminate detected illicit discharges.  Identify budget requirements for illicit discharge inspections.	Continue to train personnel in illicit discharge detection procedures.  Conduct illicit discharge inspections for the City's regulated outfalls, as specified in the illicit discharge inspection plan.	Continue to train personnel in illicit discharge detection procedures.  Conduct illicit discharge inspections for the City's regulated outfalls, as specified in the illicit discharge inspection plan.	Continue to train personnel in illicit discharge detection procedures.  Conduct illicit discharge inspections for the City's regulated outfalls, as specified in the illicit discharge inspection plan.
21	Sanitary Sewer Line Maintenance and Inspection	Public Works	<u>III.A.3. Illicit Discharge Detection and Elimination</u> (a) illicit discharges (b) non-storm water discharges	Evaluate and identify a plan to conduct sanitary sewer inspections.  Identify budget requirements for sanitary sewer inspections	Begin implementation of sanitary sewer inspection procedures.	Conduct sanitary sewer system inspections in accordance with the sanitary sewer inspection plan.	Conduct sanitary sewer system inspections in accordance with the sanitary sewer inspection plan.	Conduct sanitary sewer system inspections in accordance with the sanitary sewer inspection plan.

IV. CONSTRUCTION SITE STORM WATER CONTROLS								
BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
22	Construction Site Storm Water Runoff and Erosion Control Ordinance	Engineering Building Public Works	<u>III.A.4. Construction Site Storm Water Runoff Control</u> (a) ordinance (b) contractor requirements	<p>Evaluate the City's existing ordinances to identify adequacy of erosion control requirements and enforcement mechanisms in meeting the MS4 permit requirements.</p> <p>Include BMP for regional detention ponds that includes "first flush" channelization for all detention ponds that serve more than one parcel, or five acres.</p> <p>Include required Low Impact Design criteria in controlling ordinances.</p> <p>Require biodegradable mulch tubes for areas adjacent to or draining to waterways, or located within environmentally sensitive areas.</p>	<p>Develop draft ordinance to meet permit conditions.</p> <p>Provide draft to Public Works Committee, City Council and the community for review and input.</p>	<p>Issue final ordinance.</p> <p>Conduct education activities to inform the public about the new ordinance requirements.</p> <p>Begin education-focused enforcement of ordinance.</p>	<p>Begin penalty-based enforcement of illicit discharge ordinance.</p>	<p>Continue penalty-based enforcement of illicit discharge ordinance.</p>
23	Review/Implement Site Plan Review Procedures	Engineering	<u>III.A.4. Construction Site Storm Water Runoff Control</u> (c)(1) site plan review	<p>Evaluate existing plan review procedures for compliance with permit requirements.</p> <p>Review for inclusion of required Low Impact Design criteria in Site Plans.</p> <p>Identify any necessary modifications to the procedures needed to achieve compliance with the permit conditions.</p>	<p>Revise plan review procedures, if necessary, to include adequate consideration of potential storm water quality impacts.</p> <p>Educate the public about new plan review procedures.</p>	<p>Continue to conduct plan reviews.</p>	<p>Continue to conduct plan reviews.</p>	<p>Continue to conduct plan reviews.</p>

IV. CONSTRUCTION SITE STORM WATER CONTROLS								
BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
24	Review/Implement Construction Inspection Procedures	Engineering Public Works	<u>III.A.4. Construction Site Storm Water Runoff Control</u> (c)(3) site inspection and enforcement	No Activity Scheduled - Controlling Ordinances under development	Evaluate existing site inspection procedures for compliance with permit requirements.  Identify any necessary modifications to the procedures needed to achieve compliance with the permit conditions.  Identify budget requirements for erosion control site inspections, documentation, and tracking.	Revise site inspection procedures, if necessary, to include documented inspection of erosion control measures.  Educate the public about new site inspection procedures.	Continue to conduct erosion control site inspections.	Continue to conduct erosion control site inspections.



**V. POST CONSTRUCTION STORM WATER MANAGEMENT**

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
25	Post Construction Storm Water Runoff Control Ordinance	Engineering	<u>III.A.5. Post-Construction Storm Water Management</u> (b) ordinance (c) long-term operation and maintenance of BMPs	Include in storm water ordinance post construction requirements and make available for public review and input.	Implement the new ordinance requirements (if revised).  Conduct education activities to inform the public about the new ordinance requirements.  Begin education-focused enforcement of ordinance.	Issue final ordinance.  Conduct education activities to inform the public about the new ordinance requirements.  Continue education focused enforcement of ordinance.	Begin penalty-based enforcement of new ordinance requirements.	Continue penalty-based enforcement of new ordinance requirements.
26	Develop and Implement Post Construction Structural and Non-Structural BMPs	Engineering	<u>III.A.5. Post-Construction Storm Water Management</u> (a) appropriate use of structural/nonstructural BMPs (c) long-term operation and maintenance of BMPs	Review post-construction structural and non-structural strategies for inclusion in storm water control ordinance.	Include BMP's in control ordinance.  Continue to explore additional BMP's for consideration presented through professional development trainings or CAECN luncheons.	Evaluate new BMP's for inclusion in storm water control ordinance.  Continue to explore additional BMP's for consideration presented through professional development trainings or CAECN luncheons.	Evaluate new BMP's for inclusion in storm water control ordinance.  Continue to explore additional BMP's for consideration presented through professional development trainings or CAECN luncheons.	Evaluate new BMP's for inclusion in storm water control ordinance.  Continue to explore additional BMP's for consideration presented through professional development trainings or CAECN luncheons.
27	Stormwater Sampling	Public Works	<u>III.A.5. Post-Construction Storm Water Management</u> (a) appropriate use of structural/nonstructural BMPs (c) long-term operation and maintenance of BMPs	Design a stormwater sampling plan using hand grabs and two automated water sampling stations.  Develop budget requirements for regular stormwater sampling and for operation of two automated sampling stations.	Implement stormwater sampling plan.  Reactivate two automated sampling stations.  Track results of samples for trend information, management information, and determination of effectiveness of stormwater controls.  Budget for regular sampling as well as wet weather sampling.	Continue stormwater sampling plan utilizing hand grabs and two automated sampling stations.  Track results of samples for trend information, management information, and determination of effectiveness of stormwater controls.  Budget for regular sampling as well as wet weather sampling.	Continue stormwater sampling plan utilizing hand grabs and two automated sampling stations.  Track results of samples for trend information, management information, and determination of effectiveness of stormwater controls.  Budget for regular sampling as well as wet weather sampling.	Continue stormwater sampling plan utilizing hand grabs and two automated sampling stations.  Track results of samples for trend information, management information, and determination of effectiveness of stormwater controls.  Budget for regular sampling as well as wet weather sampling.
28	Land Use Plan	Planning	<u>III.A.5. Post-Construction Storm Water Management</u> (a) appropriate use of structural/nonstructural BMPs	Evaluate the comprehensive plan with respect to water quality protection through acceptable land use.	Evaluate the current process of assessing proposed zoning changes with respect to the water quality protection goals of the land use plan.	Assess proposed zoning changes in relation to the City's existing land use plan with respect to water quality protection.	Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan.	Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan.

**VI. POLLUTION PREVENTION/GOOD HOUSEKEEPING**

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
29	Municipal Operations and Industrial Activity Operations and Maintenance Program	All Departments	<p><u>III.A.6. Pollution Prevention/ Good Housekeeping</u></p> <p>(a)(1) park and open space maintenance                      (a)(2) street, road, or highway maintenance                      (a)(3) fleet and building maintenance                      (a)(4) storm water system maintenance                      (a)(5) new construction and land disturbances                      (a)(6) municipal parking lots                      (a)(7) vehicle and equipment maintenance and storage yards                      (a)(8) waste transfer stations                      (a)(9) salt/sand storage locations                      (b) training                      (e) municipal operations and industrial activities</p>	<p>Develop a plan to evaluate municipal operations with the potential to impact storm water quality.</p> <p>Identify the budget requirements to conduct assessments of the municipal operations.</p>	<p>Begin assessments of selected municipal operations and develop recommendations for BMPs.</p> <p>Identify budget requirements to implement recommended modifications.</p>	<p>Continue assessments of selected municipal operations and develop recommendations for BMPs.</p> <p>Begin implementation of the BMPs for facilities evaluated in prior years.</p>	<p>Continue the implementation of the BMPs identified through municipal operations assessments.</p>	<p>Continue the implementation of the BMPs identified through municipal operations assessments.</p>
30	Develop and Implement Training Program for City Employees to Minimize Runoff Caused by Municipal Operations	Public Works Parks and Recreation Building Inspections Engineering	<p><u>III.A.6. Pollution Prevention/ Good Housekeeping</u></p> <p>(b) training</p>	<p>Identify municipal operations in which activities have the potential to impact storm water.</p> <p>Identify effort and method necessary to properly train affected employees.</p> <p>Develop budget requirements for employee training program.</p>	<p>Conduct BMP training for the municipal employees responsible for activities that may impact storm water quality.</p>	<p>Conduct BMP training for the municipal employees responsible for activities that may impact storm water quality.</p>	<p>Conduct BMP training for the municipal employees responsible for activities that may impact storm water quality.</p>	<p>Conduct BMP training for the municipal employees responsible for activities that may impact storm water quality.</p>

**VI. POLLUTION PREVENTION/GOOD HOUSEKEEPING**

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
31	Chemical Applications and Materials Management	Parks Public Works	<p><u>III.A.6. Pollution Prevention/ Good Housekeeping</u></p> <p>(a)(1) park and open space maintenance                      (a)(2) street, road, or highway maintenance                      (a)(3) fleet and building maintenance                      (a)(4) storm water system maintenance                      (a)(5) new construction and land disturbances                      (a)(6) municipal parking lots                      (a)(7) vehicle and equipment maintenance and storage yards                      (a)(8) waste transfer stations                      (a)(9) salt/sand storage locations                      (b) training</p>	Evaluate the status of the city's chemical and materials management procedures.	<p>Develop plan to identify chemicals and materials used in municipal activities and the location of the stored raw materials that may contribute to storm water pollution.</p> <p>Continue to provide and document refresher training for chemical applicators in accordance with industry guidelines.</p>	<p>Identify chemicals and materials used in municipal activities and the location of the stored chemicals and materials that may contribute to storm water pollution.</p> <p>Develop a chemical and materials management program to address the identified chemicals and materials that may contribute to storm water pollution.</p> <p>Continue to provide and document refresher training for chemical applicators in accordance with industry guidelines.</p>	<p>Begin implementation of chemical and materials management program, and evaluate effectiveness of current program.</p> <p>Continue to provide and document refresher training for chemical applicators in accordance with industry guidelines.</p>	<p>Continue implementation of existing chemical and materials management program, and implement any changes based on prior year's evaluation.</p> <p>Continue to provide and document refresher training for chemical applicators in accordance with industry guidelines.</p>
32	Storm Sewer System Maintenance	Public Works	<p><u>III.A.6. Pollution Prevention/ Good Housekeeping</u></p> <p>(a)(4) storm water system maintenance</p>	<p>Develop a schedule to conduct visual inspections of the City's storm sewer system and evaluate the need for maintenance.</p> <p>Develop a system to monitor and track storm sewer maintenance activities.</p> <p>Clean system as needed in response to complaints or reported problems.</p> <p>Identify budget requirements to perform routine maintenance on the storm sewer system.</p>	<p>Implement the inspection schedule.</p> <p>Perform maintenance as necessary.</p> <p>Clean system as needed in response to complaints or reported problems.</p>	<p>Perform maintenance as necessary.</p> <p>Clean system as needed in response to complaints or reported problems.</p>	<p>Perform maintenance as necessary.</p> <p>Clean system as needed in response to complaints or reported problems.</p>	<p>Perform maintenance as necessary.</p> <p>Clean system as needed in response to complaints or reported problems.</p>



**VI. POLLUTION PREVENTION/GOOD HOUSEKEEPING**

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
33	Street Sweeping	Public Works	<p><u>III.A.6. Pollution Prevention/ Good Housekeeping</u></p> <p>(a)(2) street, road, or highway maintenance                      (a)(6) municipal parking lots                      (d) disposal of waste</p>	<p>Continue street sweeping program for City streets.</p> <p>Develop schedule for street sweeping activities.</p> <p>Identify budget requirements for street sweeping program.</p>	<p>Continue street sweeping program for City streets.</p> <p>Evaluate the need for supplemental street sweeping efforts as funds are available.</p>	<p>Continue street sweeping program for City streets.</p> <p>Implement any supplemental street sweeping efforts identified in the evaluation.</p>	<p>Continue street sweeping program for City streets.</p> <p>Evaluate the need for supplemental street sweeping efforts as funds are available.</p>	<p>Continue street sweeping program for City streets.</p> <p>Implement any supplemental street sweeping efforts identified in the evaluation.</p>
34	Structural Control Maintenance	Public Works	<p><u>III.A.6. Pollution Prevention/ Good Housekeeping</u></p> <p>(a)(4) storm water system maintenance                      (c) structural control maintenance</p>	<p>Develop a plan for inspection and maintenance of City maintained structural controls.</p> <p>Establish procedures to monitor private industry structural control maintenance and monitor public maintenance of structural controls through documented inspection.</p>	<p>Implement procedures to monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection.</p> <p>Inspect private structural controls.</p> <p>Inspect City-maintained structural controls.</p> <p>Identify budget requirements to maintain City-maintained structural controls.</p>	<p>Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection.</p> <p>Inspect and maintain City maintained structural controls.</p>	<p>Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection.</p> <p>Inspect and maintain City maintained structural controls.</p>	<p>Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection.</p> <p>Inspect and maintain City maintained structural controls.</p>
35	Spill Response	Public Works	<p><u>III.A.6. Pollution Prevention/ Good Housekeeping</u></p> <p>(a) good housekeeping and BMPs                      (d) disposal of waste</p>	<p>Develop spill response procedures and training to assist the Fire Department on spill responses.</p>	<p>Implement spill response procedures and training in assistance to the Fire Department.</p>	<p>Continue implementation of existing spill response procedures and training in assistance to the Fire Department.</p>	<p>Continue implementation of existing spill response procedures and training in assistance to the Fire Department.</p>	<p>Continue implementation of existing spill response procedures and training in assistance to the Fire Department.</p>

**VI. POLLUTION PREVENTION/GOOD HOUSEKEEPING**

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s)	FY 2014-2015 Measureable Goals	FY 2015-2016 Measureable Goals	FY 2016-2017 Measureable Goals	FY 2017-2018 Measureable Goals	FY 2018-2019 Measureable Goals
36	Disposal of Collected Storm Sewer System Waste	Public Works	<p><u>III.A.6. Pollution Prevention/ Good Housekeeping</u></p> <p>(d) disposal of waste</p>	Develop budget requirements for waste handling and disposal.	<p>Identify sources of waste requiring disposal as part of storm water management program activities.</p> <p>Identify proper methods for handling and disposal of waste materials.</p> <p>Develop a procedure to evaluate waste and properly dispose according to water quality protection goals.</p>	Perform proper disposal of waste materials according to the developed procedures.	Perform proper disposal of waste materials according to the developed procedures.	Perform proper disposal of waste materials according to the developed procedures.



# CITY OF KYLE, TEXAS

## Memorial Day Proclamation

**Meeting Date: 5/20/2014**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Proclamation of the City of Kyle, Texas Proclaiming May 26, 2014 as "Memorial Day" in the City of Kyle, Texas. ~ *David Wilson, Council Member District 4 & Chad Benninghoff, Council Member District 3*

**Other Information:**

**Budget Information:**

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Attachments / click to download

 [Memorial Day Proclamation](#)

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# CITY OF KYLE



## *City Council Proclamation*

**WHEREAS**, Since our Nation's founding, America's sons and daughters have given their lives in service to our country. From Concord and Gettysburg to Marne and Normandy, from Inchon and Khe Sanh to Baghdad and Kandahar, they departed our world as heroes and gave their lives for a cause greater than themselves.

**WHEREAS**, On Memorial Day, we pay tribute to those who have paid the ultimate price to defend the United States and the principles upon which America was founded.

**WHEREAS**, Today, Americans from all backgrounds and corners of our country serve with valor, courage, and distinction in the United States Armed Forces. They stand shoulder to shoulder with the giants of our Nation's history, writing their own chapter in the American story. Many of today's warriors know what it means to lose a friend too soon, and all our service members and their families understand the true meaning of sacrifice.

**WHEREAS**, This Memorial Day, we express our deepest appreciation to the men and women in uniform who gave their last full measure of devotion so we might live in freedom. We cherish their memory and pray for the peace for which they laid down their lives. We mourn with the families and friends of those we have lost, and hope they find comfort in knowing their loved ones died with honor. We ask for God's grace to protect those fighting in distant lands, and we renew our promise to support our troops, their families, and our veterans. Their unwavering devotion inspires us all -- they are the best of America.

**WHEREAS**, It is our sacred duty to preserve the legacy of these brave Americans, and it remains our charge to work for peace, freedom, and security. Let us always strive to uphold the founding principles they died defending; let their legacy continue to inspire our Nation; and let this solemn lesson of service and sacrifice be taught to future generations of Americans.

**THEREFORE**, In honor of all Kyle area veterans, who have paid the ultimate sacrifice, the Mayor and City Council of the City of Kyle proclaim May 26<sup>th</sup>, 2014 as

## ***“MEMORIAL DAY”***

IN KYLE WITH SPECIAL RECOGNITION FOR THOSE KYLE VETERANS WHO ARE NO LONGER WITH US.

We additionally recognize Central Texas AMVET Post 115 and the Kyle Buda VETERANS of FOREIGN WARS POST 12058 for their efforts in recognizing our veterans who have given their lives for their country this Memorial Day of 2014.

**SIGNED AND ENTERED THIS 20th DAY OF MAY 2014**

**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

**Tammy Swaton**, Council District 6



# CITY OF KYLE, TEXAS

## Ethics Commission Appointment

**Meeting Date: 5/20/2014**  
**Date time: 7:00 PM**

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

- *District 2, New Appointment, Fidel Alvarez*

**Other Information:**

**Budget Information:**

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 [Fidel Alvarez Committee Application](#)

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

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

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

Wed, May 14, 2014 at 6:31 PM

To: gracenino@cityofkyle.com

Submitted on Wednesday, May 14, 2014 - 18:31

Submitted by anonymous user: [70.112.109.93]

Submitted values are:

Name: Fidel S. Alvarez

Address: 107 West South Street

E-Mail: [Ethanlittleman14@yahoo.com](mailto:Ethanlittleman14@yahoo.com)Best Phone Number to Reach You: [512 9242515](tel:5129242515)

Sub Division: Old town kyle

Committees you are interested in: Ethics Commission

Professional, Education and Work Background:

Bachelors degree in Education

Masters Mid-management (school administration)

Administrator at district level (Hays CISD)

Administrator at local level (Hays CISD)

Education Consultant (Texas Education Agency)

(was education consultant for Hays CISD and Fort Bend ISD)

Previous or Current Community/Committee Involvements:

Asst. Boy Scout Master (Kyle)

Voting Investigator for Texas, appointed by Governor Bush

Hays CISD District Leadership Team

Sports activities volunteer (Hays)

Library volunteer

Charity/memorial runs

Church activities

Special Knowledge or Experience:

Liaison Texas Education Agency for USDE

Performed School Governance investigation which dealt with ethics

Expert in Texas Education Code

Expert in Texas Administrative Code

Expert in No Child Left Behind federal programs

Bilingual Certified

How long have you been a Kyle resident? Life 63 years

Today's Date: 2014-05-14

Other Comments: I will be a conscientious contributor. This will be an opportunity for me to give back to my community.

Item # 5



# CITY OF KYLE, TEXAS

## Community Relations Committee Appointment

**Meeting Date: 5/20/2014**  
**Date time: 7:00 PM**

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

- *Stanley See*

**Other Information:**

**Budget Information:**

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

Attachments / click to download

 [Stanley See Committee Application](#)

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

---

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

---

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

Wed, Apr 9, 2014 at 9:59 AM

To: gracenino@cityofkyle.com

Submitted on Wednesday, April 9, 2014 - 09:59

Submitted by anonymous user: [167.137.1.15]

Submitted values are:

Name: stanley see

Address: 136 rei tang loop, kyle, tx 78640

E-Mail: [ssee@austin.rr.com](mailto:ssee@austin.rr.com)Best Phone Number to Reach You: [512-769-7347](tel:512-769-7347)

Sub Division: spring branch

Committees you are interested in:

Mobility--preferred

Community Relations; I will be willing to serve on this committee if it is actually meeting for more than just reviewing the grant requests every year. In the past this seemed the only time we met. There seemed to be a lack of commitment from city council members who served on the committee.

Professional, Education and Work Background:

Bachelor of Science degree from Morningside College, Sioux City, Ia

Employed by Texas Dept of State Health Services for 12 years, the TB, HIV and STD Unit Security Officer

My wife is a teacher in Austin

Previous or Current Community/Committee Involvements:

Community Relations

Board of Appeals

Special Knowledge or Experience: I have lived in Kyle for a number of years now and I have seen the phenomenal growth. I have also lived in other large cities like Atlanta who have train service that even branch out to outlying communities and to the airport. The subdivision where I live has seen a growth in traffic. I am a big believer in alternative travel other than building new roads. As we have seen more roads require more maintenance which requires more of our tax dollars to pay for instead of investing in better and probably long term better alternatives. I also work from home three days a week and believe a better local access such as riding bikes or even walking trails are opportunities that should be discussed. They offer both less costly long term expenses while encouraging good health activities by those living in Kyle. It also encourages us to get out of our home.

How long have you been a Kyle resident? 13 1/2 years

Today's Date: 2014-04-09

Other Comments: I enjoy living in Kyle and want to make our community a positive living experience for all who live here in terms of both mobility and general living experience.

Item # 6



# CITY OF KYLE, TEXAS

## Cavalier Lamar Holding - Rezone

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:** *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.399 acres of land from 'RS' Retail Service District to 'PUD' Planned Unit Development, on property located on the west side of IH-35 between Loop 4 and Kyle Crossing, in Hays County, Texas. (Cavalier Lamar Holding, LP, Z-14-008) ~ *James Earp, Assistant City Manager*

*Planning and Zoning Commission voted 6 - 0 to approve the rezone request.*

**Other Information:** Please see attachments

**Budget Information:** N/A

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

**Attachments / click to download**

- [Utility Map](#)
- [Affidavit of Publication](#)
- [Staff Report](#)
- [Ordinance & Exhibits](#)
- [Adjacent Property Owners within 200 feet](#)

May 6, 2014

*City Council*

Zoning

**Case Number: Z-14-008**

**Planning and Zoning Commission:** On April 22, 2014 Planning and Zoning Commission motioned to approve the request with a 6-0 vote.

**OWNER/APPLICANT:** Cavalier Lamar Holding, LP

**LOCATION:** See attached map and description below

**AREA:** 0.399

**PROPOSED CITY COUNCIL HEARINGS:** First Reading: May 6, 2014  
Second Reading: May 20, 2014

**EXISTING ZONING:** Retail Services

**PROPOSED ZONING:** PUD (Planned Unit Development)

**SITE INFORMATION:**

***Transportation:*** The subject property is located on the west side of IH-35 between Loop 4 and Kyle Crossing.

***Surrounding Zoning:***

- *North: R/S*
- *South: R/S*
- *East : None- South Frontage Road IH-35*
- *West: PUD*

***Future Land Use Designation:*** Regional Node

**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. Under the new notification requirements a sign was also posted on the site. The request to remove and add land to the PUD will allow for an additional access point off of IH-35 access road.

**STAFF ANALYSIS:****Background**

The applicant is seeking to rezone this property to PUD (Planned Unit Development) overlay district from Retail Services. The proposed rezoning will incorporate 0.399 acres to the PUD area, allowing for additional IH-35 access.

**Comprehensive Plan Guidance**

The Regional Node should have regional scale retail and commercial activity to compliment regional scale residential. The primary goal of the Regional Node is to capture commercial opportunities to close Kyle's tax gap. Nodes should draw upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated visible location. The area should encompass a mixture of uses and should have a high level of development intensity.

May 6, 2014

*City Council*

Zoning

**Case Number: Z-14-008***Proposed Zoning District*

“PUD” Planned Unit Development to allow for a mixed use business park.

The purpose and intent of the PUD 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 Ordinance and accepted urban planning, with overall mixed-use regulations as set forth below and in accordance with the City’s comprehensive Plan. The PUD rules are designed: (i) to allow development which is harmonious with nearby areas; (ii) to enhance and preserve areas which are unique or have outstanding scenic, environment, cultural or historic significance; (iii) to 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; (iv) to encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods; (v) to facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment; (vi) to provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and (vii) to 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. 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 Ordinance, and to that end the PUD plan must be prepared and approved in accordance with the provisions of this Ordinance.



## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.399 ACRES OF LAND FROM 'RS' RETAIL SERVICE DISTRICT TO A 'PUD' PLANNED UNIT DEVELOPMENT, ON PROPERTY LOCATED ON THE WEST SIDE OF IH-35 BETWEEN LOOP 4 AND KYLE CROSSING, IN HAYS COUNTY, TEXAS. (CAVALIER LAMAR HOLDING, LP Z-14-008); 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 0.399 acres from "RS" Retail Service District to a "PUD" Planned Unit Development, on property located on the west side of IH-35 between Loop 4 and Kyle Crossing, 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 \_\_\_\_\_, 2014, 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 \_\_\_\_\_, 2014, 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 \_\_\_\_\_, 2014.

---

Lucy Johnson, Mayor

ATTEST:

---

Amelia Sanchez, City Secretary

**EXHIBIT A**



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**0.399 ACRE  
CAVALIE LAMAR HOLDINGS, L.P.  
HAYS COUNTY, TEXAS**

A DESCRIPTION OF 0.399 ACRES (APPROXIMATELY 17,368 SQ. FT.) IN THE J.N. FRANKS SURVEY, ABSTRACT NO. 177, IN HAYS COUNTY, TEXAS, BEING A PORTION OF A 2.202 ACRE TRACT CONVEYED TO CAVALIER LAMAR HOLDINGS, L.P., IN A SPECIAL WARRANTY DEED DATED OCTOBER 7, 2011 AND RECORDED IN VOLUME 4205, PAGE 234 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.399 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar with Chaparral cap set in the west right-of-way line of Interstate Highway No. 35 (right-of-way width varies) based on TxDOT strip map CSJ 0016-02-095, for a common corner of a 107.247 acre tract of land described in Volume 3995, Page 618 of the Official Public Records of Hays County, Texas and of said 2.202 acre tract;

**THENCE** North 02°36'06" West, leaving the west right-of-way line of Interstate Highway No. 35, with the common line of said 2.202 acre tract and said 107.247 acre tract, a distance of 305.03 feet to a 1/2" rebar with Chaparral cap set, from which a 1/2" rebar with Chaparral cap found for an angle point in the east line of said 107.247 acre tract, same being the northwest corner of said 2.202 acre tract, bears North 02°36'06" West, a distance of 396.37 feet;

**THENCE** South 63°18'53" East, leaving said common line, over and across said 2.202 acre tract, a distance of 130.57 feet to a 1/2" rebar with Chaparral cap set in the west right-of-way line of Interstate Highway No. 35, from which, a concrete highway monument found in the west right-of-way line of Interstate Highway No. 36, at Engineer's Station 224+75, 200.00' right, same being in the east line of Lot 2, Block A of Coleman Subdivision, a subdivision of record in Volume 7, Page 39 of the Plat Records of Hays County, Texas bears North 22°40'39" East, a distance of 1081.10 feet, and North 11°22'00" East, a distance of 101.98 feet;

**THENCE** South 22°40'35" West, with the west right-of-way line of Interstate Highway No. 35 and the east line of said 2.199 acre tract, a distance of 266.69 feet to the **POINT OF BEGINNING**, containing an area of 0.399 acres of land, more or less.

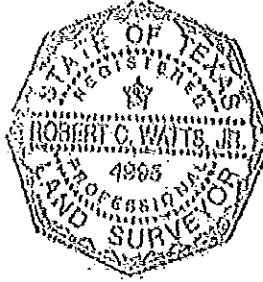


Page 2

Surveyed on the ground May 10, 2012. Bearing Basis: Grid azimuth for Texas South Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Survey Drawing No. 030-039-Z3.

*RCW*

Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



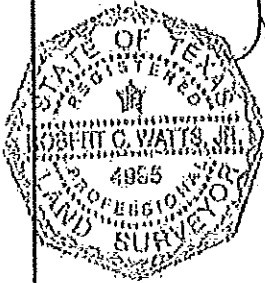
5-10-12



1"=100'

S02°38'35"E 313.67'  
(S02°04'53"E 347.60')

*Mut s  
S-20-12*



C.L. ABANDONED  
STATE HWY. NO. 2

RR HPI, L.P.  
107,247 AC.  
(3995/818)

A. MCKOWNE SURVEY  
ABS NO. 328

0,399 ACRES  
APPROX. 17,388 SQ. FT.

S02°36'06"E 701.40'  
(S02°04'24"E 702.50')

N02°36'06"W 396.37'

APPROX. SURVEY LINE LOCATION  
N02°36'06"W 305.03'

S63°18'53"E  
130.57'

S22°40'35"W 266.69'

INTERSTATE HIGHWAY 35 SOUTH  
(RIGHT OF WAY WIDTH VARIES)

2,202 ACRES  
CAVALIER LAMAR  
HOLDINGS, L.P.  
(4205/234)

N22°40'38"E 1081.10'  
(N22°38'24"E)

TxDOT STA. 224+75  
200.00' RT.

N11°22'00"E  
101.98'

APPROX. SURVEY LINE LOCATION

P.O.B.

S22°42'07"W 50.44'  
(S22°38'24"W 49.24')  
TxDOT STRIP MAP

TxDOT STA.  
239+75.11  
180.00' RT,  
FALLS ON  
MH LID

RR HPI, L.P.  
107,247 AC.  
(3995/818)

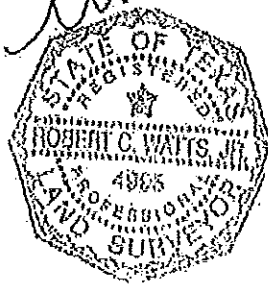
DATE OF SURVEY: 05/10/12  
PLOT DATE: 05/10/12  
DRAWING NO.: 030-039-23  
PROJECT NO.: 030-039  
DRAWN BY: CWV  
SHEET 1 OF 2

Chaparral

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.399 ACRES (APPROXIMATELY 17,368 SQ. FT.) IN THE J.N. FRANKS SURVEY, ABSTRACT NO. 177, HAYS COUNTY, TEXAS, BEING A PORTION OF A 2.202 ACRE TRACT CONVEYED TO CAVALIER LAMAR HOLDINGS, L.P., IN A SPECIAL WARRANTY DEED DATED OCTOBER 7, 2011 AND RECORDED IN VOLUME 4205, PAGE 234 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

LEGEND

CH ●	1/2" REBAR WITH FOUND
○	1/2" REBAR WITH CHAPARRAL CAP SET
△	CALCULATED POINT
( )	RECORD INFORMATION
[ ]	RECORD INFORMATION TXDOT STRIP MAP CSJ 0016-01-095
■	CONG. HIGHWAY MONUMENT FOUND



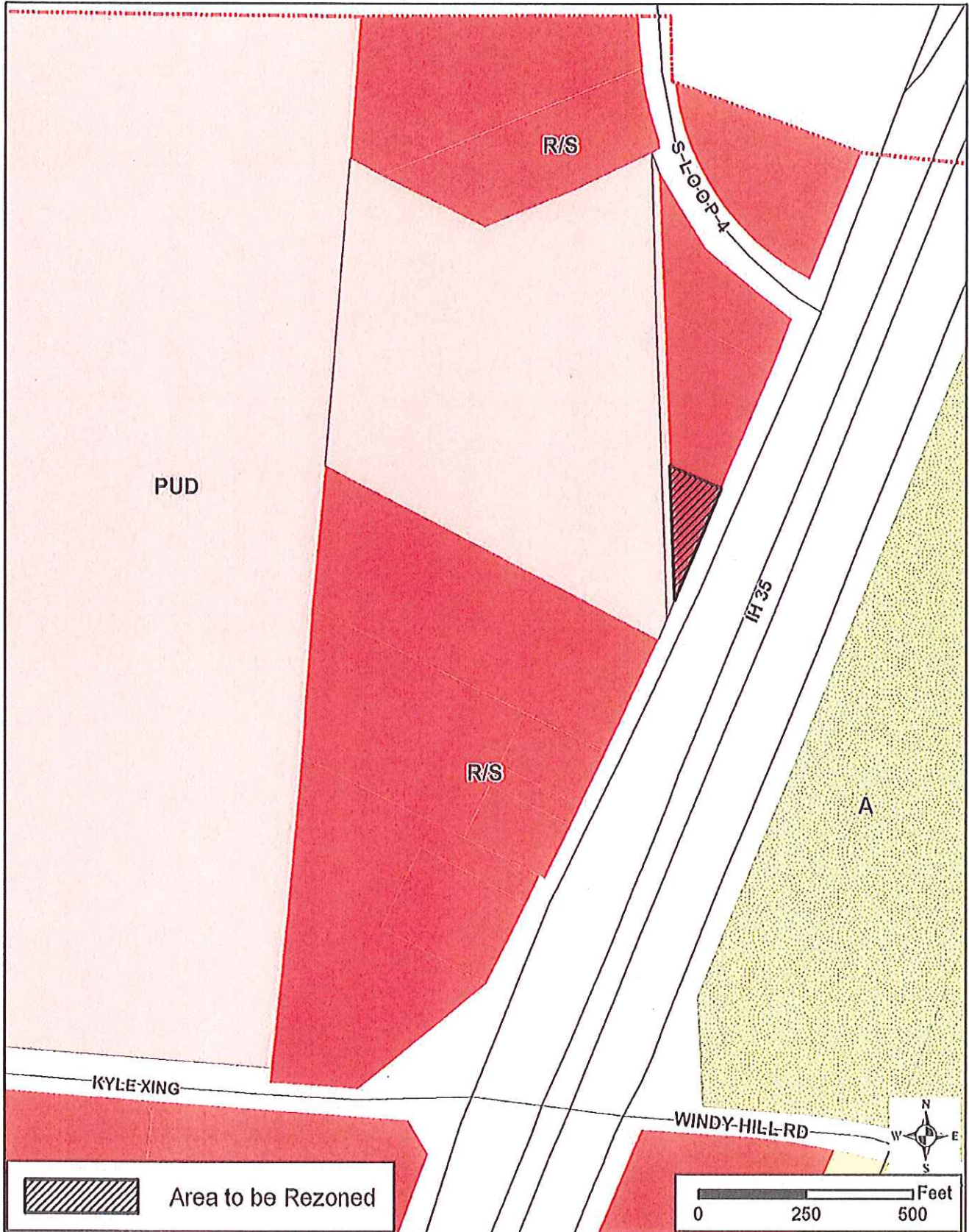
BEARING BASIS: GRID AZIMUTH FOR TEXAS SOUTH CENTRAL ZONE, STATE PLANE COORDINATES, 1983/93 HARN, BASED ON OPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION:  
030-039-Z3

DATE OF SURVEY: 05/10/12  
PLOT DATE: 05/10/12  
DRAWING NO.: 030-039-Z3  
PROJECT NO.: 030-039  
DRAWN BY: CWW  
SHEET 2 OF 2

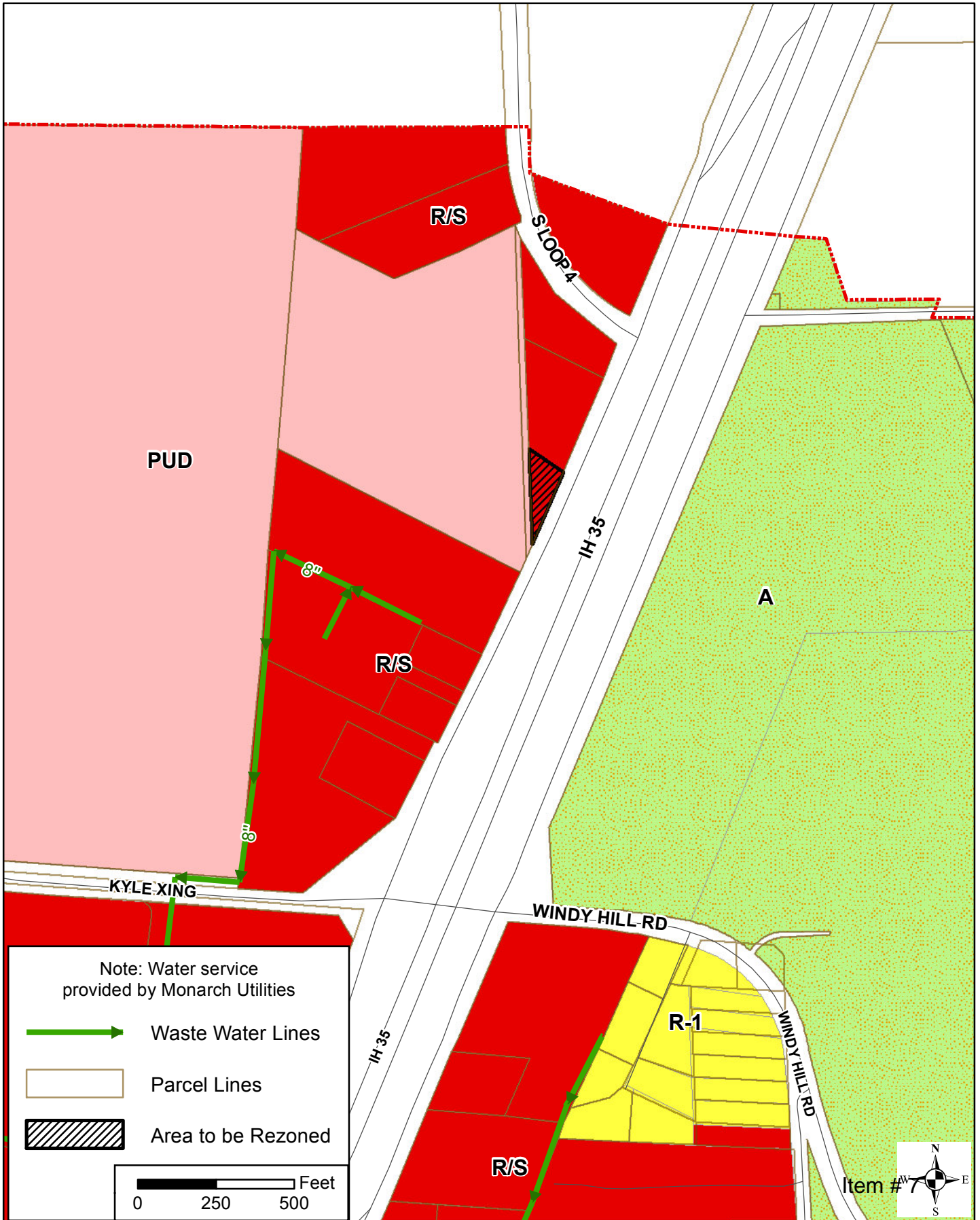
*Chaparral*

# Exhibit B





# Utilities Near Cavalier Lamar Holdings Rezoning



# Hays Free Press

113 West Center Street § 122 N. Main St.  
Kyle, Texas 78640 § P.O. Box 339 • Buda, Texas 78610

(512) 262-NEWS (Kyle office) • (512) 295-9760 (Buda office) • (512) 268-0262 (fax)

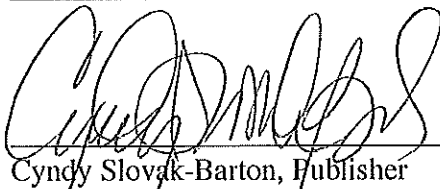
State of Texas §  
County of Hays § *Affidavit of Publication*

My name is Cyndy Slovak-Barton, and I am Publisher of the Hays Free Press. I am over the age of 18, have personal knowledge of the facts stated herein, and am otherwise competent to make this affidavit.


The Hays Free Press is a legal newspaper publication under Texas law, headquartered and regularly published in Hays County, Texas. It is a newspaper of general circulation, and is generally circulated in Hays, Travis, and Caldwell Counties.

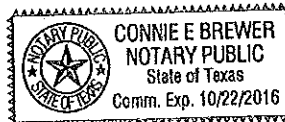
The attachment hereto was published in the Hays Free Press on the following dates at or below the classified legals rate:

April 2, 2014  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ z-14-008

  
\_\_\_\_\_  
Cyndy Slovak-Barton, Publisher  
Hays Free Press

Subscribed and sworn before me this the 4 day of April, 2014.

  
\_\_\_\_\_  
Notary Public  
Connie Brewer





SS

**Notices**

**NOTICE**

APPLICATION MADE WITH THE TEXAS ALCOHOLIC BEVERAGE COMMISSION FOR A MIXED BEVERAGE RESTAURANT PERMIT WITH FB (RM) OOHLA BEAN, LLC TO BE LOCATED AT 1905 ELDER HILL RD. DRIFTWOOD, TX 78619 HAYS COUNTY, TEXAS. OWNERS OF SAID LIMITED LIABILITY COMPANY ARE ROBIN GARRISON, OWNER/MANAGER.

**LEGAL NOTICE**

APPLICATION MADE WITH THE TEXAS ALCOHOLIC BEVERAGE COMMISSION FOR A MIXED BEVERAGE RESTAURANT PERMIT WITH FB (RM) OOHLA BEAN, LLC TO BE LOCATED AT 1905 ELDER HILL RD. DRIFTWOOD, TX 78619 HAYS COUNTY, TEXAS. OWNERS OF SAID LIMITED LIABILITY COMPANY ARE ROBIN GARRISON, OWNER/MANAGER.

**Public Notice  
Notice of Public Hearing**

**Variance**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT: The City of Kyle shall hold a public hearing on a request by Cavalier Lamar Holding, LP to rezone approximately 0.399 acres from "RS" Retail Service District to "PUD" Planned Unit Development, on property located on the west side of IH-35 between Loop 4 and Kyle Crossing, in Hays County, Texas otherwise described by metes and bounds in Hays County, Texas.

A public hearing will be held by the Planning and Zoning Commission on Tuesday April 22, 2014, at 6:30pm.

Council Chambers  
City of Kyle, Texas

For comments regarding this hearing contact the Planning Department at (512) 923-2523 or email [planning@cityofkyle.com](mailto:planning@cityofkyle.com)

**Public Notice  
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Kyle shall hold a public hearing on a request by Cavalier Lamar Holding, LP to rezone approximately 0.399 acres from "RS" Retail Service District to "PUD" Planned Unit Development, on property located on the west side of IH-35 between Loop 4 and Kyle Crossing, in Hays County, Texas otherwise described by metes and bounds in Hays County, Texas.

A public hearing will be held by the Planning and Zoning Commission on Tuesday April 22, 2014, at 6:30pm.

A public hearing will be held by the Kyle City Council on Tuesday, May 6, 2014, at 7:00pm.

Council action and second reading may be considered at the meeting to follow the public hearing (May 20, 2014).

Kyle City Hall, Council Chambers  
100 W. Center St., Kyle, Texas

Agent: W.M. Faust  
Phone: (512) 923-2523

Publication Date: April 2, 2014  
(Z-14-008)

**Notice  
of Public Hearing**

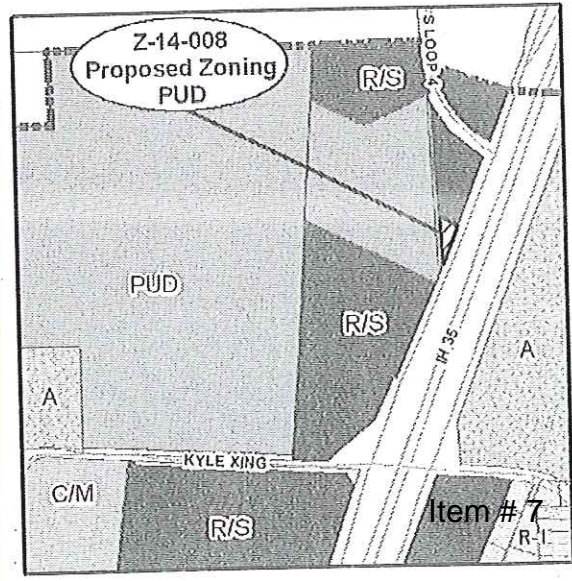
**Variance**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT: The City of Kyle shall hold a public hearing on a request made by Cavalier Lamar Holding, LP to rezone approximately 0.399 acres from "RS" Retail Service District to "PUD" Planned Unit Development, on property located on the west side of IH-35 between Loop 4 and Kyle Crossing, in Hays County, Texas otherwise described by metes and bounds in Hays County, Texas.

A public hearing will be held by the Planning and Zoning Commission on Tuesday April 22, 2014, at 6:30pm.

Council Chambers  
City of Kyle, Texas

For comments regarding this hearing contact the Planning Department at (512) 923-2523 or email [planning@cityofkyle.com](mailto:planning@cityofkyle.com)



<b>Zoning</b>	<b>Case Number: Z-14-008</b>
	<b>Owner/Applicant: Cavalier Lamar Holdings, LP</b>
	<b>Letters mailed : April 7, 2014</b>

**List of adjacent property owners within 200' of subject tract**

<b>R12706</b>	CAVALIER LAMAR HOLDINGS LP 2301 S. LAMAR BLVD. AUSTIN, TX 78704
<b>R134103</b>	LIQUID WASTE SOLUTIONS LLC 11512 VIA GRANDE DR. AUSTIN, TX 78739
<b>R70712</b>	BB&C PROPERTIES 1405 UNITED DR. #115 SAN MARCOS, TX 78666
<b>R94101, R16682</b>	RR HPI LP 3600 N CAPITAL OF TEXAS HWY STE #B250 AUSTIN, TX 78610
<b>R116409</b>	HAYS COUNTY AUDITORS OFFICE (ROADWAY EASEMENT) 712 S. STAGECOACH TRAIL SAN MARCOS, TX 78666
<b>R107211</b>	M&I REGIONAL PROPERTIES LLC 1110 N. 3 <sup>RD</sup> ST. MILWAUKEE, WI 53203





# CITY OF KYLE, TEXAS

## RR HPI - Rezone

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:** *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.999 acres of land from 'PUD' Planned Unit Development to 'RS' Retail Service District, on property located on the west side of IH-35 between Loop 4 and Kyle Crossing, in Hays County, Texas. (RR HPI, LP, Z-14-007) ~ *James Earp, Assistant City Manager*

*Planning and Zoning Commission voted 6 - 0 to approve the rezone request.*

**Other Information:** Please see attachments.

**Budget Information:** N/A

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

**Attachments / click to download**

- [Ordinance and Exhibit's](#)
  - [Utility Map](#)
  - [Affidavit of Publication](#)
  - [Staff Report](#)
  - [Adjacent Property Owners within 200 feet](#)
-

May 6, 2014

*City Council*

Zoning

**Case Number: Z-14-007**

**Planning and Zoning Commission:** On April 22, 2014 the Planning and Zoning Commission recommended approval of the request with a 6-0 vote.

**OWNER/APPLICANT:** RR HPI, L.P.

**LOCATION:** see attached map and description below

**AREA:** 0.999

**PROPOSED CITY COUNCIL HEARINGS:** First Reading: May 6, 2014  
Second Reading: May 20, 2014

**EXISTING ZONING:** PUD with R/S zoning

**PROPOSED ZONING:** R/S with no overlay

**SITE INFORMATION:**

*Transportation:* The subject property is located on the west side of IH-35 between Loop 4 and Kyle Crossing.

*Surrounding Zoning:*

- North: R/S and surrounding PUD
- South: R/S and surrounding PUD
- East : R/S until South Frontage road of IH-35
- West: PUD

*Future Land Use Designation:* Regional Node

**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. Under the new notification requirements a sign was also posted on the site.

**STAFF ANALYSIS:*****Background***

In August of 2011 the subject property was assigned a zoning designation of Retail Services with a PUD (Planned Unit Development) overlay district. The applicant is seeking, through zoning cases Z-14-007 and Z-14-008, to remove 0.999 acres from the PUD overlay district and incorporate 0.399 acres into the PUD district. The request to change the boundaries of the PUD will allow for an additional access point off of IH-35 access road (Zoning Case Z-14-008).

***Comprehensive Plan Guidance***

The Regional Node should have regional scale retail and commercial activity to compliment regional scale residential. The primary goal of the Regional Node is to capture commercial opportunities to close Kyle's tax gap. Nodes should draw upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated visible location. The area should encompass a mixture of uses

May 6, 2014

## City Council

Zoning

**Case Number: Z-14-007**

and should have a high level of development intensity. The Regional Node Land Use district identifies R/S as a conditional zoning designation.

### Proposed Zoning District

The Retail and Services district allows for 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 (in the following listed used areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts.

### Recommendation

Staff has reviewed the request and has made the following findings:

- The request appears to be minor and does not appear to effect the intent or the quality of the PUD
- The applicant will need to seek TxDot approval of any access to the southbound feeder road.

Staff is recommending approval of both zoning cases.

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.999 ACRES OF LAND FROM A 'PUD' PLANNED UNIT DEVELOPMENT TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED ON THE WEST SIDE OF IH-35 BETWEEN LOOP 4 AND KYLE CROSSING, IN HAYS COUNTY, TEXAS. (RR HPI, LP Z-14-007); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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 0.999 acres from a "PUD" Planned Unit Development to "RS" Retail Service District, on property located on the west side of IH-35 between Loop 4 and Kyle Crossing, 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 \_\_\_\_\_, 2014, 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 \_\_\_\_\_, 2014, 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 \_\_\_\_\_, 2014.

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

ATTEST:

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

**EXHIBIT A**



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**0.999 ACRES  
RR HPI, L.P.  
HAYS COUNTY, TEXAS**

A DESCRIPTION OF 0.999 ACRES (APPROXIMATELY 43,527 SQ. FT.) IN THE ALEXANDER MCKNOWNE SURVEY, ABSTRACT NO. 328, AND THE J.N. FRANKS SURVEY, ABSTRACT NO. 177, HAYS COUNTY, TEXAS, BEING A PORTION OF A 107.247 ACRE TRACT CONVEYED TO RR HPI, L.P. IN A SPECIAL WARRANTY DEED DATED OCTOBER 21, 2010, RECORDED IN VOLUME 3995, PAGE 818 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.999 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar with Chaparral cap set in the east line of said 107.247 acre tract, same being in the west line of a 2.202 acre tract of land described in Volume 4205, Page 234 of the Official Public Records of Hays County, Texas, from which, a 1/2" rebar with Chaparral cap found in the west right-of-way line of Interstate Highway No. 35 (right-of-way width varies) based on TxDOT strip map CSJ 0016-02-095, for a common corner of said 107.247 acre tract and of said 2.199 acre tract, bears South 02°36'06" East, a distance of 305.03 feet;

**THENCE** leaving the east line of said 107.247 acre tract and the west line of said 2.202 acre tract, over and across said 107.247 acre tract, the following three (3) courses and distances:

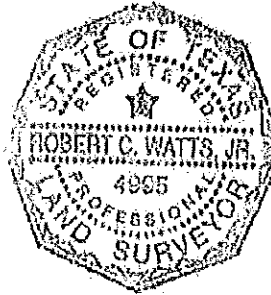
1. North 63°18'53" West, a distance of 137.59 feet to a 1/2" rebar with Chaparral cap set;
2. North 02°36'06" West, a distance of 329.07 feet to a 1/2" rebar with Chaparral cap set;
3. North 87°23'54" East, a distance of 120.00 feet to a 1/2" rebar with Chaparral cap found for an angle point in the east line of said 107.247 acre tract, same being the northwest corner of said 2.202 acre tract;

**THENCE** South 02°36'06" East, with the east line of said 107.247 acre tract, same being the west line of said 2.202 acre tract, a distance of 396.37 feet to the **POINT OF BEGINNING**, containing an area of 0.999 acres of land, more or less.

Page 2

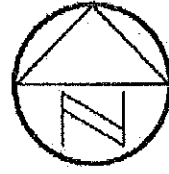
Surveyed on the ground May 10, 2012. Bearing Basis: Grid azimuth for Texas South Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Survey Drawing No. 030-039-Z2.

*rcw* *z*  
Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



5-10-12





1"=100'

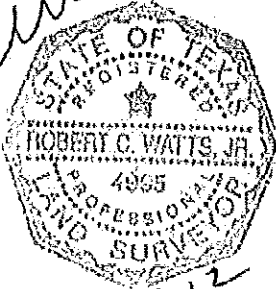
S02°36'35"E 313.87'  
(S02°04'53"E 347.80')

FM 967  
(AKA LOOP A)  
(R.O.W. WIDTH VARIES)

PORTION OF  
1.74 AC.  
STATE OF TEXAS  
(110/78)

APPROX. SURVEY LINE LOCATION

N87°23'54"E  
120.00'



*Watts*  
S-10-12

RR HPI, L.P.  
107.247 AC.  
(3995/818)

N02°36'06"W 329.07'  
0.999 ACRES  
APPROX. 43,527 SQ. FT.

C.L. ABANDONED  
STATE HWY. NO. 2

2.202 ACRES  
CAVALIER LAMAR  
HOLDINGS, L.P.  
(4205/234)

S02°36'06"E 701.40'  
(S02°04'24"E 702.50')

P.O.B.

A. MCKOWNE SURVEY  
ABS NO. 328

N63°18'53"W  
137.59'

APPROX. SURVEY LINE LOCATION

S02°36'06"E 305.03'

INTERSTATE HIGHWAY 35 SOUTH  
(RIGHT-OF-WAY WIDTH VARIES)

J. N. FRANKS SURVEY  
ABS NO. 177

TxDOT STA.  
239+75.11  
180.00' RT.  
FALLS ON  
MH LID

(N62°54'04"W 877.44')

RR HPI, L.P.  
107.247 AC.  
(3995/818)

S22°42'07"W 50.44'  
[S22°38'24"W 49.24']  
TxDOT STRIP MAP

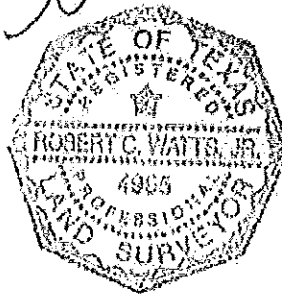
*Chaparral*

DATE OF SURVEY: 05/10/12  
PLOT DATE: 05/10/12  
DRAWING NO.: 030-039 22  
PROJECT NO.: 030-039  
DRAWN BY: CWW  
SHEET 1 OF 2

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.899 ACRES (APPROXIMATELY 43,527 SQ. FT.) IN THE ALEXANDER MCKNOWNE SURVEY, ABSTRACT NO. 328, AND THE J.N. FRANKS SURVEY, ABSTRACT NO. 177, HAYS COUNTY, TEXAS, BEING A PORTION OF A 107.247 ACRE TRACT CONVEYED TO RR HPI, L.P. IN A SPECIAL WARRANTY DEED DATED OCTOBER 21, 2010, RECORDED IN VOLUME 3995, PAGE 818 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

LEGEND

CH ●	1/2" REBAR WITH FOUND
○	1/2" REBAR WITH CHAPARRAL CAP SET
△	CALCULATED POINT
( )	RECORD INFORMATION
[ ]	RECORD INFORMATION TXDOT STRIP MAP CSJ 0016-01-095



*5-10-12*

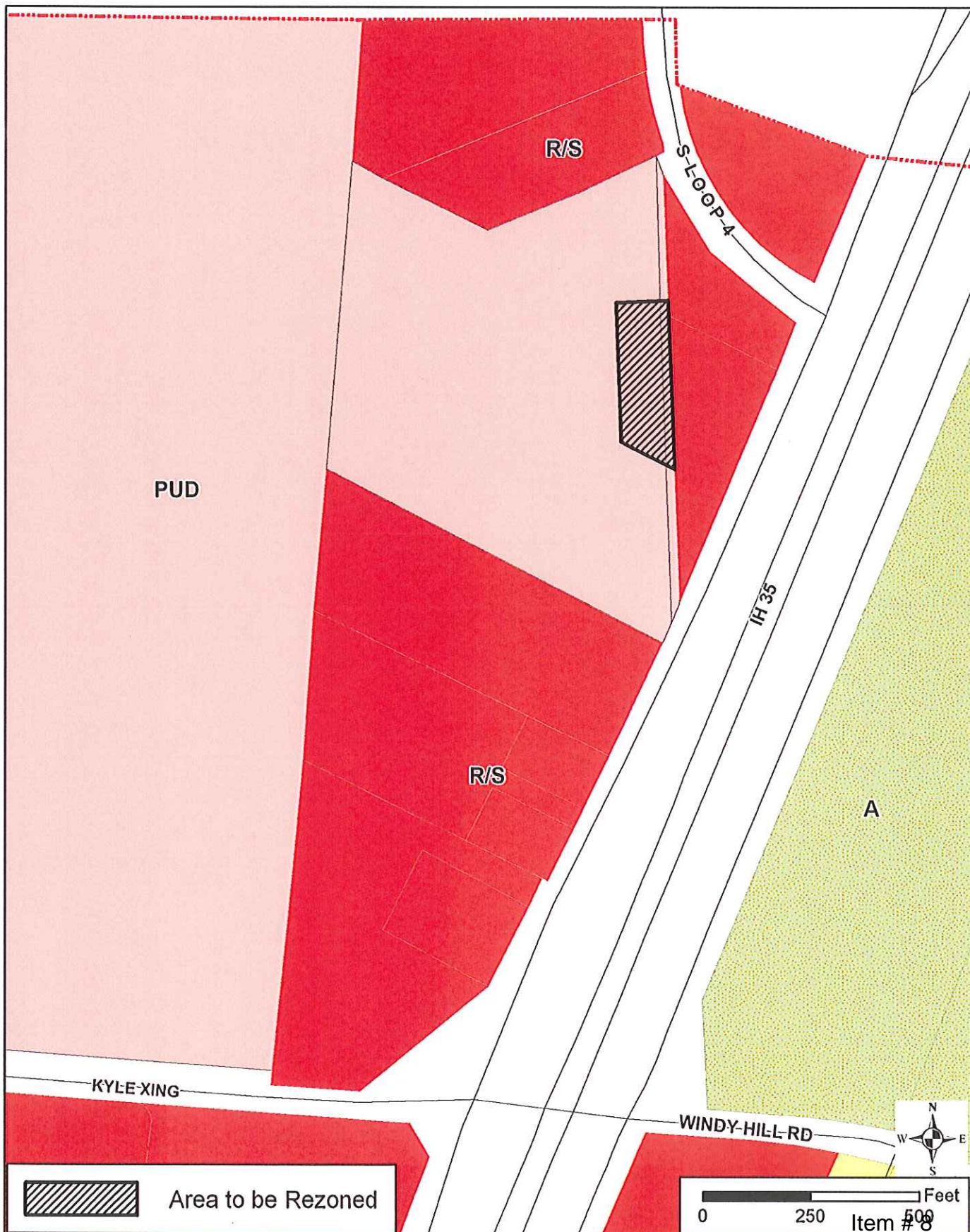
BEARING BASIS: GRID AZIMUTH FOR TEXAS SOUTH CENTRAL ZONE STATE PLANE COORDINATES, 1983/93 HARN, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION:  
030-039-Z2

*Chaparral*

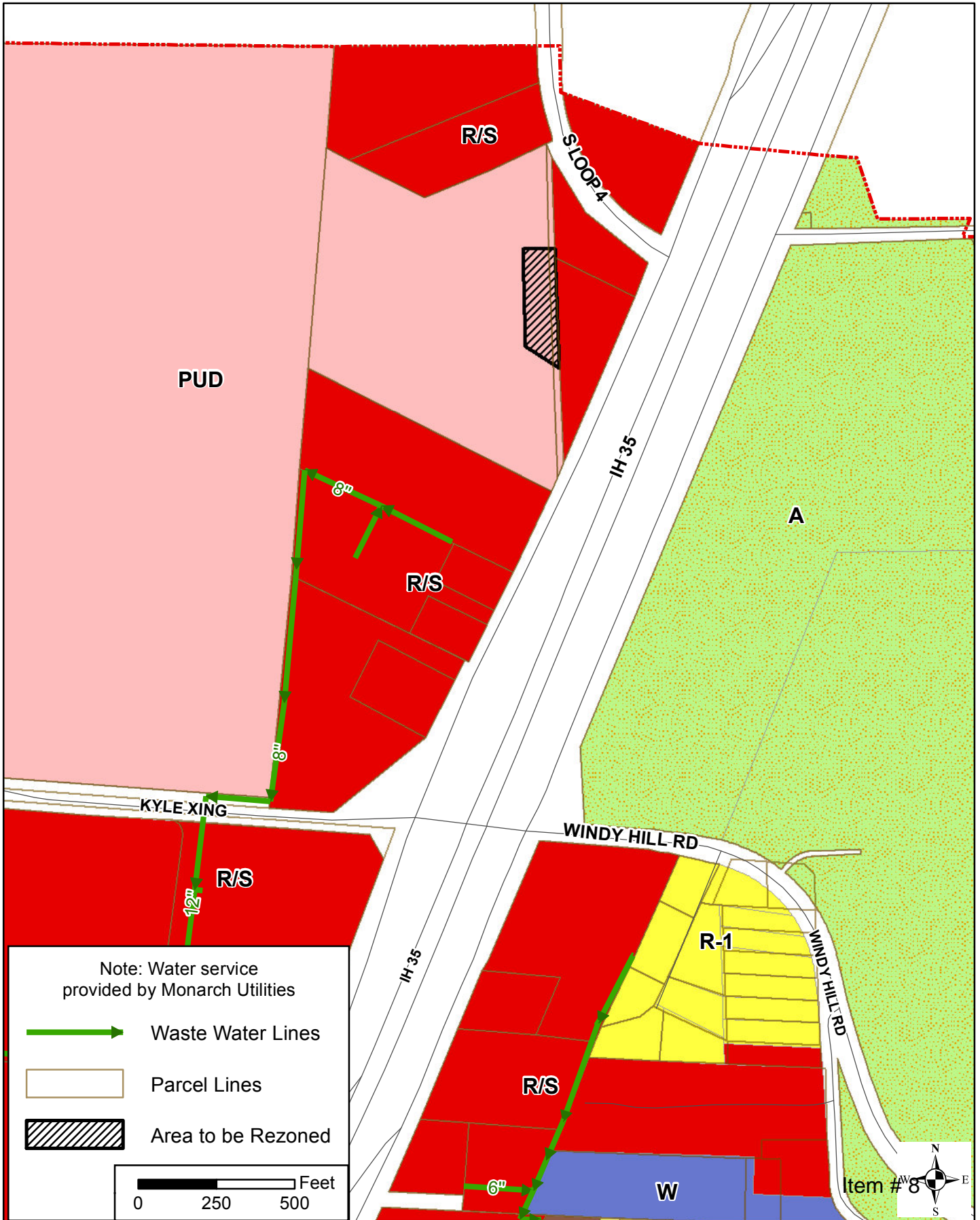
DATE OF SURVEY: 05/10/12  
PLOT DATE: 05/10/12  
DRAWING NO.: 030-039 Z2  
PROJECT NO.: 030-039  
DRAWN BY: CWW  
SHEET 2 OF 2

# Exhibit B





# Utilities Near RR HPI Rezoning





# Hays Free Press

113 West Center Street § 122 N. Main St.  
Kyle, Texas 78640 § P.O. Box 339 • Buda, Texas 78610

(512) 262-NEWS (Kyle office) • (512) 295-9760 (Buda office) • (512) 268-0262 (fax)

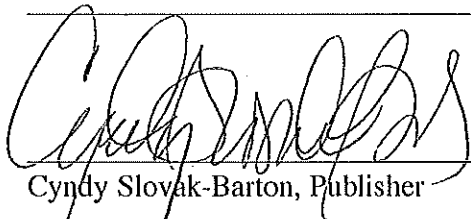
State of Texas §  
County of Hays § *Affidavit of Publication*

My name is Cyndy Slovak-Barton, and I am Publisher of the Hays Free Press. I am over the age of 18, have personal knowledge of the facts stated herein, and am otherwise competent to make this affidavit.


The Hays Free Press is a legal newspaper publication under Texas law, headquartered and regularly published in Hays County, Texas. It is a newspaper of general circulation, and is generally circulated in Hays, Travis, and Caldwell Counties.

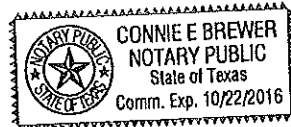
The attachment hereto was published in the Hays Free Press on the following dates at or below the classified legal rate:

April 2, 2014  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
2-14-007

  
\_\_\_\_\_  
Cyndy Slovak-Barton, Publisher  
Hays Free Press

Subscribed and sworn before me this the 4 day of April, 2014.

  
\_\_\_\_\_  
Notary Public  
Connie Brewer



issued by a surety.

**RECEIPT OF BIDS:** Sealed bids are due at the CMA Engineering, Inc. office no later than 10:00 a.m. on Friday, April 18, 2014. Bids may be mailed or hand delivered to the Engineer's address listed above. The sealed Bid shall be enclosed in an opaque sealed envelope plainly marked with the PROJECT title, the name and address of Bidder, and shall be accompanied by the Bid Security and other required documents. If a Bid is sent by mail or other delivery system, the sealed envelope containing the Bid shall be enclosed in a separate envelope plainly marked on the outside with the notation "BID ENCLOSED."

**Public Notice  
Public Hearing**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

A public hearing on a request by original zoning to approximately agriculture to "RS" Retail Service District at 2580 Kyle Crossing, in Hays

County. The Commission may recommend and consider assigning any zoning district that is restrictive and is also consistent with the Comprehensive Zoning Plan.

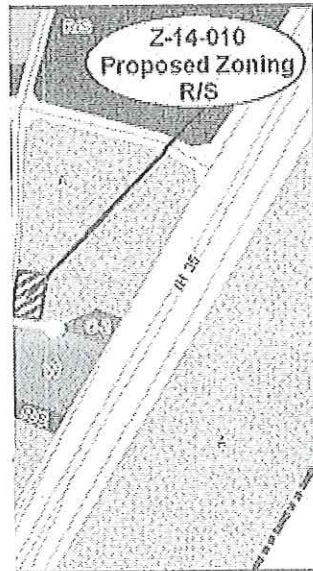
The hearing will be held by the Planning and Zoning Commission on Tuesday, April 22, 2014 at 6:30pm.

The hearing will be held by the Kyle City Council on Tuesday, May 6, 2014 at 7:00pm.

Final action may be considered at the next meeting (May 20, 2014).

W.M. Faust  
City Engineer

014



**Public Notice  
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Kyle shall hold a public hearing on a request by RR HPI, LP to rezone approximately 0.999 acres from "PUD" Planned Unit Development to "RS" Retail Service District, on property located on the west side of IH-35 between Loop 4 and Kyle Crossing, in Hays County, Texas otherwise described by metes and bounds in Hays County, Texas.

A public hearing will be held by the Planning and Zoning Commission on Tuesday April 22, 2014, at 6:30pm.

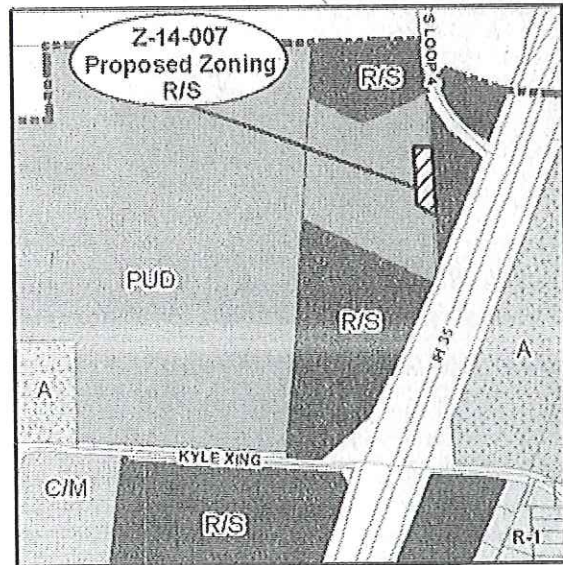
A public hearing will be held by the Kyle City Council on Tuesday, May 6, 2014, at 7:00pm.

Council action and second reading may be considered at the meeting to follow the public hearing (May 20, 2014).

Kyle City Hall, Council Chambers  
100 W. Center St., Kyle, Texas

Agent: W.M. Faust  
Phone: (512) 923-2523

Publication Date: April 2, 2014  
(Z-14-007)



<b>Zoning</b>	<b>Case Number: Z-14-007</b>
	<b>Owner/Applicant: RR HPI, LP</b>
	<b>Letters mailed : April 7, 2014</b>

**List of adjacent property owners within 200' of subject tract**

<b>R12706</b>	CAVALIER LAMAR HOLDINGS LP 2301 S. LAMAR BLVD. AUSTIN, TX 78704
<b>R134103</b>	LIQUID WASTE SOLUTIONS LLC 11512 VIA GRANDE DR. AUSTIN, TX 78739
<b>R70712</b>	BB&C PROPERTIES 1405 UNITED DR. #115 SAN MARCOS, TX 78666
<b>R94101, R16682</b>	RR HPI LP 3600 N CAPITAL OF TEXAS HWY STE #B250 AUSTIN, TX 78610
<b>R116409</b>	HAYS COUNTY AUDITORS OFFICE (ROADWAY EASEMENT) 712 S. STAGECOACH TRAIL SAN MARCOS, TX 78666
<b>R107211</b>	M&I REGIONAL PROPERTIES LLC 1110 N. 3 <sup>RD</sup> ST. MILWAUKEE, WI 53203



# CITY OF KYLE, TEXAS

## Dacy Lane, LLC Rezone

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:** *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 5.45 acres of land from 'R-1-T' Residential Townhome to 'R-3-3' Apartments Residential 3, on property located on the South side of Bebee Road, just west of Dacy Lane, in Hays County, Texas. (Dacy Lane, LLC Z-14-009) ~ *James Earp, Assistant City Manager*

*Planning and Zoning Commission voted 6 - 0 to approve the rezone request*

**Other Information:** Please see attachments

**Budget Information:** N/A

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

**Attachments / click to download**

- [Ordinance and Exhibit's](#)
- [Utility Map](#)
- [Affidavit of Publication](#)
- [Staff Report](#)
- [Adjacent Property Owners within 200 feet](#)



May 6, 2014	<i>City Council</i>
Zoning	
<b>Case Number: Z-14-009</b>	

**Planning and Zoning Commission:** On April 22, 2014 Planning and Zoning Commission motioned to approve the request with a 6-0 vote.

**OWNER/APPLICANT:** Dacy Lane, LLC

**LOCATION:** East of IH-35 and West of Dacy Lane, directly fronting on Bebee Rd.

**AREA:** 5.45

**PROPOSED CITY COUNCIL HEARINGS:** First Reading: May 6, 2014  
Second Reading: May 20, 2014

**EXISTING ZONING:** R-1-T (Townhomes)

**PROPOSED ZONING:** R-3-3 (28 units per buildable acre)

**SITE INFORMATION:**

**Transportation:** The subject property fronts on Beebe Road, a road classified as a minor arterial on the Transportation Plan.

**Surrounding Zoning:**

- North: R-1-2 and Agriculture (interim zoning)
- South: Agriculture (interim zoning)
- East: R/S
- West: R-3-3

**Future Land Use Designation:** New Town Community

**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. Under the new notification requirements a sign was also posted on the site.

**STAFF ANALYSIS:**

**Background**

The applicant is seeking to rezone the property as a larger multi-family site. The lot is currently zoned R-1-T and has remained undeveloped since 2012 when the applicant initially rezoned the property. In full the property is comprised of three tracts consisting of tract one currently zoned as R-3-3 and tract two zoned as R/S.

**Comprehensive Plan Guidance**

The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in independent land parcels instead of vertically aggregated in fewer land parcels. New Town Community identifies R-3-3 as a Recommended zoning designation.

May 6, 2014

*City Council*

Zoning

**Case Number: Z-14-009****Proposed Zoning District**

The multifamily residential district R-3-3 permits typical apartment development with buildings not exceeding three stories, nor more than 28 units per buildable acre, and with apartments or units having a minimum living area of 500 square feet; provided that not more than 25 percent of the units in any such apartment development or project shall have less than 750 square feet of living area.

**Staff Analysis**

The subject property was annexed in 2009. Most of the area surrounding the subject property is undeveloped. However property to the South is developed as a mobile home community and property to the North, East and West are entitled to be developed as single-family development, commercial and multi-family. Due to the spacing between Beebe Road and Windy Hill to the North and 1626 to the South Beebe Road functions as a major east-west connector for access to and from IH-35. Staff has reviewed request for consistency with the Comprehensive Plan and has made the following findings:

- The zoning request appears to implement policies adopted by the comprehensive plan.
- Standards applicable to zoning district appear to be appropriate for the area given the location of the property, adjacent entitled properties, stated vision and goals for development in the City.
- Does not appear to affect public health, welfare and safety.
- Utilities needed to serve the property will be due to the above findings 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 5.45 ACRES OF LAND FROM 'R-1-T' RESIDENTIAL TOWNHOME TO 'R-3-3' APARTMENTS RESIDENTIAL 3, ON PROPERTY LOCATED ON THE SOUTH SIDE OF BEBEE ROAD, JUST WEST OF DACY LANE, IN HAYS COUNTY, TEXAS. (DACY LANE, LLC Z-14-009); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 5.45 acres from 'R-1-T' Residential Townhome to 'R-3-3' Apartments Residential 3, on property located on the south side of Bebee Road, just west of Dacy Lane, 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 \_\_\_\_\_, 2014, 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 \_\_\_\_\_, 2014, 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 \_\_\_\_\_, 2014.

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

ATTEST:

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



**EXHIBIT A**

FIELD NOTE DESCRIPTION FOR A 5.45 ACRE TRACT OF LAND (TRACT 2):

BEING A TRACT OR PARCEL OF LAND, CONTAINING 5.45 ACRES, MORE OR LESS, SAID TRACT LYING IN PARTIALLY WITHIN THE AUGUSTA BRICHTA SURVEY, ABSTRACT NO. 517 AND ELISHA PRUETT SURVEY, NO. 23, ABSTRACT NO. 376, AND BEING OUT OF THAT CERTAIN 23.77 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN TO DACY LANE LLC., AS RECORDED IN DOCUMENT NO. 2011-11022936, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING at a ½ inch iron found lying in the west right-of-way line of Dacy Lane also marking the southeast corner of that certain 23.77 acre tract of land conveyed by General Warranty Deed with Vendor's Lien to Dacy Lane LLC., as recorded in Document No. 2011-11022936, of the Deed Records of Hays County, Texas, said point marking the northeast corner of the Thomas Survivor's Trust tract recorded in Volume 3811, Page 391 of the Deed Records of Hays County, Texas, North 61°02'58" West, along the south line of said 23.77 Acre Tract and north line of said Thomas Survivor's Trust tract, a distance of 767.48 feet, to a calculated point, marking the southeast corner and POINT OF BEGINNING of this tract;

THENCE North 61°02'58" West, along the south line of this tract and north line of said Thomas Survivor's Trust, a distance of 457.14 feet to a calculated point marking the southwest corner of this tract;

THENCE North 40°15'38" East, along the west line of this tract, a distance of 257.72 feet to a calculated point, for an angle corner of this tract;

THENCE North 25°15'38" East, along the West line of this tract, a distance of 97.59 feet to a calculated point, for an angle corner of this tract;

THENCE North 08°15'38" East, along the west line of this tract, a distance of 148.98 feet to a calculated point, lying on the south right-of-way line of Bebee Road and north line of said 23.77 acre Dacy Lane LLC tract, for the northwest corner of this tract;

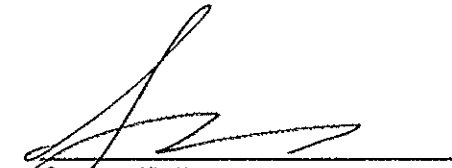
THENCE South 64°44'22" East, along the north line of this tract and south right-of-way of Bebee Road, a distance of 513.56 feet to a calculated point, for the northeast corner of this tract;

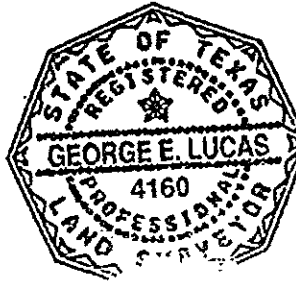
THENCE South 25°15'38" West, along the east line of this tract, a distance 335.06 feet to a calculated point for an angle corner of this tract;

THENCE North 64°44'22" West, along the east line of this tract, for a distance 67.19 feet to a calculated point lying on a curve to the right, for an angle corner of this tract;

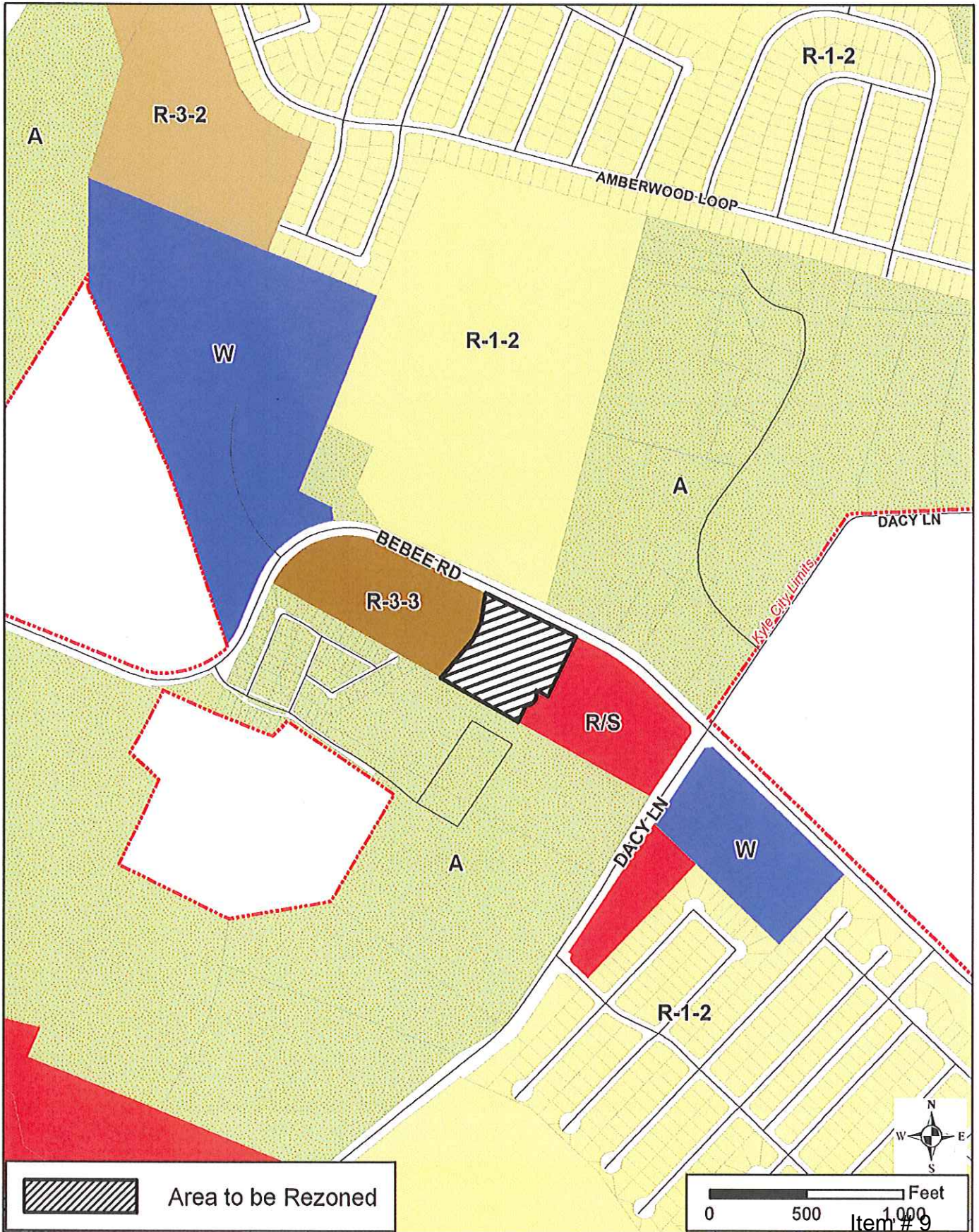
THENCE along said curve to the right, an arc distance of 105.64 feet, said curve having a radius of 55.00 feet, a delta angle of  $110^{\circ}02'55''$ , and a chord which bears South  $33^{\circ}43'03''$  West for a distance of 90.13 feet to calculated point, for an angle corner of this tract;

THENCE South  $25^{\circ}15'38''$  West, along the east line of this tract, a distance of 93.23 feet to the POINT OF BEGINNING, containing 5.45 acres of land, more or less.

  
George E. Lucas  
R.P.L.S. No. 4160  
State of Texas  
October 13, 2011

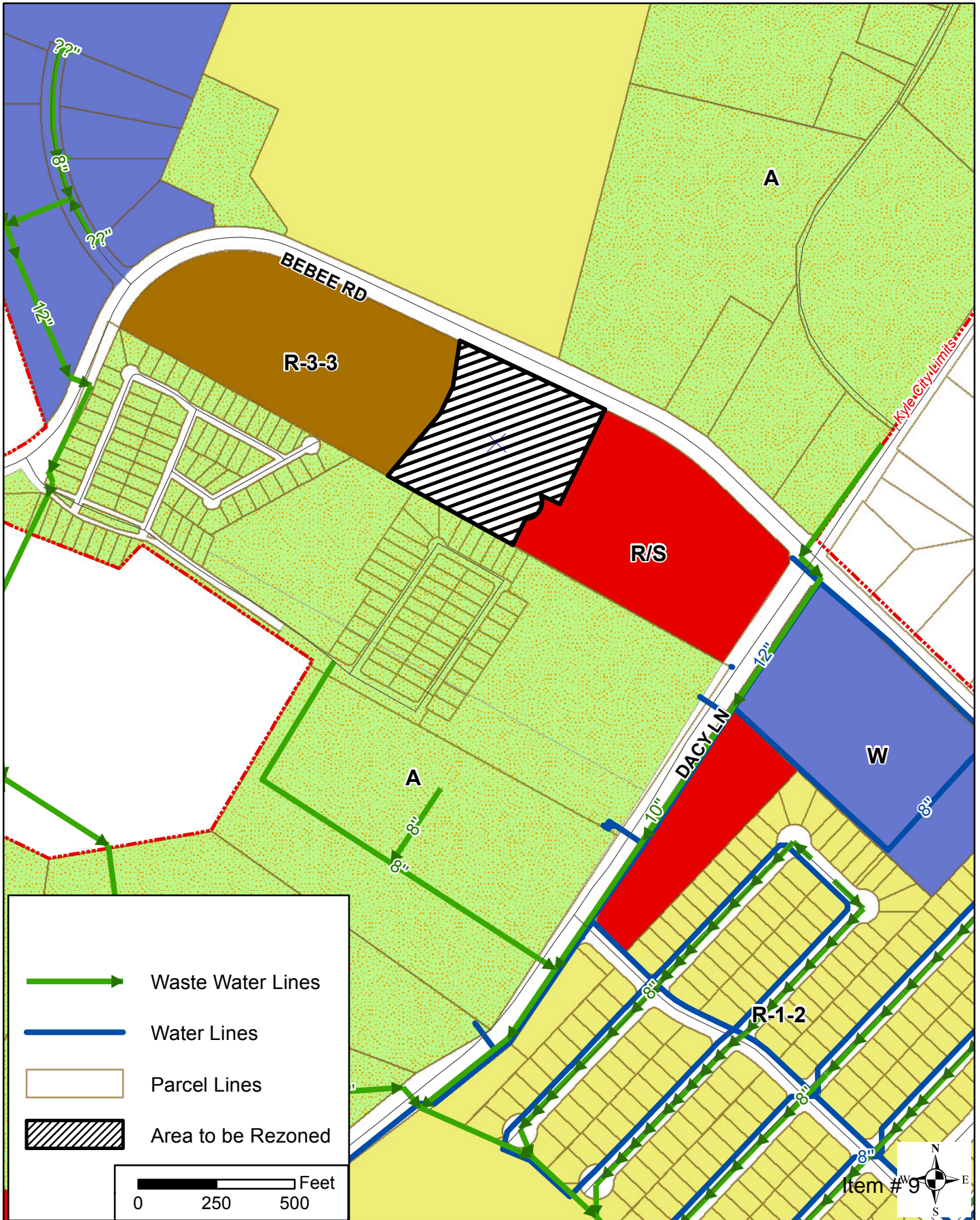


# Exhibit B





# Utilities Near Dacy Lane LLC Rezoning



# Hays Free Press

113 West Center Street § 122 N. Main St.  
Kyle, Texas 78640 § P.O. Box 339 • Buda, Texas 78610

(512) 262-NEWS (Kyle office) • (512) 295-9760 (Buda office) • (512) 268-0262 (fax)

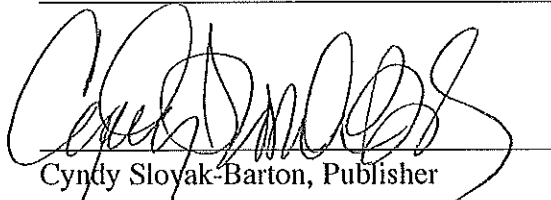
State of Texas §  
County of Hays § *Affidavit of Publication*

My name is Cyndy Slovak-Barton, and I am Publisher of the Hays Free Press. I am over the age of 18, have personal knowledge of the facts stated herein, and am otherwise competent to make this affidavit.


The Hays Free Press is a legal newspaper publication under Texas law, headquartered and regularly published in Hays County, Texas. It is a newspaper of general circulation, and is generally circulated in Hays, Travis, and Caldwell Counties.

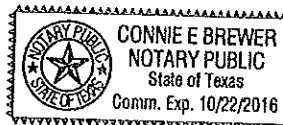
The attachment hereto was published in the Hays Free Press on the following dates at or below the classified legals rate:

April 2, 2014  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Z-14-009

  
\_\_\_\_\_  
Cyndy Sloyak-Barton, Publisher  
Hays Free Press

Subscribed and sworn before me this the 4 day of April, 2014.

  
\_\_\_\_\_  
Notary Public  
Connie Brewer





The bid will be awarded to the lowest responsible bidder whose bid is determined to be the most advantageous to the City, its officers, employees, and agents. The City will evaluate the bid based on the criteria listed in Texas Government Code 2267.055(a) including but not limited to price; offeror's experience/reputation; quality of goods or services; impact on ability to use HUBs; safety record; proposed personnel; offeror's financial capability. Price, in accordance with law, will not be the sole evaluation factor. Misrepresentation, whether substantial or otherwise, at any stage of the bidding and award process, shall be considered in this and all future bids in determining whether or not a bid is "responsible".

THE CITY OF BUDA, IN ACCORDANCE WITH LAW, RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS. The right is also reserved to eliminate a portion of the work or add additional work as required to keep the total contract amount within the funds budgeted. The City shall be the sole judge of "responsible" and "advantageous" and this determination shall be final except in cases of a clear definitive showing that such determination is arbitrary, capricious, and unreasonable.

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**Public Notice  
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Kyle shall hold a public hearing on a request by Dacy Lane, LLC to rezone approximately 5.45 acres, from 'R-1-T' Residential Townhome to 'R-3-3' Apartments Residential 3 on property located on the Southside of Bebee Road, just west of Dacy Lane, in Hays County, Texas.

The Planning and Zoning Commission may recommend and the City Council may consider assigning any zoning district which is equivalent or more restrictive and is also consistent with the Comprehensive Plan.

A public hearing will be held by the Planning and Zoning Commission on Tuesday, April 22, 2014 at 6:30pm.

A public hearing will be held by the Kyle City Council on Tuesday, May 6, 2014, at 7:00pm.

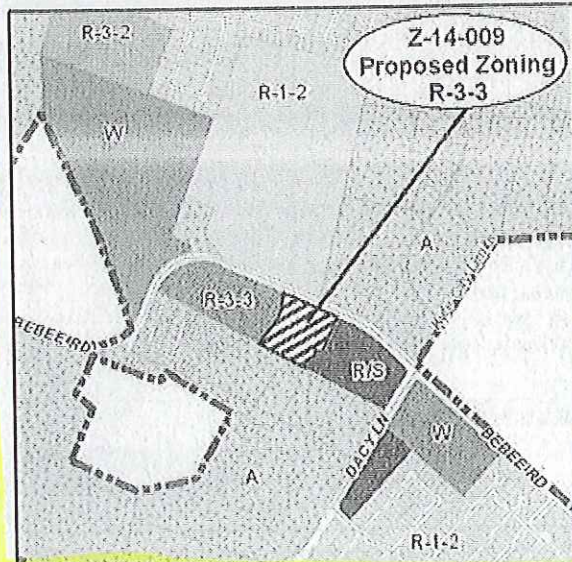
Council action and second reading may be considered at the meeting to follow the public hearing (May 20, 2014).

Kyle City Hall Council Chambers  
100 W Center St., Kyle, Texas

Owner: Dacy Lane, LLC.  
Phone: (617) 308-4268

Agent: Hugo Elizondo, Jr., P.E.  
Cuatro Consultants, Ltd.  
Phone: (512) 312-5040

Publication Date: April 2, 2014  
Z-14-009



**Public Notice  
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Kyle shall hold a public hearing on a request by Jason Martinez to assign original zoning of 1.02 acres from "AG" Agriculture to "R-3-3" Residential 3 on property located at 2580 Kyle King, Hays County, Texas.

The Planning and Zoning Commission may recommend and the City Council may consider assigning any zoning district which is equivalent or more restrictive and is also consistent with the Comprehensive Plan.

A public hearing will be held by the Planning and Zoning Commission on Tuesday, April 22, 2014 at 6:30pm.

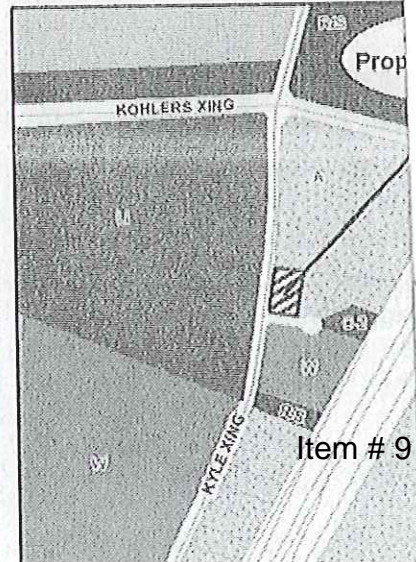
A public hearing will be held by the Kyle City Council on Tuesday, May 6, 2014, at 7:00pm.

Council action and second reading may be considered at the meeting to follow the public hearing (May 20, 2014).

Kyle City Hall Council Chambers  
100 W Center St., Kyle, Texas

Owner: Jason Martinez  
Phone: (512) 626-3513

Publication Date April 2, 2014  
Z-14-010



Item # 9

<b>Zoning</b>	<b>Case Number: Z-14-009</b>
	<b>Owner/Applicant: Dacy Lane, LLC</b>
	<b>Letters mailed : April 7, 2014</b>

**List of adjacent property owners within 200' of subject tract**

<b>R12685</b>	THE MEADOWS AT KYLE II LTD 6212 HARWIN LN AUSTIN, TX 78745-3796
<b>R12687</b>	ALFONSO & HOPE MARTINEZ 1201 BEBEE RD KYLE, TX 78640
<b>R11521</b>	THOMAS SURVIVOR'S TRUST THOMAS STEVEN BRUCE TRUSTEE 6603 COURTYARD WEST AUSTIN, TX 78730
<b>R17388</b>	City of Kyle





# CITY OF KYLE, TEXAS

## Martinez - Zoning

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:** *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 1.02 acres of land from 'AG' Agriculture to 'RS' Retail Service District, on property located at 2580 Kyle Crossing, in Hays County, Texas. (Jason Martinez Z-14-010). ~ *James Earp, Assistant City Manager*

*Planning and Zoning Commission voted 6 - 0 to approve the rezone request.*

**Other Information:** Please see attachments

**Budget Information:** N/A

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

**Attachments / click to download**

- [Ordinance and Exhibit's](#)
- [Utility Map](#)
- [Affidavit of Publication](#)
- [Email from Adjacent Property Owner](#)
- [Staff Report](#)
- [Adjacent Property Owners within 200 feet](#)

May 6, 2014

*City Council*

Zoning

**Case Number: Z-14-010**

**Planning and Zoning Commission:** On April 22, 2014 the Planning and Zoning Commission recommended approval of the request with a 6-0 vote.

**OWNER/APPLICANT:** Jason Martinez

**LOCATION:** 2580 Kyle Crossing (Dry Hole Road)

**AREA:** 1.02 acres

**PROPOSED CITY COUNCIL HEARINGS:** First Reading: May 6, 2014  
Second Reading: May 20, 2014

**EXISTING ZONING:** Agriculture

**PROPOSED ZONING:** Retail Service District

**SITE INFORMATION:**

***Transportation:*** The subject property is located at 2580 Kyle Crossing just South of Kohler's Crossing. The site will gain access from Kyle Crossing (Dry Hole Road).

**Surrounding Zoning:**

- North: Agriculture, R/S (Bounded by Kohler's Crossing)
- South: Warehouse, R/S and Agriculture
- East: C-2 (Commercial – General Business) – Zoning designation under previous zoning ordinance
- West: LI (Plum Creek – Light Industrial), Warehouse

***Future Land Use Designation:*** New Town District

**PUBLIC INPUT:**

Notice of the proposed change was sent to property owners within 200' of the subject property. One email correspondence has been received regarding this request (Please see the attached email). Under the new notification requirements a sign was also posted on the site.

**STAFF ANALYSIS:**

**Background**

The subject property is located within the Kyle Industrial Park that is comprised of eighteen total lots. The applicant is seeking to rezone lot eighteen from Agriculture to Retail Services in order to provide an Automotive Repair service.

May 6, 2014

*City Council*

Zoning

**Case Number: Z-14-010****Comprehensive Plan Guidance**

The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the district, but are distributed in independent land parcels instead of vertically aggregated in fewer land parcels. As it is with the Comprehensive Plan Retail Services serves as a Conditional Use within the District.

**Proposed Zoning District**

The Retail and Services district allows for 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 (in the following listed used areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts.

**Analysis**

The subject lot is located within the Kyle Industrial Park Subdivision. The lot is identified as Lot 18 with an area of 1.02 acres. The plat identifies a 60 foot R.O.W – Bunny Cove, that remains undeveloped and shows to serve lots 12 through 18 as a cul-de-sac. Eastern property zoned General Business Commercial also remains undeveloped. Kyle Crossing (Dry Hole Road) is considered a ‘Collector’ road and currently adequately meets demand. Staff has reviewed the request for consistency with the Comprehensive Plan and has made the following comments:

- Future build-out of Bunny Cove to access remaining lots
- All lots are subject to 7.5 foot building lines along their side lot lines
- The uses permitted and the standards applicable in the proposed zoning designation will be appropriate in the immediate area.
- The proposed zoning change is consistent with the policies and intent of the future land use map and comprehensive master plan
- The proposed zoning does not appear to adversely affect public health, welfare and safety.

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

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 1.02 ACRES OF LAND FROM 'AG' AGRICULTURE TO 'RS' RETAIL SERVICE DISTRICT, ON PROPERTY LOCATED AT 2580 KYLE CROSSING, IN HAYS COUNTY, TEXAS. (JASON MARTINEZ Z-14-010); 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 assign original zoning to approximately 1.02 acres from 'AG' Agriculture to 'RS' Retail Service District, on property located at 2580 Kyle Crossing, 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 \_\_\_\_\_, 2014, 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 \_\_\_\_\_, 2014, 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 \_\_\_\_\_, 2014.

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

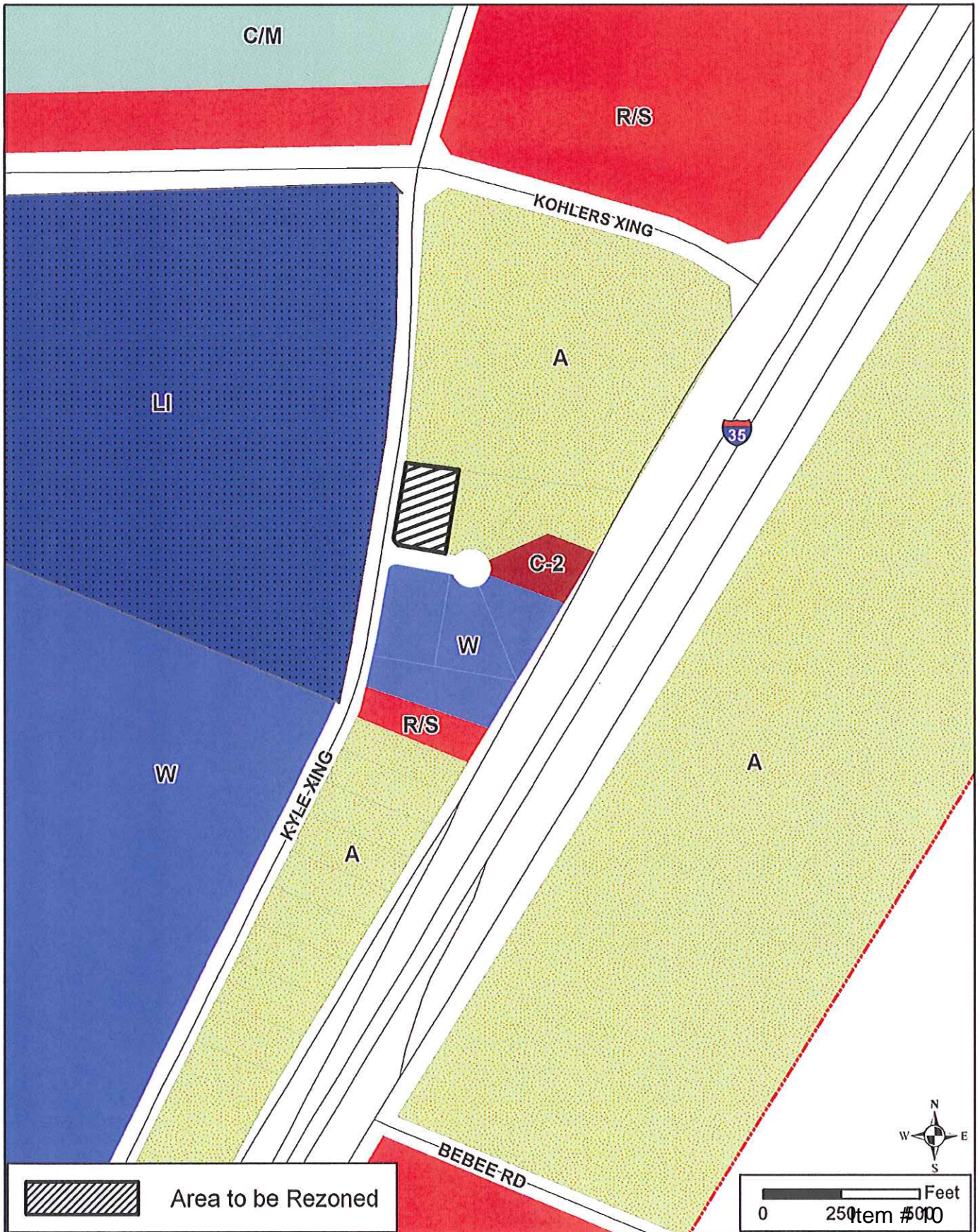
ATTEST:

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

**EXHIBIT A**

Kyle Industrial Park, Lot 18

# Exhibit B





# Utilities Near Martinez Rezoning





# Hays Free Press

113 West Center Street § 122 N. Main St.  
Kyle, Texas 78640 § P.O. Box 339 • Buda, Texas 78610

(512) 262-NEWS (Kyle office) • (512) 295-9760 (Buda office) • (512) 268-0262 (fax)

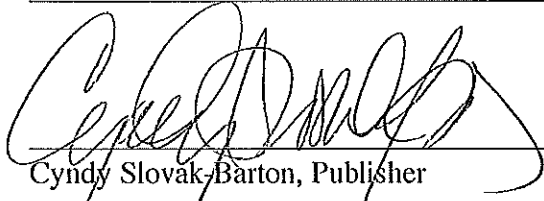
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My name is Cyndy Slovak-Barton, and I am Publisher of the Hays Free Press. I am over the age of 18, have personal knowledge of the facts stated herein, and am otherwise competent to make this affidavit.


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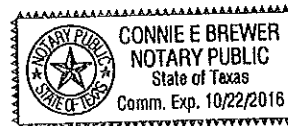
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April 2, 2014  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ 2-14-010

  
\_\_\_\_\_  
Cyndy Slovak-Barton, Publisher  
Hays Free Press

Subscribed and sworn before me this the 4 day of April, 2014.

  
\_\_\_\_\_  
Notary Public  
Connie Brewer



etermined to be the most advantageous to the  
 ased on the criteria listed in Texas  
 s experience/reputation; quality of goods  
 nel; offeror's financial capability. Price,  
 ntation, whether substantial or otherwise,  
 and all future bids in determining whether

HE RIGHT TO REJECT ANY AND ALL  
 additional work as required to keep the  
 e judge of "responsible" and  
 lear definitive showing that such

issued by a surety.

**RECEIPT OF BIDS:** Sealed bids are due at the CMA Engineering, Inc. office no later than **10:00 a.m. on Friday, April 18, 2014**. Bids may be mailed or hand delivered to the Engineer's address listed above. The sealed Bid shall be enclosed in an opaque sealed envelope plainly marked with the PROJECT title, the name and address of Bidder, and shall be accompanied by the Bid Security and other required documents. If a Bid is sent by mail or other delivery system, the sealed envelope containing the Bid shall be enclosed in a separate envelope plainly marked on the outside with the notation "BID ENCLOSED."

**Public Notice  
 Notice of Public Hearing**

NOTICE IS HEREBY GIVEN TO  
 ALL INTERESTED PERSONS, THAT:

The City of Kyle shall hold a public hearing on a request by Jason Martinez to assign original zoning to approximately 1.02 acres from "AG" Agriculture to "RS" Retail Service District on property located at 2580 Kyle Crossing, in Hays County, Texas.

The Planning and Zoning Commission may recommend and the City Council may consider assigning any zoning district which is equivalent or more restrictive and is also consistent with the Comprehensive Plan.

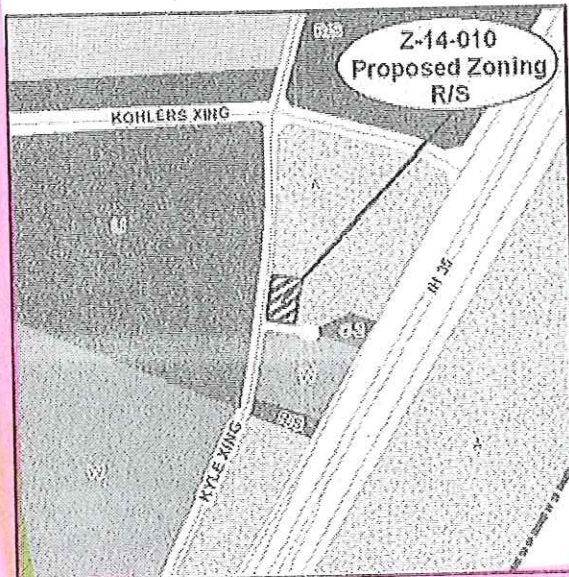
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A public hearing will be held by the Kyle City Council on Tuesday, May 6, 2014, at 7:00pm.

Council action and second reading may be considered at the meeting to follow the public hearing (May 20, 2014).

Kyle City Hall Council Chambers  
 100 W Center St., Kyle, Texas

Owner: Jason Martinez  
 Phone: (512) 626-3513  
 Publication Date April 2, 2014  
 Z-14-010



**Public Notice  
 Notice of Public Hearing**

NOTICE IS HEREBY GIVEN TO  
 ALL INTERESTED PERSONS, THAT:

The City of Kyle shall hold a public hearing on a request by RR HPI, LP to rezone approximately 0.999 acres from "PUD" Planned Unit Development to "RS" Retail Service District, on property located on the west side of IH-35 between Loop 4 and Kyle Crossing, in Hays County, Texas otherwise described by metes and bounds in Hays County, Texas.

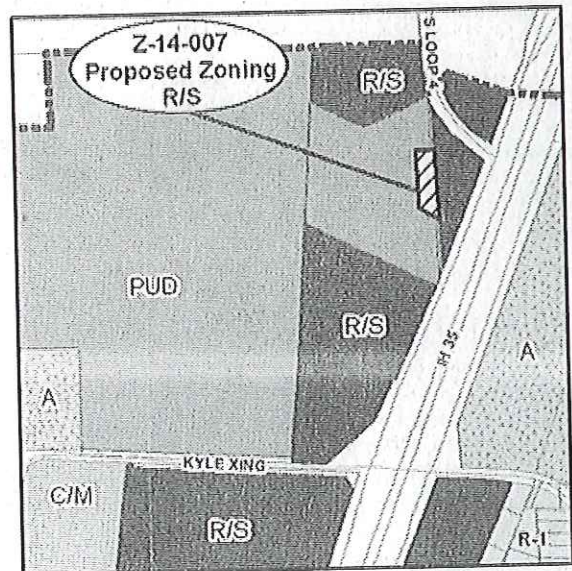
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A public hearing will be held by the Kyle City Council on Tuesday, May 6, 2014, at 7:00pm.

Council action and second reading may be considered at the meeting to follow the public hearing (May 20, 2014).

Kyle City Hall, Council Chambers  
 100 W. Center St., Kyle, Texas

Agent: W.M. Faust  
 Phone: (512) 923-2523  
 Publication Date: April 2, 2014  
 (Z-14-007)



<b>Zoning</b>	<b>Case Number: Z-14-010</b>
	<b>Owner/Applicant: Jason Martinez</b>
	<b>Letters mailed : April 7, 2014</b>

**List of adjacent property owners within 200' of subject tract**

<b>R12691</b>	Sheldon Tanglewood LTD 601 Sonterra Blvd San Antonio, TX 78258
<b>R12683</b>	LC 2012 Investments LP 4301 Lone Man Mountain Rd Wimberly, TX 78676
<b>R33468, R33469, R33470</b>	Joe & Katherine Torres 3206 Woodcreek Glen Ln Houston, TX 77073
<b>R134837</b>	Kyle Enterprises LLC 2550 Kyle Crossing Kyle, TX 78640





Debbie Guerra &lt;dguerra@cityofkyle.com&gt;

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## Item 7-B, April 22 P&Z agenda

1 message

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**Jeff Barton** <jeff@gapstrategies.com>

Tue, Apr 22, 2014 at 4:26 PM

To: jrearp@cityofkyle.com

Cc: Debbie Guerra &lt;dguerra@cityofkyle.com&gt;, ryanskytx@gmail.com, mwilson.kyle@gmail.com, imelendez1@austin.rr.com, sarabie3@gmail.com, cicelyckay@gmail.com, alfred.zambrano@yahoo.com, marubsam@earthlink.net

Mr. James Earp  
Assistant City Manager and Interim Planning Director  
City of Kyle

Members of the Planning and Zoning Commission  
City of Kyle

Re: Proposed zoning change, Item 7-B

Ladies and Gentlemen,

I am writing on behalf of Rick Sheldon, owner of Rick Sheldon Real Estate, who owns approximately 150 acres inside the Kyle City limits in the area of the proposed zoning change (1.02 acres, Jason Martinez, Kyle Crossing) described under item 7-B on your proposed agenda for tonight, April 22, 2014.

Mr. Sheldon and his company are long-time landowners in Kyle, and partners with the City on many endeavors, such as the Tax Increment Finance Zone in the area, and the construction of the Kyle Parkway overpass. Mr. Sheldon developed the land that now holds the HEB center, and the Target center, and has helped recruit some of the City's most prominent retailers. He still owns north of the HEB center, between the railroad tracks and Kyle Crossing (formerly Dry Hole), as well as land in this area between Kyle Crossing and I-35.

Because of the high standards he has imposed on himself, and worked with the City to create, Mr. Sheldon asked me to express his interest and concern over this item 7-B, the proposed rezoning, which he understand may involve an auto repair shop. He would like to be with you in person this evening, but unfortunately previous obligations keep both Mr. Sheldon and me from attending. My firm, Gap Strategies, assists Mr. Sheldon with his land planning. (As many of you know, though we work across the state, Gap Strategies is a local company.)

We look forward to gathering more information and better understanding this project in the near future. Meanwhile, allow me to go on record on behalf of Mr. Sheldon on several points:

1. We concur that RS zoning is probably appropriate for the site and do not necessarily object to the zoning change for Mr. Sheldon's neighbor.
2. Mr. Sheldon does have some concerns -- questions, really -- about specific uses and design standards for the property.
3. We hope the City will enforce the I-35 Overlay and other existing design standards to ensure quality development and healthy property values for all property owners in this area.
4. Without more information, my client, as a landowner and investor in the area, would object to any variance or special use permit to extend automotive uses, outdoor sales, or outdoor storage, or to waive design requirements

Item # 10



on this property.

Thank you for your attention. I regret that neither Mr. Sheldon nor I are able to attend tonight's meeting. Good luck with your deliberations.

Sincerely,

Jeff Barton

**Jeff Barton, AICP**

*Principal*

*Gap Strategies*

[jeff@jeffersonbarton.com](mailto:jeff@jeffersonbarton.com)

(512) 964-0918





# CITY OF KYLE, TEXAS

## Bunton Creek PID collection of assessments

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:** *(Second Reading)* An ordinance declaring a moratorium not to exceed one-hundred eighty (180) days prohibiting the collection of assessments and enforcement of liens on properties located in the Bunton Creek Subdivision Public Improvement District for the purpose of the city council making a reassessment or new assessment on the properties, and taking possible legal action. ~ *Ken Johnson, City Attorney*

**Other Information:**

**Budget Information:**

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

Attachments / click to download

[ORDIN - Bunton Cr PID](#)

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

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, DECLARING A MORATORIUM FOR A PERIOD NOT TO EXCEED ONE-HUNDRED EIGHTY (180) CALENDAR DAYS PROHIBITING THE COLLECTION OF ASSESSMENTS AND ENFORCEMENT OF LIENS ON PROPERTIES LOCATED IN THE BUNTON CREEK SUBDIVISION PUBLIC IMPROVEMENT DISTRICT FOR THE PURPOSE OF THE CITY COUNCIL TO MAKE A REASSESSMENT OR NEW ASSESSMENT ON SAID PROPERTIES AND TO PROVIDE REMEDIAL RELIEF FOR MISMANAGEMENT OF SAID PUBLIC IMPROVEMENT DISTRICT OR FOR NONCOMPLIANCE OR CONTRAVENTION OF APPLICABLE STATE AND LOCAL LAWS THAT RESULT IN THE INVALIDATION OF SAID ASSESSMENTS AND LIENS; PROVIDING FOR THE OPTION TO TAKE LEGAL ACTION; RESERVING THE RIGHT TO CANCEL OR EXTEND BY ORDINANCE SAID MORATORIUM; PROVIDING THAT SAID ORDINANCE SHALL BE FILED IN THE OFFICIAL REAL PROPERTY RECORDS OF HAY COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; AUTHORIZING ENFORCEMENT OF SAID ORDINANCE; PROVIDING FOR PUBLIC NOTICE PURSUANT TO THE TEXAS OPEN MEETINGS ACT; ESTABLISHING THAT THIS ORDINANCE SHALL GOVERN OVER PREVIOUSLY ADOPTED ORDINANCES, RESOLUTIONS, AND AGREEMENTS; ESTABLISHING AN EFFECTIVE DATE; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO.**

WHEREAS, the City of Kyle ("City") is authorized pursuant to TEX. LOCAL GOV'T CODE, Chapter 372, "Public Improvement District Assessment Act," as amended ("Act") to create public improvement districts for the purposes described therein, and to levy and collect assessments and attach liens in furtherance of the purposes thereof; and,

WHEREAS, after publishing proper and due notice and after conducting a public hearing, as required by the Act, the City created the Bunton Creek Public Improvement District ("PID") on or about July 5, 2005, by passing Resolution No. 438, upon request by petition filed by C4D-I, Ltd; and,

WHEREAS, on or about August 2, 2005, the City entered a Management Agreement with an individual for the intended purpose of said individual to manage and maintain oversight of said PID and periodically report various matters pertaining to the PID to the Kyle City Council ("City Council"); and,

WHEREAS, after publishing proper and due notice and after conducting a public hearing, as required by the Act, the City Council passed Ordinance No. 472 on or about September 20,

2005, said ordinance closing the public hearing and levying assessments and attaching liens against properties located in the PID and against the owners and successors of said properties, as allowed by the Act; and,

WHEREAS, the assessments and liens pertaining to the PID are legal, enforceable, and otherwise valid under the Act and the ordinances and resolution previously adopted by the City Council; and,

WHEREAS, notwithstanding said Act and said resolution and ordinances, the City Council has the authority pursuant to TEX. LOCAL GOV'T CODE Sec. 372.020, *et al*, to make a reassessment or new assessment on said PID properties and if said assessments are invalid, to address, and if necessary, to provide remedial relief to rectify any mismanagement of the PID and the contravention of state law and the resolution and ordinances governing said PID that result in said assessments being invalidated; and,

WHEREAS, , the City Council has determined that the provisions and requirements of the Act and of the ordinances and resolution adopted to administer, manage, and otherwise govern the PID have not been complied with or have been contravened, thereby invalidating said assessments and liens and harming the public welfare of the city's residents and citizens; and,

WHEREAS, the City Council has determined, upon advice of legal counsel, that it may provide remedial relief for the purpose of rectifying said mismanagement, noncompliance, or contravention by imposing a moratorium not to exceed one-hundred eighty (180) days prohibiting the collection of any and all assessments levied against the PID properties and further prohibiting the enforcement of any and all liens against the PID properties;

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

Section 1. The facts and findings recited hereinabove are found to be true and correct and are hereby adopted as part of this ordinance.

Section 2. A moratorium not to exceed one-hundred eighty (180) is HEREBY DECLARED wherein during said 180 days no assessments shall be collected or liens enforced, including by foreclosure, on the properties which are otherwise subject to said assessments and liens and which are located in the Bunton Creek Subdivision Public Improvement District.

Section 3. Said moratorium may be cancelled earlier than 180 days or extended beyond 180 days upon passage of an ordinance approved by a majority vote of the City Council.

Section 4. Legal action may be taken on behalf of the City pertaining to the enforcement of this ordinance upon approval of a majority vote of the City Council.

Section 5. The City Secretary of the City shall record a certified copy of this ordinance in the official real property records of Hays County, Texas.



Section 6. If any section, subsection, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 7. The City Attorney and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 8. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, TEXAS GOVERNMENT CODE, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 9. Any and all ordinances, resolutions, and agreements and parts of ordinances, resolutions, and agreements that are in conflict herewith are hereby repealed to the extent of the conflict only.

Section 10. This ordinance shall take effect from and after its final passage and publication as required by law.

PASSED on first reading the 6<sup>th</sup> day of May, 2014.

PASSED AND ADOPTED on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
\_\_\_\_\_, Mayor, City of Kyle, Texas

ATTEST:

\_\_\_\_\_  
Amelia Sanchez, City Secretary, City of Kyle, Texas

APPROVED AS TO FORM:

\_\_\_\_\_  
W. Ken Johnson, City Attorney, City of Kyle, Texas



# CITY OF KYLE, TEXAS

## Budget Amendment #7: Increase Funding for Greater San Marcos Partnership

**Meeting Date: 5/20/2014**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second Reading)* An Ordinance amending the City's Approved Budget for Fiscal Year 2013-14 by increasing appropriations in the General Fund for the Economic Development Department by \$4,000.00 and decreasing fund balance in the General Fund by the same amount to increase City's contribution to the GREATER SAN MARCOS PARTNERSHIP from \$1,000.00 to \$5,000.00 for Fiscal Year 2013-14. ~ *Lucy Johnson, Mayor*

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

**Budget Information:**

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Attachments / click to download

- [Ordinance - Budget Amendment](#)
  - [Fiscal Note](#)
-

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

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING ORDINANCE NO. 744 ADOPTED ON SEPTEMBER 4, 2013 MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY FOR FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; BY INCREASING THE AMOUNT OF APPROPRIATIONS FOR EXPENDITURES IN THE GENERAL FUND BY APPROPRIATING \$4,000.00 FROM THE FUND BALANCE OF THE CITY'S GENERAL FUND TO PROVIDE INCREASED FUNDING FOR THE CITY'S PARTICIPATION IN THE GREATER SAN MARCOS PARTNERSHIP.**

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

**Section 1.0 Amendment to Current Budget.** That the appropriations for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014, for the support of the general government of the City of Kyle, Texas, be amended for said term by increasing the amount of appropriations for the City's General Fund from the Fund Balance of the City's General Fund in order to provide additional funding in the Economic Development Department budget for increasing the City's participation level by \$4,000.00 from \$1,000.00 to 5,000.00 in the Greater San Marcos Partnership.

**Section 2.0 Approval of Amendment.** That the amendment, as shown in words and figures above, is hereby approved in all aspects and adopted as an amendment to the City budget for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014.

**Section 3.0 Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 4.0 Open Meetings.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Ch. 551, LGC.

**Section 5.0 Effective Date.** This Ordinance shall be in full force and effect from and after the date of its final passage and adoption in accordance with the provisions of applicable state law and the City Charter.

**PASSED AND APPROVED on First Reading this \_\_\_\_\_ day of May, 2014.**

**FINALLY PASSED AND APPROVED on this the \_\_\_\_\_ day of May, 2014.**

**THE CITY OF KYLE, TEXAS**

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

**ATTEST:**

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



City of Kyle, Texas  
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: May 6, 2014  
 CONTACT CITY DEPARTMENT: Financial Services  
 CONTACT CITY STAFF: Perwez A. Moheet, CPA  
 Director of Finance

SUBJECT:

Approve an Ordinance to amend the City's Approved Budget for Fiscal Year 2013-14 by increasing total appropriations in the City's General Fund for the ECONOMIC DEVELOPMENT DEPARTMENT by \$4,000.00 and decreasing fund balance in the General Fund by the same amount to increase City's contribution to the GREATER SAN MARCOS PARTNERSHIP from \$1,000.00 to \$5,000.00 for Fiscal Year 2014-15.

CURRENT YEAR FISCAL IMPACT:

1. City Department:	Economic Development	
2. Project Name:	Greater San Marcos Partnership	
3. Budget/Accounting Code(s):	110-000-33010	
4. Funding Source:	General Fund	
5. Fund Balance:	\$ 9,364,549.68	(As of 4-24-2014, Unaudited)
6. Amount of This Action:	<u>\$ (4,000.00)</u>	
7. Remaining Balance:	<u>\$ 9,360,549.68</u>	

FUNDING SOURCE OF THIS ACTION:

The funding source for this budget amendment in the amount of \$4,000.00 will be provided from the fund balance of the City's General Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION:

If approved by City Council, this will be Budget Amendment No. 7 for FY 2013-14 to increase appropriations for expenditures by \$4,000.00 and decreasing the fund balance in the City's General Fund by the same amount.

To date, budget amendments as approved by City Council for Fiscal Year 2013-14 totals \$107,265.00 and are for the following items:

- On November 6, 2013, City Council approved Budget Amendment No. 1 for Fiscal Year 2013-14 by increasing appropriations in the City's General Fund for the Communications & Community Development Department by \$12,960.00 and decreasing fund balance in the General Fund by the same amount to pay for the continuation of transit services by CAPITAL AREA RURAL TRANSPORTATION SYSTEM (CARTS) within City of Kyle through December 31, 2013.
- On November 19, 2013, City Council approved Budget Amendment No. 2 for Fiscal Year 2013-14 by increasing appropriations in the City's General Fund for the Mayor

and Council's budget by \$2,500.00 and decreasing fund balance in the General Fund by the same amount to pay for the support costs associated with KYLE AREA YOUTH ADVISORY COUNCIL (KAYAC) during Fiscal Year 2013-14.

- On December 3, 2013, City Council approved Budget Amendment No. 3 for Fiscal Year 2013-14 by increasing appropriations in the City's General fund for the Communications & Community Development Department by \$10,000.00 and decreasing the fund balance in the General Fund by the same amount to pay for the retainer agreement with HERRERA & BOYLE, PLLC, to represent the City in connection with the pending Monarch Utilities' 2013 application to change rates/tariffs.
- On January 7, 2014, City Council approved Budget Amendment No. 4 for Fiscal Year 2013-14 by increasing appropriations in the City's General Fund for the Communications & Community Development Department by \$31,920.00 and decreasing fund balance in the General Fund by the same amount to pay for the continuation of transit services by CAPITAL METROPOLITAN TRANSIT AUTHORITY (CMTA) within City of Kyle from January 1, 2014 through September 30, 2014.
- On January 21, 2014, City Council approved Budget Amendment No. 5 for Fiscal Year 2013-14 by increasing appropriations in the City's General Fund for the POLICE DEPARTMENT by \$20,190.00 and decreasing fund balance in the General Fund by the same amount to pay for the replacement of two police patrol vehicles damaged in the recent floods.
- On April 15, 2014, City Council approved (first reading) Budget Amendment No. 6 for Fiscal Year 2013-14 by increasing total appropriations in the City's General Fund for the PUBLIC WORKS DEPARTMENT by \$29,695.00 and decreasing fund balance in the General Fund by the same amount to pay for the emergency repairs made to Windy Hill Road and Burleson Street damaged during the floods.

 4/24/2014

Pervez A. Moheet, CPA - Date  
Director of Finance



# CITY OF KYLE, TEXAS

## Long Range Planning Committee Ordinance Amendment

**Meeting Date: 5/20/2014**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second Reading)* An ordinance amending the Code of Ordinances, Chapter 2, "Administration" Article III, Division 4, Subdivision III, Sec. 2-118(a) to limit the Long Range Planning Committee to at least seven (7) but not more than eleven (11) members. ~ *Samantha LeMense, Mayor Pro Tem*

**Other Information:** See attachments

**Budget Information:** N/A

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Attachments / click to download

 [ORDIN - amend LongRangePlanComm](#)

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

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF KYLE, SEC. 2-118(a), CHAPTER 2, "ADMINISTRATION" ARTICLE III, DIVISION 4, SUBDIVISION III. TO LIMIT THE NUMBER OF RESIDENTS COMPOSING THE LONG RANGE PLANNING COMMITTEE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING AN EFFECTIVE DATE; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO.**

WHEREAS, the City Council of the City of Kyle desires to place a limitation on the number of residents the Long Range Planning Committee shall be composed of;

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

Section 1. The facts and findings recited hereinabove are found to be true and correct and are hereby adopted as part of this ordinance.

Section 2. Sec. 2-118(a) of Chapter 2, "Administration" Article III, Division 4, Subdivision III of the Code of Ordinances of the City of Kyle shall be amended to read as follows:

"Sec. 2-118. Membership and appointments; term of office and vacancy.

(a) *Membership and appointment.* The committee shall be composed of at least seven (7) but not more than eleven (11) residents of the city or the city's extraterritorial jurisdiction. The city council shall appoint the members of the committee upon the recommendation of the mayor. One member of the committee shall be a member of the commission."

Section 3. If any section, subsection, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, TEXAS GOVERNMENT CODE, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City



Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. This ordinance shall take effect from and after its final passage and publication as required by law.

PASSED on first reading the 6<sup>th</sup> day of May, 2014.

PASSED AND ADOPTED on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
\_\_\_\_\_, Mayor, City of Kyle, Texas

ATTEST:

\_\_\_\_\_  
Amelia Sanchez, City Secretary, City of Kyle, Texas

APPROVED AS TO FORM:

\_\_\_\_\_  
W. Ken Johnson, City Attorney, City of Kyle, Texas



# CITY OF KYLE, TEXAS

## Purchase of Portable Vacuum System for Kyle Pool

Meeting Date: 5/20/2014  
Date time: 7:00 PM

- Subject/Recommendation:** Award a bid to LESLIE'S SWIMMING POOL SUPPLIES, San Marcos, Texas, lowest and most responsible bidder, in an amount not to exceed \$1,600.00 for the purchase of a portable vacuum system for the Kyle Pool. ~ *Kerry Urbanowicz, Director of Parks and Recreation*
- Other Information:** This new vacuum had been anticipated in the pool renovation project. Three quotes were requested by the three (3) local commercial pool companies. The quotes received are attached.
- Budget Information:** A Fiscal Note is attached.
- 

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

**Attachments / click to download**

[Quotes Recieved](#)

[Fiscal Note](#)

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SAN MARCOS, TX #767  
1050 MCKINLEY PLACE DR STE 335

SAN MARCOS, TX 78666-6180  
Phone # : (512) 392-2208  
Fax #...: (512) 392-2218

## Quote

Quote #: 181909 Quote Name: CITY OF KYLE - POOL VAC  
Customer: CITY OF KYLE

Date.....: 4/29/14  
Customer #: 11693324

Billing Address:  
PO BOX 40  
KYLE TX, 78640-0040

Shipping Address:  
PO BOX 40  
KYLE TX, 78640-0040

Contact.: NIKKI

Phone...: ()-

Email:

Page: 1

Line #	Item #	Item Description	Qty	Unit Price	Ext Price
1	83137	Portable Vacuum System	1	1499.99	1,499.99
2	99001	COMMERCIAL FREIGHT RESALE	1	100.00	100.00

To Approve: Sign and Fax to ANTHONY PINTARELLI (602)567-3080  
For Question please call (512)579-8480  
Signature...: \_\_\_\_\_ Date: \_\_\_\_\_

Sub-Total.: 1,499.99  
Freight.....: 100.00  
Tax.....: .00  
Labor.....: .00  
Total.....: 1,599.99

Print Name: \_\_\_\_\_

\_\_\_ IF A CONTRACT IS REQUIRED TO COMPLETE JOB, LESLIES NEEDS TO APPROVE CONTRACT PRIOR TO JOB START DATE.

\_\_\_ INVOICES IN EXCESS OF \$1,000 ARE SUBJECT TO A DOWN PAYMENT

THIS QUOTE IS MADE AS OF THE DATE SET FORTH ABOVE AND IS VALID FOR THIRTY (30) DAYS. UPON EXPIRATION OF THE 30 DAY PERIOD, PRICING AND OTHER COMPONENTS OF THE QUOTE ARE SUBJECT TO CHANGE. LESLIE'S RESERVES THE RIGHT TO MAKE ADJUSTMENTS IN FULL OR IN PART TO THE QUOTE FOR VARIOUS REASONS INCLUDING, BUT NOT LIMITED TO, CHANGING MARKET CONDITIONS, PRODUCT AND SERVICE DISCONTINUATION OR AVAILABILITY, MANUFACTURER PRICE CHANGES, ERRORS IN ADVERTISEMENTS OR QUOTES, OR STATE OR FEDERAL TAX CHANGES. LESLIE'S REQUIRES PAYMENT IN FULL ON ANY ORDER PRIOR TO ORDERING PARTS OR OUT-OF-STOCK ITEMS. UNLESS NOTED ABOVE, THIS QUOTE DOES NOT INCLUDE CHARGES FOR FREIGHT, MEDIA (I.E., SAND, SALT OR DIATOMACEOUS EARTH), OR INSTALLATION. LESLIE'S DOES NOT CERTIFY NOR WARRANT THE CONDITION OF OWNER'S POOL OR EQUIPMENT. IT IS THE RESPONSIBILITY OF THE POOL OWNER/OPERATOR TO MAINTAIN THEIR POOL ACCORDING TO ALL STATE AND LOCAL HEALTH CODE STANDARDS AND REGULATIONS.

*Thank you for shopping with Leslies*



April 28, 2014

City of Kyle Texas  
Attn: Nikki Ladet

**RE: Harmsco Vacuum Quotes**

Option 1: (1) 1hp Harmsco Stainless Steel Deck Vacuum (wired @ 120 or 230 *Please specify*)  
155 sqft filtration, 50ft cord

**\$ 2400.00 \$ 200 shipping**

Option 2: (1) 2hp Harmsco Stainless Steel Deck Vacuum (wired @ 120 or 230 *Please specify*)  
155 sqft filtration, 50ft cord

**\$ 2700.00 \$ 200.00 shipping**

If you have any questions please give me a call.

Thank You

Myles Phelps  
Progressive Commercial Aquatics, Inc.

15616 Schmidt Loop Manor, Texas 78653 (512) 278-0801 Fax (512) 278-0804  
Website [www.proaquatic.com](http://www.proaquatic.com) E-Mail [TPHELPS4@austin.rr.com](mailto:TPHELPS4@austin.rr.com)



City of Kyle, Texas  
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: May 20, 2014  
 CONTACT CITY DEPARTMENT: Parks and Recreation  
 CONTACT CITY STAFF: Kerry Urbanowicz, Director

SUBJECT:

Award a bid to LESLIE'S SWIMMING POOL SUPPLIES, San Marcos, Texas, lowest and most responsible bidder, in an amount not to exceed \$1,600.00 for the purchase of a portable vacuum system for the Kyle Pool within the Parks and Recreation Department.

CURRENT YEAR FISCAL IMPACT:

This Purchase Order issued for the purchase of a portable vacuum system will require expenditure of funds from the approved budget of the Parks and Recreation Department as follows:


1. City Department:	Parks and Recreation
2. Project Name:	Pool Vacuum System
3. Budget/Accounting Code(s):	172-260-57222
4. Funding Source:	General Fund
5. Current Appropriation:	\$ 10,455.00
6. Unencumbered Balance:	\$ 8,115.00
7. Amount of This Action:	\$ ( 1,600.00)
8. Remaining Balance:	\$ <u>6,515.00</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order to LESLIE'S SWIMMING POOL SUPPLIES in the amount of \$1,600.00 will be provided from the FY 2013-14 Approved Budget of the Parks and Recreation Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 5/12/2014  
 Perwez A. Moheet, CPA - Date  
 Director of Finance



# CITY OF KYLE, TEXAS

## Purchase & Installation of Chemical Controller for Kyle Pool

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:** Award a bid to PROGRESSIVE COMMERCIAL AQUATICS, INC., Manor, Texas, lowest and most responsible bidder, in an amount not to exceed \$3,101.00 for the purchase and installation of a chemical controller for the Kyle Pool. ~ *Kerry Urbanowicz, Director of Parks and Recreation*

**Other Information:** The Kyle Pool's chemical controller has quit working properly, causing a black algae buildup on the pool's surface. This new controller had been anticipated in the pool renovation project. Three quotes were requested by the 3 local commercial pool companies. The quotes received are attached.

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

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

**Attachments / click to download**

[Quotes Recieved](#)

[Fiscal Note](#)



Project Name: Chemical Controller  
Attn: Nikki Ladet  
Date: 4/28/14  
Buyboard #436-13

**Quote:**

- (1) Chemtrol PC2100 that comes with NEW PROBES, NEW FLOWCELL, NEW FLOWSWITCH and a time limit of 1000 minutes. This will help so that the safety timer does not keep timing out but a lot of your issue is that the chemicals can't keep up for that size of a body of water which is why the controller times out too. This price includes labor with install and shipping.

(Retail on controller alone is \$4,000) Total: \$3,100.68

Thank you,

Myles Phelps  
Progressive Commercial Aquatics, Inc.

15616 Schmidt Loop Manor, Texas 78653 (512) 278-0801 Fax (512) 350-2154  
**Website** [www.proaquatic.com](http://www.proaquatic.com) **E-Mail** [TPHELPS4@austin.rr.com](mailto:TPHELPS4@austin.rr.com)



SAN MARCOS, TX #767  
1050 MCKINLEY PLACE DR STE 335

SAN MARCOS, TX 78666-6180  
Phone # : (512) 392-2208  
Fax #...: (512) 392-2218

## Quote

Quote #: 181908  
Customer: CITY OF KYLE

Quote Name: CITY OF KYLE - SANI-TOWERS & AUTOMATION

Date.....: 4/29/14

Customer #: 11693324

**Billing Address:**

PO BOX 40  
KYLE TX, 78640-0040

**Shipping Address:**

PO BOX 40  
KYLE TX, 78640-0040

Contact...: NIKKI

Phone....: () -

Email: \_\_\_\_\_

Page: 1

Line #	Item #	Item Description	Qty	Unit Price	Ext Price
1	16201	CO SANI-TOWER 275 -COMMERCIAL GRADE SANITIZATION TOWER -SANI-TOWER DISCOUNTED 100% WITH 3-YEAR CHEMICAL PURCHASE AGREEMENT.	1	.00	.00
2	62488	DK JY BALL VLV 2IN SLP	2	18.99	37.98
3	98201	COMMERCIAL LABOR REPAIR LABOR TO INSTALL SANI-TOWER AND REMOTE AUTOMATION SYSTEM.	1	500.00	500.00
4	68000	INSTALLATION MATERIALS	1	30.00	30.00
5	999999999	SPECIAL ORDER ITEM SELONOID VALVE	1	160.00	160.00
6	89999	TRIP-CHARGE	1	22.00	22.00
7	81500	CO CT 4000 WRLSS PH/ORP CNTRLR	1	2699.99	2,699.99

To Approve: Sign and Fax to ANTHONY PINTARELLI (602)567-3080

For Question please call (512)579-8480

Signature...: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Sub-Total...: 2,949.97

Freight.....: .00

Tax.....: .00

Labor.....: 500.00

Total.....: 3,449.97

\_\_\_ IF A CONTRACT IS REQUIRED TO COMPLETE JOB, LESLIES NEEDS TO APPROVE CONTRACT PRIOR TO JOB START DATE.

\_\_\_ INVOICES IN EXCESS OF \$1,000 ARE SUBJECT TO A DOWN PAYMENT

THIS QUOTE IS MADE AS OF THE DATE SET FORTH ABOVE AND IS VALID FOR THIRTY (30) DAYS. UPON EXPIRATION OF THE 30 DAY PERIOD, PRICING AND OTHER COMPONENTS OF THE QUOTE ARE SUBJECT TO CHANGE. LESLIE'S RESERVES THE RIGHT TO MAKE ADJUSTMENTS IN FULL OR IN PART TO THE QUOTE FOR VARIOUS REASONS INCLUDING, BUT NOT LIMITED TO, CHANGING MARKET CONDITIONS, PRODUCT AND SERVICE DISCONTINUATION OR AVAILABILITY, MANUFACTURER PRICE CHANGES, ERRORS IN ADVERTISEMENTS OR QUOTES, OR STATE OR FEDERAL TAX CHANGES. LESLIE'S REQUIRES PAYMENT IN FULL ON ANY ORDER PRIOR TO ORDERING PARTS OR OUT-OF-STOCK ITEMS. UNLESS NOTED ABOVE, THIS QUOTE DOES NOT INCLUDE CHARGES FOR FREIGHT, MEDIA (I.E., SAND, SALT OR DIATOMACEOUS EARTH), OR INSTALLATION. LESLIE'S DOES NOT CERTIFY NOR WARRANT THE CONDITION OF OWNER'S POOL OR EQUIPMENT. IT IS THE RESPONSIBILITY OF THE POOL OWNER/OPERATOR TO MAINTAIN THEIR POOL ACCORDING TO ALL STATE AND LOCAL HEALTH CODE STANDARDS AND REGULATIONS.

*Thank you for shopping with Leslies*



City of Kyle, Texas  
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: May 20, 2014  
 CONTACT CITY DEPARTMENT: Parks and Recreation  
 CONTACT CITY STAFF: Kerry Urbanowicz, Director

SUBJECT:

Award a bid to PROGRESSIVE COMMERCIAL AQUATICS, INC., Manor, Texas, lowest and most responsible bidder, in an amount not to exceed \$3,101.00 for the purchase and installation of a Chemical Controller for the Kyle Pool within the Parks and Recreation Department.

CURRENT YEAR FISCAL IMPACT:

This Purchase Order issued for the purchase and installation of a chemical controller will require expenditure of funds from the approved budget of the Parks and Recreation Department as follows:

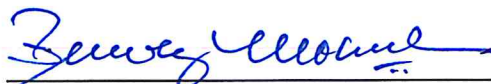
- |                               |                          |
|-------------------------------|--------------------------|
| 1. City Department:           | Parks and Recreation     |
| 2. Project Name:              | Pool Chemical Controller |
| 3. Budget/Accounting Code(s): | 172-260-57222            |
| 4. Funding Source:            | General Fund             |
| 5. Current Appropriation:     | \$ 10,455.00             |
| 6. Unencumbered Balance:      | \$ 6,515.00              |
| 7. Amount of This Action:     | <u>\$ ( 3,101.00)</u>    |
| 8. Remaining Balance:         | <u>\$ 3,414.00</u>       |

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order to PROGRESSIVE COMMERCIAL AQUATICS, INC., in the amount of \$3,101.00 will be provided from the FY 2013-14 Approved Budget of the Parks and Recreation Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 - 5/12/2014  
 Perwez A. Moheet, CPA - Date  
 Director of Finance



# CITY OF KYLE, TEXAS

## Wastewater Service Line Relocation at 320 Evening Star

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:** Award a bid in an amount not to exceed \$1,600.00 to B&G SEPTIC, Kyle, TX, lowest and most responsible bidder, to construct and tie-in a new wastewater service line at 320 Evening Star, Woodlands Subdivision, Kyle. ~ *Harper Wilder, Director of Public Works*

**Other Information:**

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

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

**Attachments / click to download**

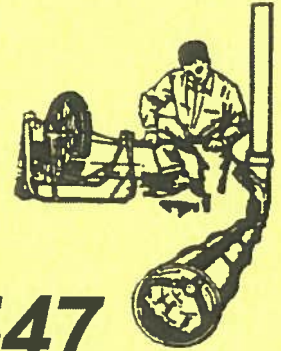
- [Quote 1](#)
  - [Quote 2](#)
  - [Quote 3](#)
  - [Fiscal Note](#)
  - [320 Evening Star photo](#)
-



No. 9358

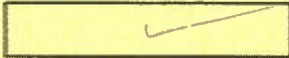
# B & G SEPTIC

Mailing Address:  
P.O. Box 1477  
Kyle, TX 78640-1477



**Call: (512)451-4547  
(512)268-5302**

Owner Name City of Kyle  
Address 320 Evening Star  
Billing Address Kyle Tx 78640  
Telephone # \_\_\_\_\_



ESTIMATE / BID ONLY

	Amount
<input type="checkbox"/> Drain Line Opened	
<input type="checkbox"/> Bathtub <input type="checkbox"/> Kitchen <input type="checkbox"/> Lavatory	\$
<input type="checkbox"/> Shower <input type="checkbox"/> Toilet <input type="checkbox"/> Washer <input type="checkbox"/> Other	\$
<input type="checkbox"/> Faucet Installation/Repairs	
<input type="checkbox"/> Bathtub <input type="checkbox"/> Kitchen <input type="checkbox"/> Lavatory	\$
<input type="checkbox"/> Shower <input type="checkbox"/> Other	\$
<input type="checkbox"/> Hot Water Heater	
<input type="checkbox"/> Repairs <input type="checkbox"/> Replacement	\$
<input type="checkbox"/> Septic System <input type="checkbox"/> Conventional <input type="checkbox"/> LPD <input type="checkbox"/> Aerobic	
<input type="checkbox"/> Inspection	\$
<input type="checkbox"/> Installation	\$
<input type="checkbox"/> Pump Tank _____ Gallons	\$
Sludge _____ Inches	
<b>Repairs:</b>	
<input type="checkbox"/> Baffles: <input type="checkbox"/> Inlet <input type="checkbox"/> Outlet	\$
<input type="checkbox"/> Electrical Wiring <input type="checkbox"/> Float	\$
<input type="checkbox"/> High Water Alarm	\$
<input type="checkbox"/> Lateral Lines <input type="checkbox"/> Pump Motor	\$
<input type="checkbox"/> Risers/Lids <input type="checkbox"/> Tank	\$
<input type="checkbox"/> Switching Value <input type="checkbox"/> Bull Run <input type="checkbox"/> Jandy	\$
<input checked="" type="checkbox"/> Sewer Line	
<input checked="" type="checkbox"/> Installation <input type="checkbox"/> Opened <input type="checkbox"/> Repairs	\$ 1600.00
<input type="checkbox"/> Water Lines Repair	\$
<input type="checkbox"/> Service Call	\$
<input type="checkbox"/> Other	\$
<input type="checkbox"/> NO GUARANTEE drain/sewer line opened	
\$25.00 Charge for returned checks <b>TOTAL</b>	1600.00

We wish to thank you for your valued patronage and trust we may have the pleasure of serving you in the future should the need arise.

Ben  
Serviceman

4-30-14  
Date

**TO OUR CUSTOMERS:** Service men are required to have work slips signed. This is done in order to protect you, the workmen and ourselves, and to enable us to give you absolute satisfactory service. You are respectfully requested to examine material and labor statement before workmen leave the house, and if you find everything satisfactory, okay this ticket. If service is unsatisfactory, in any way, please phone our office immediately.

I find the time and material charged above satisfactory and agree to pay for same on presentation of statement, and further agree to pay reasonable charges for collection, including attorneys fees in event of default.

A service charge of 2% per month will be made on all balances 30 days or older past due under our terms of sale – minimum charge, \$5.00

Signed \_\_\_\_\_ Owner  
Tenant

Relocate sewer line est. of 40ft Not responsible for  
splinker or shrubs + flower beds during construction. **Item # 16**

Charge \_\_\_\_\_ Paid Cash \_\_\_\_\_ Credit Card# \_\_\_\_\_ Paid Ck. # \_\_\_\_\_

**Date: 04/22/2014**

**Address: 320 Evening Star**

**Builder: City Of Kyle, Texas**

**Phone Number: 512-738-7292**

**Mr. Warren Christian,**

**We propose the following:**

**This job will be fully permitted and inspected.**

**This house will be occupied during construction. Since it will be occupied, we formally request highest priority for our sewer yard line inspection so that when we get the house placed on a sewer line test we will minimize the amount of time without sewer service for the homeowners.**

**Outside Utility Lines**

**We will replace the existing 25 foot long sewer yard line from the owners clean out to the new tap that the city provided. We will get a permit and a full inspection. After inspection, we will perform a “rough” backfill of the yard line.**

**General Exclusions:**

**No haul off of spoils in this bid. No foundation engineering or repair in this bid. No re-pouring of cement in this bid. There are no faucets, sinks fixtures, toilets, tub valves or shower valves in this bid. We might have to remove a shrub in order to get this done. We will not replace the shrubbery. We exclude any repair of any sprinkler heads or lines, should they become damaged.**

**Quote: \$1,800.00**



**This bid good for thirty (30) days from date posted.**

**Proposed** \_\_\_\_\_

**Date** \_\_\_\_\_

**Accepted** \_\_\_\_\_

**Date** \_\_\_\_\_

**If you award this contract to us, please print this document, sign and date it, and fax (512-759-2840) or mail it back to us.**

**Respectfully Submitted,**

**Randolph Minor Taylor II  
Victory Plumbing, L.L.C.  
O 512-990-7200  
F 512-759-2840  
C 512-748-7462  
Texas State Board of Plumbing Examiners M-14505  
PO Box 4200, Austin, Tx. 78765-4200 Ph # 1-800-845-6584**

**We carry Workman's Compensation and General Liability insurance. Make sure the contractor you choose does also!**

**Not satisfied with my service?  
Contact my partners!  
Lee Johnson at [leej@victoryplumbingtx.com](mailto:leej@victoryplumbingtx.com)  
Darrell Christianson at [darrellc@victoryplumbingtx.com](mailto:darrellc@victoryplumbingtx.com)**

Visit us on the web at [www.victoryplumbingtx.com](http://www.victoryplumbingtx.com)

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# EXCAVATION PROPOSAL

Attachment number 3 in Page 1  
 Roto-Rooter Services Company  
 2800 Longhorn Blvd., Suite 102, Austin TX 76758  
 Service 1-800-GET-ROTO (438-7686)  
 General (512) 836-8925  
 Texas State Board of Plumbing Examiners  
 929 E. 41st St, PO Box 4200, Austin TX 76765  
 (800) 845-8584 • Jose Luis Rodriguez, License #M-35038

Ticket No. 192-17851288

Proposal Submitted To		Work To Be Performed At	
Name		Name	<u>City of Kyle</u>
Street		Street	<u>320 Evening Star</u>
City		City	<u>Kyle</u>
State	ZIP	State	<u>TX</u> ZIP <u>78140</u>
Telephone Number		Telephone Number	

Roto-Rooter hereby proposes to furnish all the materials and to perform all the labor necessary for the completion of:  
 (Include make and model of materials and necessary labor, and state anticipated contingencies that would materially alter the estimated completion date.)

\* Estimate to replace an open trench excavation of up to 25 ft in length and up to 5 ft in depth. RR to back fill and turn key job with clean up. RR to excavate and make necessary repairs RR to contact all utilities. RR hereby proposes to furnish all the material to perform labor.

\* RR to remove all re-set concrete with brush finish if need

\* Rock claws. Unforeseen boulders, shelves of rock or anything of the like will be at additional charge

\* RR not responsible for landscaping or sprinkler system. Landscaping is the customer's responsibility. Change order optional if any unforeseen problems occur. Notification before any additional work is performed and signed order will be required.

1. Roto-Rooter will perform the work described above and supply all required materials for the sum of \$ 4550.00. Customer will make payment as follows:

- 50 % of the cost (\$ 2275.00) upon execution of this Agreement.
- 50 % of the cost (\$ 2275.00) upon the start of the work.
- Balance of the cost upon completion of the job.

2. The approximate starting date is \_\_\_\_\_, and the approximate substantial completion date is \_\_\_\_\_. Neither date is guaranteed. Unexpected conditions or problems could cause delays. A definite completion date is not of the essence.

3. Roto-Rooter guarantees that all materials will be as specified above and that all work will be completed according to standard practice and in a good, workmanlike manner.

4. Customer will provide all necessary easements and rights of way. Unless specifically stated otherwise above, (a) Roto-Rooter is not responsible for the removal of trees, sprinkler systems, underground and above ground fencing, rocks, sidewalks or driveways, or the repair of streets, sidewalks and the like, (b) Roto-Rooter will back fill and grade the excavated area to ground level and mound it to allow for settlement, and (c) Customer is responsible for all landscaping repairs or replacements required following completion of the job. Roto-Rooter is not responsible for damage resulting from poor weather.

Customer Initials

5. If we cannot video or inspect the complete sewer line, we will give you a price to repair the section that we believe is causing the restriction. After we have uncovered that area, we will attempt to inspect the rest of the sewer line. If additional work needs to be done, or a complete sewer line replacement is required, we will propose a price to properly complete the work. The price for the additional work may be significantly higher than the original proposal. If you decide not to proceed with additional work we propose, you will permit us to complete our work and back fill any excavation.

6. If deviation from the work described above is required or customer requests additional or different work be performed, the parties will agree on an additional charge and sign a new written work description before Roto-Rooter begins the new work.

7. THE TERMS AND CONDITIONS ON THE REVERSE SIDE OF THIS PROPOSAL WILL BE BINDING ON THE PARTIES.

8. This proposal may be withdrawn by Roto-Rooter if not accepted within \_\_\_\_\_ days. This proposal constitutes the entire agreement between the parties, and no modifications will be valid unless in writing and signed by both parties.

Respectfully submitted:

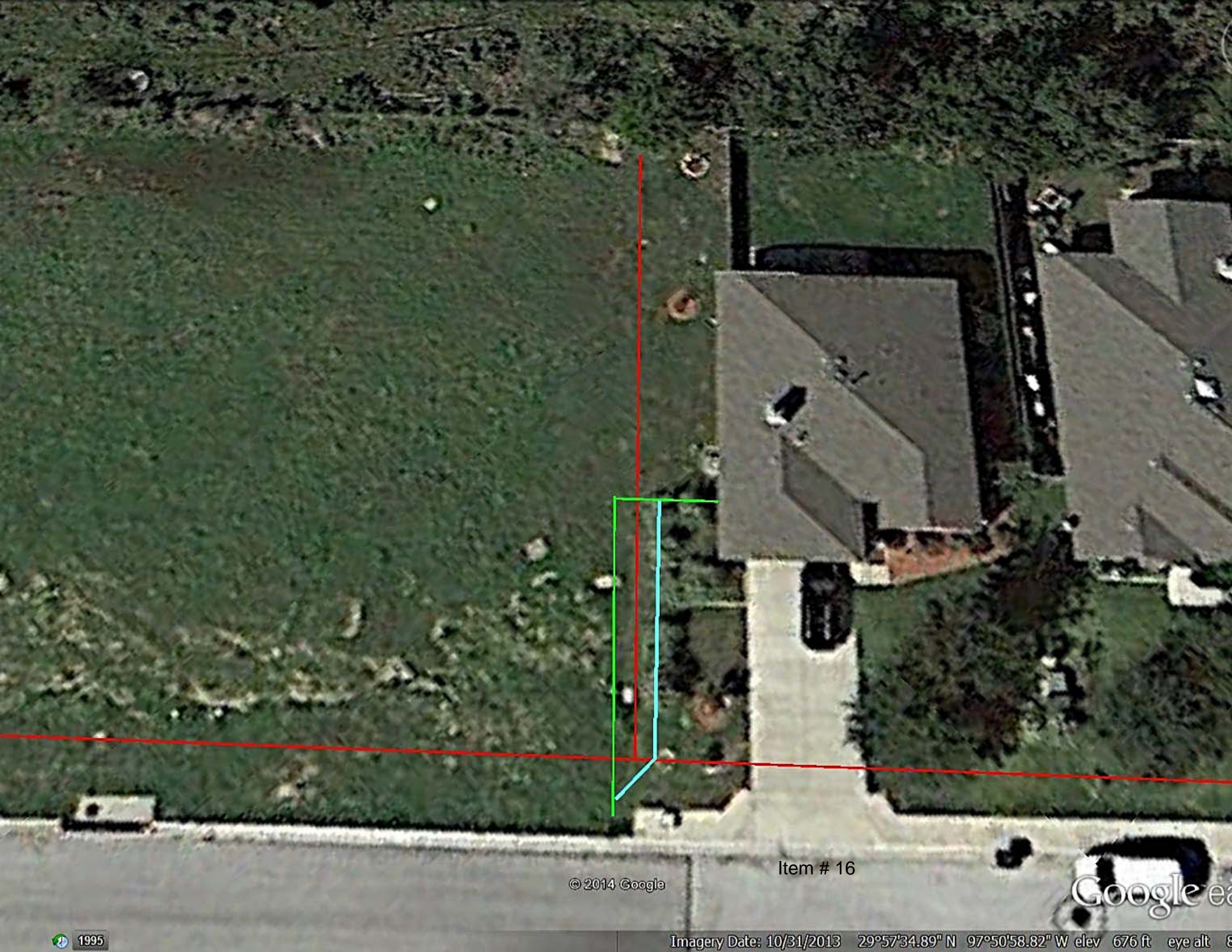
Technician Signature: [Signature] Printed Name/Technician Number: Carlos Perez #4410 Date: 4/29/14

**ACCEPTANCE OF PROPOSAL**

I authorize the services indicated and agree to pay the amounts specified. I have read and agree to the terms, including the limits of Roto-Rooters responsibility specified in those terms.

X Customer Signature \_\_\_\_\_ X Printed Name \_\_\_\_\_ Date \_\_\_\_\_ **Item # 16**





© 2014 Google

Item # 16

Google e



City of Kyle, Texas  
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: May 20, 2014  
 CONTACT CITY DEPARTMENT: Public Works Department  
 CONTACT CITY STAFF: Harper Wilder, Director

SUBJECT:

Award a bid in an amount not to exceed \$1,600.00 to B&G SEPTIC, Kyle, Texas, lowest and most responsible bidder, to construct a tie-in in a new wastewater service line at 320 Evening Star, Woodlands Subdivision, Kyle.

CURRENT YEAR FISCAL IMPACT:

This authorization for a Purchase Order will require expenditure of funds from the Public Works Department's Fiscal Year 2013-14 approved operating budget as follows:

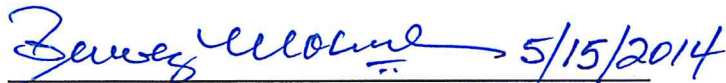
1. City Department:	Public Works Department
2. Project Name:	Wastewater Service Tie-in
3. Budget/Accounting Code(s):	310-825-53144
4. Funding Source:	Water and Wastewater Utility Fund
5. Current Appropriation:	\$ 272,350.55
6. Unencumbered Balance:	\$ 157,654.28
7. Amount of This Action:	\$ ( 1,600.00)
8. Remaining Balance:	<u>\$ 156,054.28</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for this authorization is the approved budget of the Public Works Department (Water and Wastewater Utility Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 5/15/2014

Pervez A. Moheet, CPA - Date  
 Director of Finance



# CITY OF KYLE, TEXAS

## Election Transport Bags

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:** Approve the purchase of five (5) transport bags for Hart Judges booth controllers for the city election judge from A. RIFKIN CO., Wilkes-Barre, PA, in an amount not to exceed \$731.94. ~ *Ken Johnson, City Attorney*

**Other Information:**

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

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Attachments / click to download

 [A. Rifkin Co. Quote](#)

 [Fiscal Note](#)

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04/28/2014

**Quotation**  
10273

Amelia Sanchez  
City of Kyle  
100 W Center St  
Kyle, TX 78640  
asanchez@cityofkyle.com

Dear Amelai:

Thank you for considering the A. Rifkin Co. to fulfill your organization's needs. We appreciate the opportunity to submit to you the below quotation for your consideration.

Quantity	Part Number	Quote Name Description	Quote Number	Unit Price	Ext. Price
5	B15214-Y10-82NB	Transport Bag for Hart Judges Booth Controller 14"H x 18.5" x 7"W Nassau Blue Arco 600 1.5" Red Webbing Handles 4"x6" Framed Window Name Plate Free Script Embroidery	10273	\$138.18	\$690.90
1	Shipping	Estimated shipping via UPS Ground	10273	\$ 41.04	\$ 41.04
		Bags are custom manufactured and require a five week lead time			

The quote is valid for 30 days and will expire on 05/28/14

To place your order, please sign in the box below and return via fax to 800-825-8284. Should you have further questions, please contact me at (570) 825-9551 Ext. 228 or email cedmonds@arifkin.com. Thank you for this opportunity to serve you.

Sincerely,

Christine Edmonds  
Direct Line: (570) 825-9551 Ext. 228  
E-Mail: cedmonds@arifkin.com

\_\_\_\_\_  
Authorized Signature

**Terms & Conditions:**

- Terms Net 10 days, F.O.B. shipping point.
- Shipping date to be assigned at time of order.

- Applicable taxes and shipping charges will be added to the invoice.

Item # 17

Every effort will be made to ship the exact quantity of a printed order. Standard industry practice for printed products, however, provides a manufacturing allowance of +/-3% of the quantity ordered. It is our policy to ship and invoice all finished products.

\*Reference our web site <http://www.arifkin.com/policies> for complete policies, terms and conditions.

*Find more solutions to your business needs at <http://www.arifkin.com> - visit today!*



City of Kyle, Texas  
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: May 20, 2014  
 CONTACT CITY DEPARTMENT: Office of the City Manager  
 CONTACT CITY STAFF: Amelia Sanchez, City Secretary

SUBJECT:

Approve payment to A. RIFKIN CO., Wilkes-Barre, PA, in an amount not to exceed \$731.94 for the purchase of transport bags for Hart Judges Booth Controllers for the City Election Judge.

CURRENT YEAR FISCAL IMPACT:

This Purchase Order issued for the purchase of a transport bags for the election machines will require expenditure of funds from the approved budget of the Office of the City Manager as follows:


- |                               |                                      |
|-------------------------------|--------------------------------------|
| 1. City Department:           | Office of the City Manager           |
| 2. Project Name:              | Transport Bags for Election Machines |
| 3. Budget/Accounting Code(s): | 110-110-55311                        |
| 4. Funding Source:            | General Fund                         |
| 5. Current Appropriation:     | \$ 9,500.00                          |
| 6. Unencumbered Balance:      | \$ 9,473.76                          |
| 7. Amount of This Action:     | \$ ( 731.94)                         |
| 8. Remaining Balance:         | \$ <u>8,741.82</u>                   |

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order to A. RIFKIN CO., in the amount of \$731.94 will be provided from the FY 2013-14 Approved Budget of the Office of the City Manager (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 5/12/2014

Perwez A. Moheet, CPA - Date  
 Director of Finance



# CITY OF KYLE, TEXAS

## Election Services Agreement

**Meeting Date: 5/20/2014**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Authorize the City Manager to execute an agreement with the Hays County elections officer for election services provided for the May 31, 2014, city runoff election. ~ *Ken Johnson, City Attorney*

**Other Information:**

**Budget Information:**

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**Attachments / click to download**

[Contract Kyle Run Off Election 2014-1](#)

[City of Kyle Run Off Estimate May 31 2014](#)

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**STATE OF TEXAS }  
 }                    **CONTRACT FOR ELECTION SERVICES**  
 COUNTY OF HAYS}  
**KNOW ALL PERSONS BY THESE PRESENTS:****

**THIS CONTRACT**, made this \_\_\_ day of \_\_\_\_\_, 2014, by and between the City of Kyle (the “**CITY**”), a political subdivision located in Hays County, Texas, and the Hays County Elections Officer, (the “**OFFICER**”). The City and the Officer are sometimes hereinafter collectively referred to as the “Parties”.

**WITNESSETH:**

**WHEREAS**, the Officer and the City, both of which are situated in Hays County, Texas, are authorized to execute this Contract pursuant to the provisions of the Texas Election Code, Chapter 31, Subchapter D, for the conduct and supervision of the City of Kyle Run-Off Election, to be held on May 31, 2014 (the “election”); and

**WHEREAS**, the City and the Officer have determined that it is in the public interest of the inhabitants of the City that the following contract be made and entered into for the purpose of having the Officer furnish to the City certain election services and equipment needed for the City’s election.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements hereinafter set forth, the Parties hereby contract, covenant and agree as follows:

**Article 1. OFFICER’S DUTIES AND SERVICES.** The Officer agrees to undertake certain responsibilities and perform the following services for the City in connection with the election in accordance with applicable state law:

1. Prepare lists of persons to recommend for appointment as presiding election judges and alternate judges; recruit, appoint, and train the judges and clerks; and arrange for the use of polling places.
2. Procure and distribute election supplies, including preparation, printing and distribution of ballots.
3. Assemble and edit lists of eligible registered voters to be used in conducting the election, in conformity with the City’s boundaries, single member districts, as appropriate, and election precincts established for the election.
4. Prepare, and distribute election equipment, transport equipment to and from the polling places, and issue election supplies to the precinct judges.
5. Supervise the conduct of early voting and supply personnel to serve as deputy early voting clerks.
6. Assist in providing general overall supervision of the Election and provide advisory services in connection with the decisions to be made and actions to be taken by officers of the City who are responsible for holding the election.
7. Tabulate the ballots and provide the City the results of the run- off election.

Item # 18

8. Perform other incidental related services as may be necessary to effectuate the election.
9. Remit to the City a detailed listing of expenses incurred to conduct the election for payment within the time period set forth in Article 4 (Cost of Services).
10. Perform a criminal background check on all employees, including temporary workers who are engaged in pre-election programming, testing and preparing of the voting system equipment for Early Voting and Election Day for the CITY, and determine there are no findings that would prevent the employees from performing their assigned duties.

**NOTHING IN THIS AGREEMENT IS INTENDED TO LIMIT THE DISCRETION OF THE OFFICER IN THE EXECUTION OF HER DUTIES. IT IS FOR THE OFFICER, IN THE EXERCISE OF REASONABLE DISCRETION, TO DETERMINE HOW THE EFFORTS OF HER OFFICE SHOULD BE ALLOCATED THROUGHOUT THE COUNTY.**

**Article 2. CITY'S DUTIES AND SERVICES.** The City agrees to perform the following duties:

1. Prepare and adopt all orders and resolutions necessary to conduct the election.
2. Prepare and publish all required election notices.
3. Deliver to the Officer as soon as possible, but not later than legally required before the election, the ballot language including the list of candidates, or any measures that are to be printed on the ballot with the exact form, wording and spelling that is to be used.
4. Provide the services necessary to translate any election documents for the City's election into Spanish.
5. Pay any additional costs incurred by the Officer if a recount for said election is required, or the election is contested in any manner.
6. Provide technical assistance requested by the Officer.

**Article 3. ADMINISTRATION.** The Officer will be responsible for administering this Agreement and coordinating with the City to assure the election is held in compliance with the Texas Election Code and providing supervisory control and command over all agents, officers, and other personnel performing services pursuant to this Agreement. The contact person and representative for the Elections Office is the Officer, or her designee, and the contact person and representative for the City is Amelia Sanchez.

**Article 4. COST OF SERVICES.** The City shall reimburse the Officer for all expenses incurred for the City election conducted by the Officer, including a runoff election that may be required, and, in addition, the City shall pay an administrative fee of **10%** of the total cost of that election, as billed to the City by the Officer. An itemized list of estimated election expenses is attached as Exhibit A and incorporated by reference for all purposes. In the event the services



are provided for a joint election, the cost shall be equally prorated between the participating entities. A runoff election shall be treated as a separate election. Within 20 days of the completion of the election, the Officer shall submit a statement to the City listing all of the expenses and the administrative fee. The City shall pay the total amount within 45 days of the election.

**Article 5. CANCELLATION OF ELECTION.** If the City cancels the election pursuant to Section 2.053, Texas Election Code, the Officer shall only be entitled to receive the actual expenses incurred before the date of cancellation in connection with the election and a cancellation fee of \$50.00. The Officer shall submit an invoice for such expenses (properly supported with an itemized list of expenses) as soon as reasonably possible after the cancellation and the City shall make payment therefore in a manner similar to that set forth in Article 4 above. The Officer agrees to use reasonable diligence not to incur major costs in connection with election preparations until it is known that the election will be held, unless the City authorizes such major costs in writing.

**Article 6. LIABILITY.** The City shall be responsible for any actual expenses for repairs for any damage that occurs to the DRE machines by the City to the extent that any such repairs are not covered under the vendor's warranty. The City shall not be liable for any damage to a DRE machine that is caused by a third party outside of the control of the City.

**Article 7. GENERAL CONDITIONS.** The following general conditions shall apply:

1. Nothing contained in this contract shall authorize or permit a change in the office with whom or the place at which any document or record relating to the election is to be filed, or place at which any function of the canvass of the election returns is to be performed, or the officer to serve as custodian of voted ballots or other election records.
2. The Officer may assign deputies to perform any of the contracted services.
3. The Officer may contract with third persons for election services and supplies.
4. This contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Hays County, Texas.
5. In case any one or more of the provisions contained in this contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
6. No amendment, modification, or alteration of the terms hereof shall be binding unless the same is in writing, dated subsequent to the date hereof and duly executed by the parties hereof.

**Article 8. MISCELLANEOUS.** Nothing in this Agreement shall be deemed to waive, modify or amend any legal defenses available at law or in equity to the County, the City or the Officer, or to create any legal rights or claim on behalf of any third party. Neither the County, the City, nor the Officer waive any defenses whatsoever, including, but not limited to, governmental immunity.

**Article 9. NOTICE.** Any notice provided for under this Agreement shall be forwarded to the following addresses:

Hays County  
Elections Administrator  
712 South Stagecoach Trail  
Ste 1045  
San Marcos, TX 78666

Lucy Johnson  
Mayor  
  
P.O. Box 40  
Kyle, TX 78620

**SIGNED AND AGREED UPON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**Hays County Elections Administrator**

**City of Kyle**

\_\_\_\_\_  
**JOYCE A. COWAN**

\_\_\_\_\_  
**LUCY JOHNSON**

# THE COUNTY OF HAYS

Elections/Voter Registration  
712 S. Stagecoach Trail, Suite 1045  
San Marcos, TX 78666-7751



Phone: (512) 393-7310

[www.co.hays.tx.us](http://www.co.hays.tx.us)

**Joyce A. Cowan**  
Elections Administrator/Voter Registrar

## ESTIMATED COST FOR ELECTION EXPENSES

City of Kyle Run Off Election, May 31, 2014

Based on 3 election day poll and 1 ev site

	<b>Estimate</b>
1. Electronic voting system programming and testing	
A. General	\$ 375.00
2. Rental of voting equipment ( <b>Election Day &amp; Early Voting</b> )	
A. General	
a. Number of DREs/eSlate systems	
4 X rental rate of <u>\$100.00</u> =	\$ 400.00
b. Number of DAUs/Disable Access Units	
4 X rental rate of <u>\$100.00</u> =	\$ 400.00
c. Number of JBCs/ Judges Booth Comptroller	
4 X rental rate of <u>\$100.00</u> =	\$ 400.00
3. Election kits and other election supplies	
A. General	\$ 152.00
4. Precinct election judges and clerks	
A. Election Day <u>9</u> X <u>130.00</u> =	\$ 1,170.00
number of election judges and clerks	hourly rate (max. \$10.00)
B. Early Voting <u>2</u> X <u>640.00 (8 days)</u> =	\$ 1,280.00
number of early voting clerks	hourly rate (max. \$10.00)
5. Election judges/clerk's fee for pickup & delivery of supplies	
A. Election Day <u>3</u> X <u>25.00</u> =	\$ 75.00
number of workers	fee (max. \$25.00)
6. Early Voting Ballot Board Personnel (§ 81.121*)	
A. General <u>3</u> X <u>20.00</u> =	\$ 60.00
number of workers	hourly rate (\$10.00)
7. Central Counting Station Personnel (§ 81.121*)	
A. General <u>1</u> X <u>25.00</u>	\$ 75.00
number of workers	hourly rate (\$10.00)
a. Manager and technical support personnel	\$ 50.00
8. Miscellaneous election costs	
A. General	\$ 150.00
<u>sample ballots, processing payroll, postage, telephone, travel, additional supplies, Training of poll workers</u>	
9. County Election Services Contract Administrative Fee (§81.132)	
A. General	\$ 458.70
10. Total Cost of General	\$ 5,045.70



# CITY OF KYLE, TEXAS

## ADA Audit

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:** Authorize the City Manager to negotiate and execute a professional services agreement with KIMLEY-HORN & ASSOCIATES, INC., Austin, Texas, in an amount not to exceed \$121,400.00 to conduct an amenity access audit of certain city-owned facilities and properties, develop a transition plan, and prepare a comprehensive report. ~ *Kerry Urbanowicz, Director of Parks and Recreation*

**Other Information:** Respondents to the RFQ were interviewed by the Parks Committee following their presentations. RFQ scoring matrix is attached. The Committee recommends Kimley-Horn from Austin, Texas as the firm to work with. The City Attorney has reviewed the contract and all comments have been addressed.

**Budget Information:** A Fiscal Note could **not** be certified and provided for this contract award.

Funding for this study is neither provided for nor available in the City's current approved budget for Fiscal Year 2013-14. Due to the lack of an available funding source, a Fiscal Note could not be prepared and certified by the City's Director of Finance. An amendment to the City's adopted budget for Fiscal Year 2013-14 will be necessary should the City Council's direction to the City Manager is to award this professional services agreement in the current fiscal year.

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

**Attachments / click to download**

- [ADA Audit Resolution](#)
- [ADA Audit RFQ](#)
- [RFQ Scoring](#)
- [Scope of Services IPO](#)
- [Master Client Agreement](#)

Cover Memo



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

**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.**

**Whereas**, Under Title II of the American with Disabilities Act, the City of Kyle is required to conduct an evaluation of its existing facilities to determine whether there are elements that adversely affect the full participation of individuals with disabilities; and,

**Whereas**, such evaluation shall include a physical accessibility assessment of all facilities where programs, services, and activities occur and steps to be taken to remedy any physical barriers that may exist; and,

**Whereas**, the City of Kyle must develop a transition plan to rectify any and all barriers. Title II clearly states that not necessarily every site must be made accessible, but every site must be evaluated.

**Whereas**, The City of Kyle wishes to have an access audit of certain facilities and properties, and that is the subject of this RFQ.

**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.** Authorization is hereby given to solicit quality proposals as described in further detail in the Request for Qualifications for Professional Services, a copy of which are attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

**Section 3. Budget Approval.** The current *FY2013-14 Annual Operating Budget* does not include the funds associated with this service. The adoption of this resolution does not authorize the issuance of a purchase order for the associated project. Acceptance of and negotiations for a professional service agreement will require a budget amendment if approved by City Council during this current fiscal year or subsequent years.

**Section 4. 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 5. 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

**Attest:**

**THE CITY OF KYLE, TEXAS**

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

\_\_\_\_\_  
Mayor

*Exhibit “A”*

**CITY OF KYLE, TEXAS**  
**REQUESTS FOR QUALIFICATIONS**  
**FOR PROFESSIONAL SERVICES (RFQ)**  
**ACCESSIBILITY AUDIT: RFQ-2014-02-PARD**

**SPECIFICATIONS AND GENERAL PROPOSAL REQUIREMENTS FOR  
ACCESSIBILITY AUDIT OF CERTAIN FACILITIES AND PROPERTIES FOR  
THE CITY OF KYLE**

**NOTICE TO RESPONDERS:**

Notice is hereby given that the City of Kyle is accepting proposals for an Accessibility Audit of facilities and property, and the development of a transition plan, based on the access audit as stated in this RFQ and posted on our website: [www.cityofkyle.com](http://www.cityofkyle.com). Proposals marked **ACCESSIBILITY AUDIT: RFQ-2014-02-PARD** are to be submitted to:

Kerry Urbanowicz  
Director of Parks, Recreation & Facilities  
City of Kyle  
(mailing) PO Box 40  
(physical) 700 Lehman Rd  
(email) [kerryu@cityofkyle.com](mailto:kerryu@cityofkyle.com)  
Kyle, Texas 78640  
(512) 262-3935

**REQUEST FOR QUALIFICATIONS DEADLINE:**  
**2:00PM, THURSDAY, (date to be determined)**

Proposals will be received at the above address until 2:00pm, Thursday, (date to be determined). Emailed proposals received prior to deadline will be accepted. Proposals received before deadline will be presented to Kyle Parks & Recreation Committee on Monday, (date to be determined). The Parks & Recreation

Committee will make a recommendation to Kyle City Council as to who should be considered to be awarded the services.

Proposals should be clearly marked, “**ACCESSIBILITY AUDIT: RFQ-2014-02-PARD**”. Any proposal received later than the specified time, whether delivered in person, postal mail or emailed 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. The City of Kyle will not be responsible for emailed proposals that did not get into “in-box”. Respondents are encouraged to hand deliver their proposals well ahead of opening time or follow up to confirm their proposals were received before deadline.

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.

**BACKGROUND:**

Under Title II of the American with Disabilities Act, the City of Kyle is required to conduct an evaluation of its current facilities to determine whether there are elements that adversely affect the full participation of individuals with disabilities. According to the U.S. Department of Justice ADA Guidance and Material, such evaluation **shall** include:

*“A physical accessibility assessment of all facilities where programs, services, and activities occur and steps to be taken to remedy any physical barriers that may exist.”*

If structural changes are necessary, the City of Kyle must develop a transition plan to remove barriers when doing so makes the program or opportunity at that site accessible. Title II clearly states that not necessarily every site must be made accessible, but every site must be evaluated. The City of Kyle now wishes to have an access audit of certain facilities and properties, and that is the subject of this RFQ.

**SCOPE of WORKS:**

1. The City of Kyle is requesting proposals from experienced professionals to conduct this amenity access audit of certain facilities and properties, develop a transition plan, and prepare a full report to the City.
2. Interested parties should have conducted no less than twenty (20) similar audits of agencies similar in scope and size to the City of Kyle. At least 2



samples of previously completed site audits must be included with the proposal.

3. The transition plan shall build on the access audit and include phasing, recommended solutions, and cost projections. A conclusion report shall also be provided that organizes the recommendations of the various site reports.
4. The final access audit report provided by the successful proposal shall be delivered in an electronic format and will become the property of the City of Kyle. The final report will include individual site reports, deficits observed, and recommended solutions.
5. The transition plan shall build on the access audit and include phasing, recommended solutions, and cost projections. A conclusion report shall also be provided that organizes the recommendations of the various site reports.
6. Audit and Transition Plan shall describe how the firm's work will result in reports or documents that satisfy the Title II 35.105 and 35.150(d) requirements.
7. Applicants need to understand and demonstrate that an access audit is not just about the site or the facility; it is also about how that location is used. To be considered as strongly qualified, the responding proposal must:
  - a. Demonstrate a clear understanding of the ADA title II regulation and specifically, the program access test as applied to existing facilities;
  - b. Demonstrate a clear understanding of the Federal 2010 Standards for Accessible Design and specifically, the scoping and technical requirements new to the 2010 Standards;
  - c. Demonstrate a clear understanding of the 2012 Texas Accessibility Standards (TAS);
  - d. Demonstrate a clear understanding of the status of other rulemaking underway, and discuss how those rulemaking efforts affect the City of Kyle;
  - e. Demonstrate a clear understanding of city operations, including the interface between design, construction or installation, programming, and maintenance;
  - f. Demonstrate a clear understanding of the Federal 2010 Standards provisions regarding technical infeasibility and construction tolerance; and
  - g. Demonstrate a clear understanding of court and administrative decisions regarding the accessibility of existing sites and facilities.

8. All data shall be provided in a Microsoft Office version required by the City so that City staff can modify reports, reorganize data, or excerpt segments of reports for use in other City documents or publications. The transition plan shall be in an Excel document. The reports shall include:
  - a. A description of access deficits at elements at each site;
  - b. Digital images of access deficits, or a description, for ease of use by staff;
  - c. Recommendations for corrective action for each access deficit; and
  - d. Checklists or reports that identify specific access deficits, with a reference to the appropriate federal or state citation, or smart practice.
9. Where appropriate, recommendations for universal design shall be made.
10. The ADA transition plan to be prepared by the successful bidder is to be based on the information in the access audit.
11. All associated field notes that are necessary to conduct the assessment shall be included with the final report document.
12. Timeline of process to complete the audit, prepare the transition report, phasing of recommended solutions and cost projections should be included.
13. The City of Kyle may select certain facilities and/or properties to conduct this audit in phases. Current facilities and properties to be considered in total audit include, but are not limited to:
  - a. Kyle City Hall (100 W. Center St);
  - b. Historic Kyle City Hall (101 S. Burleson);
  - c. Annex Building (IT/VFW – 101 S. Front);
  - d. Kyle Public Library (550 Scott);
  - e. Kyle Train Depot (101 N. Front);
  - f. Police Dispatch Complex (300 W. Center);
  - g. Kyle Police Headquarters (111 N. Front);
  - h. Parks Maintenance Shop (225 Rebel);
  - i. Lake Kyle Parks Office (700 Lehman);
  - j. Public Works (FM-150);
  - k. City Square Park (Center Street);
  - l. Gregg-Clarke Park (1100 W. Center St);
  - m. Kyle Pool (at Gregg-Clarke Park);
  - n. Steeplechase Park (295 Hallie Dr);
  - o. Waterleaf Park (700 Abundance Ln);
  - p. Lake Kyle (700 Lehman Rd);
  - q. Sidewalk Plan for City of Kyle; and
  - r. any new facility or property open to the public during term of agreement

**RFQ RESPONSE FORMAT:**

The responses shall be submitted on an electronic file transfer format such as readable DVD or flash drive in Microsoft Word, Microsoft Power Point **and** Adobe

PDF. In addition to the electronic format, one (1) bound printed copy shall be submitted.

Submissions shall include pages 6, 7 and 8 of this RFQ completely filled out and signed.

Additional pages should be submitted to demonstrate the ability to meet the Scopes listed above. Failure to demonstrate the ability to meet the Scopes outlined on this RFQ may disqualify applicant.

**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 completion of each phase of the project and receipt of invoice, payment will be within 30 days.

**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 Better Business Bureau may be contacted for professional reference.

**RFQ SUBMITTAL EVALUATION PROCESS:**

1. All proposals received before the deadline will be reviewed by staff to assure the minimum qualifications, reference and experiences have been met;
2. All proposals meeting qualifications, reference checks and experience will be presented to the Kyle Parks and Recreation Committee. Presentations by the ones that submitted the proposals will be limited to thirty (30) minutes to discuss their proposals.
3. The Committee will rank the proposals from top to bottom. Staff will negotiate a fee and timeline with the top-ranked proposal and submit that to City Council for approval. If negotiations with the top-ranked proposal fail, staff will negotiate with the next-ranked proposal and so-on until a proposal has been submitted to City Council for approval.

### RFQ SUBMITTAL FORM

Please list up to twenty (20) similar audits of agencies similar in scope and size to the City of Kyle:

How would the auditor demonstrate a clear understanding of the ADA title II regulation and specifically the program access test as applied to existing facilities?

How would the auditor demonstrate a clear understanding of the Federal 2010 Standards for Accessible Design and specifically, the scoping and technical requirements new to the 2010 Standards?

How would the auditor demonstrate a clear understanding of the 2012 Texas Accessibility Standards (TAS)?

*(use additional pages for these if needed)*

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



**CITY OF KYLE, TEXAS**  
**REQUESTS FOR QUALIFICATIONS**  
**FOR PROFESSIONAL SERVICES (RFQ)**  
**ACCESSIBILITY AUDIT: RFQ-2014-02-PARD**

**SPECIFICATIONS AND GENERAL PROPOSAL REQUIREMENTS FOR**  
**ACCESSIBILITY AUDIT OF CERTAIN FACILITIES AND PROPERTIES FOR**  
**THE CITY OF KYLE**

**NOTICE TO RESPONDERS:**

Notice is hereby given that the City of Kyle is accepting proposals for an Accessibility Audit of facilities and property, and the development of a transition plan, based on the access audit as stated in this RFQ and posted on our website: [www.cityofkyle.com](http://www.cityofkyle.com). Proposals marked **ACCESSIBILITY AUDIT: RFQ-2014-02-PARD** are to be submitted to:

Kerry Urbanowicz  
 Director of Parks, Recreation & Facilities  
 City of Kyle  
 (mailing) PO Box 40  
 (physical) 700 Lehman Rd  
 (email) [kerryu@cityofkyle.com](mailto:kerryu@cityofkyle.com)  
 Kyle, Texas 78640  
 (512) 262-3935

**REQUEST FOR QUALIFICATIONS DEADLINE:**  
**2:00PM, THURSDAY, NOVEMBER 7, 2013**

Proposals will be received at the above address until 2:00pm, Thursday, November 7, 2013. Emailed proposals received prior to deadline will be accepted. Proposals received before deadline will be presented to Kyle Parks & Recreation Committee on Monday, November 18, 2013. The Parks & Recreation Committee will make a recommendation to Kyle City Council as to who should be considered to be awarded the services.

Proposals should be clearly marked, “**ACCESSIBILITY AUDIT: RFQ-2014-02-PARD**”. Any proposal received later than the specified time, whether delivered in

person, postal mail or emailed 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. The City of Kyle will not be responsible for emailed proposals that did not get into "in-box". Respondents are encouraged to hand deliver their proposals well ahead of opening time or follow up to confirm their proposals were received before deadline.

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Under Title II of the American with Disabilities Act, the City of Kyle is required to conduct an evaluation of its current facilities to determine whether there are elements that adversely affect the full participation of individuals with disabilities. According to the U.S. Department of Justice ADA Guidance and Material, such evaluation **shall** include:

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If structural changes are necessary, the City of Kyle must develop a transition plan to remove barriers when doing so makes the program or opportunity at that site accessible. Title II clearly states that not necessarily every site must be made accessible, but every site must be evaluated. The City of Kyle now wishes to have an access audit of certain facilities and properties, and that is the subject of this RFQ.

### **SCOPE of WORKS:**

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  - e. Demonstrate a clear understanding of city operations, including the interface between design, construction or installation, programming, and maintenance;
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Submissions shall include pages 7 and 8 of this RFQ completely filled out and signed.

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How would the auditor demonstrate a clear understanding of the Federal 2010 Standards for Accessible Design and specifically, the scoping and technical requirements new to the 2010 Standards?

How would the auditor demonstrate a clear understanding of the 2012 Texas Accessibility Standards (TAS)?

Please return these last 2 pages with your 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: \_\_\_\_\_



(use additional pages for these if needed)

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

Score Tabulation - RFQ-2014-02-PARD Accessibility Audit

	Q - 1	Q - 2	Q - 3	Q - 4	Q - 5	Q - 6	Q - 7	Q - 8	Q - 9	Q - 10	Total
Recreation Accessibility Consultants	52	53	55	51	46	56	55	50	51	52	521
	8.67	8.83	9.17	8.50	7.67	9.33	9.17	8.33	8.50	8.67	86.83
Kimley-Horn & Associates	54	59	58	54	52	50	59	52	51	60	549
	9.00	9.83	9.67	9.00	8.67	8.33	9.83	8.67	8.50	10.00	91.50

Review Committee Member Mike FultonDate 11/18

Company Name: RECREATION ACCESSIBILITY CONSULTANTS, INC \_\_\_\_\_

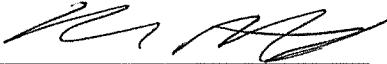
or

KIMLEY-HORN and ASSOCIATES, INC X

Score the presentation and proposal on these elements using the scoring method of:

10 – Exceeds the level needed    7 – Meets the level needed    4 – Has some level needed    1 – Has no level needed

1. In your opinion, does the applicant understand the program access test as applied to existing facilities?  
Score: 7
2. In your opinion, does the applicant understand the scoping and technical requirements new to the 2010 Standards?  
Score: 10
3. In your opinion, does the applicant understand the 2012 Texas Accessibility Standards (TAS)?  
Score: 10
4. In your opinion, does the applicant understand the status of other rulemaking underway, and how those efforts may affect the City of Kyle?  
Score: 10
5. In your opinion, does the applicant understand city operations, including design, construction, programming and maintenance?  
Score: 7
6. In your opinion, does the applicant understand the Federal 2010 Standards provisions regarding technical infeasibility and construction tolerance?  
Score: 10
7. In your opinion, does the applicant understand court and administrative decisions regarding the accessibility of existing sites and facilities?  
Score: 10
8. In your opinion, do you feel this applicant would present the City of Kyle the report and plan in a timely manner?  
Score: 7
9. In your opinion, do you feel the applicant understands how to prepare RFP's and construction documents when the City of Kyle is ready to seek contractors to fix and mediate concerns and deficiencies found in the audit and identified in the transition plan?  
Score: 7
10. In your opinion, do you feel the applicant understands that they will be working with the City of Kyle for many years while the city comes into compliance and reviews future projects?  
Score: 10

Signature: Total Score: 88  
Item # 19  
Price?

Kimley  
-92  
-91  
-100  
-83  
-94  
-88

Review Committee Member

Jimi Hough

Date

11/18/13

Company Name:

RECREATION ACCESSIBILITY CONSULTANTS, INC \_\_\_\_\_

or

KIMLEY-HORN and ASSOCIATES, INC X

Score the presentation and proposal on these elements using the scoring method of:

10 – Exceeds the level needed    7 – Meets the level needed    4 – Has some level needed    1 – Has no level needed

1. In your opinion, does the applicant understand the program access test as applied to existing facilities?  
Score: 9
2. In your opinion, does the applicant understand the scoping and technical requirements new to the 2010 Standards?  
Score: 10
3. In your opinion, does the applicant understand the 2012 Texas Accessibility Standards (TAS)?  
Score: 8
4. In your opinion, does the applicant understand the status of other rulemaking underway, and how those efforts may affect the City of Kyle?  
Score: 7
5. In your opinion, does the applicant understand city operations, including design, construction, programming and maintenance?  
Score: 5
6. In your opinion, does the applicant understand the Federal 2010 Standards provisions regarding technical infeasibility and construction tolerance?  
Score: 8
7. In your opinion, does the applicant understand court and administrative decisions regarding the accessibility of existing sites and facilities?  
Score: 10
8. In your opinion, do you feel this applicant would present the City of Kyle the report and plan in a timely manner?  
Score: 9
9. In your opinion, do you feel the applicant understands how to prepare RFP's and construction documents when the City of Kyle is ready to seek contractors to fix and mediate concerns and deficiencies found in the audit and identified in the transition plan?  
Score: 7
10. In your opinion, do you feel the applicant understands that they will be working with the City of Kyle for many years while the city comes into compliance and reviews future projects?  
Score: 10

Signature:

James Hough

Total Score:

83

Item # 19

Review Committee Member PATRICK R. CORONA Date Nov 18, 2013

Company Name: RECREATION ACCESSIBILITY CONSULTANTS, INC \_\_\_\_\_

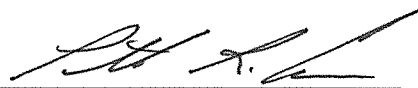
or

KIMLEY-HORN and ASSOCIATES, INC ✓

Score the presentation and proposal on these elements using the scoring method of:

**10** – Exceeds the level needed    **7** – Meets the level needed    **4** – Has some level needed    **1** – Has no level needed

1. In your opinion, does the applicant understand the program access test as applied to existing facilities?  
Score: 10
2. In your opinion, does the applicant understand the scoping and technical requirements new to the 2010 Standards?  
Score: 10
3. In your opinion, does the applicant understand the 2012 Texas Accessibility Standards (TAS)?  
Score: 10
4. In your opinion, does the applicant understand the status of other rulemaking underway, and how those efforts may affect the City of Kyle?  
Score: 10
5. In your opinion, does the applicant understand city operations, including design, construction, programming and maintenance?  
Score: 10
6. In your opinion, does the applicant understand the Federal 2010 Standards provisions regarding technical infeasibility and construction tolerance?  
Score: 10
7. In your opinion, does the applicant understand court and administrative decisions regarding the accessibility of existing sites and facilities?  
Score: 10
8. In your opinion, do you feel this applicant would present the City of Kyle the report and plan in a timely manner?  
Score: 10
9. In your opinion, do you feel the applicant understands how to prepare RFP's and construction documents when the City of Kyle is ready to seek contractors to fix and mediate concerns and deficiencies found in the audit and identified in the transition plan?  
Score: 10
10. In your opinion, do you feel the applicant understands that they will be working with the City of Kyle for many years while the city comes into compliance and reviews future projects?    Score: 10

Signature: 

Total Score: 100  
Item # 19



Review Committee Member STEPHANIE POOL Date Nov. 18, 2013

Company Name: RECREATION ACCESSIBILITY CONSULTANTS, INC \_\_\_\_\_

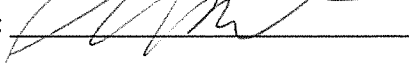
or

KIMLEY-HORN and ASSOCIATES, INC ✓

Score the presentation and proposal on these elements using the scoring method of:

**10** – Exceeds the level needed    **7** – Meets the level needed    **4** – Has some level needed    **1** – Has no level needed

1. In your opinion, does the applicant understand the program access test as applied to existing facilities?  
Score: 10
2. In your opinion, does the applicant understand the scoping and technical requirements new to the 2010 Standards?  
Score: 10
3. In your opinion, does the applicant understand the 2012 Texas Accessibility Standards (TAS)?  
Score: 10
4. In your opinion, does the applicant understand the status of other rulemaking underway, and how those efforts may affect the City of Kyle?  
Score: 10
5. In your opinion, does the applicant understand city operations, including design, construction, programming and maintenance?  
Score: 10
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Score: 4
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Score: 10
8. In your opinion, do you feel this applicant would present the City of Kyle the report and plan in a timely manner?  
Score: 7
9. In your opinion, do you feel the applicant understands how to prepare RFP's and construction documents when the City of Kyle is ready to seek contractors to fix and mediate concerns and deficiencies found in the audit and identified in the transition plan?  
Score: 10
10. In your opinion, do you feel the applicant understands that they will be working with the City of Kyle for many years while the city comes into compliance and reviews future projects?  
Score: 10

Signature: 

Total Score: 91  
Item # 19

Review Committee Member LADDIE Bordovsky Date 11-18-13

Company Name: RECREATION ACCESSIBILITY CONSULTANTS, INC \_\_\_\_\_

or

KIMLEY-HORN and ASSOCIATES, INC ✓

Score the presentation and proposal on these elements using the scoring method of:

10 – Exceeds the level needed    7 – Meets the level needed    4 – Has some level needed    1 – Has no level needed

1. In your opinion, does the applicant understand the program access test as applied to existing facilities?  
Score: 8
2. In your opinion, does the applicant understand the scoping and technical requirements new to the 2010 Standards?  
Score: 9
3. In your opinion, does the applicant understand the 2012 Texas Accessibility Standards (TAS)?  
Score: 10
4. In your opinion, does the applicant understand the status of other rulemaking underway, and how those efforts may affect the City of Kyle?  
Score: 8
5. In your opinion, does the applicant understand city operations, including design, construction, programming and maintenance?  
Score: 10
6. In your opinion, does the applicant understand the Federal 2010 Standards provisions regarding technical infeasibility and construction tolerance?  
Score: 10
7. In your opinion, does the applicant understand court and administrative decisions regarding the accessibility of existing sites and facilities?  
Score: 9
8. In your opinion, do you feel this applicant would present the City of Kyle the report and plan in a timely manner?  
Score: 9
9. In your opinion, do you feel the applicant understands how to prepare RFP's and construction documents when the City of Kyle is ready to seek contractors to fix and mediate concerns and deficiencies found in the audit and identified in the transition plan?  
Score: 9
10. In your opinion, do you feel the applicant understands that they will be working with the City of Kyle for many years while the city comes into compliance and reviews future projects?  
Score: 10

Signature: L Bordovsky

Total Score: 92  
Item # 19

Review Committee Member Jason Barkdoll Date Nov 18, 2013

Company Name: RECREATION ACCESSIBILITY CONSULTANTS, INC \_\_\_\_\_

or

KIMLEY-HORN and ASSOCIATES, INC ✓

Score the presentation and proposal on these elements using the scoring method of:

10 – Exceeds the level needed    7 – Meets the level needed    4 – Has some level needed    1 – Has no level needed

1. In your opinion, does the applicant understand the program access test as applied to existing facilities?  
Score: 10
2. In your opinion, does the applicant understand the scoping and technical requirements new to the 2010 Standards?  
Score: 10
3. In your opinion, does the applicant understand the 2012 Texas Accessibility Standards (TAS)?  
Score: 10
4. In your opinion, does the applicant understand the status of other rulemaking underway, and how those efforts may affect the City of Kyle?  
Score: 9
5. In your opinion, does the applicant understand city operations, including design, construction, programming and maintenance?  
Score: 10
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Score: 9
7. In your opinion, does the applicant understand court and administrative decisions regarding the accessibility of existing sites and facilities?  
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Score: 9
9. In your opinion, do you feel the applicant understands how to prepare RFP's and construction documents when the City of Kyle is ready to seek contractors to fix and mediate concerns and deficiencies found in the audit and identified in the transition plan?  
Score: 9
10. In your opinion, do you feel the applicant understands that they will be working with the City of Kyle for many years while the city comes into compliance and reviews future projects?  
Score: 10

Signature: Jason Barkdoll

Total Score: 99  
Item # 19

Review Committee Member

Jason Barkdall

Date

Nov 18, 2013

Company Name:

RECREATION ACCESSIBILITY CONSULTANTS, INC 

or

KIMLEY-HORN and ASSOCIATES, INC \_\_\_\_\_

Score the presentation and proposal on these elements using the scoring method of:

**10** – Exceeds the level needed    **7** – Meets the level needed    **4** – Has some level needed    **1** – Has no level needed

1. In your opinion, does the applicant understand the program access test as applied to existing facilities?  
Score: 10
2. In your opinion, does the applicant understand the scoping and technical requirements new to the 2010 Standards?  
Score: 10
3. In your opinion, does the applicant understand the 2012 Texas Accessibility Standards (TAS)?  
Score: \_\_\_\_\_ 10
4. In your opinion, does the applicant understand the status of other rulemaking underway, and how those efforts may affect the City of Kyle?  
Score: \_\_\_\_\_ 9
5. In your opinion, does the applicant understand city operations, including design, construction, programming and maintenance?  
Score: \_\_\_\_\_ 7
6. In your opinion, does the applicant understand the Federal 2010 Standards provisions regarding technical infeasibility and construction tolerance?  
Score: \_\_\_\_\_ 8
7. In your opinion, does the applicant understand court and administrative decisions regarding the accessibility of existing sites and facilities?  
Score: \_\_\_\_\_ 7
8. In your opinion, do you feel this applicant would present the City of Kyle the report and plan in a timely manner?  
Score: \_\_\_\_\_ 8
9. In your opinion, do you feel the applicant understands how to prepare RFP's and construction documents when the City of Kyle is ready to seek contractors to fix and mediate concerns and deficiencies found in the audit and identified in the transition plan?  
Score: \_\_\_\_\_ 8
10. In your opinion, do you feel the applicant understands that they will be working with the City of Kyle for many years while the city comes into compliance and reviews future projects?  
Score: \_\_\_\_\_ 8

Signature:

Jason Barkdall

Total Score:

85

Item # 19

Review Committee Member Mike Fulton Date 1/18Company Name: RECREATION ACCESSIBILITY CONSULTANTS, INC X


or

KIMLEY-HORN and ASSOCIATES, INC \_\_\_\_\_

Score the presentation and proposal on these elements using the scoring method of:

**10** – Exceeds the level needed    **7** – Meets the level needed    **4** – Has some level needed    **1** – Has no level needed

1. In your opinion, does the applicant understand the program access test as applied to existing facilities? Score: 7
2. In your opinion, does the applicant understand the scoping and technical requirements new to the 2010 Standards? Score: 7
- 7 3. In your opinion, does the applicant understand the 2012 Texas Accessibility Standards (TAS)? Score: 10
4. In your opinion, does the applicant understand the status of other rulemaking underway, and how those efforts may affect the City of Kyle? Score: 10
5. In your opinion, does the applicant understand city operations, including design, construction, programming and maintenance? Score: 7
6. In your opinion, does the applicant understand the Federal 2010 Standards provisions regarding technical infeasibility and construction tolerance? Score: 10
7. In your opinion, does the applicant understand court and administrative decisions regarding the accessibility of existing sites and facilities? Score: 10
8. In your opinion, do you feel this applicant would present the City of Kyle the report and plan in a timely manner? Score: 7
- \* 9. In your opinion, do you feel the applicant understands how to prepare RFP's and construction documents when the City of Kyle is ready to seek contractors to fix and mediate concerns and deficiencies found in the audit and identified in the transition plan? Score: 7
- \* 10. In your opinion, do you feel the applicant understands that they will be working with the City of Kyle for many years while the city comes into compliance and reviews future projects? Score: 7

Signature: Total Score: 82Mike Fulton  
Item # 19

RA  
1-86  
2-97  
3-97  
4-74  
5-85  
6-82



Review Committee Member

Jim Hough

Date

11/18/13

Company Name:

RECREATION ACCESSIBILITY CONSULTANTS, INC X

or

KIMLEY-HORN and ASSOCIATES, INC \_\_\_\_\_

Score the presentation and proposal on these elements using the scoring method of:

10 – Exceeds the level needed    7 – Meets the level needed    4 – Has some level needed    1 – Has no level needed

1. In your opinion, does the applicant understand the program access test as applied to existing facilities?  
Score: 8
2. In your opinion, does the applicant understand the scoping and technical requirements new to the 2010 Standards?  
Score: 8
3. In your opinion, does the applicant understand the 2012 Texas Accessibility Standards (TAS)?  
Score: 8
4. In your opinion, does the applicant understand the status of other rulemaking underway, and how those efforts may affect the City of Kyle?  
Score: 7
5. In your opinion, does the applicant understand city operations, including design, construction, programming and maintenance?  
Score: 4
6. In your opinion, does the applicant understand the Federal 2010 Standards provisions regarding technical infeasibility and construction tolerance?  
Score: 8
7. In your opinion, does the applicant understand court and administrative decisions regarding the accessibility of existing sites and facilities?  
Score: 8
8. In your opinion, do you feel this applicant would present the City of Kyle the report and plan in a timely manner?  
Score: 8
9. In your opinion, do you feel the applicant understands how to prepare RFP's and construction documents when the City of Kyle is ready to seek contractors to fix and mediate concerns and deficiencies found in the audit and identified in the transition plan?  
Score: 8
10. In your opinion, do you feel the applicant understands that they will be working with the City of Kyle for many years while the city comes into compliance and reviews future projects?  
Score: 7

Signature:

James P. Hough

Total Score:

74

Item # 19

Review Committee Member PATRICK R. CORONA Date Nov 18, 2013Company Name: RECREATION ACCESSIBILITY CONSULTANTS, INC ✓

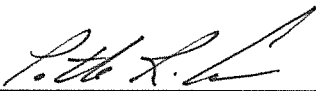
or

KIMLEY-HORN and ASSOCIATES, INC \_\_\_\_\_

Score the presentation and proposal on these elements using the scoring method of:

**10** – Exceeds the level needed    **7** – Meets the level needed    **4** – Has some level needed    **1** – Has no level needed

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Score: 10
10. In your opinion, do you feel the applicant understands that they will be working with the City of Kyle for many years while the city comes into compliance and reviews future projects?    Score: 10

Signature: Total Score: 97  
Item # 19

Review Committee Member STEPHANIE POOL Date Nov. 18, 2013

Company Name: RECREATION ACCESSIBILITY CONSULTANTS, INC


or

KIMLEY-HORN and ASSOCIATES, INC \_\_\_\_\_

Score the presentation and proposal on these elements using the scoring method of:

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Score: 10
10. In your opinion, do you feel the applicant understands that they will be working with the City of Kyle for many years while the city comes into compliance and reviews future projects?    Score: 10

Signature: 

Total Score: 97  
Item # 19

Review Committee Member LADDIE Bordovsky Date 11-18-13

Company Name: RECREATION ACCESSIBILITY CONSULTANTS, INC

or

KIMLEY-HORN and ASSOCIATES, INC \_\_\_\_\_

Score the presentation and proposal on these elements using the scoring method of:

**10** – Exceeds the level needed    **7** – Meets the level needed    **4** – Has some level needed    **1** – Has no level needed

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Score: 8
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Signature: L Bordovsky

Total Score: 86  
Item # 19

**INDIVIDUAL PROJECT ORDER NUMBER XXXX-XX**

Describing a specific agreement between Kimley-Horn and Associates, Inc. (the Consultant), and the City of Kyle, Texas (the Client) in accordance with the terms of the Master Agreement for Continuing Professional Services dated \_\_\_\_\_, which is incorporated herein by reference.

**IDENTIFICATION OF PROJECT: CITY OF KYLE ADA Self-Evaluation and Transition Plan**

The following scope of services provides the City of Kyle, Texas with professional services to prepare an ADA Self-Evaluation and Transition Plan. In order to develop the plan, the Consultant will complete a self-evaluation of a portion of the Client's existing infrastructure (e.g., buildings, parks, sidewalks, signalized intersections, and curb ramps). The remaining Client infrastructure will be incorporated into the plan through either subsequent phase(s) or ongoing efforts by Client staff.

**SPECIFIC SCOPE OF BASIC SERVICES:**

Task 1 – Project Management

- 1.1 The Consultant will maintain project records, budgets, and communications for the duration of the project. The Consultant anticipates weekly calls between the Consultant's Project Manager and the designated Client staff to review the status of tasks and to keep the schedule current.

Task 2 – Project Kick-off Meeting

- 2.1 Meet with Client staff to introduce the proposed project tasks and schedule. The proposed method for prioritizing barrier removal projects identified during the self-evaluation task will be presented. The Consultant will coordinate with Client staff to identify and obtain all necessary documents and materials to support the self-evaluation process and facility evaluation survey. This will include a list of all Client sponsored programs and Client leased and owned facilities to be included in the project.

Task 3 – Self-Evaluation

- 3.1 Evaluate current programs, procedures, policies, and Client leased and owned facilities related to the activities and services available to individuals with disabilities.
- 3.2 Review Programs, Procedures, and Policies. Document current programs, procedures, and policies related to the activities and services available to the public and correlate with barriers to access.
- 3.3 Staff Orientation Workshop. Meet with staff representing major program areas and orient them to the process that will be used to update and evaluate policies and programs, including the program services questionnaire. Produce staff workshop materials and handouts, conduct the staff orientation workshop, and prepare a report of action items resulting from the workshop.



- 3.4 ADA Liaison Committee. Assist the Client in establishing an ADA Liaison Committee that will meet throughout the process of completing the self-evaluation and updating the Transition Plan, and will continue to meet and actively participate after the completion of this project.
- 3.5 Program Services Survey. Evaluate the current level of program accessibility within each department by administering a program survey and/or conducting an in-person survey as necessary with Client staff. The survey will assist in evaluating current Client status regarding ADA requirements including eligibility requirements, participation requirements, facilities used, staff training, tours, transportation, communication, notifications, public meetings, the use of contracted services, purchasing, maintenance of accessible features, and emergency procedures. This will be determined at the kick-off meeting.
- 3.6 Programs, Activities, and Services Interviews. Conduct departmental support interviews to confirm the status of policies and programs, and support the questionnaire process.
- 3.7 Review of Board and Commissions. The Consultant will review existing Boards and Commissions and their procedures in dealing with ADA accessibility requirements.
- 3.8 Facilities Review. Establish survey teams which will conduct surveys based on forms developed by the Consultant in consultation with the Client. All survey data will be compatible with the Client's existing Geographic Information System (GIS). Initial recommendations for locations to be studied will be based on the Client's land use plans and demographic and development trends, with emphasis on existing pedestrian activity, pedestrian safety, pedestrian accommodations at intersections, and whether those accommodations meet ADA standards.

#### 3.8.1 Facilities Listing

- Buildings and Parking Lots – Up to ten (10) Client buildings and their parking areas (leased or owned). The following buildings will be included in this project:
  - Kyle City Hall (100 W. Center Street)
  - Historic Kyle City Hall (101 S. Burleson)
  - Annex Building (IT/VFW -101 S. Front)
  - Kyle Public Library (550 Scott)
  - Kyle Train Depot (101 N. Front)
  - Police Dispatch Complex (300 W. Center)
  - Kyle Police Headquarters (111 N. Front)
  - Parks Maintenance Shop (225 Rebel)
  - Lake Kyle Parks Office (700 Lehman Road)
  - Public Works (FM 150)
  - Fire Station No. 2 (170 Bunton Creek Road)
- Parks and Parking Lots –which may include shelters, restrooms, courts, fields, pools, concession areas, golf courses, playground equipment, pedestrian and bicycle trails, etc. The Consultant will utilize existing evaluation data where available. The following parks will be included in this project:
  - City Square Park (Center Street) – 1.5 acres

- Gregg-Clarke Park (1100 W. Center Street) – 29 acres
  - Kyle Pool (at Gregg-Clarke Park)
  - Steeplechase Park (295 Hallie Dr) – 31 acres
  - Waterleaf Park (700 Abundance Lane) – 22.1 acres developed / 70 acres undeveloped
  - Lake Kyle (700 Lehman Road) – 118.8 acres
- Sidewalks – Survey and assess condition per ADA criteria the existing sidewalk, curb ramps, and path of travel along up to seven (7) miles of roadway with expected high levels of pedestrian activity, as listed below:
    - Central Business District
      - Burleson – Lockhart to Moore
      - Front St – Blanco to Miller
      - Lockhart St – Groos to Front
      - Main St – Lockhart to Moore
      - Miller St – Sledge to Front
      - Moore – Burleson to Main
      - Nance St – Blanco to Miller
      - Sledge St – Lockhart to Miller
    - Chapa Middle School
      - Amberwood Loop
      - Dacy Ln
    - Fuentes Elementary
      - Brent Blvd
      - Goforth Rd
    - Kyle Elementary
      - Blanco St
      - Live Oak St
      - Meyer St
      - Nance St
      - Schlemmer St
    - Lehman High School
      - Goforth Road
      - Lehman Rd
    - Science Hill Elementary
      - Dacy Ln
    - Tobias Elementary
      - Arbor Knot Drive
      - Creekside Trl
      - Lox
    - Wallace Middle School
      - Center St
      - Gregg Dr
      - Ranger Dr

This project does not include a budget for review of any facilities operated by the state. However, if requested, a review of accessibility and signage for TxDOT roadways can be provided as additional services.

- Signalized Intersections – The City of Kyle does not operate any signalized intersections. However, TxDOT operates seven (7). This project does not include a budget for review of any facilities operated by the state. However, if requested, a review of accessibility and signage for TxDOT signals can be provided as additional services.

3.9 Survey Data Report. The Consultant will create a separate survey and cost report for each facility type. Each survey report will identify compliance status of each facility with regards to both federal and state standards and include the following:

- Listing of facilities that are in compliance with current standards.
- Listing of facilities that are not in compliance with current ADA requirements.
- Recommended actions to resolve non-compliance issues for each facility.
- Prioritized list of improvements using criteria developed by the Consultant and Client staff.
- “Cost report” that assigns conceptual budget estimates to each recommended action.
- Photolog summary for each facility.
- Catalog of sidewalk, curb ramp, and signalized intersection data compatible with the Client’s existing GIS databases (including mapping of the various facility types).

#### Task 4 – Transition Plan Development

- 4.1 Coordinate with Client staff in the development of a strategy for developing the Transition Plan, including a review of Client ordinances, design policies and design standards related to curb ramps and sidewalks. Identify issues which should be addressed to confirm that policies are nondiscriminatory to people with disabilities.
- 4.2 Review Current Design Standards. The Consultant will review the current Client design standards for compliance with the ADA.
- 4.3 Develop the Evaluation Process. Assist the Client in developing a process and format to evaluate the accessibility improvements identified in Task 3, utilizing prioritization and evaluation criteria. Existing evaluation methodology will be analyzed and recommendations made for necessary improvements.
- 4.4 Recommend prioritization criteria for creating an implementation schedule for accessibility improvements.
- 4.5 Prioritize the accessibility improvements by facility type and severity, providing cost estimates for the recommended modifications.

- 4.6 Evaluate and make recommendations on exceptions or exemptions that may apply under the terms of the ADA. This may include exemptions related to structures of historic significance, alterations affecting the fundamental nature of a service, activity or program under financial and administrative burden, or structural changes.
- 4.7 Define an ongoing budget needed for ADA modifications. Potential funding sources will be researched and recommended to most effectively achieve compliance.
- 4.8 Facilitate Public Workshop. The Department of Justice requires that public entities that are engaging in an ADA Transition Plan process include “appropriate consultation with individuals with disabilities” as part of this process. The Consultant will facilitate a public workshop for the Client to review the Draft Self-Evaluation and Transition Plan. The Consultant will prepare outreach materials, conduct the workshop, and prepare a brief summary of the workshop to highlight action items.

#### Task 5 – Documentation

- 5.1 Prepare a plan summary document that will serve as a resource guide for Client staff.
- 5.2 Draft Self-Evaluation and Transition Plan. Based on the self-evaluation and facility compliance assessment, the Consultant will prepare a draft Self-Evaluation and Transition Plan for the Client. The plan will include:
- An executive summary which will describe the project purpose, process, and most significant findings;
  - A review of policies and summary of recommendations for improvement will be provided as described in Task 3;
  - A phased schedule with cost estimates for the removal of facility barriers that cannot be resolved through relocation of services, the provision of auxiliary aids, or equivalent facilitation; and
  - The Consultant will provide two (2) reproducible hard copies and an electronic copy in Adobe PDF format to the Client.
- 5.3 Final Self-Evaluation and Transition Plan. Following review by the Client and relevant community review of Draft Plan, the Consultant will incorporate comments and prepare the Final Plan for presentation.

#### Task 6 – Staff Training

- 6.1 Conduct one (1) staff training session (up to eight (8) hours) in providing accessible programs, activities, and services. The training will include disabilities etiquette, technologies, and procedures that can assist Client staff in providing services to people with disabilities as well as the technical information necessary to know where the risk factors are in terms of litigation. Any request to record, videotape, or reproduce any of the training materials with the intent to train additional Client staff, consultants, and contractors will be considered additional services.

## Task 7 – Meetings

- 7.1 Progress meetings. Up to three (3) monthly progress meetings with Client staff and the newly created ADA Liaison Committee.
- 7.2 City Council. One (1) City Council meeting to introduce the project and present the Draft Self-Evaluation and Transition Plan.
- 7.3 Miscellaneous Meetings. Up to two (2) teleconference meetings with various project stakeholders

### **ADDITIONAL SERVICES IF REQUIRED:**

Client and Consultant agree that the following services are beyond the Scope of Services described in the tasks above. However, the Consultant can provide these services, if needed, upon the Client's issuance of a written IPO. Any additional amounts paid to Consultant as a result of the material change to the Scope of Project shall be agreed upon in writing by both parties before services are performed. These Additional Services include the following:

- AS 1. Engineering field survey.
- AS 2. Engineering design.
- AS 3. Additional facility evaluations as outlined in the fee schedule table below.

Facility Type	Unit	Unit Fee
Building	Each	
Parking Lot	Each	
Park (less than 25 acres)	Each	
Park (greater than 25 acres)	Each	
Signalized Intersection	Each	
Sidewalk (including unsignalized intersections)	Mile	

- AS 4. TxDOT Facilities

AS 4.1. TxDOT Signalized Intersections – The Consultant will evaluate accessibility (i.e. curb ramps and sidewalks leading up to each intersection) and adequacy of signage. The following TxDOT intersections may be included:

- FM 150 (Center) / IH 35
- FM 150 (Center) / Burlison
- Rebel / FM 2770 (McHaelis)
- Kohlers Crossing / FM 2770
- Windy Hill / IH 35
- FM 1626 (Kyle Parkway) / IH 35



- FM 1626 (Kyle Parkway) / Marketplace

AS 4.2. TxDOT Sidewalks - Survey and assess condition per ADA criteria the existing sidewalk, curb ramps, and path of travel along up to two (2) miles of roadway along TxDOT maintained roadways, as listed below:

- Rebel Drive – Center to Porter (adjacent to Greg-Clarke Park)
- E. RR 150 – IH 35 to old RR 150
- E. RR 150 – Old Post Rd to Creekside Trl (adjacent to Tobias Elementary)
- Center Street – IH 35 to Rebel Dr. (through CBD)

AS 4.3. TxDOT Facilities Survey Data Report - The Consultant will create a separate survey and cost report for each facility type. Each survey report will identify compliance status of each facility with regards to both federal and state standards.

AS 4.4. TxDOT Coordination Meetings – Coordination meetings will be held with the TxDOT Austin District ADA Compliance office to present the survey findings and request that they be included for funding in the TxDOT ADA Transition Plan.

AS 5. ADA Program Administration

AS 6. Construction Phase Services

#### **SCHEDULE:**

The Consultant will provide its services as expeditiously as practicable and work with the Client to develop a mutually agreeable schedule.

#### **DELIVERABLES:**

Consultant will deliver the following materials to the Client:

1. Two (2) copies of the Draft ADA Self-Evaluation and Transition Plan and planning level map of proposed improvements.
2. Two (2) paper copies and one (1) PDF of the Final ADA Transition Plan, including appendices, and planning level map of proposed improvements.
3. Field work in GIS format, compatible with the Client's GIS system.

#### **TERMS OF COMPENSATION:**

The Consultant will perform the services in Tasks 1 – 7 for lump sum fee of \$121,400.

All permitting, application, and similar project fees will be paid directly by the Client.

**OTHER SPECIAL TERMS OF INDIVIDUAL PROJECT ORDER:**

None

**ACCEPTED:**

**KYLE, TEXAS**

**KIMLEY-HORN AND ASSOCIATES, INC.**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**STANDARD MASTER AGREEMENT BETWEEN CLIENT AND  
KIMLEY-HORN AND ASSOCIATES, INC. FOR CONTINUING PROFESSIONAL SERVICES**

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the City of Kyle, Texas\_ (“the Client”) and KIMLEY-HORN AND ASSOCIATES, INC.

RECITALS

The Client and Kimley-Horn desire to set forth the general terms and conditions whereby Kimley-Horn, or an affiliated company, will be engaged to provide professional consulting services on one or more projects (with respect to each engagement "the Project"), with the specifics of each engagement to be set forth in an executed Individual Project Order ("IPO"). If the IPO is executed by an affiliated company of Kimley-Horn, the IPO shall incorporate the terms and conditions of this Agreement as if signed by the affiliated company. As used herein, “Consultant” shall refer to Kimley-Horn or an affiliated company executing an IPO.

AGREEMENT

(1) Scope of Services and Additional Services. The undertaking of the Consultant to perform professional Services under this Agreement extends only to the services set forth in IPO's ("the Services"). However, if requested by the Client and agreed to by the Consultant, the Consultant will perform Additional Services which shall be governed by these provisions. Unless otherwise agreed to in writing, the Client shall pay the Consultant for the performance of any Additional Services an amount based upon the Consultant’s then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 time cost.

(2) Client's Responsibilities. In addition to other responsibilities described in this Agreement or imposed by law, the Client shall have the following responsibilities:

(a) Designate in writing a person to act as the Client's representative with respect to the services to be rendered under this Agreement. Such person shall have complete authority to transmit instructions, receive information, and make or interpret the Client's decisions.

(b) Provide all criteria and full information as to the Client's requirements, objectives, and expectations for the Project, including all numerical criteria that are to be met and all standards of development, design, or construction.

(c) Assist the Consultant by placing at its disposal all available information pertinent to the Project including previous reports and any other data relative to studies, design, or construction or operation of the Project.

(d) Furnish to the Consultant, as required for performance of the Consultant's Services (except to the

extent provided otherwise in the IPO in question) (i) data prepared by or services of others, including without limitation borings, probings and subsurface explorations, hydrographic surveys, laboratory tests and inspection of samples, materials and equipment; (ii) appropriate professional interpretations of all of the foregoing; (iii) environmental assessment and impact statements; (iv) property, boundary, easement, right-of-way, topographic and utility surveys; (v) property descriptions; (vi) zoning, deed and other land use restrictions; and (vii) other special data or consultations; all of which Consultant may use and rely upon.

(e) Provide Consultant surveys to establish reference points for construction (except to the extent provided otherwise in the IPO in question).

(f) Arrange for access to and make all provisions for the Consultant to enter upon public and private property as required for the Consultant to perform services under this Agreement.

(g) Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by the Consultant, obtain advice of an attorney, insurance counselor and other consultants as the Client deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of the Consultant. The Consultant shall have no liability to the Client for delays resulting from Client's failure to review documents promptly.

(h) Furnish approvals and permits for all government authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.

(i) Provide such accounting, independent cost estimating and insurance counseling services as the Client may require.

(j) Attend the pre-bid conference, bid opening, pre-construction conferences, construction progress and other job-related meetings and substantial completion inspections and final payment inspections.

(n) Give prompt written notice to the Consultant whenever the Client observes or otherwise becomes aware of any development that affects the scope, timing, or payment of Consultant's services, or any defect or nonconformance in any aspect of the Project.

(o) Bear all costs incidental to compliance with the requirements of this paragraph.

(3) Period of Services. The provisions of this section and the rates of compensation for the Consultant provided for elsewhere in this Agreement have been agreed to in anticipation of conditions permitting orderly and continuous progress of the Project through completion of the Consultant's Services. The Consultant shall begin work timely on each IPO after receipt of a fully executed copy of the IPO in question. The times for performance shall be extended as necessary for periods of suspension or delay resulting from circumstances the Consultant does not control. If such suspension or delay extends for more than six months (cumulatively), the rates of compensation in this Agreement and the IPO shall be renegotiated.

(4) Compensation for Services.

(a) The Consultant's compensation shall be computed on the basis set forth herein, unless otherwise stated in the IPO.

(b) The Client shall pay the Consultant an amount based upon the Consultant's then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 times cost.

(c) If the Consultant's compensation is on an hourly labor fee basis, estimated fees and expenses may be set forth in the IPO in question. Services undertaken or expenses incurred by the Consultant exceeding any estimates set forth in the IPO shall be the liability of the Client.

(5) Method of Payment.

(a) Invoices will be submitted periodically for services performed and expenses incurred. Payment of each invoice will be due within 25 days of receipt. The Client shall also pay any applicable sales tax. All retainers will be held by the Consultant for the duration of the project and applied against the final invoice. Interest will be added to accounts not paid within 25 days at the rate of 12% per annum beginning on the 25<sup>th</sup> day. If the Client fails to make any payment due the Consultant under this or any other agreement within 30 days after the Consultant's transmittal of its invoice, the Consultant may, after giving notice to the Client, suspend services and withhold deliverables until all amounts due are paid in full and may commence proceedings, including filing liens, to secure its right to payment under this Agreement.

(b) If the Client relies on payment or proceeds from a third party to pay Consultant and Client does not pay Consultant's invoice within 60 days of receipt, Consultant may communicate directly with such third party to secure payment.

(c) If the Client objects to any charge on an invoice, it shall so advise the Consultant in writing giving its reasons within fourteen (14) days of receipt of the invoice or all such objections shall be waived and the amount stated in the invoice shall conclusively be deemed due and owing. If the Client objects on only a portion of the invoice, payment for all other portions remains due within 25 days of receipt.

(d) If the Consultant initiates legal proceedings to collect payment, it may recover, in addition to all amounts due, its reasonable attorneys' fees, reasonable experts' fees, and other expenses related to the proceedings. Such expenses shall include the cost, at the Consultant's normal billing rates, of the time devoted to such proceedings by its employees.

(e) The Client agrees that payment to the Consultant is not subject to any contingency. The Consultant may negotiate payment of any check tendered by the Client, even if the words "in full satisfaction" or words intended to have similar effect appear on the check without such negotiation being an accord and satisfaction of any disputed debt and without prejudicing the right of the Consultant to collect additional amounts from the Client.

(6) Use of Documents. All documents, including but not limited to drawings, specifications, reports, and



data or programs stored electronically, prepared by the Consultant are related exclusively to the services described in this Agreement and may be used only if the Client has satisfied all of its obligations under this Agreement. They are not intended or represented to be suitable for use, partial use or reuse by the Client or others on extensions of this project or on any other project. Any modifications made by the Client to any of the Consultant's documents, or any use, partial use or reuse of the documents without written authorization or adaptation by the Consultant will be at the Client's sole risk and without liability to the Consultant, and the Client shall indemnify, defend and hold the Consultant harmless from all claims, damages, losses and expenses, including but not limited to attorneys' fees, resulting therefrom. The Consultant's electronic files and source code developed in the development of application code remain the property of the Consultant and shall be provided to the Client only if expressly provided for in the IPO. Any electronic files not containing an electronic seal are provided only for the convenience of the Client, and use of them is at the Client's sole risk. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the documents prepared by the Consultant, the hardcopy shall govern. Because data stored in electronic media format can deteriorate or be modified without the Consultant's authorization, the Client has 60 days to perform acceptance tests, after which it shall be deemed to have accepted the data.

(7) Opinions of Cost. Since the Consultant does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any and all opinions rendered as to costs, including but not limited to opinions as to the costs of construction and materials, shall be made on the basis of its experience and qualifications and represent its best judgment as an experienced and qualified professional, familiar with the industry. The Consultant cannot and does not guarantee that proposals, bids or actual costs will not vary from opinions of cost prepared by it. If at any time the Client wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator to make such determination. Consultant's services required to bring costs within any limitation established by the Client will be paid for as Additional Services by the Client.

(8) Termination. The obligation to provide further services under this Agreement may be terminated by either party upon seven (7) days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party, or upon thirty days' written notice for the convenience of the terminating party. If any change occurs in the ownership of the Client, the Consultant has the right to immediately terminate this Agreement. In the event of any termination, the Consultant will be paid for all services rendered to the effective date of termination, all expenses subject to reimbursement, and other reasonable expenses incurred by the Consultant as a result of such termination. If the Consultant's compensation hereunder is determined on an hourly basis, the amount payable to the Consultant for services so rendered shall be established on the basis of the time and authorized expenses actually incurred on the Project to the effective date of termination. If the Consultant's compensation under this Agreement is a lump sum, upon such termination the amount payable to the Consultant for services rendered will be a proportional amount of the total fee based on a ratio of the services done, as reasonably

determined by the Consultant, to the total services which were to have been performed.

(9) Insurance. The Consultant carries Workers' Compensation insurance, professional liability insurance, and general liability insurance. If the Client directs the Consultant to obtain increased insurance coverage, the Consultant will take out such additional insurance, if obtainable, at the Client's expense.

(10) Standard of Care. The standard of care applicable to Consultant's services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by the Consultant's undertaking herein or its performance of services, and it is agreed that the Consultant is not a fiduciary with respect to the Client.

(11) LIMITATION OF LIABILITY. In recognition of the relative risks and benefits of the Project to both the Client and the Consultant, the risks have been allocated such that the Client agrees, to the fullest extent of the law, and notwithstanding any other provisions of this Agreement or the existence of applicable insurance coverage, that the total liability, in the aggregate of the Consultant and the Consultant's officers, directors, employees, agents, and the Consultant's subconsultants, and any of them, to the Client or to anyone claiming by, through or under the Client, for any and all claims, losses, costs or damages whatsoever arising out of, resulting from or in any way related to the services under this Agreement from any cause or causes, including but not limited to, the negligence, professional errors or omissions, strict liability or breach of contract or any warranty, express or implied, of the Consultant or the Consultant's officers, directors, employees, agents, the Consultant's subconsultants or any of them, shall not exceed twice the total compensation received by the Consultant under the IPO in question or \$50,000, whichever is greater. Higher limits of liability may be negotiated for additional fee. Under no circumstances shall the Consultant be liable for extra costs or other consequences due to changed conditions, or for costs related to the failure of contractors or materialmen to perform work in accordance with the plans and specifications. This Section 11 is intended solely to limit the remedies available to the Client or those claiming by or through the Client, and nothing in this Section 11 shall require the Client to indemnify the Consultant.

(12) Mutual Waiver of Consequential Damages. In no event shall either party be liable to the other for any consequential, incidental, punitive, or indirect damages including but not limited to loss of income or lost profits.

(13) Certifications. The Consultant shall not be required to execute certifications or third-party reliance letters that are inaccurate, that relate to facts of which the Consultant does not have actual knowledge, or that would cause the Consultant to violate applicable rules of professional responsibility.

(14) Dispute Resolution. All claims by the Client arising out of this Agreement or its breach shall be

submitted first to mediation in accordance with the Construction Industry Mediation Procedures of the American Arbitration Association as a condition precedent to litigation. Any mediation or civil action must be commenced within one year of the accrual of the cause of action asserted but in no event later than allowed by applicable statutes.

(15) Hazardous Substances. In no event shall Consultant be a custodian, transporter, handler, arranger, contractor, or remediator with respect to hazardous substances and conditions. Consultant's services will be limited to professional analysis, recommendations, and reporting, including, when agreed to, plans and specifications for isolation, removal, or remediation. The Consultant shall notify the Client of hazardous substances or conditions not contemplated in the scope of services of which the Consultant actually becomes aware. Upon such notice by the Consultant, the Consultant will stop affected portions of its services.

(16) Construction Phase Services.

(a) If the Consultant's services include the preparation of documents to be used for construction and the Consultant is not retained to make periodic site visits, the Client assumes all responsibility for interpretation of the documents and for construction observation, and the Client waives any claims against the Consultant in any way connected thereto.

(b) If the Consultant provides construction phase services, the Consultant shall have no responsibility for any contractor's means, methods, techniques, equipment choice and usage, sequence, schedule, safety programs, or safety practices, nor shall Consultant have any authority or responsibility to stop or direct the work of any contractor. The Consultant's visits will be for the purpose of endeavoring to provide the Client a greater degree of confidence that the completed work of its contractors will generally conform to the construction documents prepared by the Consultant. Consultant neither guarantees the performance of contractors, nor assumes responsibility for any contractor's failure to perform its work in accordance with the contract documents.

(c) The Consultant is not responsible for any duties assigned to the design professional in the construction contract that are not expressly provided for in this Agreement. The Client agrees that each contract with any contractor shall state that the contractor shall be solely responsible for job site safety and for its means and methods; that the contractor shall indemnify the Client and the Consultant for all claims and liability arising out of job site accidents; and that the Client and the Consultant shall be made additional insureds under the contractor's general liability insurance policy.

(17) No Third-Party Beneficiaries; Assignment and Subcontracting. Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than the Client and the Consultant, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of the Client and the Consultant and not for the benefit of any other party. The Client shall not assign, sublet or transfer any rights under or interest in this Agreement or any claim arising out of the performance of services by the Consultant without the written consent of the Consultant. The Consultant reserves the right to augment its staff with subconsultants as it deems

appropriate due to project logistics, schedules, or market conditions. If the Consultant exercises this right, it will maintain the agreed-upon billing rates for services identified in this Agreement or the IPO, regardless of whether the services are provided by in-house employees, contract employees, or independent subconsultants.

(18) Confidentiality. The Client hereby consents to the use and dissemination by the Consultant of photographs of the Project and to the use by the Consultant of facts, data and information obtained by the Consultant in the performance of its services. Notwithstanding the foregoing, with respect to any facts, data or information specifically identified in writing by the Client as confidential, the Consultant shall use reasonable care to maintain the confidentiality of such identified material.

(19) Miscellaneous Provisions. This Agreement is to be governed by the law of the State of Texas. This Agreement and each executed IPO contain the entire and fully integrated agreement between the parties, and supersede all prior and contemporaneous negotiations, representations, agreements or understandings, whether written or oral. Except as provided in Section 1, this Agreement can be supplemented or amended only by a written document executed by both the Consultant and the Client. Any provision in this Agreement that is unenforceable shall be ineffective to the extent of such unenforceability without invalidating the remaining provisions hereof. Also, the non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

CLIENT:THE CITY OF KYLE, TEXAS

KIMLEY-HORN AND ASSOCIATES, INC.

BY: \_\_\_\_\_

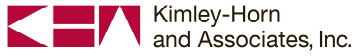
BY:\_\_\_\_\_

ITS: \_\_\_\_\_

ITS:\_\_\_\_\_

ATTEST:\_\_\_\_\_

ATTEST:\_\_\_\_\_



Kimley-Horn  
and Associates, Inc.

## Request for Information

*Please return this information with your signed contract; failure to provide this information could result in delay in starting your project*

### Client Identification

Full, Legal Name of Client						
Mailing Address for Invoices						
Federal ID Number						
Contact for Billing Inquiries						
Contact's Phone and e-mail						
Client is (check one)	Owner	<input type="checkbox"/>	Agent for Owner	<input type="checkbox"/>	Unrelated to Owner	<input type="checkbox"/>

### Property Identification

	Parcel 1	Parcel 2	Parcel 3	Parcel 4
Street Address				
County in which Property is Located				
Tax Assessor's Number(s)				

### Property Owner Identification

	Owner 1	Owner 2	Owner 3	Owner 4
Owner(s) Name				
Owner(s) Mailing Address				
Owner's Phone No.				
Owner of Which Parcel #?				

### Project Funding Identification – List Funding Sources for the Project


*Attach additional sheets if there are more than 4 parcels or more than 4 owners*





# CITY OF KYLE, TEXAS

## e-cigarette ordinance

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:**

*(First Reading)* An Ordinance amending chapter 23 of the Code of Ordinances of the City of Kyle by adding Article IIIA to regulate and prohibit electronic cigarettes being provided to minors or possessed by minors. ~ *Nik Fisher, KAYAC Liaison to City Council; James Collins, KAYAC Vice Chair; Aidan O'Keefe, KAYAC*

**Other Information:**

**Budget Information:**

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 [e-cig Ordin FINAL](#)

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

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF KYLE BY ADDING ARTICLE IIIA TO REGULATE AND PROHIBIT ELECTRONIC CIGARETTES BEING PROVIDED TO MINORS; PROVIDING FOR DEFINITIONS; FOR A PENALTY; FOR EXCEPTIONS; FOR ADMINISTRATION AND ENFORCEMENT OF SAID ARTICLE; FOR PUBLIC NOTICE PURSUANT TO THE TEXAS OPEN MEETINGS ACT; ESTABLISHING THAT THIS ARTICLE SHALL GOVERN OVER PREVIOUSLY ADOPTED ORDINANCES AND RESOLUTIONS IN CONFLICT WITH SAID ARTICLE; PROVIDING FOR SEVERABILITY; FOR CODIFICATION; FOR PUBLICATION; FOR AN EFFECTIVE DATE; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO.**

WHEREAS, the Center for Disease Control and Prevention has prepared emergency response information addressing the dangers associated with liquid nicotine, ruling that nicotine affects the nervous system and heart and is addictive, and exposure to relatively small amounts of liquid nicotine can be rapidly fatal; and

WHEREAS, the Food and Drug Administration warns of the dangers posed by electronic cigarettes, including nicotine addiction and the appeal to young people due to the different flavors offered in electronic cigarettes; and,

WHEREAS, the American Medical Association has addressed the risks associated with the use of electronic cigarettes and adopted a policy recommending that electronic cigarettes be classified as a drug delivery device, subject to the regulations and approval of the Food and Drug Administration; and,

WHEREAS, on April 25, 2014, the Food and Drug Administration proposed a rule and public comment to incorporate nicotine-delivering products, including electronic cigarettes, under its authority to regulate tobacco-related substances and products; and,

WHEREAS, the City Council of the City of Kyle, Texas, a home rule municipality, is authorized by the City Charter to exercise its authority to provide for the public health, safety, and welfare; and,

WHEREAS, the purpose and intent of this Article is to protect minors from the health risks and potential hazards of nicotine addiction and the reported dangers of ingesting products with no regulatory oversight as to their purity, contents, and potential negative health impacts;

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

**Section 1. Findings.** The above foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions, and requirements of Article IIIA, amending Chapter 23 of the Code of Ordinances of the City of Kyle, are reasonable and necessary to protect the public health, safety, and welfare.

**Section 2. Amending ordinance.** Chapter 23 (“Miscellaneous Offenses”) shall be amended to add Article IIIA as set forth herein and incorporated by reference, which shall have the full force of law.

**Section 3. Definitions.** The following words, terms, and phrases when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

“Electronic Cigarette” means or refers to an electronic device, including a device that may be recharged and the components of the device, that converts liquid nicotine into a gas or vapor intended to be inhaled or otherwise orally used by a person and is generally described as a device composed of a mouthpiece, a heating element or atomizer, a battery, and electronic circuits that produce a gas or vapor derived from liquid nicotine and other substances which has the effect of simulating smoking. The term includes such devices, regardless of the details of the appearance or marketed name, generally manufactured to resemble cigarettes, cigars, pipes, or other smoking devices. Electronic cigarettes are also variously known as “e-cigarettes,” “e-cigs,” “electronic vapors,” “e-vapors,” and other similar names.

“under false pretenses” means and refers to a minor knowingly, willfully and deliberately representing, either verbally or otherwise in person or by presenting false documentation that purports to establish or leave the impression that said minor is not a minor in fact and as defined by this Article in order to come into possession of or otherwise acquire one or more e-cigarettes from another.

“Liquid Nicotine” means any liquid product composed of nicotine, either in whole or in part, propylene glycol, or similar substances and manufactured for use in an e-cigarette.

“Minor” means an individual less than the legal age to smoke tobacco products as authorized under the law of the State of Texas.

“Person” means any provider of e-cigarettes, an individual, corporation, limited liability company, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, employee, wholesaler, agent, producer or other entity engaged in an e-cigarette business or enterprise or gives, distributes, transfers, sells, markets, or offers an e-cigarette, including samples or facsimiles, to any minor.

“Photographic Identification” means state, district, national or other equivalent government driver’s license, identification card or military card, in all cases bearing a photograph and a date of birth, or a valid passport.

**Section 4. Prohibited acts.** It is a criminal offense if a person engages in any of the following conduct or fails to otherwise comply with this Article by committing one or more of the following prohibited acts:

1. No person may give, distribute, transfer, sell, market, or offer e-cigarettes, including samples or facsimiles, to any minor.
2. No person shall sell or permit to be sold e-cigarettes through any device that mechanically dispenses such products unless the device is located fully within premises from which minors are prohibited or said person can observe and control what product is dispensed out of the device.
3. No person shall solicit or engage minors in the testing, product-sampling or other business-related purpose involving the inhalation or other use of e-cigarettes, regardless of whether a minor is an employee, contractor, volunteer, or of other relationship with said person.
4. No minor may possess, purchase or otherwise acquire e-cigarettes. This prohibition does not apply to activities or enforcement actions under the control of a city, state, or federal law enforcement authority.
5. No minor may, under false pretenses, acquire or attempt to acquire one or more e-cigarettes from a person.

**Section 5. Penalty; defenses.**

1. A person who violates any section of this Article is guilty of a misdemeanor and upon conviction is punishable in accordance with Section 1-14 and Section 23-2 (h) of the Code of Ordinances of the City of Kyle. Each continuing day's violations under this Article shall constitute a separate offense.
2. It is a defense to a prosecution for violation of this Article that a minor was in possession of an e-cigarette while in the course and scope of the minor's employment by a person or entity in the business of being a distributor, wholesaler, bonded agent or retailer of e-cigarette products, so long as the minor does not engage in the inhalation or other prohibited use of an e-cigarette.
3. It is a defense to prosecution for a violation of this Article that the minor purchased, possessed or otherwise acquired one or more e-cigarettes while in the presence of the minor's parent, step-parent, legal guardian, or spouse, other adult to whom the minor has been committed by a court.

**Section 6. Administration; enforcement; disposal of seized property.**

(a) The administration and enforcement of this Article shall be the responsibility and jurisdiction of the chief of police of the city, including the issuance of citations for violations and the seizure of e-cigarettes in the commission of a violation of this Article. Upon request by the chief of police or the city attorney, the municipal court may issue any order necessary to the enforcement of this Article, subject to the court's jurisdiction. Upon an order issued by a court of competent jurisdiction, and in accordance with the laws governing the disposition of seized property, the chief may dispose of any property seized as a result of a violation of this Article.

(b) At the direction of a majority of the city council, and based upon law, the chief of police of the city may enter into an interlocal agreement with one or more local school districts or other political subdivisions, whether local or private, said agreement being for the purpose of enforcing or enhancing the enforcement of this article, subject to the cooperation and assistance of said school district or districts. Any interlocal agreement for this purpose shall be approved by a majority vote of the city council and the board of the school district or districts entering such an agreement.

**Section 7. Warning signs required.** Any business or retailer that offers for sale e-cigarettes shall post in a prominent location on the premises where e-cigarettes are offered for sale a prominent notice that reads “electronic cigarettes or their components will not be sold to minors. Proper identification may be required of any person for the purpose of proving the person is not a minor.”

**Section 8. Compliance with Open Meetings Act.** It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the city council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, TEX. GOV’T CODE, and that this meeting has been open to the public as required by law at all times during which this Article and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 9. Supremacy of Article.** Any and all ordinances and resolutions and parts of ordinances and resolutions that are in conflict herewith are hereby repealed to the extent of the conflict only.

**Section 10. Severability.** If any section, subsection, sentence, clause, phrase or word of this Article is declared unconstitutional or invalid for any purpose, the remainder of this Article shall not be affected thereby and to this end the provisions of this Article are declared to be severable.

**Section 11. Codification.** It is the intention of the City Council that this Article shall become a part of the Code of Ordinances of the City of Kyle, and it may be renumbered and codified therein accordingly. Upon codification, at least four sections shall be reserved for future use.

**Section 12. Publication.** The City Secretary is directed to publish this Article in a newspaper of general circulation in the City of Kyle in compliance with the provisions of the City Charter.

**Section 13. Effective Date.** This Article shall take effect from and after its final passage and publication as required by law.

PASSED on first reading the 20<sup>th</sup> day of May, 2014.

PASSED AND ADOPTED on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Lucy Johnson, Mayor, City of Kyle, Texas



ATTEST:

\_\_\_\_\_  
Amelia Sanchez, City Secretary, City of Kyle, Texas

APPROVED AS TO FORM:

\_\_\_\_\_  
W. Ken Johnson, City Attorney, City of Kyle, Texas



# CITY OF KYLE, TEXAS

## resignation

Meeting Date: 5/20/2014  
Date time: 7:00 PM

**Subject/Recommendation:** Consideration of Letter of Resignation of City Council Member Chad Benninghoff and Declaration of a Vacancy on the City Council ~ *Lucy Johnson, Mayor*

**Other Information:**

**Budget Information:**

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 [Chad Benninghoff Resignation Letter](#)

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May 15, 2014

Citizens of Kyle, Council and City Staff...it is with a heavy heart I inform you of my resignation from the City of Kyle, District # 3 Council Member position. The decision to move from our home and community has been difficult. My wife and I believe moving from the area is in the best interest of our family. Many community members are aware of the severity of my son's allergies. In order to increase the quality of life for our son and his health, we have recently concluded, we need to relocate.

My family has always served the community where we live and I have been honored to serve in Kyle.

We will miss our Kyle family!

  
Chad Benninghoff