

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 9/15/2015, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 11th day of September, 2015 prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Special Meeting - August 26, 2015. ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

III. Citizen Comment Period With City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

IV. Presentation

2. A presentation by Appa Aguilas to form a soccer program in Kyle. ~ *Guillermo Guadarrama*

 [Attachments](#)

3. A presentation of the Economic Development Strategic Plan. ~ *Roger Dale, The Natelson Dale Group*

 [Attachments](#)

V. Appointments

4. Consider nomination (s) and take possible action for appointments to Economic Development & Tourism Board to fill vacancies. ~ *Diana Torres, Director of Economic Development*

- Brian Ziegler
- Don Tracy
- Neal Kelley
- Harish Malkani
- Tessa Schmidtzinsky
- Tony Spano

- Larry Kruzic
- Jim Hough
- Jo Fenety

 [Attachments](#)

5. Consider nomination (s) and take possible action for appointments to the Parks and Recreation Board to fill vacancies. ~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*

- David Nichols
- Nichole Braddock
- Irma Julie Rodriguez
- Tracy Scheel

 [Attachments](#)

6. Consider nomination (s) and take possible action for appointment and re-appointments to Planning and Zoning Board to fill vacancies. ~ *Howard Koontz, Director of Planning*

- Mike Wilson
- Irene Melendez
- Timothy Kay
- Dex Ellison

 [Attachments](#)

VI. Consent Agenda

7. Approval of Agreed Termination of Development Agreement between the City of Kyle, Texas and Felder CND with regards to the KYTEX Agreement and Felder Agreement. ~ *James R. Earp, Assistant City Manager*

 [Attachments](#)

8. Approve Change Order No. 1 in the amount of \$1,067.93 and Change Order No. 2 in the amount of \$1,612.70 to CATARINA CONSTRUCTION, LLC, Austin, Texas, for a combined total change order amount of \$2,680.63 and increasing the total contract not to exceed amount to \$51,980.83 for additional work required on the Woodlands Drive Reconstruction Project. ~ *Leon Barba, City Engineer*

 [Attachments](#)

9. Award a contract in an amount not to exceed \$231,753.00 to JKB CONSTRUCTION CO., LLC, Liberty Hill, Texas, lowest and most responsible bidder, to perform all work required for the Union Pacific Railroad wastewater crossing at Moreno Street. ~ *Leon Barba, City Engineer*

 [Attachments](#)

10. Award a contract in an amount not to exceed \$131,940.50 to SOUTHERN TRENCHLESS SOLUTIONS, LLC, Houston, Texas, lowest and most responsible bidder, to perform all work required for rehabilitation of various manholes. ~ *Leon Barba, City Engineer*

 [Attachments](#)

11. Award a contract in an amount not to exceed \$50,380.00 to LEWIS CONCRETE RESTORATION, INC., Buda, Texas, lowest and most responsible bidder, to perform all work required for the repairs to the Southlake Lift Station. ~ *Leon Barba, City Engineer*

 [Attachments](#)

12. Approve Task Order No. 3 to NEPTUNE-WILKINSON ASSOCIATES, INC., Austin, Texas, in an amount not to exceed \$33,300.00 for the purpose of providing engineering services for the rehabilitation of the water storage tanks at Well Site No. 3 on Old Stagecoach Road. ~ *Leon Barba, City Engineer*

 [Attachments](#)

13. A Resolution of the City Council of the City of Kyle, Texas, accepting Kensington Trails Subdivision Section 5A; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, City Engineer*

 [Attachments](#)

14. *(First Reading)* An Ordinance of the City of Kyle, Texas, adopting the change in the creditable service years required for vesting in the Texas Municipal Retirement System (TMRS) from a 10-year period to a 5-year period as approved in the budget for Fiscal Year 2015-16. ~ *Sandra Duran, Director of Human Resources*

 [Attachments](#)

15. Authorize the City Manager to accept a grant in the amount of \$70,948.00 from the Office of the Governor Juvenile Justice and Delinquency Prevention-Local Program for the purpose of funding a full-time Juvenile Justice Officer for the Kyle Police Department for one year ending August 31, 2016 ~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

16. Approve an Interlocal Agreement between Capital Metropolitan Transportation Authority and the City of Kyle for demand response transportation services in the Kyle city limits for the months of October, November and December. ~ *Jerry Hendrix, Chief of Staff*

 [Attachments](#)

VII. Consider and Possible Action

17. A Resolution of the City of Kyle, Texas, calling the development of the FM 150 corridor between FM 150 near Arroyo Ranch and Yarrington Road, which is described in the study

undertaken by Hays County, and for the further development of an alignment within this corridor. ~ *J. Scott Sellers, City Manager*

 [Attachments](#)

18. Consider and possible action for a request by Charles Holbrook, Development Manager, Kyle Apartments, to permit offsite overhead electrical service, provided by Pedernales Electric Cooperative, in the right of way of Bebee Road to Kyle Apartments, LLC. ~ *Daphne Tenorio, City Council Member*

 [Attachments](#)

19. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 3.1132 acres of land from Multi-Family Residential 2 “R-3-2” to Warehouse District “W”, on property located in the Replat of Four Season Farms, Section III, part of Lot 2, in Hays County, Texas. (Charles D. Nash, Sr., Z-15-010). ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 4-1 to recommend approval of the request.

- **PUBLIC HEARING**

 [Attachments](#)

20. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 13.5190 acres of land from Multi-Family Residential 2 “R-3-2” to Residential Two Family “R-2”, on property located in the Replat of Four Season Farms, Section III, part of Lot 2, in Hays County, Texas. (Charles D. Nash, Sr., Z-15-011). ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-0 to recommend approval of the request.

- **PUBLIC HEARING**

 [Attachments](#)

21. A Resolution of the City of Kyle, Texas, to hold a Public Hearing, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, and approval of resolution for the non-park use of a part of Kyle Vista Park for the purpose of installing and maintaining a water line and a sanitary sewer line for the Crosswinds Municipal Utility Extension and Reservation of Easement in the event of sale of park; Authorizing the Mayor, or His Designee to execute all necessary documents and providing an effective date. ~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*

- **PUBLIC HEARING**

 [Attachments](#)

22. Special Event Application request by Hays Fiesta to have the City of Kyle be a sponsor of the Hays Veterans Music Fest, waive the \$1,000 Park Use Fees for the two day event, provide city logo for sponsor promotions and promote the event on city's billboards, marquee and calendar. ~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*

 [Attachments](#)

23. Special Event Application request by The Hays CISD Mariachi Booster Club Board for Hotel Occupancy Funds (HOT funds) to cover the costs of liability insurance fee of \$280 and Park Use Fees of \$743, a total of \$1,023. ~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*

 [Attachments](#)

24. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 1.75 acres of land from Single Family Residential 2 “R-1-2” to Retail Service District “RS”, on property located at 2050 E. RR 150, in Hays County, Texas. (Kalogridis & Kalogridis, Development, LLC, Z-15-009). ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-0 to recommend approval of Community Commercial.

• **PUBLIC HEARING**

 [Attachments](#)

25. *(First Reading)* An ordinance of the City of Kyle, Texas, providing for the extension of the City's municipal boundaries by the annexation of approximately 135.78 acre tract (Scott Felder Homes, Annexation), all of which are lying within the City's extraterritorial jurisdiction and to incorporate such property into the City of Kyle. ~ *Howard J. Koontz, Director of Planning and Community Development*

 [Attachments](#)

26. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 129.915 acres of land from Agriculture “AG” to Single Family Residential 2 “R-1-2” and approximately 2.681 acres from Agriculture “AG” to Retail Service District “RS”, on property located at the northwest corner of N. Old Stagecoach Road and Cypress Road, in Hays County, Texas. (Scott Felder Homes, LLC, Z-15-008). ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-0 to recommend approval of the request.

• **PUBLIC HEARING**

 [Attachments](#)

VIII. Council Requested Agenda Items

27. Traffic warrant in the Waterleaf subdivision requested by Damon Fogley, Councilmember.
~ *Jeff Barnett, Chief of Police*

 [Attachments](#)

28. Discussion regarding online city council forum. ~ *Damon Fogley, City Council Member*

 [Attachments](#)

IX. City Managers Report

29. Update on various capital improvement projects, road projects, building program, and/or general operational activities. ~ *J. Scott Sellers, City Manager*

- Board and Commission Vacancies.
- Marketplace Ground Breaking Ceremony
- Reminder, Tuesday, October 6th meeting moved to Wednesday, October 7th.

 [Attachments](#)

X. ADJOURN

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

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



CITY OF KYLE, TEXAS

Approval of minutes - 8/26/15

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: City Council Special Meeting - August 26, 2015. ~ *Amelia Sanchez, City Secretary*

Other Information:

Legal Notes:

Budget Information:

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

Attachments / click to download

[Special City Council Meeting](#)

SPECIAL CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Special Session on August 26, 2015 at 7:00 p.m. at Kyle City Hall, with the following persons present:

Mayor Todd Webster
Council Member Diane Hervol
Council Member Becky Selbera
Council Member Shane Arabie
Mayor Pro Tem David Wilson
Council Member Damon Fogley
Council Member Daphne Tenorio
Scott Sellers, City Manager
James Earp, Assistant City Manager
Jerry Hendrix, Chief of Staff
Kerry Urbanowicz, Parks Director
Cody Faulk, City Attorney
Howard Koontz, Planning Director
Leon Barba, City Engineer
Robert Olvera, IT

David Douglas
Pauline Villegas
Sylvia Gallo
Christina Depperschmidt
Sherry Anderson

CALL MEETING TO ORDER

Mayor Webster called the meeting to order at 7:00 p.m.

ROLL CALL

Mayor Webster called for roll call. Present were Mayor Webster, Council Member Hervol, Council Member Selbera, Council Member Arabie, Mayor Pro Tem Wilson, Council Member Fogley, and Council Member Tenorio

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.

Mayor Webster opened the Citizens Comments at 7:04 p.m. David Douglas spoke and thanked the Mayor and Council for their service to the city and spoke about his concerns regarding property taxes and stated that citizens were moving out or were in foreclosure because they could not afford to live here. He asked that the council hold the CAD to doing their job and assessing the taxes properly.

CITY COUNCIL SPECIAL MEETING

August 26, 2015 – Page 2

Kyle City Hall

Pauline Villegas spoke and stated that the proposed tax increase would be an excessive burden on the residents and asked the council to reduce the tax and delay growth. She suggested looking at finding more affordable transportation than CARTS, delaying the purchase of Police, Public Works and Parks vehicles, cutting merit increases and longevity pay, or at least postponing some of these items. Sylvia Gallo spoke and stated she was for the tax increase, growth, and employees and asked the Council not to cut from the Police, Parks or Public Works budget. She stated holding community events took money and was beneficial to the community. Christine Depperschmidt spoke and stated that today another neighbor had put up a for sale sign and that she did not want to do the same. She stated some items on the budget were over the top and some duplicated and asked if some of these things could wait and asked council to think about each and every homeowner, renter and parents needing to put food on the table. She stated that the increased property evaluations and increase in tax was too much for the residents of Kyle. David Douglas spoke again and stated all HOA's have dues and it's much harder for the HOA's to go after property owners who don't have to pay assessments than it is for the city or county to collect taxes so more homeowners will default on the HOA dues and HOA's will fall into disrepair. With no one else wishing to speak Mayor Webster closed Citizens Comments at 7:40 p.m.

CONSIDER AND POSSIBLE ACTION

CONDUCT SECOND PUBLIC HEARING TO OBTAIN COMMENTS ON THE CITY MANAGER'S PROPOSAL TO INCREASE THE AD VALOREM TAX RATE FROM \$0.5383 TO \$0.6145 PER \$100.00 OF ASSESSED TAXABLE VALUATION FOR FISCAL YEAR 2015-16. THIS IS AN INCREASE OF \$0.0762 PER \$100.00 OF ASSESSED TAXABLE VALUATION PRIMARILY TO PAY FOR THE INCREASE IN DEBT SERVICE PAYMENTS (PRINCIPAL AND INTEREST) ASSOCIATED WITH THE ROAD BONDS.

Mayor Webster asked if anyone objected to placing this item up for discussion. There was no objection.

PUBLIC HEARING

Mayor Webster opened the Public Hearing at 7:42 p.m. to obtain comments on the City Manager's proposal to increase the ad valorem tax rate from \$0.5383 to \$0.6145 per \$100.00 of assessed taxable valuation for Fiscal Year 2015-16. This is an increase of \$0.0762 per \$100.00 of assessed taxable valuation primarily to pay for the increase in debt service payments (principal and interest) associated with the road bonds.

After opening the Public Hearing Mayor Webster made the following announcement:

- This is the last of two public hearings scheduled on the proposed ad valorem tax rate for Fiscal Year 2015-16.

CITY COUNCIL SPECIAL MEETING

August 26, 2015 – Page 3

Kyle City Hall

- The first public hearing was held at 7:00 p.m., on August 19, 2015 at Kyle City Hall, 100 W. Center Street, Kyle, Texas 78640.
- The City Manager's Proposed Budget for Fiscal Year 2015-16 includes a proposal to increase the ad valorem tax rate from \$0.5383 to \$0.6145 per \$100.00 of assessed taxable valuation. An increase of \$0.0762 per \$100.00 of assessed taxable valuation.
- When compared to the effective tax rate of \$0.4870 per \$100.00 of assessed taxable valuation, the proposed ad valorem tax rate of \$0.6145 will increase the total tax revenue of the City from properties on the tax roll in the preceding year by 26 percent.
- The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.6145 for each \$100.00 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$12,187,206.

The Kyle City Council is scheduled to vote on the property tax rate at public meetings to be held at 7:00 p.m. on September 1, 2015 (1st Reading of City Ordinance) and at 7:00 p.m. on September 8, 2015 (2nd Reading of City Ordinance) at Kyle City Hall, 100 W. Center Street, Kyle, Texas 78640.

- All Kyle residents and members of the public are invited to attend and express their views at the public hearings and City Council meetings scheduled on the proposed budget and tax rates.

Sherry Anderson spoke and stated she appreciated the people that had made comments before and that she had been following comments made on Facebook by residents in Plum Creek on ways to cut the budget. She stated she didn't think anyone disagreed that Kyle is growing and services need to be increased such as emergency services but had questions on a couple of things. She stated she looked at the proposed job postings, one being reclassification for division manager with an increase of \$1700.00 a month, and the other assistant to the City Secretary, City Manager at \$70,000.00 a year, and that was \$5833.58 per month and felt that some of these salaries were out of line for the City of Kyle and that the City of San Marcos pays less. She questioned whether this was the appropriate time for all of these expenses with the increase in taxes, and all of the other taxing entities increasing taxes as well. She asked the Council to see what could be cut from the budget and wait until next year. David Douglas spoke and stated that with 1.8 million dollars added for staffing comes out to \$80,000.00 per person and that sounded like a lot of money for the city to pay and that he did not understand why we have our own 911 call center with multiple employees when we could join with the county and hopes voters approve a new facility and that we join with them. He stated he did not think we needed our own swat team and maintain equipment as well as the library's usefulness effectiveness, and is against the tax increase. Roy Burke spoke and stated he was a small business owner and that taxes will always go up but questioned the growth and if it is the best situation for us. He stated he felt it was uncontrolled, unregulated growth and to see what that's like look at Round Rock and Austin. He stated he was not completely against the tax rate but wants to see controlled growth. Mrs. Villegas spoke and stated she had another sheet with more suggested cuts and would provide it and that she was against the tax increase and wanted fees for developers increased because they are not residents.

CITY COUNCIL SPECIAL MEETING

August 26, 2015 – Page 4

Kyle City Hall

Christine Depperschmidt spoke and stated she had two reminders to be prudent right now and keep the tax rate down, one being our neighbors experiencing a terrible disaster that has affected our county and people we know and resources that are stressed and that could have been us. She stated the Council worked hard and should be paid more. She asked if there were any proposed jobs that were already on the payroll. Mayor Webster stated there were not out of this budget, and that no job that was filled that wasn't budgeted in the prior budget. Council Member Tenorio responded to the question Ms. Depperschmidt asked regarding the new positions and stated that two positions had been filled and that she had asked the City Manager about those positions. For the Communications Specialist they took the money from the reception position that was eliminated and did the same thing with the Assistant City Secretary and her comments to the City Manager was that once those positions were gone that should have been an automatic savings to the citizens of Kyle. With no one else wishing to speak Mayor Webster closed the Public Hearing at 8:23 p.m.

ADJOURN

With no further business to discuss, Council Member Tenorio moved to adjourn. Council Member Arabie seconds the motion. All votes aye. Motion carried 7-0.

The City Council meeting adjourned at 8:27 p.m.

R. Todd Webster, Mayor

Attest: Amelia Sanchez, City Secretary



CITY OF KYLE, TEXAS

Appa Aguilas

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: A presentation by Appa Aguilas to form a soccer program in Kyle. ~
Guillermo Guadarrama

Other Information:

Legal Notes:

Budget Information:

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

Attachments / click to download

 [Presentation](#)

KYLE SOCCER

Two Brothers One Dream



ACADEMIA DE PREPARACION PROFESIONAL DE AUSTIN

Mission Statement

To help increase overall soccer knowledge and skills through a structured, positive, and professional soccer environment that enables youth to develop long-term disciplinary expertise on and off the field

Why Kyle?

- ❑ No Recreational soccer
- ❑ No Youth or Club soccer
- ❑ No Soccer specific fields
- ❑ 30% traveling outside of Kyle
- ❑ City recognition
- ❑ Economic Development

Between S. Austin & San Marcos



Board of Directors 2015

- ▣ Roberto Salazar
 - President
- ▣ Sonny G.
 - Vice President
- ▣ Sylvia Gallo
 - Exec. Director
- ▣ Guillermo G. (Willy)
 - Director of Coaching
- ▣ Fernando & Anna Gonzalez
 - Registration & Scheduling
- ▣ Amelia Huerta
 - Fundraising
- ▣ Gustavo Castaneda
 - Sponsorship
- ▣ Richard Munoz
 - Honorary Member

Working with Parents

- ▣ Parents will be invited to participate in different types of meetings on a regular basis.
- ▣ Coaches meeting, nutritionist, psychologist, professional soccer coaches, college coaches.
- ▣ Parents will have a 0 tolerance behavior agreement that they must sign and keep accountable for.
- ▣ Parents in need of financial aid will be helped to provide the same opportunities for everyone.
- ▣ Each parent will be charged either a cash amount or an amount equivalent in volunteer hours.

Coaches

- ▣ Our Coaching staff is the most esteemed in Texas.
- ▣ Each coach brings a different view of the game.
- ▣ Coaches will have a 0 tolerance for unsportsmanlike conduct
- ▣ Coaches are the example leaders for our club on and off the field.
- ▣ Bringing in professional coaches from around the world to capacitate our coaches and further their knowledge of the game.

APPA Coaches

Over 50 yrs experience

- ▣ Willy Guadarrama - Director Of Coaching
- ▣ 25 yrs of soccer experience from Recreational, Club, and Professional player
- ▣ ALL-American in college,
- ▣ National leading goal scorer for all NCAA Division 1
- ▣ Played for Kansas City Wizards(MLS)
 - ▣ Abel Huerta
 - ▣ Nelson Mata
 - ▣ Robert Mueller

Recreational Soccer

- ▣ Ages 4-11;
- ▣ Boys and Girls;
- ▣ Fun learning environment;
- ▣ Coordination, skills, and technique;
- ▣ Training twice a week, 1st session Staff Coaches;
- ▣ 2nd parent coach session;
- ▣ Free training for parent coaches to prepare them for their team training;
- ▣ One top quality Jersey for all games;
- ▣ Season begins January 2016;
- ▣ Costs will be charged per player, per season, and will include uniform;

Pending Future growth

- ▣ Club Soccer
(Organized Soccer)
- ▣ Academy Teams
- ▣ Men's League
- ▣ Women's League
- ▣ Co-ed League

Club Soccer

(Organized Soccer)

- ▣ Ages 12-18 Boys and Girls teams;
- ▣ Practice twice a week and play weekend games;
- ▣ Play in STYSA & 2 tournaments a year;
(Coaches must encourage team to participate in tournaments)
- ▣ Season begins late May, 2016;

Academy Teams

- ▣ U14 and U18 Boys and Girls;
- ▣ Training will be 4-5 days a week;
- ▣ With games on the weekend;
- ▣ Boys participate in Mens League once a week;
- ▣ A selected group of qualified players;
- ▣ Teams will be traveling out of the country for specific tournaments;
- ▣ Friendly games;
- ▣ U.S. Club;
- ▣ Season begins late May, 2016;

Registration Fees Per Team To be determined (APPA BD)

Men's League

- ❑ Open age;
- ❑ As many teams as possible a yearly goal will be set by staff;
- ❑ Games will be played one day during the week and on Sunday;
- ❑ League will last 10 games plus playoffs;

Co-Ed League

- ❑ 2 girls must be on the field;
- ❑ Games will be played 7v7;
- ❑ 8 game season plus playoffs;
- ❑ Games will be played during the week;
- ❑ Registration per team will be (TBD)

Benefits for our youth

A “massive” statewide study done in North Carolina in 2001 revealed “significant differences” in the academic performance of athletes and non athletes. The study looked at 125,000 high school students at 131 schools. The seven criteria looked at included: GPA, attendance rate, two different end-of-course testing components, discipline referrals, dropout rates and graduation rates. Athletes did better in every aspect.

GPA: The mean for athletes was 2.98. For non athletes is was 2.17.

Algebra End of Course Testing: The mean for athletes was 66.1 v. non athletes at 57.9.

English End of Course Testing: The mean for athletes was 61.4 v. non athletes at 50.8.

Attendance: Athletes missed and average of 6.3 days in a 180 day school year v. 11.9 for non athletes.

Discipline Referrals: Of discipline referrals made by the schools, 33.3% were athletes v. 41.8% that were non athletes.

Dropout Rate: The mean dropout percentage for athletes was 0.6% v. 10.32% for non athletes.

Graduation Rate: The mean graduation rate for athletes was 99.4% v. non athletes at 93.51%

Benefits For Our Female Youth

Results from a 2002 Mass-Mutual Financial Group and Oppenheimer Funds commissioned survey of more than 400 senior women business executives at companies with more than 100 employees are fascinating:

81% played organized team sports growing up and continue to be physically active;

86% believed sports helped them to be more disciplined;

69% said sports assisted in the development of their leadership skills and contributed to professional success;

68% credited sports with helping them deal with failure;

59% noted that sports gave them a competitive edge.

Frances Emerson, senior vice president at MassMutual Financial Group said, "And although participation in sports doesn't necessarily equate to business success, athletics certainly teach women leadership skills, discipline and the ability to function as part of a team – traits that are key to a satisfying career."

Source: benefitsofyouthsports.com

APPA Professional Players

- ▣ Alan Huerta- Akins HS- Atlante
- ▣ Fernando Mercado- Lehman HS- Inter Playa
- ▣ Jorge Marin- Round Rock HS- Necaxa
- ▣ Talan Maples- Georgetown HS- Xolos tryout

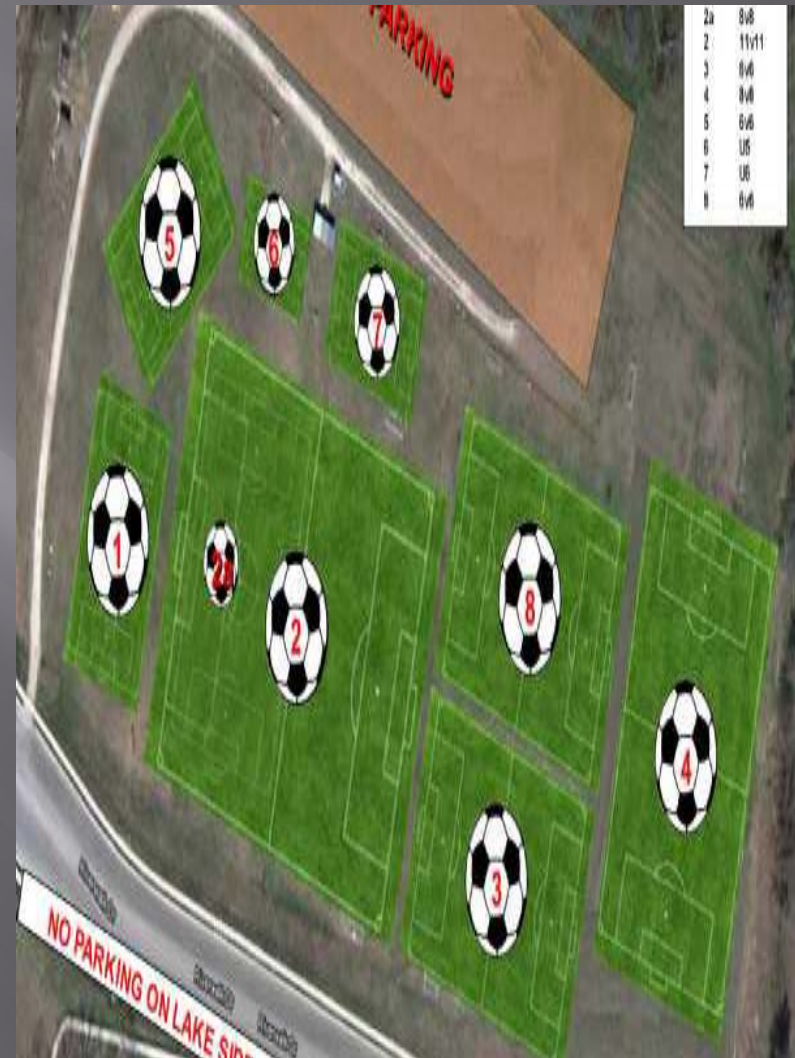
Affiliated with Professional Teams



Georgetown, Texas



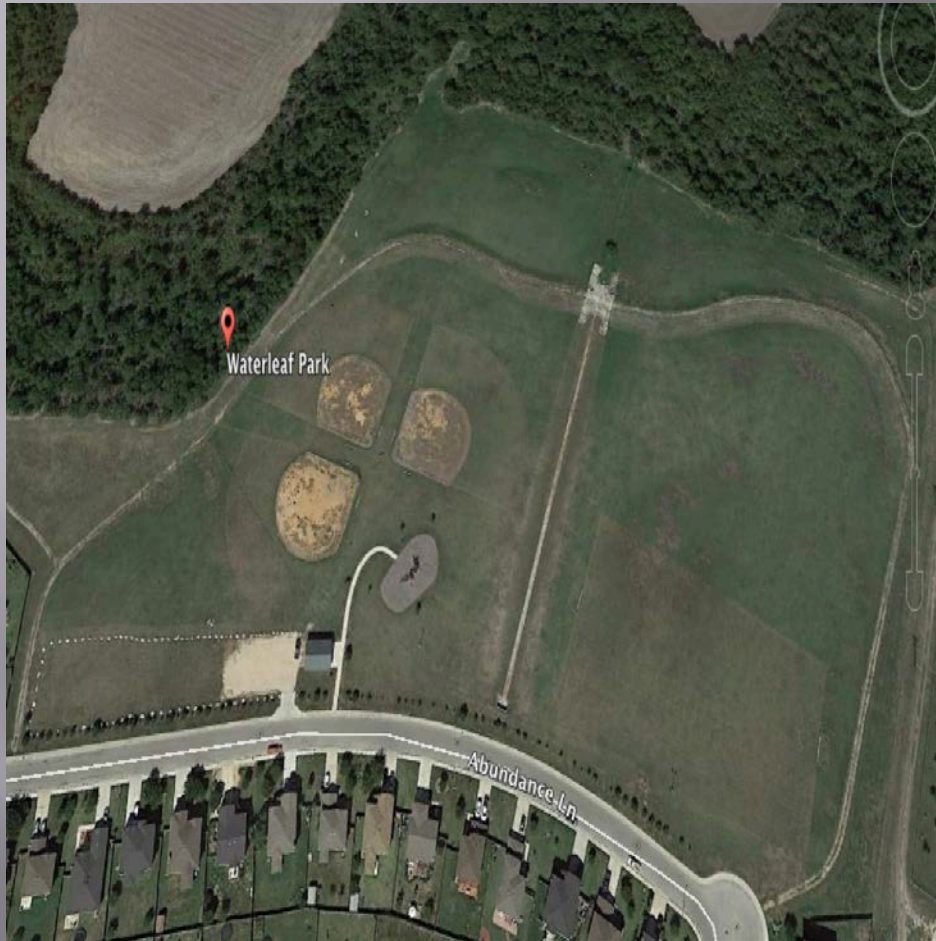
Hutto, Texas



Other Cities With Soccer Specific Fields & Recreational Soccer Programs

- ▣ San Antonio
- ▣ Austin
- ▣ Lago Vista
- ▣ Cedar Park
- ▣ Liberty Hill
- ▣ Wimberly
- ▣ Dripping Springs
- ▣ Manor
- ▣ Schertz
- ▣ San Marcos
- ▣ Hutto
- ▣ Bastrop
- ▣ Buda
- ▣ Elgin
- ▣ Lockhart
- ▣ Pflugerville

Waterleaf As of 2015



What Waterleaf looks like now.



What would this mean for the community

- ▣ No extra taxes
- ▣ Same HOA fees
- ▣ Overall better park for market value
- ▣ Promotes healthy & wellness lifestyles
- ▣ Soccer fields, park trail & fitness equipment
- ▣ Brings the community together through sports
- ▣ Increasing economical development

Waterleaf Park Improvements short term and long term

- ▣ 8 Soccer fields
- ▣ 8 Field lights (various sizes)
- ▣ 1 Sand Pit
- ▣ Walking trails fixed
- ▣ Soccer Goals
- ▣ Work out stations along the trail
- ▣ Benches & bleachers
- ▣ Concession Stand
- ▣ One Exit & Entrance
- ▣ Asphalt & parking
- ▣ Additional bathrooms
- ▣ Solar panels to help cut energy costs
- ▣ One turf field
- ▣ Better field maintenance
- ▣ Planting of more trees along the trails and around soccer fields.
- ▣ Lights shut down usually by 9 pm



City of Kyle Waterleaf Park Soccer Fields



What would this mean for the City of Kyle

- ▣ Promotes healthy & wellness
- ▣ Park trail & fitness equipment
- ▣ Recreational Soccer
- ▣ Maintain Waterleaf park
- ▣ Youth or Club Soccer
- ▣ Soccer specific fields
- ▣ City recognition
- ▣ Economic Development



CITY OF KYLE, TEXAS

Economic Development Strategic Plan

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: A presentation of the Economic Development Strategic Plan. ~ *Roger Dale, The Natelson Dale Group*

Other Information:

Legal Notes:

Budget Information:

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

Attachments / click to download

[Economic Development Strategic Plan](#)



CITY OF KYLE

ECONOMIC DEVELOPMENT STRATEGIC PLAN

Setting the Stage for Development Success



Prepared for:
City of Kyle, Texas
Economic Development Department

September, 2015

SUBMITTED BY:



THE NATELSON DALE GROUP, INC.
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INTRODUCTION

Report Overview

This document provides a comprehensive Economic Development Strategic Plan for the City of Kyle. It is intended to guide the community's growth and other management issues over the next five years. The Plan addresses Kyle's opportunities and challenges that come from both its internal economic and demographic transitions, as well as the influence of neighboring Austin to the north, plus San Antonio to the south, and Kyle's presence on the corridor between these two cities. The Plan reflects the City's desire to enhance the economic and cultural identity of the community while embracing the opportunities that come from proximity to growing, economically dynamic central cities.

The Strategic Plan document includes the following components:

- Statements representing the Vision and key Goals and Objectives for the Plan
- Recommendations for the initial year of Plan implementation (target industries and related action steps).
- Strategies and Action Plan elements in various formats. This section is the "actionable" component of the Economic Development Strategic Plan, whereas the other components are essentially background information.
- A comparison of demographic characteristics among the populations of Kyle, Hays County, the four-county region (Bexar, Comal, Hays, and Travis), and the State of Texas.
- Kyle workforce and internal job characteristics, and employment-by-sector data for Hays County compared to the four-county region.
- A second-stage analysis of potential target industries.
- Analysis of City development and economic development policies, fees, etc.
- Market conditions in Kyle and an evaluation of selected Priority Development Sites.

Topics addressed in initial background report

As part of the background research for the strategic planning process, The Natelson Dale Group, Inc. (TNDG) prepared a previous report, "Preliminary Target Industry Assessment, and Analysis of Demand for Commercial and Industrial Space," which summarized the following technical studies completed by the consultant team:

- An analysis of economic sectors in a study region that includes the four counties of Bexar, Comal, Hays, and Travis, and, based on this analysis, a preliminary list of target industries that are integral to the strategic planning process. To produce this preliminary list, the TNDG Team employed multiple data analysis techniques and screening mechanisms to identify regional industries that are "most likely to succeed," where the general measures of success were: a strong regional presence, demonstrated competitive strength, and projected strong future growth within the nation's economy. These analysis techniques generated a preliminary list of candidate industries. The list of candidate industries has been further evaluated in this final

document and a short list of three high-priority industry clusters has been recommended as part of the Strategic Plan action program (as described below under “Recommendations for Initial Implementation Program”).

- An analysis of potential retail activity growth in Kyle, through 2035, which included an approach to estimating future population growth in Kyle based on historic growth and on recommendations for analyzing projected growth from the Texas State Demographer.
- An analysis of potential office and industrial space growth in Kyle, through 2035, where projected employment growth, which would drive the demand for new space, was estimated as a function of the *population* projections used in the retail analysis.

VISION, GOALS, AND OBJECTIVES

For the sake of maximizing available workshop time, and recognizing that many “outside interests” were involved in the Summit meetings (which is appropriate for a community in Kyle’s growth stage), the Summit workshops did not dedicate time specifically to visioning and goal setting. Nevertheless, visions, goals, and objectives did emerge, as expected, from the workshop/stakeholder discussions. These are consolidated below into the most critical and representative statements. The goals and objectives are linked to the strategy categories on Table 4 in the section on Strategies and Action Plan items.

The recommended Vision Statement for the Strategic Plan is:

Kyle is dedicated to setting the stage for development success – in economic development as well as real estate development.

Key goals identified for the Plan are listed on the following page with major associated objectives.

Goal 1: *“Brand” Kyle to meaningfully differentiate it among other I-35 communities.*

Objective 1A: Find a brand message that reflects aspirations not just current image.

Objective 1B: Tie marketing to brand.

Goal 2: *Expand and diversify Kyle economy to help meet the employment patterns of Kyle working residents.*

Objective 2A: Establish target industries and expansion targets.

Objective 2B: Use collaborative economic development partners (including education and workforce development service providers) to Kyle’s maximum advantage.

Goal 3: *Support the expansion of Kyle’s economy through proactive development efforts.*

Objective 3A: Create an inventory of executive-level housing in Kyle, in conjunction with expanding businesses whose executives demand such housing.

Objective 3B: Create sites and buildings suitable for office and flex-space use in Kyle by encouraging efficient development patterns and other means, in conjunction with expanding businesses in Kyle that use these kinds of space.

Objective 3C: Encourage development of spec buildings of all sizes, through efforts to make locations “shovel-ready” and other means.

Objective 3D: Coordinate infrastructure investments to serve logical, efficient growth patterns in economic and other activities.

Objective 3E: Coordinate development and planning efforts to ensure a high amenity/high quality of life environment as Kyle grows.

Goal 4: *Maintain competitive capacity for economic development in Kyle.*

Objective 4A: Keep incentive and other policies updated and competitive, in content and practice, with surrounding areas.

Objective 4B: Convert City’s economic development function to an Economic Development Corporation (EDC).

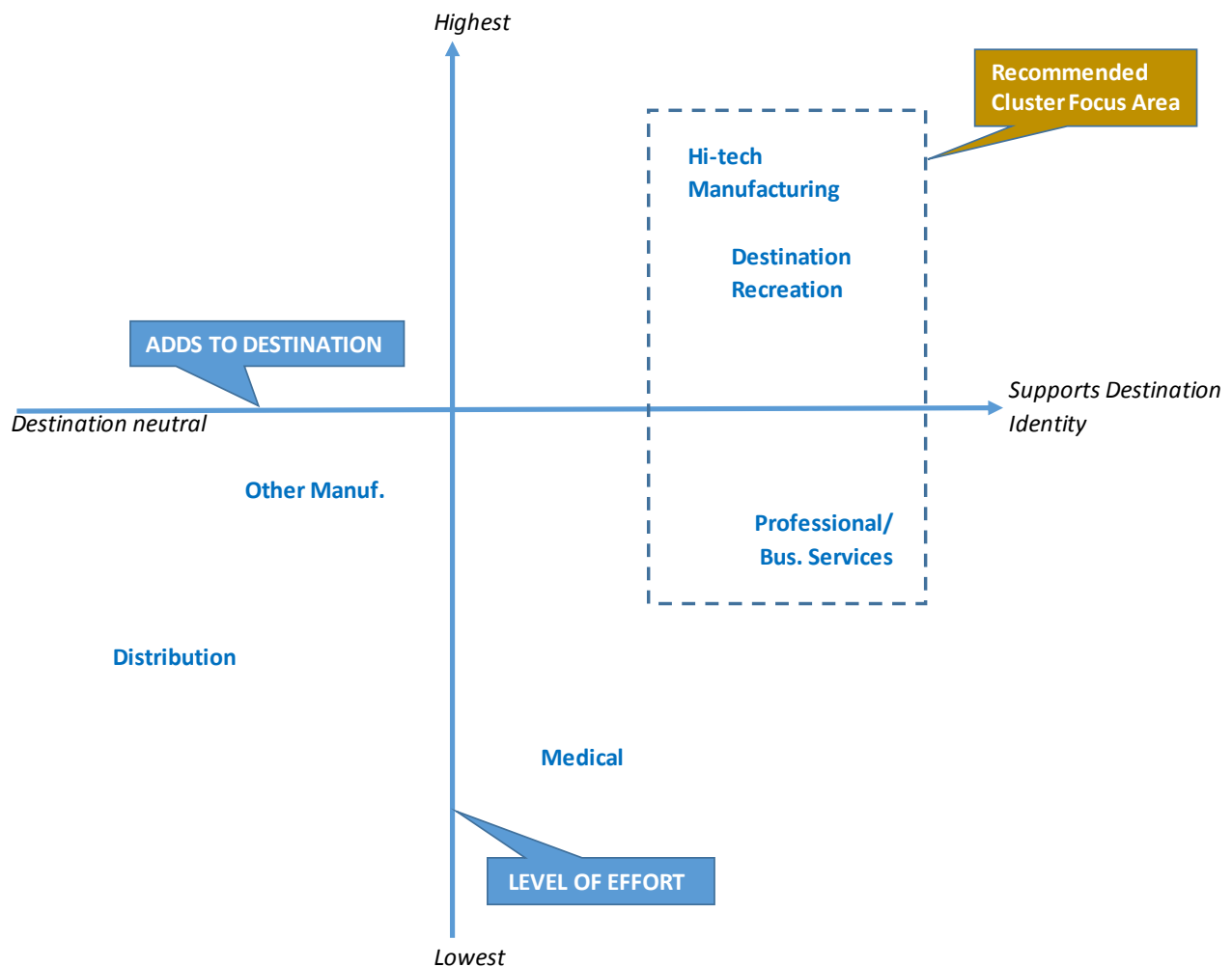
Objective 4C: Continue to engage community stakeholders to build and sustain a high level of support for the City’s economic development programs.

RECOMMENDATIONS FOR INITIAL IMPLEMENTATION PROGRAM

Target industries

The diagram shown below divides a set of clusters relevant to the group of target industries screened for Kyle into four quadrants segmented by the axes shown. The vertical axis represents the relative level of effort that would be required to promote additional activity in that cluster. The horizontal axis represents the contribution to Kyle’s identity as a destination location that the clusters would tend to make. Positioning the various industry clusters on this type of chart can help guide decision-making in terms of prioritizing target clusters and their related industries.

FIGURE 1. RECOMMENDED INITIAL CLUSTER TARGETS



Using this chart, TNDG recommends that initial cluster targeting be focused on those “game-changing” clusters requiring a relatively high level of effort, but also contributing significantly to Kyle’s image as a destination. Fostering a sense of destination supports branding efforts in Kyle and expands opportunities for the resident workforce to be employed in Kyle and thereby identify more strongly with the community than if they were out-commuters. By focusing on a handful of high-profile industries that

Kyle could “become known” for, the City would be building a brand along with attracting jobs and investment.

The specific industries associated with the three initial target clusters, which were identified through TNDG’s target industry screening processes as described elsewhere in this report, are shown in Table 1 below. Other notable existing clusters/industries, such as Medical Services, will continue to receive attention, but are understood to not require special proactive marketing at this point. NAICS 3391, Medical Equipment and Supplies Manufacturing, has been included on the list of targeted manufacturing sectors, although its “scores” within TNDG’s technical screening process were below the thresholds by which the other target industries were selected¹. This sector is a reasonable manufacturing target for Kyle given the strength of the medical (services) sector in Kyle and its general compatibility with high-tech manufacturing activities (in terms of workforce requirements, facility/locational preferences and image).

TABLE 1. RECOMMENDED INITIAL TARGET CLUSTERS AND ASSOCIATED SCREENED INDUSTRIES

CLUSTER	
NAICS Code	Industry
Hi-tech Manufacturing	
3344	Semiconductor and Other Electronic Component Manufacturing
3353	Electrical Equipment Manuf.
8112	Electronic and Precision Equipment Repair and Maintenance
4541	Electronic Shopping and Mail-Order Houses
3391	Medical Equipment and Supplies Manufacturing
Destination Recreation	
7131	Amusement Parks and Arcades
7139	Other Amusement and Recreation Industries
Professional/ Business Services	
5412	Accounting, Tax Preparation, Bookkeeping, & Payroll Services
5413	Architectural, Engineering, and Related Services
5414	Specialized Design Services
5415	Computer Systems Design and Related Services
5416	Management, Scientific, and Technical Consulting Services
5418	Advertising, Public Relations, and Related Services

¹ The screening thresholds are documented in the *Preliminary Target Industry Assessment* (May 2015) prepared for this planning process. In the initial screening of industries, the Medical Equipment and Supplies Manufacturing sector had a Location of Quotient of 0.57 (with the screening target 1.25 or greater), a negative Competitive Effect (screening target of positive 500 or more), a National Growth effect of 417 (screening target of 500 or more), and a projected 2015-2024 growth rate of 14% (screening target of 20% or greater).

Recommended Year One Action Items

Table 2 below shows recommended Year 1 action items, extracted from the full list of strategies and action items summarized in the following section. This table and the full Strategy/Action Item table are intended to be referred to in tandem; the A, B, C, etc. enumerations in this table coincide with the a, b, c etc. enumerations in the full Strategy/Action Item table (and consequently action steps are not always lettered sequentially in Table 2, since not all items are expected to be addressed during the first year of Plan implementation).

Given the existing staff and other resources devoted to economic development in the City, full implementation of the recommended action program would require allocation of additional resources. The full Strategy/Action Item table (beginning on page 12) provides general estimates of additional budget resources (potentially including additional staff) that may be necessary to fully implement the indicated action items. These recommended additional resources should be reviewed in terms of the current staffing and other resources dedicated to economic development in the City. The strategies and action items also suggest responsibilities that are likely to lie primarily within the City, and which will ultimately need to be addressed by economic development staff.

TABLE 2. RECOMMENDED YEAR ONE ACTION ITEMS, BY STRATEGY CATEGORY

Action	Initial/First Year Activity / Goal
Target industry/cluster development	
A	Re-orient existing Economic Development and Tourism Board to serve as initial/interim “target industry taskforce”; recruit additional industry representatives (potentially from outside Kyle) to ensure interface with targeted industries/clusters. Taskforce can be involved in items B, C, and D below, and also take initial steps to encourage networking among businesses in Kyle's most important, established economic clusters (such as Medical). These networking efforts could serve as a model for additional clusters as the opportunities arise.
B	Initial target industries/clusters have been determined via this planning process (consultant recommendations); these targets should be refined via Actions C and D below.
C	Meet quarterly with partners (Greater San Marcos Partnership and Austin Chamber of Commerce) to align targets and, as appropriate, re-align joint marketing activities.
D	Year 1 marketing activities could include the following, being based initially on a review of existing marketing efforts and identification of the most critical gaps in messaging, coverage, and other marketing issues: <ul style="list-style-type: none"> • Update Kyle ED website • Update print marketing materials, where appropriate focusing on target industries • Print ads in 2-3 industry-specific trade publications • Participate in one industry trade shows (select from among the three recommended target clusters)
Incentives	
C	Develop incentive scoring system and adopt related policy
G	Implement “Kyle Development Team” program whereby representatives from key City departments would be highly accessible to the private development community. Establish fixed monthly meeting days/times at which the City’s Development Team would be available to meet with interested developers; advertise program/meetings to development community. Also use these meetings as forums for promoting development opportunities, introducing new marketing materials, etc.

Action	Initial/First Year Activity / Goal
H	Coordinate with Comprehensive Plan update process to help ensure consistency in permitting and related requirements.
Education and workforce development	
A	Initial meeting to review ED Strategic Plan with partners (especially Hays CISD and Austin Community College); develop marketing message for industry-responsive training program, and identify and prioritize other issues appropriate for this group of partners. Meet quarterly to review programs and progress.
E	Monitor and coordinate as needed the transition of the internship / job shadowing program to GSMP from the San Marcos Manufacturers Association; target specific opportunities for Kyle firms/residents.
Branding/image	
A	Continue to monitor informal efforts, and any formal initiatives, to develop a brand message for Kyle, and establish guidelines for the minimum extent to which economic development interests must be served by an ED-specific branding process and message concepts.
Community engagement	
A	Conduct follow-up meeting with participants in Economic Summit meetings to report on progress at end of first year; consolidate progress reports from City and selected partner organizations.
Strategically coordinate infrastructure development	
A	Convene meeting of Infrastructure Policy Working Group (City department heads) to review, especially in relationship to the current CIP and other ongoing planning efforts such as the transportation plan, the priority development sites analysis, imminent/pending development projects (develop maps of this, as needed), and identified longer-term development areas. Based on this review, develop general framework for prioritization (or re-prioritization within existing plans) of infrastructure investments (to be fleshed out under Actions C and E below).
B	Use Infrastructure Policy Working Group to help generate the protocol for a problem-solving approach to working with private utility providers.
C	Develop objective scoring system for prioritizing infrastructure investments and adopt related policy.
E	Meet (one on one) with major, active developers to identify infrastructure needs and potential deal structures (with the intent that the City will focus public resources on projects that have the most potential for leveraging of public investment with private funding). This process should be coordinated with Action B under both Industrial/Office Development and Housing Development, optimizing land use allocations and other details associated with prime development areas.
Amenity focus	
B	Incorporate the unique aspects of Destination Recreation, as an initial-priority target cluster, into overall marketing and other economic development programming; define specific marketing milestones for Year 1.
Industrial and office real estate development	
B	Coordinate with planning and other processes related to optimization of real estate development, to ensure that economic development targets and other interests are incorporated into any policies and plans. Use programs, processes, and plans as platforms for encouraging development activity, in coordination with major developers / property owners. This effort, under the banner of the “Sustainable Development Initiative” would ensure that development policies are based on a citywide, long-term perspective. This

Action	Initial/First Year Activity / Goal
	holistic framework for approaching the City’s real estate development goals should be in place before substantial commitments are made to specific development projects.
C	Coordinate with Comprehensive Plan update process to help ensure land use allocations, infrastructure plans, and other details reflect the needs of targeted and other economic activity.
F	Set up system by which to maintain a continuously updated inventory of industry leads in a format suitable for distribution to developers (as a means of documenting potential demand for commercial/industrial space and thereby encouraging development of “spec” buildings); distribute on a timely basis so that the information is both periodically refreshed and still relevant.
Housing development	
B	Apply activities under B above (as part of the “Sustainable Development Initiative”), in Industrial and Office Real Estate Development, to homebuilders and land owners/developers with property destined for residential development.
D	As part of actions under B above, coordinate development prioritizing efforts to incorporate the goal of encouraging executive-level housing.

STRATEGIES AND ACTION PLAN ITEMS

This section comprises the “actionable” or operational framework intended to guide economic development policy in Kyle for the next several years, subject to periodic review and revision typical of such plans.

A set of strategy categories for the Kyle Economic Development Strategic Plan was introduced, discussed, and prioritized at the Summit Workshop #2 held on May 28. The results of that workshop are summarized in detail in a memo attached to this report as Appendix C. Subsequently, the TNDG Team reviewed the categories, drafted a set of action items for each strategy category, and began the process of providing additional detail about the strategy categories. The results of this process are shown in the following tables (source of all tables is the TNDG Team).

The following series of tables convey different and expanded aspects of the initial strategy categories and action plan items. Table 3 lists the strategy categories and expands the conceptual framework for the categories, summarizing a review of the strategies according to three “community qualities” that the strategies would influence: 1) Options, or expanded opportunities related to economic activities; 2) Efficiency, or the cost-effectiveness of public/private investments and operations, and having economic activity located where it is most suitable; and 3) Sense of wholeness, or making the community feel more complete than before, with its image enhanced by virtue of what has been accomplished by implementing the strategy.

Table 4 shows strategy categories, by generalized priorities (high or medium), and whether the category is part of the core function of the City, or the City functions primarily as coordinator for other entities. Table 5 and Table 6, the Action Plan framework, show each strategy category supplemented by

a set of action items, in some cases with additional discussion about that item (shaded cells below each strategy category section). The table includes columns indicating three other aspects of the action item:

1. The organization that should lead the activity and key partners to its implementation.
2. Relative levels of City effort required to implement the action item, classified according to the following:
 - *Staff lead*. Indicates items that are intended to be carried out by the City’s economic development staff, many of which represent a continuation and/or refocusing of existing City programs/services and therefore will not initially require additional staff members to implement. (Entries are subject to additional input from City Economic Development staff.)
 - *Cost ranges*. Ranges of estimated costs are assigned as follows: \$ - less than \$25,000; \$\$ - \$25,000 to \$50,000; \$\$\$ - \$50,000 to \$100,000. Cost-range entries include notations of whether costs are one-time, annual, or “periodic,” i.e. requiring expenditures every few years as necessary.
3. The right-hand column addresses the question of whether the action item represents a new or an ongoing/existing program. It should be noted that even “new” programs could have some level of existing program infrastructure; consequently the new/ongoing designations are intended to indicate if an action item is predominantly new or predominantly a continuation of an existing program.

Given the existing staff and other resources devoted to economic development in the City, full implementation of the recommended action program would require allocation of additional resources. Tables 5 and 6 provide general estimates of additional budget resources (potentially including additional staff) that may be necessary to fully implement the indicated action items. These recommended additional resources should be reviewed in terms of the current staffing and other resources dedicated to economic development in the City. The strategies and action items also suggest responsibilities that are likely to lie primarily within the City, and which will ultimately need to be addressed by economic development staff.

Table 7 and Table 8 are matrices in which strategy categories listed in each row are repeated across a corresponding set of columns, with the cells of the matrix occupied by action items, assigned to the “row strategy,” listed in the *column* of the strategy to which it also has a functional relationship. In other words, for strategies listed in each row on the table, the strategies’ corresponding action items are shown on the same row, but listed under other strategies to which they also pertain. The purpose of this matrix is to underscore one of the key characteristics of strategic plans of this type, which is that strategies and action items tend to have overlapping, synergistic interrelationships. Recognizing these relationships helps organizations coordinate activities and in some cases reprioritize actions based on the extent to which a specific action helps implement other, related strategic objectives. The matrix also helps illustrate why comprehensive monitoring of Plan implementation, a function generally performed by economic development personnel, is so important.

TABLE 3. STRATEGIES IN RELATION TO COMMUNITY QUALITIES THOSE STRATEGIES WOULD INFLUENCE

	Qualities Strategies Would Foster		
	Options	Efficiency	Sense of Wholeness
<i>Core Economic Development Operational Functions and Interests</i>			
Target industry/cluster development	•	•	o
Incentives		•	
Education and workforce development	•	•	•
Branding/image			•
Community engagement	o	o	•
Entrepreneurial support	•	o	o
<i>Infrastructure and Other Physical Foundations</i>			
Strategically coordinate infrastructure development	•	•	o
Amenity focus: Making Kyle more attractive to residents/visitors/bus.	o		•
Industrial and office real estate development	•	o	o
Promote housing development that helps balance product types, prices	•	o	•

•	= Primary association with that quality
o	= secondary association

Options: Expanded opportunities in both the type of economic activity available to citizens and their locations.

Efficiency: Cost-effectiveness of public/private investments and operations; economic activity located where it is most suitable.

Sense of Wholeness: Community feels more complete than before; image is enhanced by virtue of what is apparent.

TABLE 4. STRATEGY CATEGORIES, BY PRIMARY FUNCTIONS AND FOUNDATIONS, AND OVERALL PRIORITIES

	Priority code	Goals/Objectives Supported
<u>Primary Economic Development Operational Functions and Interests</u>		
Target industries (including regional cooperation)	H, Core	2A, 2B
Incentives (including development-approval streamlining)	H, Core	4A, 4B
Education and Workforce Development	H, Coord.	2A, 2B
Branding (the economic development component of)	M, Core	1A, 1B, 2A
Community engagement (the economic development component of)	M, Core	4C, 4B
Entrepreneurial support	M, Coord.	2A, 2B
<u>Infrastructure and Other Physical Foundations</u>		
Infrastructure coordination	H, Core	3D
Downtown and other amenity development	H, Core	3E
Industrial and office real estate development	H, Coord.	3B, 3C
Housing diversity	M, Coord.	3A

Priority code legend

Level:

H = High priority

M = medium priority

City role:

Core = Part of core function of City, with City having primary responsibility

Coord. = City functions primarily as coordinator

TABLE 5. STRATEGIES AND ACTION ITEM MATRIX FOR PRIMARY ECONOMIC DEVELOPMENT OPERATIONAL FUNCTIONS AND INTERESTS

Strategies/Action Items	Lead/Key Partners	Funding Guide	New or Ongoing/ Existing Program
TARGET INDUSTRY/CLUSTER DEVELOPMENT			
a. Organize business attraction/cluster development taskforce (See note 1 below for reference)	City ED/Kyle Chamber, GSMP, Austin Chamber, Economic Dev. and Tourism Bd. (EDTB)	Staff lead	Ongoing (extension of EDTB)
<p>Note 1. This taskforce would help refine the list of target industries and firms and also establish methods for encouraging networking among businesses in Kyle's most important economic sectors, and strengthening the larger business "ecosystem" that supports them.</p> <p>If the City chooses to focus on a sub-set of targets defined by the Austin Chamber of Commerce (Austin C of C), that can help the Austin C of C support Kyle's individual targeting goals. As part of this process, the City could Identify cities in the region that are targeting the same or similar industries, and those cities' competitive advantages and disadvantages, in order to set Kyle apart, through refined targeting strategies, marketing, etc. in response to that competition. The Austin Chamber has a database of community strengths.</p> <p>As part of the process of refining industry targets, the City could consider:</p> <ul style="list-style-type: none"> • Matching targets to Kyle residents' demographics (especially education and employment data). • Residents' wishes, recognizing that targeting on this basis involves the application of a different concept. Recent residents' poll showed support for Health Care and Manufacturing. 			
b. Establish priority targets for first two years of implementation (3-5 industries – see note 2)	City ED	Staff lead	New
<p>Note 2. As requested, TNDG prepared initial recommendations for industry targets, shown in the Initial Year Recommendations section of this report.</p>			
c. Leverage memberships in regional organizations focused on industry attraction	City ED/GSMP, Austin Chamber	\$, ann	Ongoing
d. Develop marketing program focused on priority targets, including the following elements, as needed to cover any gaps in marketing messages, targets addressed, etc. (note all costs are periodic) (See note 3):	City ED/Kyle Chamber		Ongoing
Print brochure/prospectus		\$\$	
Website (see note 4)		\$	
Trade journal advertisement		\$\$	
Trade show booth		\$\$	

Note 3. This set of actions could include participating in key industry/trade associations relevant to targeted businesses. The City could initially focus on associations for site selection/facilities/real estate executives; this activity may evolve over time to include City’s participation in trade associations for specific industries (either directly or through partner organizations). The City could identify and address critical needs associated with specific targets, and incorporate those needs into marketing plans, into setting the timing for implementing certain marketing steps, etc. The Austin Chamber is recognizing the need to reach younger audiences for target-industry marketing, and consequently is looking more to social media, etc. Using innovative media, and keeping current with the various forms, may require special if not ongoing training for economic development professionals.

Among Kyle’s internal marketing and that of its economic development partners, the City can identify any gaps in marketing, by City and marketing partners, relative to specific targets. Marketing should be tied to the City’s brand, including Kyle’s “brand recognition” – the image, etc. that becomes formed through observation. This is an evolving situation and consequently needs monitoring for messages to stay current with brand recognition.

Note 4. This website could be formulated (updated) in anticipation of the eventual transition of the City’s economic development function to an EDC. It would preserve in the interim the impression of an independent organization and help make the transition to the EDC seamless.

Strategies/Action Items	Lead/Key Partners	Funding Guide	New or Ongoing/ Existing Program
INCENTIVES			
a. Define competitive incentive policy vis-à-vis San Marcos, Buda, etc. and this latest Action Plan (See note 1)	City/GSMP, EDTB	\$, ann	Ongoing
<p>Note 1. Generally, a comprehensive incentive policy will benefit from being articulated within a set of guiding principles that reflect a conceptual basis for using incentives, monetary and nonmonetary forms of incentives, relative benefits and costs, etc., as points of reference for both structuring incentives and communicating their purposes, value, etc. The policy will necessarily reflect the City’s fiscal constraints and incorporate appropriate input from City decision-makers. Historically and currently, Kyle officials have been inclined to be open to a wide range of potential incentive recipients, but this will tend to change as the community grows and achieves successive threshold levels for various types of development. Under these existing conditions, policies that define specific circumstances for the application of incentives are perceived as potentially too limiting. However, cities can structure incentive policy to have both limits on eligibility for incentives and the discretion to go outside those limits depending on circumstances. Kyle has an additional challenge when competing against “4A/4B” communities (sales tax “war chest” funding), which include Round Rock, Pflugerville, and Buda.</p>			
b. Package local incentives with regional/state policies (See note 2)	City/CAPCOG, Austin Chamber, County, utilities, school districts	\$, periodic	Ongoing
<p>Note 2. Especially in comparison to the neighboring communities, Kyle has taken care to coordinate incentive policies with those associated with the GSMP, Austin Chamber, and with state programs. This is a major task, whether accomplished through direct reference to these programs, links to relevant websites, or other measures, and requires at a minimum continuous updating.</p>			

c. Develop scoring system for incentive qualification, while preserving option to customize incentive packages for large/targeted projects (See note 3)	City	Staff lead	New
<p>Note 3. An incentive policy should recognize that there are multiple dimensions involved with Kyle incentives: A) the underlying advantages of working with the City, for example expeditious development processing, B) project-specific incentives applied to secure a desired employer or type of development, C) defining and using incentives that are compatible with and competitive with those of neighboring/nearby communities, and D) recognizing that some business prospects, for example for types of businesses new to the region, may need (or favor) types of incentives not represented yet in the Kyle region, in which case specific research and analysis might be required.</p> <p>Kyle could continue the practice of “inviting prospects to challenge them” to respond creatively to requests for incentives. The Triple Freeport Exemption is absolutely essential to securing manufacturers.</p>			
d. Aggressively market incentives, including expedited permitting and availability of “Skills Development Fund” state grants, as part of overall business attraction/development-friendliness focus (See note 4)	City ED, County	Staff lead Costs: Note 7	Ongoing
<p>Note 4. Hays County is especially important as an economic development partner because it gives Kyle a competitive advantage over Austin, since Travis County doesn’t participate in providing incentives for projects in the City of Austin. Skills Development Fund grants available from the Texas Workforce Commission are theoretically available statewide; however Hays County has been disproportionately aggressive in pursuit of and successful in securing these funds for local projects. Hays is second only to Dallas County (and only by a small margin) in terms of the amount of grant funding from this source.</p>			
<p>Note 7. Costs are included in Target Industry strategy, part d., marketing</p>			
e. Select expedited permit processing program from set of best practices and information on unsuccessful/undesirable practices (See note 5)	City - Bldg., Planning, ED	Staff lead or \$, ann	Ongoing
<p>Note 5. This and related action items are intended to improve development-approval processes while also sending a clear message to the development and entrepreneurial communities that “Kyle is ready for business.” This action item can address several levels of business friendliness, including streamlined entitlement and permit processing for new development projects, and user-friendly policies and practices for permitting of new businesses. Potential models of best practices include Houston (totally automated, online system), Buda, and San Marcos.</p> <p>Kyle has a reputation for fast project approvals; some land entitlement processes can potentially be further expedited, especially when activity levels are high.</p>			
f. Implement a small business ombudsman program	City	\$, 1-time	New
g. Consider implementing a policy of setting a specific meeting date every month (or some period) when representatives of all development-related departments are in the same room and available to meet with developers who are initiating projects. (See note 6)	City	Staff lead	Ongoing
<p>Note 6. Kyle effectively does this already based on the city’s willingness to meet at any time with developers, but Kyle’s program could be formalized like Buda’s. As one way of expediting development, the City can help steer prospects toward areas of the community where utility capacities match project requirements.</p>			

h. Coordinate all planning documents for consistency in permitting and related requirements	City Planning	\$\$, periodic	Ongoing
i. Initiate a plan for the eventual creation of an independent Economic Development Corporation (EDC) in Kyle, to provide the flexibility in economic development responsiveness needed in order to consolidate Kyle’s economic competitiveness with respect to neighboring and other competing entities (See note 8)	City, EDTB	Staff lead	New
<p>Note 8. An EDC would normally be funded with the half-cent sales tax increment that Kyle does not have at present, as it currently goes to the County. Funding options then could involve having the County relinquish these funds, having the City repeal a property tax reduction by election that the citizens currently receive the benefit of, or identifying and instituting some other mechanism (private-entity participation is also common for EDCs). For these reasons alone, achievement of the EDC is understood to be a long-term project. Generally speaking, economic development prospects are more accustomed to and comfortable with economic development organizations structured as EDCs, which offer maximum flexibility to structure assistance across jurisdictional/organizational lines, maintain confidentiality, and maintain independence from bureaucratic and political encumbrances.</p>			
Strategies/Action Items	Lead/Key Partners	Funding Guide	New or Ongoing/ Existing Program
EDUCATION AND WORKFORCE DEVELOPMENT			
a. Coordinate business attraction/cluster development effort with ACC and others to provide for industry-responsive, customized training programs; continue to leverage Texas Workforce Commission’s Skills Development Fund (See note 1)	City ED/ACC, Texas State, GSMP, Chamber of Commerce	Staff lead	Ongoing
<p>Note 1. This could include establishing a City-facilitated group of executive-level representatives of regional higher education institutions. The main purpose of this group will be to “map” higher education resources relevant to business development, with a focus on defining and responding to job training needs, but not necessarily limited to that issue.</p>			
b. Recognize the education and employment profile of Kyle’s current resident workforce as one guide for focusing on target industries (See note 2)			New
<p>Note 2. The strategy category of Education and Workforce Development has several dimensions:</p> <ul style="list-style-type: none"> Some employers, for example manufacturers, are finding Kyle/San Marcos attractive as locations but not necessarily because they meet their labor force needs. The region is currently working to provide training for industrial workers and also to generate places for them to live. The presence of a major manufacturing facility is attractive for several reasons: manufacturing wages tend to be better than other sectors for non-college graduates, manufacturing helps diversify the economy, and the multiplier effect of manufacturing jobs is typically among the strongest of any sector. Also, one indicator that Kyle’s workforce might be a closer match to manufacturers’ needs than Hays County and the 			

<p>4-county surrounding region is that 38 percent of Kyle’s resident workforce has achieved the education level of “some college or associate degree,” compared to 29-31 percent for the other areas (see Table 9).</p> <ul style="list-style-type: none"> • Kyle stakeholders also identified the objective of bringing jobs to the city that match the profile of Kyle resident workers. Currently (2012 data, Table 10), Kyle’s out-commuters tend to have higher wages and work in service industries, compared to the city’s in-commuters. • Considering the previous two bullet points together, it appears that there is a need to consider Kyle as undergoing an economic-transitional period, in which industrial users might find the area attractive now, and professional and service sectors might be easier to attract as a growing employment base, anchored in industrial activity, develops. In this regard, a strategy to respond to immediate opportunities for capturing desirable employers by attracting and developing new workers, and a strategy to attract businesses that more closely match the current resident workforce, can be viewed as complementary. 			
c. Coordinate with Hays CISD	City ED/CISD, ACC, Texas State	Staff lead	Ongoing
d. Coordinate with Texas State University at San Marcos on career track, other job-readiness issues	City ED/ACC, GSMP	Staff lead	New
e. Develop internship / job shadowing program, based on model of S.M. Manufacturers Association (See note 3)	GSMP	Staff lead	New
Note 3. This association is expected to phase out as an independent entity and be absorbed into GSMP.			
Strategies/Action Items	Lead/Key Partners	Funding Guide	New or Ongoing/ Existing Program
BRANDING/IMAGE			
a. Consider community-wide branding exercise as means of engaging a broader range of stakeholders and more fully integrating ED with other community initiatives (See note 1)	City ED/Kyle Chamber, EDTB, dev. community, major institutions	\$\$\$, 1-time	New
<p>Note 1. The City and branding partners should keep in mind the “literal” or perceived brand or image – first impressions, perceptions upon encountering the city, etc. – along with any effort to “professionally brand” the community through symbols, slogans, etc. These two kinds of efforts must function in harmony, attention directed towards one can potentially affect the other, and efforts to affect the perceived brand can require greater resources, planning, strategizing, etc. than professional branding. Physical features can help define perceived brand/image. The old water tower provides an inherited image that might not reflect the current community. Institutions play a role in the perceived brand/image. ACC and Seton are examples.</p>			
b. Develop ED-specific brand compatible with City’s overall brand and marketing themes (See note 2)	City ED	\$, 1-time	New

Note 2. Depending on the outcome of (or existence of) any community-wide branding exercise, the City could elect to develop an "economic development" brand specific to the City's business attraction efforts. The brand should articulate a compelling message about Kyle's advantages as a business location. Kyle marketing partners should be kept current on existing and evolving brand-related messages and data (e.g. GSMP needs photos/images of Kyle and updated list of community assets to include in marketing materials)

Potential brand messages/concepts include: "Destination location," and "Distinguish Kyle from Austin!"

Kyle marketing partners should be kept current on existing and evolving brand-related messages and data (e.g. GSMP needs photos/images of Kyle and updated list of community assets to include in marketing materials)

Strategies/Action Items	Lead/Key Partners	Funding Guide	New or Ongoing/ Existing Program
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COMMUNITY ENGAGEMENT (See note 1)

Note 1. This strategy category is appropriately a medium or low priority, since it is only indirectly an economic development function. However citizens relate to ED-relevant information, and appreciate efforts to communicate, including use of innovative media; so community engagement is important. Public Relations is a legitimate function of economic development, and it is especially so with communities transitioning into positions of greater economic independence.

a. Annual City Manager's forum to present updates on ED progress (extension of Summit process)	City	\$, ann	Ongoing
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b. Newsletter/website updates	City ED/Kyle Chamber	\$, ann	Ongoing
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c. Expand ED presence/visibility at all City events, and within planning processes, civic groups, community dialogues, etc.	City	Staff lead	New
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Strategies/Action Items	Lead/Key Partners	Funding Guide	New or Ongoing/ Existing Program
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ENTREPRENEURIAL SUPPORT

a. Set up referral system involving existing regional programs	City ED	Staff lead	Ongoing
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b. Eventually expand local capacity of technical assistance and funding programs (See note 1)	City ED/ACC, Texas State SBDC, GSMP	\$\$, ann	New
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Note 1. The City could coordinate with ACC and Texas State University SM to support small-business creation programs that expand entrepreneurial business opportunities, for both targeted industries and other sectors. There is currently a potential in Kyle for a private-sector-driven incubator, for which additional coordination would be warranted.

San Antonio's "Café Commerce" is a potential model or resource for entrepreneurial support (cafecommercesa.org)

TABLE 6. STRATEGIES AND ACTION ITEM MATRIX FOR INFRASTRUCTURE AND OTHER PHYSICAL FOUNDATIONS

Strategies/Action Items	Lead/Key Partners	Funding Guide	New or Ongoing/ Existing Program
STRATEGICALLY COORDINATE INFRASTRUCTURE DEVELOPMENT			
a. Organize infrastructure policy working group (relevant City department heads)	City	Staff lead	Ongoing
b. City should actively engage and coordinate with private, investor-owned utilities, to preclude potential issues of insufficient planning, etc. (See note 1)	City	Staff lead	Ongoing
<p>Note 1. The City can organize a strategic approach to increase the capacity of utility providers controlling areas in which development is currently constrained due to those capacity limitations. This approach may include incentivizing capacity expansions, and/or shortening the length of contracts upon contract renewals. Where capacity constraints persist, comprehensive land use and other plans can be revised to steer development interest to areas more conducive to growth. The City can leverage its control of wastewater systems, for purposes of coordinating capacity and other issues of water (and other utility) providers.</p>			
c. Implement flexible policy guidelines for prioritization of infrastructure investment needed for targeted development sites/areas (See note 2)	City	Staff lead	New
<p>Note 2. As part of a comprehensive effort to ensure development readiness/friendliness of the priority sites and other areas of the city, infrastructure capacity needs to be appropriately matched to the anticipated land uses. In addition to the infrastructure needs identified through other processes, the industry targeting efforts will enable the City to better understand industry-specific infrastructure requirements and concerns. Infrastructure policies can also provide an ongoing information flow between economic development staff and the various entities responsible for infrastructure development, ensuring that infrastructure issues affecting economic development are appropriately addressed and prioritized in facility planning and funding decisions.</p>			
d. Coordinate with local and other Capital Improvement Plans (CIPs) and other relevant documents	City	Staff lead	Ongoing
e. Interface with developers to establish protocols for public/private funding agreements (See note 3)	City/Development community	\$, 1-time	Ongoing
<p>Note 3. The City could consider establishing this process through a recognized development-oriented organization such as the Urban Land Institute (ULI) or NAIOP - the Commercial Real Estate Development Association (formerly known as the National Assoc. of Industrial and Office Parks). Public Improvement Districts (PID) and Municipal Utility Districts (MUD) could be appropriate financing mechanisms for consideration.</p>			
f. Identify funding sources	City/GSMP	Staff lead	Ongoing
g. Interface with regional planning organizations to coordinate funding, etc.	City/CAPCOG	Staff lead	Ongoing

Strategies/Action Items	Lead/Key Partners	Funding Guide	New or Ongoing/ Existing Program
AMENITY FOCUS: MAKING KYLE MORE ATTRACTIVE TO RESIDENTS/VISITORS/BUS.			
a. Continue Downtown place-making initiatives, which could include preparing a master plan, improving parking, facilitating land assembly, and waiving transportation impact fees (also for other infill areas). (See note 1)	City/(potential Downtown business association?)	\$\$, ann	Ongoing
Note 1. Although Downtown is one of a number of priority development sites in Kyle, it represents a unique location that can play a key role in defining the community and enhancing Kyle's sense of place. Consequently, focusing attention in the Downtown area, through special incentives, locating special events, and other considerations can be justified. The City could review the need and potential for a Downtown Business Association to help support Downtown initiatives.			
b. Target regionally unique entertainment/recreation businesses/facilities for attraction	City ED/GSMP	\$, periodic	New
c. Have some special events programming systematically tied to ED initiatives and priorities	City ED/Kyle Chamber	\$\$, periodic	New
d. Improve walkability in/around existing and planned employment centers, and concentrate other amenities in these areas to the extent practical	City	\$\$, periodic	New
e. Consider potential for a “pop up retail” program similar to San Antonio’s, which allows for low-cost, short-term occupancy of vacant storefronts downtown and in other commercial areas including those suitable for adaptive reuse with offices and other uses	City	Staff lead	New
Strategies/Action Items	Lead/Key Partners	Funding Guide	New or Ongoing/ Existing Program
INDUSTRIAL AND OFFICE REAL ESTATE DEVELOPMENT			
a. Familiarize industrial/commercial developers with City’s Priority Development Areas and other opportunity sites, and with land use, infrastructure, and other plans related to those sites (See note 1)	City ED/Dev. community	Staff lead	Ongoing
Note 1. Promotional efforts should include reduction in commutes.			
b. Encourage land owners/developers to work with design and other professionals, in coordination with the City and its relevant plans, boards and commissions, to identify optimal land use allocations and other details associated with prime development areas in order to maximize the potential for coordination among owners/developers. End products of this could include revisions to existing plans, generation of a city-wide implementation plan and/or area specific plans. Action item coordinates specifically with the Housing Development strategy group. These efforts, under the banner of the “Sustainable	City ED, EDTB, GSMP	Staff lead	New

Development Initiative” would ensure that development policies are based on a citywide, long-term perspective. This holistic framework for approaching the City’s real estate development goals should be in place before substantial commitments are made to specific development projects. (See note 2)			
Note 2. “Pioneering” office projects may need special incentives.			
c. Refine Comprehensive Plan and involve multiple parties of interest to help ensure development readiness for key office and industrial areas and for projects of all relevant sizes (See note 3)	City Planning/City ED	\$\$, periodic	Ongoing
Note 3. This action item is timely – the Comprehensive Plan is approaching the end of its 5-year timeframe; Planning and Zoning staff is revisiting as this Strategic Plan is concluding. The City could continue to explore pre-entitlement options (specific plans, environmental clearances, etc.) and other policies to advance properties towards “shovel ready” status.			
d. Coordinate with infrastructure policy	City	Staff lead	New
e. Coordinate target industry/cluster development process to ensure appropriate locations and facilities for targeted uses are available	City ED/Kyle Chamber, City Plng.	Staff lead	New
f. Establish procedures, such as regularly published “economic development leads” (structured to preserve confidentiality) to help development-coordination process	City ED	Staff lead	New
Strategies/Action Items	Lead/Key Partners	Funding Guide	New or Ongoing/ Existing Program
PROMOTE HOUSING DEVELOPMENT THAT HELPS BALANCE PRODUCT TYPES, PRICES			
a. Familiarize homebuilders and land developers with City’s Priority Development Areas and other opportunity sites, and with land use, infrastructure, and other plans related to those sites (See note 1)	City	Staff lead	Ongoing
Note 1. Priority Development Areas are listed and discussed in this strategic plan. Other development areas are also important to Kyle’s development prospects, for example the 2,155-acre Blanco River project area on the western edge of the city.			
b. Encourage land owners/homebuilders to work with design and other professionals, in coordination with the City and its relevant plans, boards and commissions, to identify optimal land use allocations and other details associated with prime development areas in order to maximize the potential for coordination among owners, homebuilders and land developers. End products of this could include revisions to existing plans, generation of a city-wide implementation plan and/or area specific plans. Action item coordinates specifically with the Industrial/Office Housing Development strategy group (“Sustainable Development Initiative”). (See note 2)	City ED/Dev. community	Staff lead	New

Note 2. Kyle has a diverse set of developable sites, with varying degrees of development readiness, feasibility for different uses, and compatibility with City economic development goals. Optimizing the potential of these sites involves locating appropriate uses that are matched to existing and planned infrastructure, and balanced (in location, scale, and other factors) among other land uses, existing and to-be-developed. This optimization can be facilitated by a process in which most if not all sites are reviewed simultaneously, in coordination with landowners and developers

The City could potentially help define the market for housing in Kyle, based on demographics, workforce data, etc. Kyle has professional people living within the community now, but the market may still be too thin for the kind and scale of housing desired. An enclave for specific group (e.g. medical professionals) might not be successful.

<p>c. As appropriate, define policies to incentivize development of target housing types/projects, based on opportunities identified through developer coordination. One option would be to obtain Community Reinvestment Act (CRA) funds from banks to provide an incentive to first-time homebuyers, as San Antonio does. (See note 3)</p>	City ED	\$\$, periodic	New
<p>Note 3. San Marcos and Texas State have programs for helping certain segments of workers secure housing (teachers, emergency workers, etc.). This concept may have applicability to Kyle’s efforts to diversify housing.</p>			
<p>d. Support the development of executive-level housing in Kyle, in terms of permitting processes, market information, maintaining compatibility of surrounding uses, etc.</p>	City	Staff lead	New

TABLE 7. STRATEGY BY STRATEGY MATRIX WITH ACTION ITEM RELATIONSHIPS FOR PRIMARY ECONOMIC DEVELOPMENT OPERATIONAL FUNCTIONS AND INTERESTS

Strategy / Strategy	Target industry / cluster development	Incentives	Education and workforce development	Branding (for ED)	Community engagement	Entrepreneurial support
Primary Economic Development Operational Functions and Interests						
Target industry / cluster development			a. Organize business attraction/ cluster development taskforce	d. Develop marketing program focused on priority targets (print brochure / prospectus, web page, etc.	b. Establish priority targets for first two years of implementation (3-5 industries)	
Incentives	a. Define competitive incentive policy vis-à-vis other areas and this latest Action Plan; b. Package local incentives with regional / state policies; i. Initiate plan for independent EDC in Kyle		f. Implement a small business ombudsman program	d. Aggressively market incentives, including expedited permitting as part of overall business attraction / development-friendliness	h. Coordinate all planning documents for consistency in permitting and related requirements	e. Select expedited permit processing program from set of best practices and information on unsuccessful/undesirable practices
Education and workforce development	d. Coordinate with Texas State University at San Marcos on career track, other issues	a. Coordinate business attraction / cluster development with ACC and others to provide customized training programs			b. Recognize the education and employment profile of Kyle’s current resident workforce as one guide for focusing on target industries	c. Coordinate with Hays CISD; e. Develop internship / job shadowing program, based on model of S.M. Manufacturers Assoc.
Branding / image	b. Develop ED-specific brand compatible with city’s overall brand and marketing themes				a. Consider community-wide branding exercise as means of engaging a broader range of stakeholders and integrating ED initiatives	
Community engagement	a. Annual City Manager’s forum to present updates on ED progress			b. Newsletter / website updates	c. Expand ED presence / visibility at all city events, within planning processes, civic groups	
Entrepreneurial support	a. Set up referral system involving existing regional programs	b. Eventually expand local capacity of technical assistance and funding programs				
Infrastructure and Other Physical Foundations						
Strategically coordinate infrastructure development	f. Identify funding sources; g. Interface with regional planning organizations to coordinate funding, etc.	Interface with developers (establish protocols for public / private funding agreements)			d. Coordinate with local and other Capital Improvement Plans (CIPs) and other relevant documents	
Amenity focus: Making Kyle more attractive to residents / visitors / bus.	b. Target regionally unique entertainment/ recreation businesses/ facilities for attraction			a. Continue downtown place-making initiatives; Target regionally unique entertainment / recreation businesses/facilities	c. Special events programming tied to ED initiatives and priorities; d. Improve walkability, other amenities in employment centers	
Industrial and office real estate development	e. Coordinate with target industry / cluster development process to ensure appropriate industrial and office locations and facilities for targeted uses	f. Establish procedures such as “economic development leads” to help development-coordination process			c. Refine comprehensive plan to ensure development readiness for key office and industrial locations	
Promote housing development that balances product types, prices	d. Support the development of executive-level housing in Kyle	c. Define policies to incentivize development of target housing types / projects				

TABLE 8. STRATEGY BY STRATEGY MATRIX WITH ACTION ITEM RELATIONSHIPS FOR INFRASTRUCTURE AND OTHER PHYSICAL FOUNDATIONS

Strategy / Strategy	Strategically coord. infrastructure dev.	Amenity focus: Making Kyle more attractive	Industrial and office real estate development	Promote balance of housing product types, prices
Primary Economic Development Operational Functions and Interests				
Target industry / cluster development			c. Leverage memberships in regional organizations focused on industry attraction	
Incentives	c. Develop scoring system for incentive qualification, while preserving option to customize incentives		g. Scheduled periodic meetings for representatives of all development-related departments and developers	
Education and workforce development				
Branding / image				
Community engagement				
Entrepreneurial support				
Infrastructure and Other Physical Foundations				
Strategically coordinate infrastructure development	a. Organize infrastructure policy working group (city department heads)		b. Coordinate with private, investor-owned utilities, to address any issues of insufficient planning, etc.; c. Implement flexible policy guidelines for prioritization of infrastructure investment for targeted sites/areas	
Amenity focus: Making Kyle more attractive to residents / visitors / bus.			e. Consider potential for a “pop up retail” program in suitable commercial areas	
Industrial and office real estate development	d. Coordinate with infrastructure policy		a. Familiarize industrial/commercial developers with City’s Priority Development Areas and other opportunity sites, and with land use, infrastructure, and other plans related to those sites	b. Encourage land owners/developers to work with design and other professionals to identify optimal land use allocations
Promote housing development that helps balance product types, prices			b. Encourage land owners/homebuilders to work with design and other professionals to identify optimal land use allocations	a. Familiarize homebuilders and land developers with City’s Priority Development Areas and plans related to those sites

DEMOGRAPHIC AND WORKFORCE CHARACTERISTICS

Table 9 provides a comparison of demographic conditions among Kyle, Hays County, the four-county region (Bexar, Comal, Hays, and Travis), and the State of Texas. The table includes the following data elements:

- Age distribution
- Race and ethnicity
- Poverty
- Commuters' travel time to work
- Highest levels of education attained (for the population 25 years old and older)
- Types of households
- Per capita and household income

Highlights from the table include the following points:

- Kyle has noticeably more children and fewer residents 65 and over compared to the other places.
- Kyle's percentage of Hispanic/Latino residents is very similar to the four counties combined, and greater than Hays County and Texas overall.
- Kyle's percentage of the population below the poverty level is less than half that of the other places.
- Based on the 2013 data, Kyle has the highest percentage of residents who commute 30 minutes or more to work, compared to the other places.
- Kyle's percentage of residents with a bachelor's degree or higher is less than the percentage in the four counties combined and in Hays County, and slightly above the percentage for the state.
- Kyle's average household income is slightly above that of the other places.

TABLE 9. SELECTED DEMOGRAPHIC CHARACTERISTICS, KYLE, HAYS COUNTY, REGION, AND STATE

Age Distribution (2013)	Kyle	%	Hays County	%	Counties Combined²	%	State of Texas	%
Total Population	29,396	-	164,144	-	3,092,713	-	25,639,373	-
Age 0 to 4 yrs	3,066	10.4%	10,789	6.6%	225,064	7.3%	1,934,973	7.5%
Age 5 to 9 yrs	3,150	10.7%	11,618	7.1%	222,378	7.2%	1,954,747	7.6%
Age 10 to 14 yrs	2,532	8.6%	10,986	6.7%	214,874	6.9%	1,906,075	7.4%
Age 15 to 19 yrs	2,114	7.2%	15,216	9.3%	222,914	7.2%	1,884,547	7.4%
Age 20 to 24 yrs	1,327	4.5%	20,634	12.6%	257,421	8.3%	1,878,724	7.3%
Age 25 to 29 yrs	2,496	8.5%	11,548	7.0%	261,444	8.5%	1,872,689	7.3%
Age 30 to 34 yrs	3,274	11.1%	10,800	6.6%	239,590	7.7%	1,817,614	7.1%
Age 35 to 39 yrs	2,589	8.8%	10,949	6.7%	221,068	7.1%	1,771,545	6.9%
Age 40 to 44 yrs	2,713	9.2%	10,154	6.2%	212,361	6.9%	1,739,435	6.8%
Age 45 to 49 yrs	1,829	6.2%	10,117	6.2%	205,136	6.6%	1,735,435	6.8%
Age 50 to 54 yrs	1,411	4.8%	9,887	6.0%	196,502	6.4%	1,699,661	6.6%
Age 55 to 59 yrs	752	2.6%	8,694	5.3%	169,479	5.5%	1,469,598	5.7%
Age 60 to 64 yrs	972	3.3%	8,074	4.9%	146,119	4.7%	1,237,984	4.8%
Age 65 to 69 yrs	444	1.5%	5,954	3.6%	102,016	3.3%	915,157	3.6%
Age 70 to 74 yrs	318	1.1%	3,186	1.9%	67,843	2.2%	653,433	2.5%
Age 75 to 79 yrs	161	0.5%	2,421	1.5%	53,074	1.7%	489,874	1.9%
Age 80 to 84 yrs	180	0.6%	1,924	1.2%	38,531	1.2%	358,185	1.4%
Age 85 yrs plus	68	0.2%	1,193	0.7%	36,899	1.2%	319,697	1.2%
Median Age	30.0	-	30.6	-	32.9	-	33.8	-
Race / Ethnicity	Kyle	%	Hays County	%	Counties Combined	%	State of Texas	%
White ¹	12,715	43.3%	94,942	57.8%	1,234,075	39.9%	11,488,269	44.8%
Black or African Am. ¹	2,213	7.5%	5,451	3.3%	214,091	6.9%	2,956,545	11.5%
American Indian & Alaskan Native ¹	32	0.1%	565	0.3%	6,457	0.2%	66,100	0.3%
Asian ¹	323	1.1%	2,022	1.2%	106,041	3.4%	1,005,797	3.9%
Native Hawaiian & Other Pacific Islander ¹	0	0.0%	63	0.0%	2,493	0.1%	18,011	0.1%
Some Other Race Alone ¹	32	0.1%	150	0.1%	4,737	0.2%	34,413	0.1%
Two or More Races ¹	302	1.0%	2,048	1.2%	48,775	1.6%	352,511	1.4%
Hispanic or Latino	13,779	46.9%	58,903	35.9%	1,476,044	47.7%	9,717,727	37.9%
Not Hispanic or Latino	15,617	53.1%	105,241	64.1%	1,616,669	52.3%	15,921,646	62.1%
Poverty								
Population Below Poverty Level	2,142	7.3%	26,750	16.3%	522,151	16.9%	4,416,829	17.2%

¹ Not Hispanic or Latino, and not multiple races unless noted.

² Counties Combined includes Bexar, Comal, Hays, and Travis Counties.

TABLE 9. SELECTED DEMOGRAPHIC CHARACTERISTICS, KYLE, HAYS COUNTY, REGION, AND STATE, CONTINUED

Travel Time to Place of Work	Kyle	%	Hays County	%	Counties Combined	%	State of Texas	%
Workers 16 yrs and older	13,317	-	72,471	-	1,394,377	-	10,983,502	-
Commute 0 to 15 Minutes	2,171	16.3%	18,272	25.2%	324,433	23.27%	3,009,055	27.4%
Commute 15 to 30 Min.	3,899	29.3%	20,470	28.2%	593,663	42.58%	4,028,858	36.7%
Commute 30 to 45 Min.	3,516	26.4%	16,121	22.2%	313,913	22.51%	2,315,861	21.1%
Commute 45 to 60 Min.	1,820	13.7%	8,526	11.8%	86,620	6.21%	851,111	7.7%
Commute 60 Min. or More	1,911	14.4%	9,082	12.5%	75,748	5.43%	778,617	7.1%
Workers Working at Home	743	5.3%	5,028	6.5%	76,401	5.19%	461,512	4.0%
Education Attainment								
Elem. or Some High School	1,722	10.0%	9,134	9.6%	264,845	13.6%	2,721,798	16.9%
High School Graduate	3,978	23.1%	20,322	21.4%	427,523	21.9%	4,070,700	25.3%
Some College or Associate Degree	6,603	38.4%	29,599	31.2%	569,222	29.2%	4,695,368	29.2%
Bachelor or Graduate Degree	4,573	26.6%	32,010	33.7%	585,643	30.0%	3,881,443	24.1%
Household Type								
Total Households	8,814	-	56,459	-	1,114,987	-	8,886,471	-
Family Households	6,943	78.8%	36,393	64.5%	715,615	64.2%	6,206,755	69.8%
Family HHlds With Children	4,933	56.0%	19,714	34.9%	391,866	35.1%	3,392,748	38.2%
Family HHlds No Children	2,010	22.8%	16,679	29.5%	323,749	29.0%	2,814,007	31.7%
Non-Family Households	1,871	21.2%	20,066	35.5%	399,372	35.8%	2,679,716	30.2%
Non-Family With Children	20	0.2%	42	0.1%	2,832	0.3%	23,289	0.3%
Non-Family No Children	1,851	21.0%	20,024	35.5%	396,540	35.6%	2,656,427	29.9%
Per Capita Income								
Per Capita Income	\$24,547	-	\$26,873	-	\$27,786	-	\$26,019	-
Percentage of Other Places	-	-	91.3%	-	88.3%	-	94.3%	-
Household Income (2013)								
Est. Avg Household Inc.	\$79,925	-	\$75,630	-	\$74,422	-	\$72,474	-
Percentage of Other Places	-	-	105.7%	-	107.4%	-	110.3%	-
HH Income \$0 to \$9,999	265	3.0%	4,448	7.9%	84,416	7.6%	657,526	7.4%
\$10,000 to \$14,999	174	2.0%	2,979	5.3%	54,326	4.9%	474,956	5.3%
\$15,000 to \$24,999	402	4.6%	5,841	10.3%	113,854	10.2%	978,423	11.0%
\$25,000 to \$34,999	555	6.3%	4,783	8.5%	114,369	10.3%	951,694	10.7%
\$35,000 to \$49,999	1,099	12.5%	6,536	11.6%	155,983	14.0%	1,229,000	13.8%
\$50,000 to \$74,999	1,890	21.4%	9,839	17.4%	204,439	18.3%	1,585,607	17.8%
\$75,000 to \$99,999	1,775	20.1%	7,243	12.8%	132,439	11.9%	1,043,060	11.7%
\$100,000 to \$124,999	1,200	13.6%	4,864	8.6%	89,076	8.0%	704,772	7.9%
\$125,000 to \$149,999	869	9.9%	3,618	6.4%	54,546	4.9%	417,690	4.7%
\$150,000 to \$199,999	480	5.4%	3,568	6.3%	54,156	4.9%	425,006	4.8%
\$200,000 or More	105	1.2%	2,740	4.9%	57,383	5.1%	418,737	4.7%

Source: 2013 American Community Survey (ACS) Estimates, TNDG, including calculations of weighted averages for some 4-county data.

Characteristics of Kyle’s resident workforce and in-commuters are shown on Table 10. The data come from special Census tabulations, which are subject to certain inaccuracies and are limited to figures from 2012, and consequently the figures do not reflect the reality of recent job gains in Kyle. Nevertheless, the data provide certain insights into the characteristics of Kyle’s out-commuters and in-commuters. The data show that only a very small percentage (2.3%) of resident workers are employed in Kyle in 2012, and the in-commuters holding 86 percent of the jobs in Kyle tend to be younger, have lower earnings, and be employed in the Trade, Transportation, and Utilities industry class, compared to Kyle’s out-commuting workforce.

TABLE 10. KYLE RESIDENT WORKFORCE AND IN-COMMUTERS

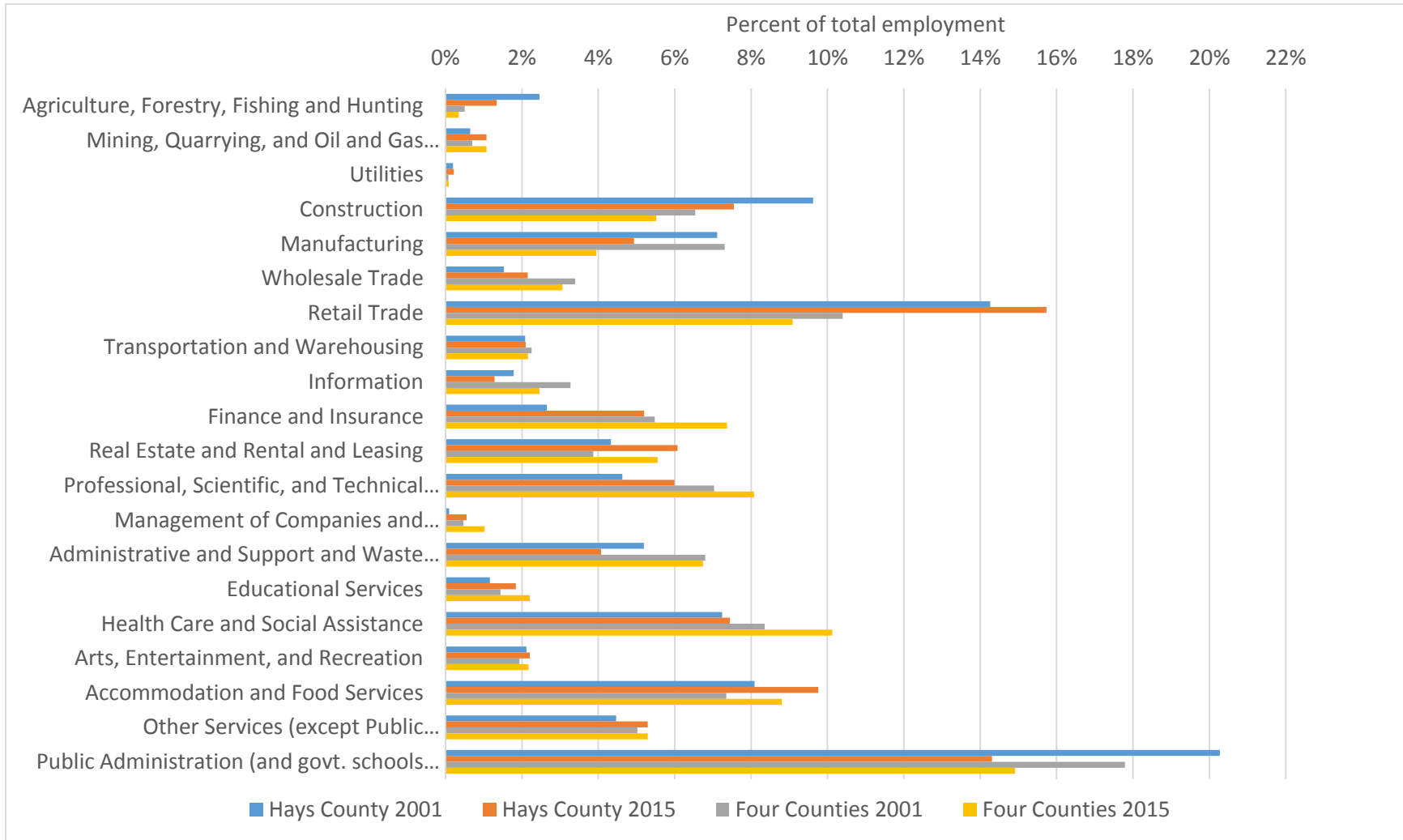
Labor Market Characteristic	Jobs	Share
<i>Kyle Labor Market Size (Primary Jobs) 2012</i>		
Employed in Kyle	3,060	100%
Living in Kyle	18,506	6.0%
Net Job Inflow (+) or Outflow (-)	-15,446	-
Living in Kyle	18,506	100.0%
Living and Employed in Kyle	432	2.3%
Living in Kyle, but Employed Outside Kyle	18,074	97.7%
<i>In-Area Employment Efficiency (Primary Jobs) 2012</i>		
Employed in Kyle	3,060	100%
Employed and Living in Kyle	432	14.1%
Employed in Kyle, but Living Outside Kyle	2,628	85.9%
<i>Outflow Job Characteristics (Primary Jobs) 2012</i>		
External Jobs Filled by Residents	18,074	100%
Workers Aged 29 or younger	4,136	22.9%
Workers Aged 30 to 54	11,196	61.9%
Workers Aged 55 or older	2,742	15.2%
Workers Earning \$1,250 per month or less	3,120	17.3%
Workers Earning \$1,251 to \$3,333 per month	6,262	34.6%
Workers Earning More than \$3,333 per month	8,692	48.1%
Workers in the "Goods Producing" Industry Class	2,383	13.2%
Workers in the "Trade, Transportation, and Utilities" Industry Class	4,080	22.6%
Workers in the "All Other Services" Industry Class	11,611	64.2%
<i>Inflow Job Characteristics (Primary Jobs) 2012</i>		
Internal Jobs Filled by Outside Workers	2,628	100%
Workers Aged 29 or younger	959	36.5%
Workers Aged 30 to 54	1,296	49.3%
Workers Aged 55 or older	373	14.2%

Labor Market Characteristic	Jobs	Share
Workers Earning \$1,250 per month or less	714	27.2%
Workers Earning \$1,251 to \$3,333 per month	1,145	43.6%
Workers Earning More than \$3,333 per month	769	29.3%
Workers in the "Goods Producing" Industry Class	504	19.2%
Workers in the "Trade, Transportation, and Utilities" Industry Class	812	30.9%
Workers in the "All Other Services" Industry Class	1,312	49.9%
<i>Interior Flow Job Characteristics (Primary Jobs) 2012</i>		
Internal Jobs Filled by Residents	432	100%
Workers Aged 29 or younger	128	29.6%
Workers Aged 30 to 54	245	56.7%
Workers Aged 55 or older	59	13.7%
Workers Earning \$1,250 per month or less	121	28.0%
Workers Earning \$1,251 to \$3,333 per month	187	43.3%
Workers Earning More than \$3,333 per month	124	28.7%
Workers in the "Goods Producing" Industry Class	48	11.1%
Workers in the "Trade, Transportation, and Utilities" Industry Class	64	14.8%
Workers in the "All Other Services" Industry Class	320	74.1%

Source: 2012 Census On The Map (OTM).

Figure 2 shows employment by industry cluster, as a percent of total employment, 2001 and 2015, for Hays County and the four-county region. The chart shows that employment in Agriculture, Construction, Manufacturing, and Public Administration has declined, as a percent of total employment, in Hays County between 2001 and 2015. Employment in Retail Trade, Real Estate, Finance and Insurance, Educational Services, and Accommodation and Food Services increased as a percent of the total in Hays County. As of 2015, Hays lagged the four County region, in terms of percent of total employment, most noticeably in Finance, Professional Services, Administrative activities, and Healthcare.

FIGURE 2. CHANGE IN EMPLOYMENT OVER TIME: HAYS COUNTY AND FOUR-COUNTY REGION



Source: EMSI, TNDG Team.

SECOND STAGE OF TARGET INDUSTRY ANALYSIS

As described in the Introduction of this report, prior work by the TNDG Team on the Strategic Plan included a preliminary identification of target industries potentially appropriate for Kyle’s economic development focus. To help refine the list of targets, additional screening processes were applied to the potential targets, using the following data elements:

- Strength of local support for the broad cluster category to which the individual industry belonged, as expressed by participants at Summit Workshop #2.
- 2015 employment in each industry in Hays and Comal Counties, and in the four-county region of Bexar, Comal, Hays, and Travis Counties.
- The average wage associated with each industry.
- The job multipliers associated with each industry; i.e., the extent to which an industry induced additional job growth due to the multiplier effect, and the value-added multipliers.
- Influence of trade-flow data, which for this analysis reflected the difference between supply of a commodity produced in the region, and demand for that commodity (all in positive numbers for purposes of the analysis, and therefore reflecting both export potential and the potential for replacing imports with local production).

These measures were combined with those used previously and all values were converted to a rank score. The sum of the rank scores provides one indication of the desirability of a particular prospective target industry, based on the factors applied. (The measures carried over from the initial screening process included the industries’: Location Quotient, growth rate to 2024, and the competitive and national growth effects from shift-share analysis.)

The sum of the rank scores is shown on Table 11 below. Industries are color-coded according to their associated cluster group, for just those clusters representing multiple industries. Industries are ranked in the table from best to lowest (highest rank rating) scores. The lowest score corresponds with the theoretically most desirable industry, based on this analytical approach, which represents one of a number of ways to evaluate potential target industries. The full table is shown in Appendix A. In the table, the top five industries include one in the Health Care cluster, three in the Professional and Technical Services cluster, and one in the Manufacturing cluster.

TABLE 11. INDUSTRY TOTAL RANK SCORES ACROSS 12 MEASURES OF COMPETITIVE ADVANTAGE

NAICS	Industry Description	Sum of Rank Scores (Lowest= Best)
6221	General Medical and Surgical Hospitals	90.0
5416	Management, Scientific, and Technical Consulting Svcs.	100.5
5413	Architectural, Engineering, and Related Services	105.0
5415	Computer Systems Design and Related Services	117.5
3344	Semiconductor and Other Electronic Component Manuf.	123.0
4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers	128.5
5511	Management of Companies and Enterprises	127.0
6212	Offices of Dentists	137.5
6211	Offices of Physicians	141.0
6213	Offices of Other Health Practitioners	163.0
6216	Home Health Care Services	175.5
6231	Nursing Care Facilities (Skilled Nursing Facilities)	179.5
6215	Medical and Diagnostic Laboratories	182.5
7139	Other Amusement and Recreation Industries	184.7
4237	Hardware, Plumbing and Heating Equipment & Supplies Merchant Wholesalers	187.5
5418	Advertising, Public Relations, and Related Services	189.5
4239	Miscellaneous Durable Goods Merchant Wholesalers	199.0
5412	Accounting, Tax Preparation, Bookkeeping, & Payroll Svcs.	200.5
6214	Outpatient Care Centers	203.5
3363	Motor Vehicle Parts Manuf.	206.5
4244	Grocery and Related Product Merchant Wholesalers	214.5
4841	General Freight Trucking	216.5
5414	Specialized Design Services	220.0
6239	Other Residential Care Facilities	222.5
4541	Electronic Shopping and Mail-Order Houses	228.7
3353	Electrical Equipment Manuf.	230.0
4842	Specialized Freight Trucking	233.5
4243	Apparel, Piece Goods, and Notions Merchant Wholesalers	233.0
6232	Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities	239.0
4931	Warehousing and Storage	248.0
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maint.	248.0
8112	Electronic and Precision Equipment Repair and Maint.	252.0
7131	Amusement Parks and Arcades	253.0
6233	Continuing Care Retirement Communities and Assisted Living Facilities	260.0
Cluster Legend – for Clusters Most Frequently Appearing		
	Manufacturing and Manufacturing Services	
	Wholesale Trade & Transportation, and Warehousing	
	Professional, Scientific, and Technical Services	
	Health Care and Social Assistance	

Source: TNDG; See Appendix Table A.

POLICY ANALYSIS

Incentives

Compared to its neighboring communities, Kyle currently has a strong competitive position with respect to the availability of incentives. One notable exception is the current lack of the Triple Freeport Exemption. However, the City is currently in discussions with Hays County and Hays CISD to obtain the necessary approvals to secure this incentive. In general, Kyle has done more to show the coordination of their incentive policies with those associated with regional organizations, or with state programs, than the other communities, by direct reference to these programs, links to relevant websites, or other measures. Table 12 is a summary of the TNDG Team’s investigation of incentive information for Kyle and surrounding jurisdictions, based generally on what is available through a review of websites and web searches.

Table 13 shows information posted on the Austin Chamber of Commerce website concerning which cities make use of the incentives listed. This table is annotated by the TNDG Team notes, based on independent observations about the availability of incentives by community. The fact that the Austin Chamber website does not fully include Kyle in the listed incentive programs underscores the need for Kyle to maintain its current comprehensive incentive program independently.

TABLE 12. TNDG MATRIX OF INCENTIVES BASED GENERALLY ON INFORMATION POSTED ON THE WEBSITES OF INDIVIDUAL JURISDICTIONS

Incentive characteristics	Kyle	Buda	San Marcos	Hays County
Tools				
Policy manual	Comprehensive policy and guide	EDC Program Guide	In one manual	In regulations
Guidelines	In policy manual and separate “menu” for hypothetical co.	EDC Program Guide	In one manual	In regulations
Application form for prospects	Yes	Yes	From GSMP	Through GSMP website
Incentive matrix	Yes, programs by business size		From GSMP	
Economic impact reporting form	In application		Yes	
Targeted to desired economic activity	Yes	Yes	Yes (GSMP)	Indirect: Can access incentives thru development agreements
Other categories of potential support (besides targeted or general)	Businesses that support other ED strategies, such as [examples]: <ul style="list-style-type: none"> • Supporting transp. systems with mixed-use development. • Establishing high standards for new development along I-35. • Unifying the urbanized area. • Expanding residents’ local employment opportunities. • Diversifying the tax base. 	Small business		Development design/ configuration: For large lots, special infrastructure improvements, affordable housing, water quality, etc.
Area-Specific				
Downtown	Business revitalization grant	Signage, façade improv. grants		
Other		Heritage District		
Accessibility of Information and Materials				
Through Economic Development pages (preferable)	Yes		Yes – links to GSMP	
Other	Part of language on “Doing Business” page	Link on Business page to Buda EDC, but link is broken		Within development regulations manual
Link or reference to other organizations’ incentives	Yes	No	Yes	No

Source: Jurisdictions’ websites, TNDG Team

TABLE 13. INCENTIVES BY COMMUNITY AS TAKEN FROM THE AUSTIN CHAMBER OF COMMERCE WEBSITE

	Cities	Austin	Buda	Kyle	San Marcos	
	Counties	Travis & Williamson	Hays	Hays	Hays	
<i>Programs</i>						<i>TNDG Note Index*</i>
Tax abatement		Yes	Yes	Yes	Yes	
Enterprise zone		Yes	No	No	Yes	5
Expedited development process		Yes	Yes	Yes	Yes	1
Fee waivers or reductions		No	Yes	Yes	Yes	
Financing programs		Yes	Yes	No	No	2, 3, 4
Freeport exemption	City	Yes	Yes	Yes	Yes	
	County	Yes	No	No	No	
	School	No/Yes	No	No	No	
Industrial foundation		Yes	Yes	No	Yes	
Training programs (other than state programs)		No	Yes	No	No	2
Electric utility incentives		Yes	No	No	Yes	

Source: <https://www.austinchamber.com/site-selection/taxes-incentives/incentives/local-incentives.php>; TNDG Team

*These notes point out potential discrepancies or clarifications to the information on the table, which was taken directly from the Austin Chamber of Commerce website.

1. Expedited processes are not explicitly mentioned at any of the websites, for Kyle and other local jurisdictions.
2. The presence of training programs or financing programs specific to Buda are not apparent from the City’s website.
3. Applies to other-than-state programs, which include the following:
 - Texas Enterprise Fund
 - Chapter 380/381 Financing
 - Economic Development Sales Tax Corporations
 - Certified Capital Companies--Growth Capital for Texas Small Business
 - Texas Capital Fund
 - Texas Leverage Fund
 - Texas Product/Business Fund
 - Tax Increment Financing
 - Industrial Revenue Bond Program
 - Texas Moving-Image Industry Incentive Program
4. Kyle policies refer to Chapter 380 Grants and Loans, and TIF, and willingness to set up Ind. Revenue Bond program.
5. Kyle could initiate an Enterprise Project for an individual firm.

Taxes and Fees

Table 14 shows typical fee categories and tax rates related to property development and business operations, for Kyle, neighboring communities, and Austin. While the table summarizes a variety of information, it is also clear from looking at the table that direct comparisons among the communities listed are challenging. Not all categories of fees are included in every community, and fees are often tiered according to sizes and other criteria. In general, the figures in the table do not suggest that Kyle faces any particular competitive disadvantage based on its fee structures. Another general observation would be that Kyle and the other communities as well could clarify their fee categories, rates, etc., for their own community and with respect to neighboring communities, by using a table similar to this to explicitly indicate categories of activities to which fees apply, a sense of how fees vary by size or other measures, and similar considerations.

TABLE 14. DEVELOPMENT-RELATED FEES AND TAXES: KYLE, NEIGHBORING COMMUNITIES, AND AUSTIN

Fee Category	Kyle		Buda		San Marcos		Austin	
	Amount	Notes	Amt.	Notes	Amt.	Notes	Amt.	Notes
General plan amendment		No fee	\$2,000	for 20 acres	\$1,750	for 20 acres		nothing listed
Development agreement		No fee	\$2,000		\$3,500	for 20 acres		nothing listed
Incentive agreement		No fee		nothing listed	\$5,000			nothing listed
Subdivision plat		No fee						
Prelim plat	\$1,606	for 100 lots	\$2,500	for 100 lots, all phases	\$1,750	for 20 acres	\$1,865	for 20 acres
Final Plat	\$2,954	for 100 lots			\$2,500	Max. fee, for 20 ac.	\$895	for 20 acres
Site Dev.	\$3,443	for 20 acres						
Site plan review		varies	\$2,400	for 20 acres			\$5,999	For 20 acres
Zoning change	\$500	for 20 acres	\$2,200	for 20 acres	\$2,000	Max. fee, non-resid.	\$3,085	For 20 acres
Water impact	\$2,115	per LUE ¹	\$2,187	per service unit	\$2,285	per LUE ¹	\$5,400	per service unit
Wastewater impact	\$2,216	per LUE	\$2,531	per service unit	\$3,506	per LUE	\$2,200	per service unit
Water connection, small (or any size if not segmented)	\$217	plus cost, in city	\$400	plus cost, in city		Costs + 10%		nothing listed
Water connection, large		(see above)	\$500	plus cost, in city				nothing listed
Wastewater connection, small (or any size if not segmented)	\$217	plus cost, in city	\$450	inside city		Costs + 10%		nothing listed
Wastewater connection, large		(see above)	\$550-\$1,300	inside city				nothing listed
Building permit	\$4,686	22,000 SF bldg		nothing listed	\$1,310	Comm./ind. bldg., to 200,000 SF	\$3,473	25,000 SF Bldg
School fee		nothing listed		nothing listed	\$11,880	22,000 SF bldg		nothing listed
Tax Rates								
Sales	1.5%		1.5%		1.5%		2.0%	(with transit incr.)
Property (2014)	0.5383		0.2978		0.5302		0.4809	
Hotel occupancy	7%		7%		9%		9%	

¹Land Use Equivalent; LUEs are based on meter size.

Source: Community websites; TNDG.

MARKET CONDITIONS AND LOCATION ANALYSIS

Twenty different priority development sites within Kyle, listed below and shown on Maps 2-6, were identified by the Kyle Economic Development staff as targeted locations for growth and development. These were evaluated by the TNDG Team using both general market data and site-specific information, as described in this section.

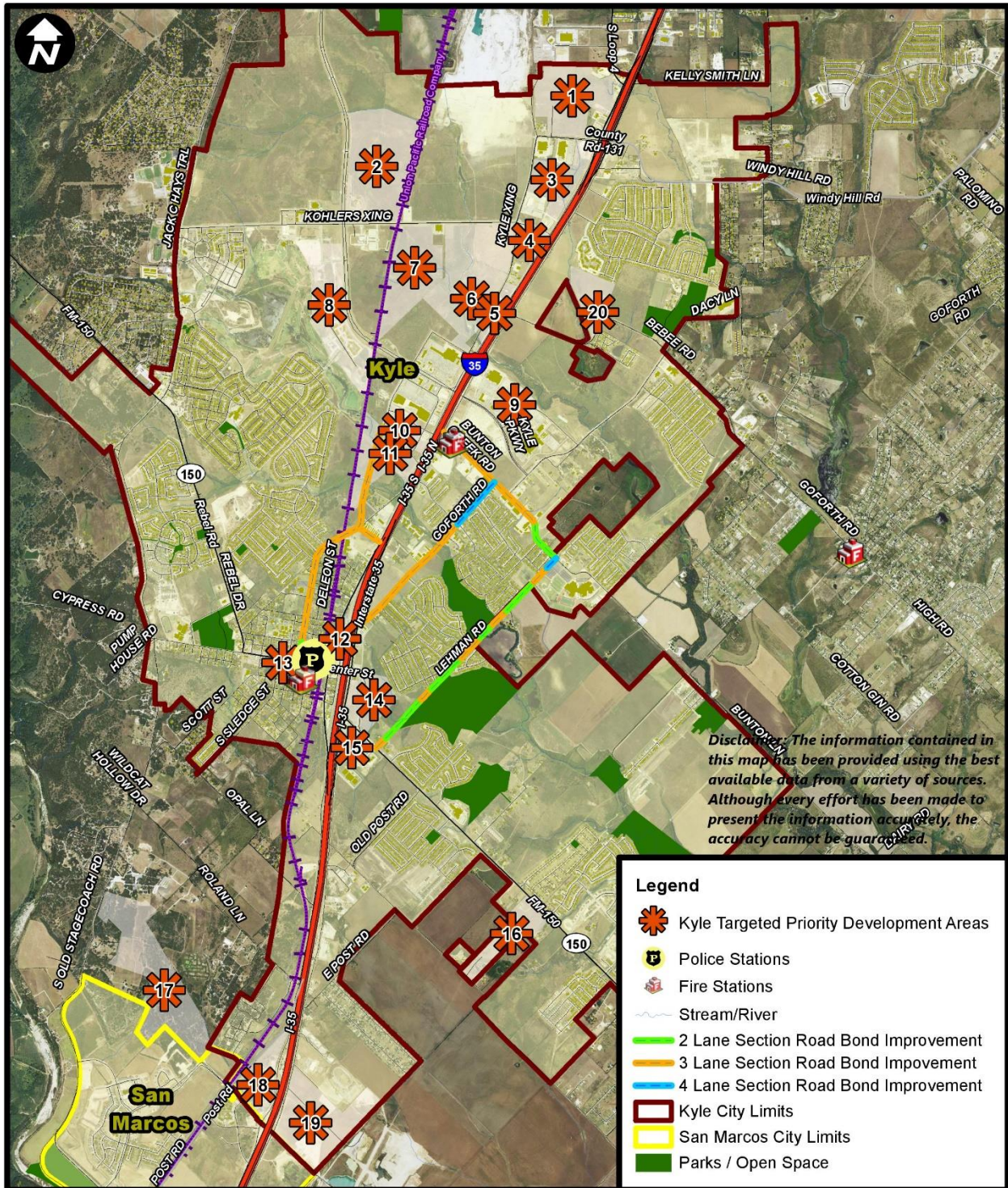
Kyle Targeted Priority Development Areas			
Key Number	Name	Key Number	Name
1	Hays Commerce Center	11	Brooks Tract
2	Plum Creek Area 6	12	Old Hwy 81
3	Kyle Town Center	13	Downtown Kyle
4	Crane Tract	14	Barshop & Oles
5	Kyle Crossing	15	Primus Property
6	Sheldon Tract	16	Michael’s Landing
7	Plum Creek Area 7	17	Davenport Tract
8	Plum Creek Area 11	18	Yarrington Road West
9	Village at Kyle	19	Coleman Tract
10	Kyle Marketplace South	20	Kyle Business Park

Mapped Database

In the process of analyzing each of the priority development sites, a series of maps was produced to provide reference to the existing regional market area and the conditions pertaining to the priority development sites’ areas. The information shown on these maps catalogs key assets, identifies water and sewer service districts in the immediate area, identifies municipal jurisdiction boundaries, and is used to complement the strategic planning considerations for the development of these areas within the city.

The initial map (Map 1) displays general information presented on a regional level. This map identifies regional assets including Austin International Airport, San Marcos Municipal Airport, Texas Tollway along highway 130/45, I-35 corridor, railroad connections, public safety and park services, and existing street infrastructure for the area. Map 2 portrays a series of targeted priority development sites that have been identified throughout the city. Along with the features shown in the previous map, this map provides a clearer distinction between the municipal jurisdiction boundaries of Kyle and San Marcos to the south. In addition, bonded road projects planned for future expansion have also been identified on the map. The remaining maps (Maps 3-6) divide the city into northern and southern segments and provide detailed data concerning each of the sites identified in Map 2. Specifically, maps delineate water service areas, wastewater service areas, the southern wastewater utility line extension, and provide limited information concerning communication utility service as well as general notable floodplain delineations. Information shown on the previous maps has also been incorporated into these detailed maps.

MAP 2. OVERVIEW OF KYLE TARGETED PRIORITY DEVELOPMENT AREAS

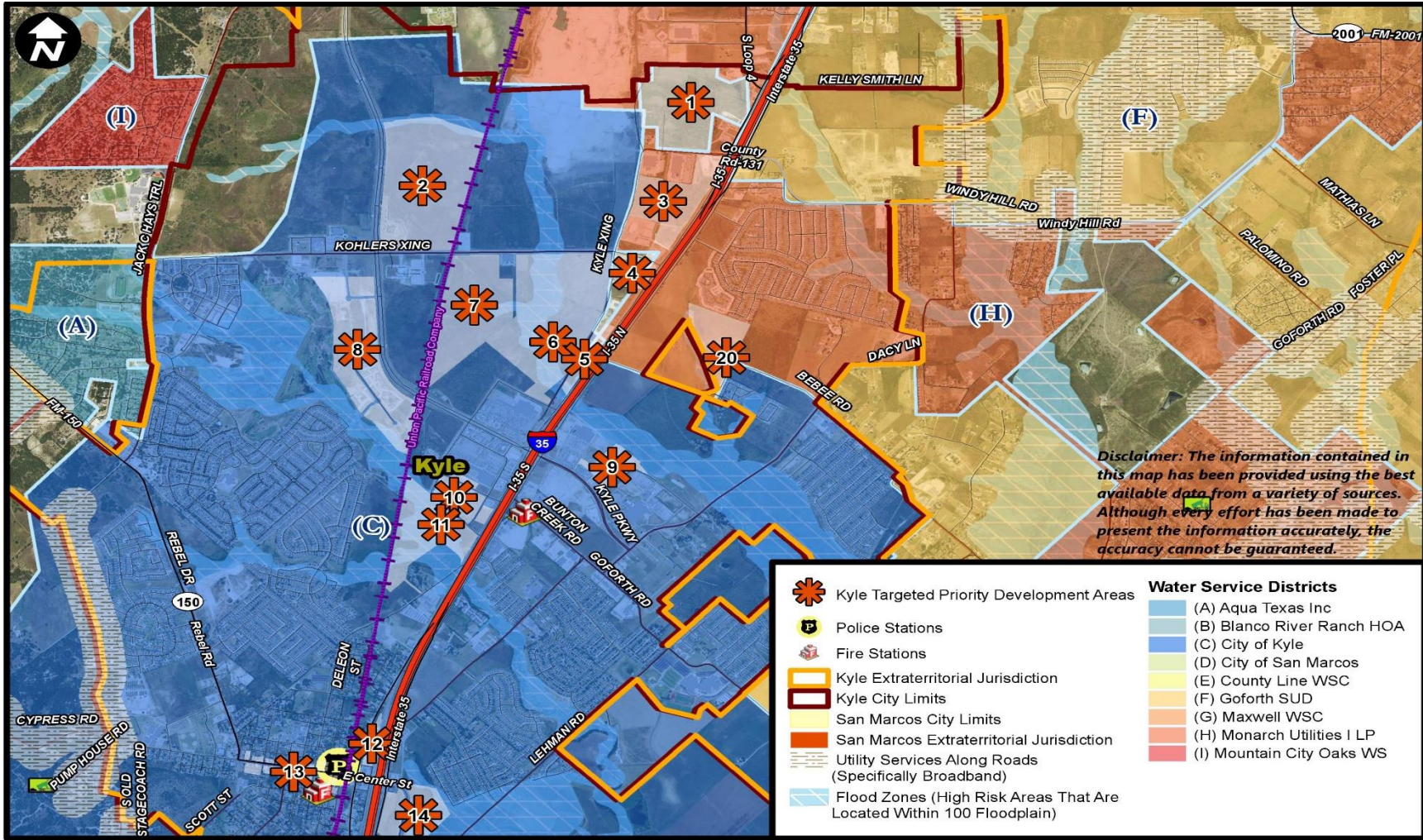


PRIORITY AREAS
CITY OF KYLE, TEXAS

9/2015
Sources: CAPCOG, City of Kyle, City of San Marcos, City of Austin, ESRI, FEMA, GNIS, NTIA NBM, PUC Texas, TNDG, TNRI, TPWD, US Census, US DOE, US DOT, USGS

PROJECT: KYLE, TEXAS

MAP 3. NORTHERN KYLE PRIORITY AREAS (EMPHASIS ON WATER SERVICE DISTRICTS)





PRIORITY AREA NORTH
CITY OF KYLE, TEXAS

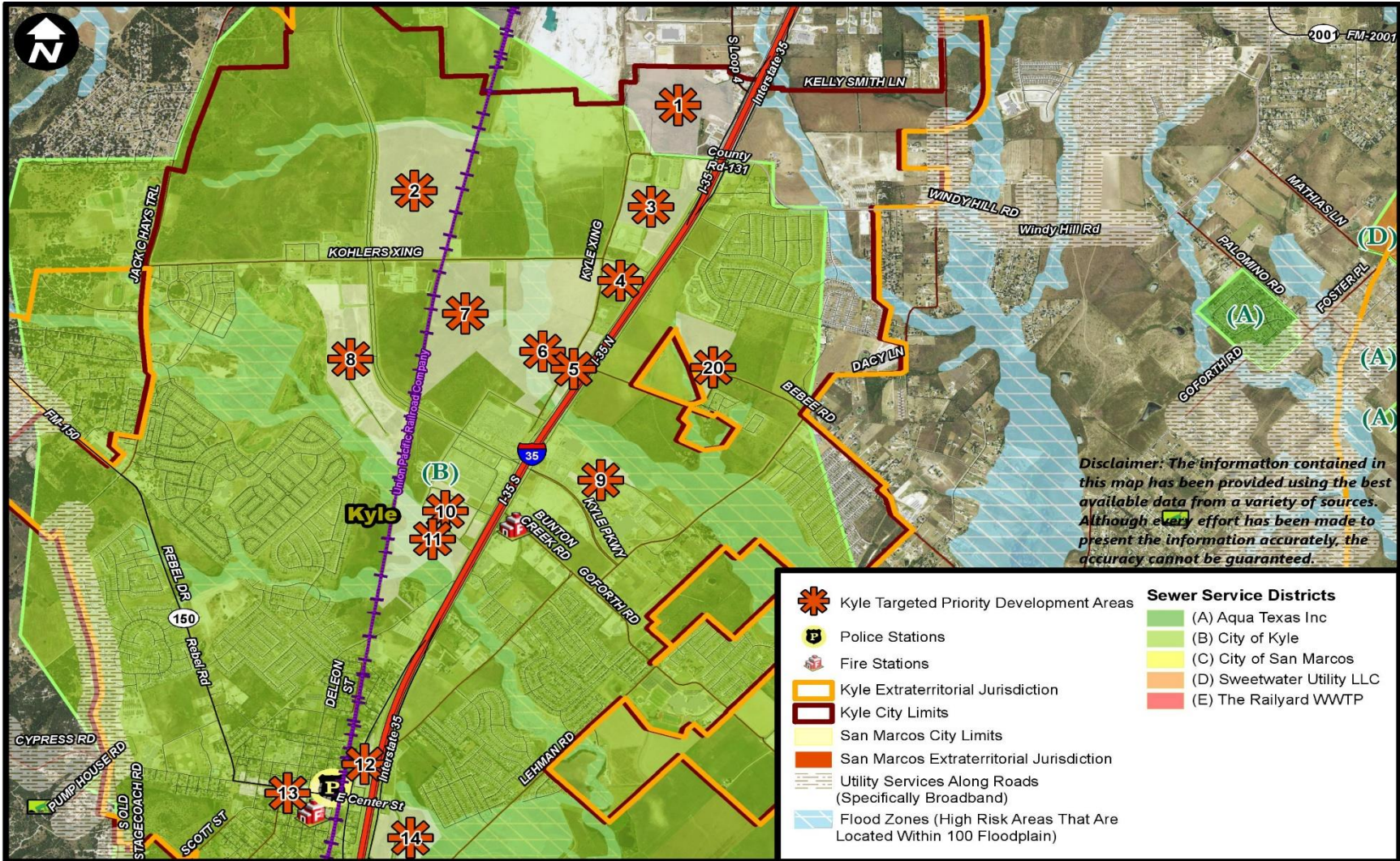
THE NATELSON DALE GROUP, INC.
ECONOMIC AND FINANCIAL CONSULTANTS
WWW.NATELSONDALE.COM

9/2015

Sources: CAPCOG, City of Kyle, City of San Marcos, City of Austin, ESRI, FEMA, GNIS, NTIA NBM, PUC Texas, TNDG, TNRI, TPWD, US Census, US DOE, US DOT, USGS

PROJECT: KYLE, TEXAS

MAP 4. NORTHERN KYLE PRIORITY AREAS (EMPHASIS ON SEWER SERVICE DISTRICTS)



THE NELSON ALE GROUP, INC.
 ECONOMIC AND FINANCIAL CONSULTANTS
 www.nelsonale.com

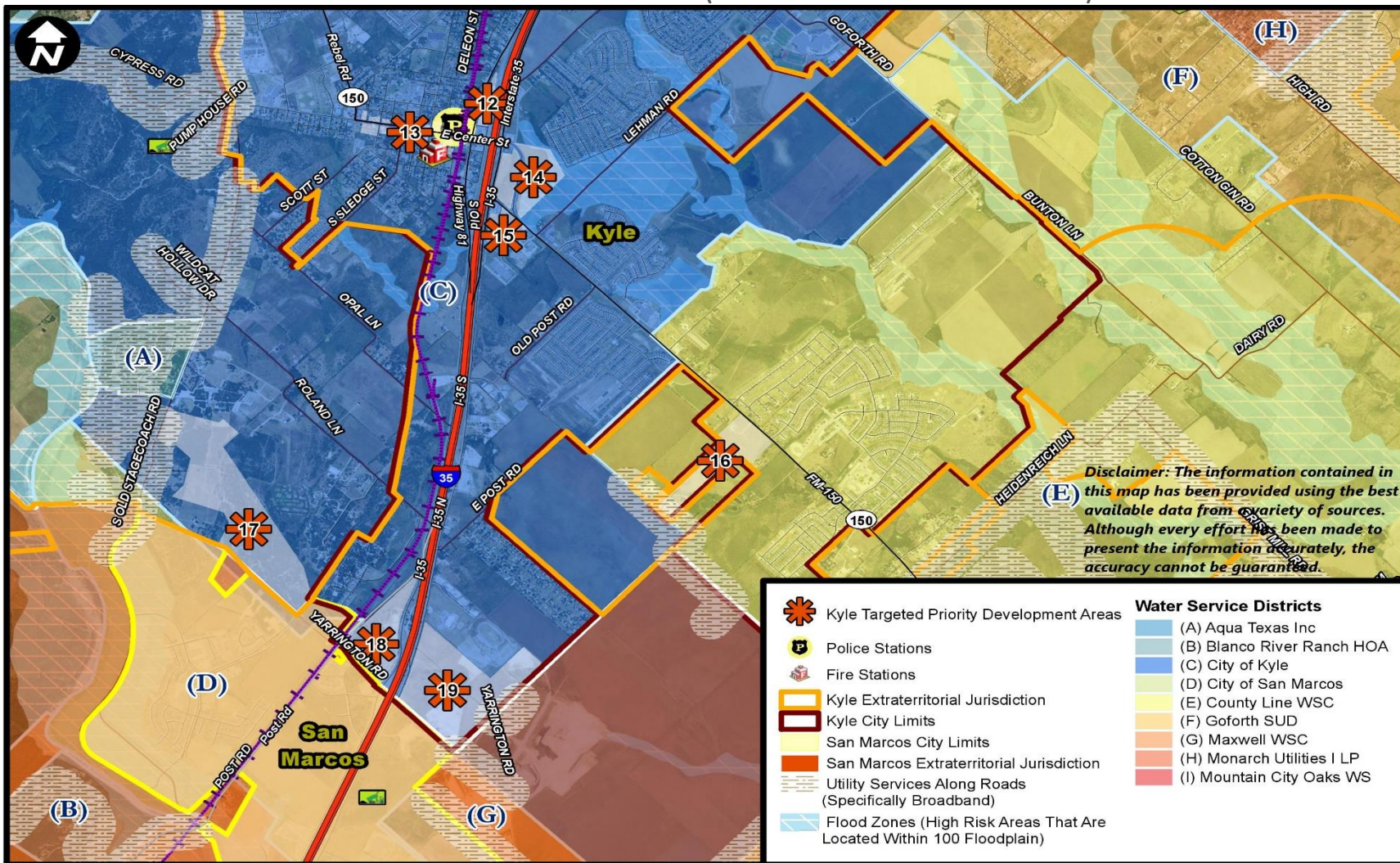
PRIORITY AREA NORTH
CITY OF KYLE, TEXAS

9/2015

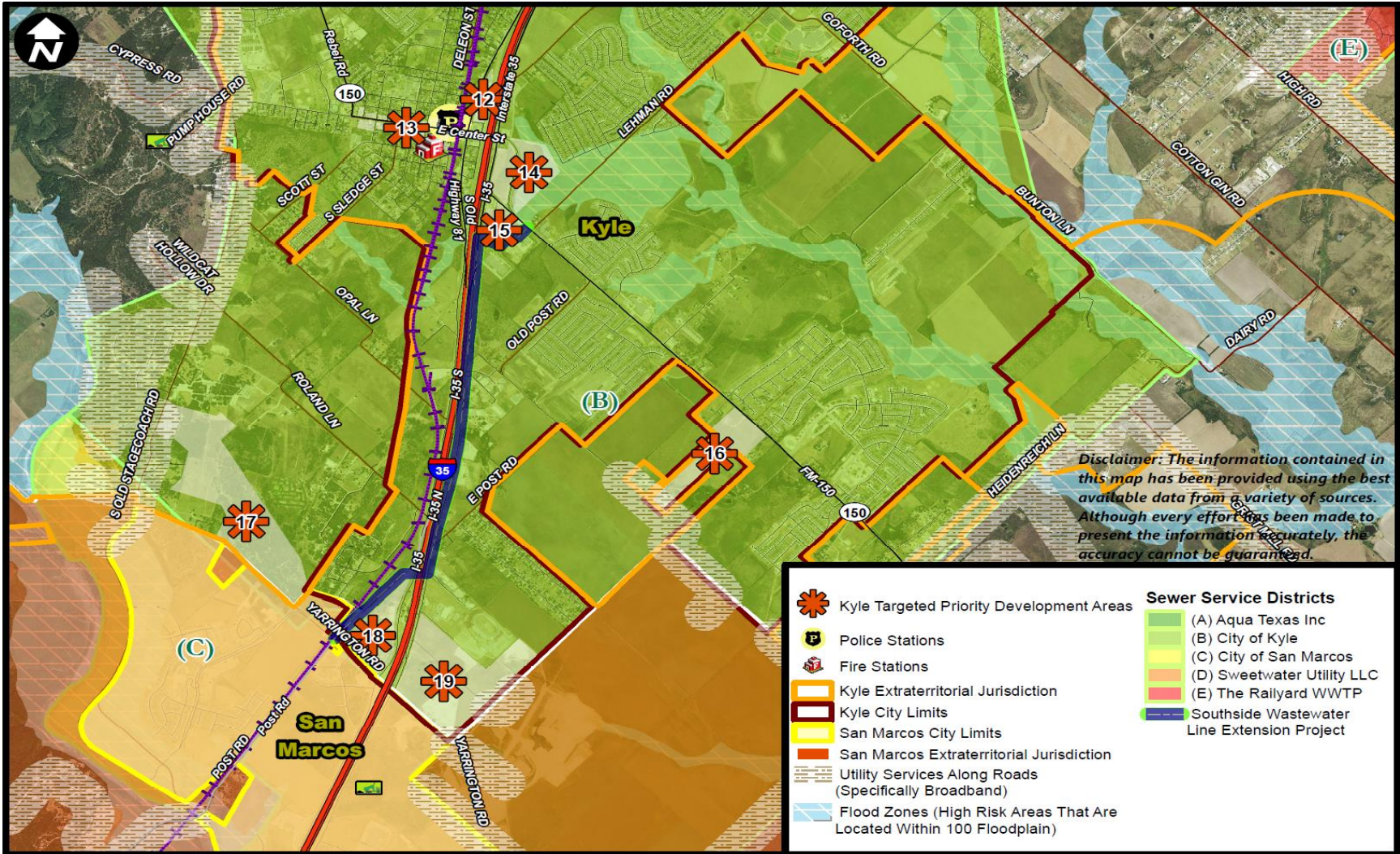
Sources: CAPCOG, City of Kyle, City of San Marcos, City of Austin, ESRI, FEMA, GNIS, NTIA NBM, PUC Texas, TNDG, TNRIS, TPWD, US Census, US DOE, US DOT, USGS

PROJECT: KYLE, TEXAS

MAP 5. SOUTHERN KYLE PRIORITY AREAS (EMPHASIS ON WATER SERVICE DISTRICTS)



MAP 6. SOUTHERN KYLE PRIORITY AREAS (EMPHASIS ON SEWER SERVICE DISTRICTS)





PRIORITY AREA SOUTH
CITY OF KYLE, TEXAS

THE NATELSON DALE GROUP, INC.
12000 N. LOOP WEST, SUITE 1000
HOUSTON, TEXAS 77040
www.natelsondale.com

9/2015

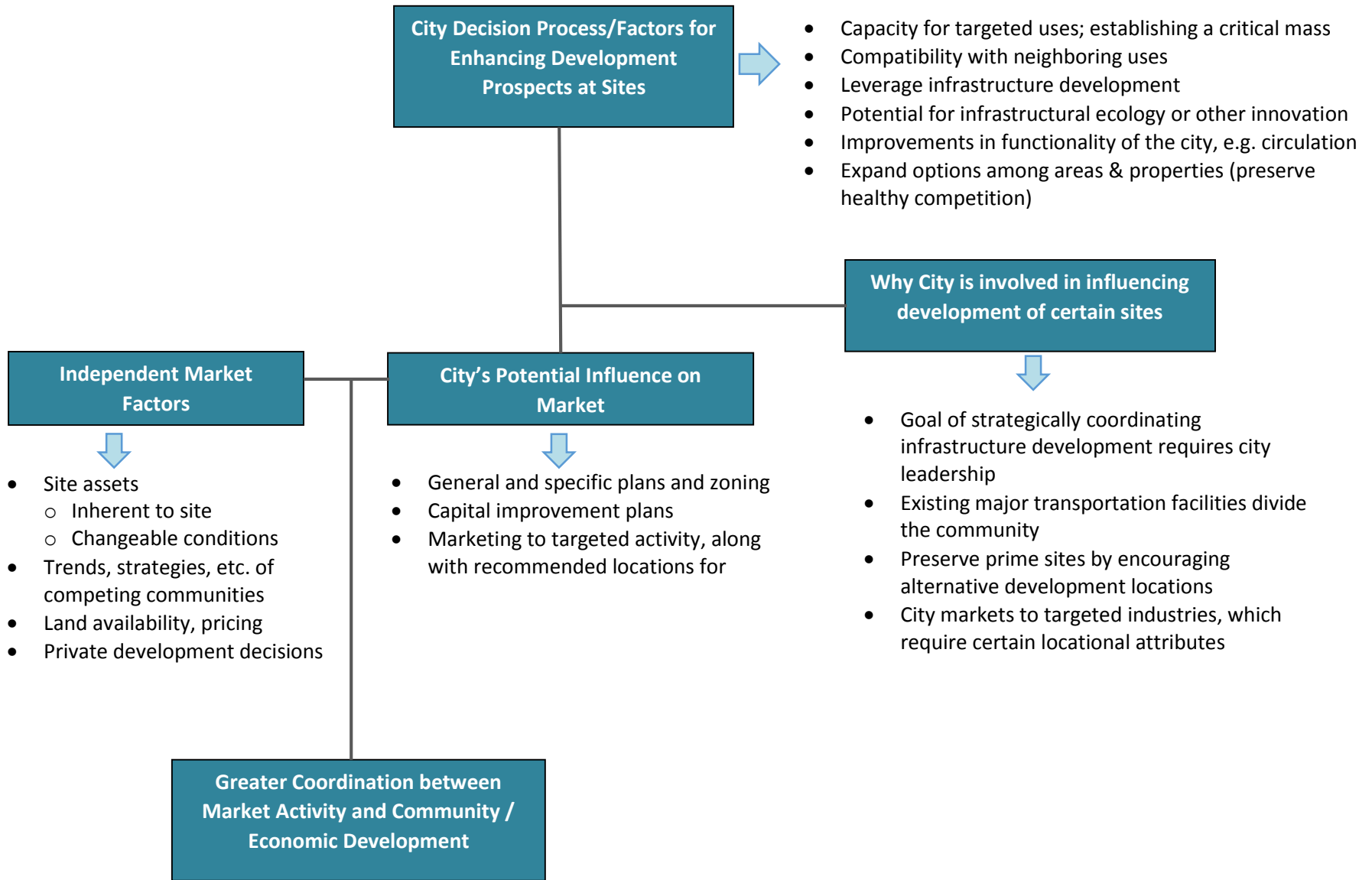
Sources: CAPCOG, City of Kyle, City of San Marcos, City of Austin, ESRI, FEMA, GNIS, NTIA NBM, PUC Texas, TNDG, TNRI, TPWD, US Census, US DOE, US DOT, USGS

PROJECT: KYLE, TEXAS

Priority Sites Process Diagram

The City's interests in the group of priority development sites, in relation to other factors, is illustrated diagrammatically on Figure 3. The figure shows the relationship between independent market factors and the City's potential influence in that market as a way of enhancing the development prospects at the priority sites. To the extent the development of the priority sites is coordinated with City investments and City plans, both the individual sites and the overall community should develop more efficiently.

FIGURE 3. CITY ROLE IN PRIORITY SITES



Priority Development Site Evaluation

Twenty different priority development sites that are targeted for growth and development within Kyle’s jurisdictional boundaries were evaluated by the TNDG Team. There are a number of factors that affect the development of commercial and residential property. These factors are influenced by economic, financial, physical, political, and social conditions, and the timing of development in the immediate areas surrounding the priority development sites. Characteristics of each priority development site were evaluated individually. Evaluations for each of the sites were primarily influenced by land economics, real estate, and urban land development principles.

For the evaluation process, a general rating system of “site development readiness” was used to formulate an average index score for each priority development site. Development readiness was rated on a scale from one to five; one being the least desirable and five being the most desirable in terms of site development readiness. The development rating system values and their descriptions are shown below.

Development Readiness Ratings	
1	Not Ready
2	Some Work Done / Needs More Work
3	Partially Ready
4	Ready / Needs Some Work
5	Ready

Each priority development site was scored using these ratings assigned within sub-categories identified for each of the five major categories listed below. The categories and sub-categories are shown on Table 15:

- Attributes / Challenges
- Development Inertia
- Redevelopment Potential
- Use Potential Based on Existing Documentation
- Potential Based on Development of Area in Proximity to Priority Area

It is important to note that each priority development site was evaluated based on existing attributes both internal to that particular site and applicable to the immediate site vicinity. Beginning with the major category of Attributes and Challenges, priority development sites were scored based on their available access to transportation networks, key utilities and service areas, proximity to established markets and workforce pools, land area availability, and finally the proximity to potentially incompatible land uses. The next category, Development Inertia, deals with a variety of external site development factors scored based on the priority development site’s apparent land use compatibility with other land uses in the vicinity. Other factors that were analyzed as a part of this category were the proximity to different types of existing development in the area, the general stage of land development within the area, and the relative age of development within the area.

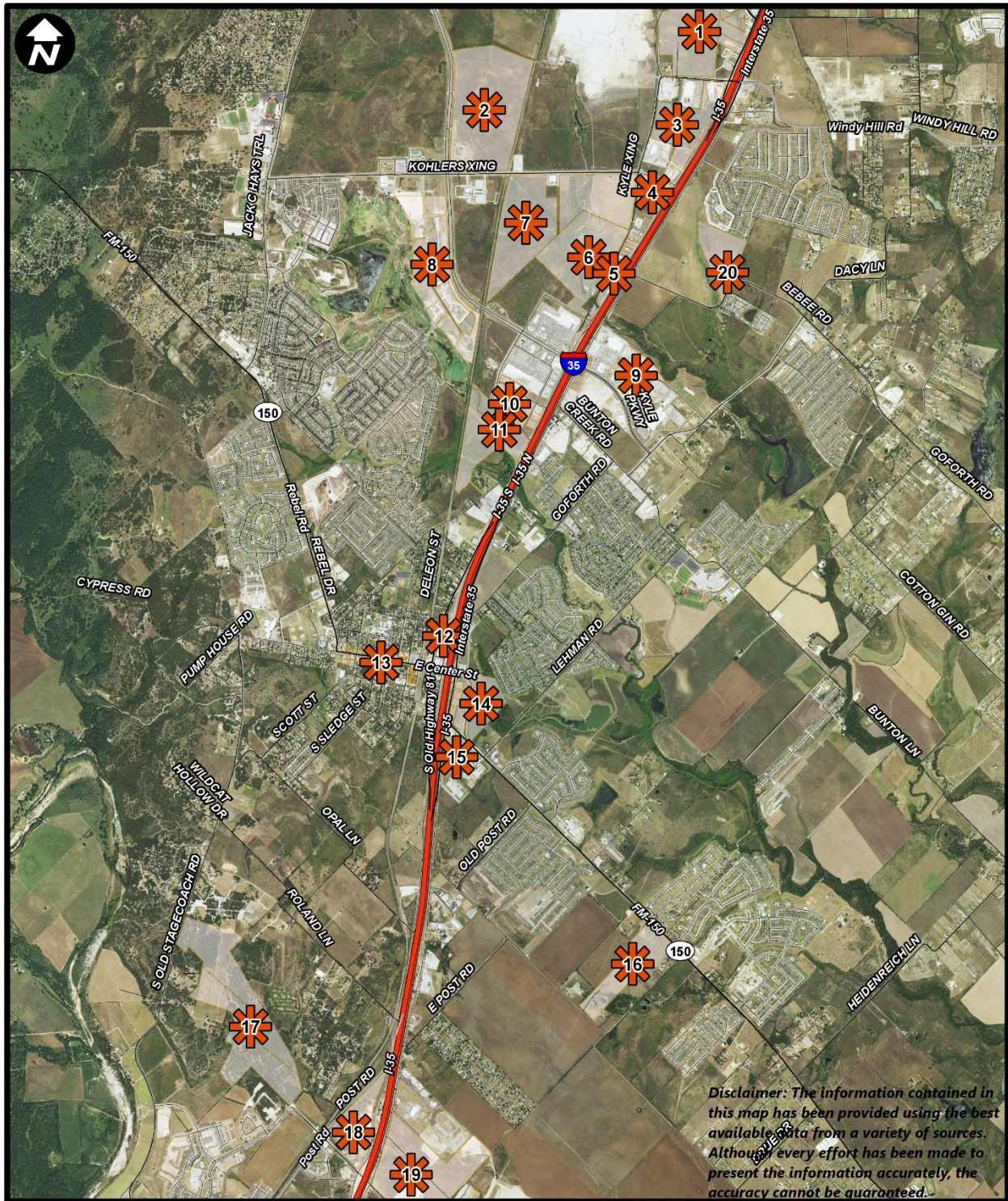
Another category deals with the need and potential for redevelopment. Although it may be beneficial for an area or site to be redeveloped to maximize the highest and best use of the property, the steps to achieve a successful redevelopment of the property and costs associated with this transition are sometimes more cumbersome than the ability to simply develop vacant property. Priority development sites were scored based on their need (or potential) for redevelopment, but also their compatibility with the most likely land uses that can be developed within the area. In addition, priority areas were scored based on the requirement or desired need to assemble property to meet the intended regulations associated with construction and land development.

The category of Use Potential Based on Existing Documentation involves the potential to develop an area based on the existing regulations tied to the City's general plan, zoning ordinance and any other specific plans associated with the neighborhood or region located within the city. The last category involves the priority development site's potential to develop based on existing land use development that characterizes the surrounding area or is planned for this area in the future. Specifically, priority areas were scored based on forecasted future land use, future improvements, and other existing neighborhood attributes that were associated with the development of the area surrounding each priority development site.

Table 15 provides a summary of all of the individual scores and the development suitability index averages (converted to a scale based on 5=100, on last row) for each of the 20 priority development sites. A detailed matrix is provided in Appendix B that provides additional notes and explanations to supplement some of the individual scores, and includes the development suitability index average (and 100-scale score) for each priority development site. Map 7, following page, provides a visual reference for the location of the 20 sites.

Evaluation of these priority development sites shows that the sites with the highest development suitability ratings were located within various commercially planned areas within Plum Creek Master Planned Community, Downtown Kyle, Kyle Town Center, Village at Kyle, and Kyle Marketplace South. These sites were strategically positioned for capturing targeted market demand for commercial land uses.

MAP 7. KYLE TARGETED PRIORITY DEVELOPMENT AREAS



Disclaimer: The information contained in this map has been provided using the best available data from a variety of sources. Although every effort has been made to present the information accurately, the accuracy cannot be guaranteed.



**PRIORITY DEV. AREAS
CITY OF KYLE, TEXAS**

Sources: CAPCOG, City of Kyle, City of San Marcos, City of Austin, ESRI, FEMA, GNIS, NTIA NBM, PUC Texas, TNDG, TNRI, TPWD, US Census, US DOE, US DOT, USGS

9/2015

PROJECT: KYLE, TEXAS

TABLE 15. PRIORITY DEVELOPMENT SITE EVALUATION SUMMARY MATRIX

Kyle Priority Development Sites		(1) Hays Commerce Ctr.	(2) Plum Creek 6	(3) Kyle Town Ctr.	(4) Crane Tract	(5) Kyle Crossing	(6) Sheldon Tract	(7 & 8) Plum Creek 7 & 11	(9) Village at Kyle	(10) Kyle Marketplace S.	(11) Brooks Tract	(12) Old Hwy 81	(13) Downtown Kyle	(14) Barshop & Oles	(15) Primus Property	(16) Michaels Landing	(17) Davenport Tract	(18) Yarrington Road West	(19) Coleman Tract	(20) Kyle Business Park
Attributes / Challenges	Access to Trans. Networks	4	4	4	3	4	4	4	4	4	4	5	4	4	4	2	1	4	4	4
	Access to Key Utility / Service Areas	2	4	4	2	4	4	4	4	4	3	5	5	4	4	2	3	3	3	4
	Prox. to Markets / Workforce	3	4	4	4	4	4	4	4	4	4	3	3	4	4	2	2	3	3	4
	Land Area Availability	4	5	5	5	3	3	5	5	5	3	2	2	4	4	4	5	5	5	5
	Proximity to Potentially Incompatible Uses	2	5	5	4	4	4	4	4	4	4	3	4	4	3	3	3	4	4	4
Development Inertia	Apparent Use Compatibility Based on Existing Attributes	4	5	4	4	3	3	4	4	4	3	3	5	3	3	2	3	5	5	3
	Proximity to Existing Development, by Type	4	4	4	5	4	4	4	4	4	3	4	5	4	4	4	3	4	4	3
	Stage of Dev. Cycle	3	3	3	2	3	2	2	4	3	2	3	5	3	3	2	1	3	3	3
	Relative Age of Development in Area	4	5	5	5	5	5	5	4	4	5	2	2	3	3	3	3	3	3	3
Redev. Potential	Need for Redevelopment?	N/A	N/A	N/A	N/A	3	N/A	N/A	N/A	N/A	N/A	3	3	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Compatibility with Most Likely Uses	4	5	4	4	5	3	5	5	5	4	4	5	4	4	4	4	5	5	4
	Land Assembly Required / Desired	4	4	4	3	2	4	5	5	5	3	3	3	5	5	2	2	4	4	5
Use Potential Based on Existing Doc.	General Plan	4	5	4	4	4	4	5	5	5	5	5	5	5	5	4	4	5	5	4
	Zoning	4	5	4	1	4	4	5	4	4	3	4	5	5	2	2	1	2	2	3
	Specific Plan	NO	YES	NO	NO	NO	NO	YES	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO
Potential Based on Dev. of Area in Proximity	Future Land Use	4	5	4	3	4	3	5	5	5	4	4	5	4	4	4	3	3	3	3
	Future Improvements	2	3	3	3	3	2	2	4	3	1	3	5	3	3	2	1	3	2	3
	Neighborhood Attributes	4	4	4	5	4	4	4	4	4	4	4	5	4	4	4	3	4	4	4
Development Suitability Index Average		3.5	4.4	4.1	3.6	3.5	3.6	4.2	4.3	4.2	3.4	3.6	4.2	3.9	3.7	2.9	2.6	3.8	3.7	3.7
Development Suitability Index, scale of 100		70	88	81	71	71	71	84	86	84	68	72	84	78	74	58	53	75	74	74

Source: TNDG Team.

APPENDIX A. TARGET INDUSTRY SCREENING

TARGET INDUSTRY RANK SCORES ACROSS 12 MEASURES OF COMPETITIVE ADVANTAGE

NAICS	Industry Description	Category rank, Summit 2	2015 Location Quotient	% growth 2024	Competitive Effect	Nat'l Growth Effect	2015 empl in Hays Cnty	2015 empl in Comal Cnty	2015 empl in Four-Cnty Region	2014 Total Earnings in Four-Cnty Region	highest ranks among related commodities			Sum of rank scores (lowest=best)
											Employment Multiplier	Value Added Multiplier	Diff Supply/Demand, all in pos #s	
6221	General Medical and Surgical Hospitals	3.00	24.00	12.00	4.00	1.00	2.00	1.00	1.00	9.00	11.00	4.00	18.00	90.0
5416	Management, Scientific, and Technical Consulting Svcs.	5.00	10.00	7.50	2.00	8.00	1.00	4.00	5.00	11.00	18.00	19.00	10.00	100.5
5413	Architectural, Engineering, and Related Services	5.00	7.00	26.00	5.00	5.00	4.00	5.00	6.00	7.00	5.00	24.00	6.00	105.0
5415	Computer Systems Design and Related Services	5.00	6.00	16.50	3.00	4.00	3.00	9.00	2.00	2.00	20.00	31.00	16.00	117.5
3344	Semiconductor and Other Electronic Component Manuf.	1.00	1.00	29.50	14.00	2.00	15.00	30.50	11.00	1.00	10.00	7.00	1.00	123.0
4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers	8.00	2.00	34.00	8.00	7.00	16.00	16.00	10.00	5.00	2.50	16.50	3.50	128.5
5511	Management of Companies and Enterprises	5.00	20.50	22.50	1.00	14.00	7.00	2.00	7.00	6.00	7.00	9.00	26.00	127.0
6212	Offices of Dentists	3.00	15.00	7.50	7.00	17.00	9.00	8.00	14.00	12.00	15.50	21.50	8.00	137.5
6211	Offices of Physicians	3.00	14.00	10.00	6.00	3.00	24.00	29.00	4.00	3.00	15.50	21.50	8.00	141.0
6213	Offices of Other Health Practitioners	3.00	16.00	5.00	30.00	11.00	10.00	16.00	8.00	19.00	15.50	21.50	8.00	163.0
6216	Home Health Care Services	3.00	4.00	2.00	29.00	6.00	8.00	6.00	3.00	32.00	32.00	28.00	22.50	175.5
6231	Nursing Care Facilities (Skilled Nursing Facilities)	3.00	30.00	12.00	11.00	12.00	6.00	3.00	13.00	28.00	27.50	11.50	22.50	179.5
6215	Medical and Diagnostic Laboratories	3.00	8.50	7.50	33.00	25.00	20.00	19.00	26.00	10.00	9.00	8.00	13.50	182.5
7139	Other Amusement and Recreation Industries	7.00	20.50	20.50	13.00	10.00	13.00	11.00	9.00	33.00	16.41	17.78	13.50	184.7
4237	Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	8.00	11.00	22.50	19.00	28.00	30.50	10.00	28.00	8.00	2.50	16.50	3.50	187.5
5418	Advertising, Public Relations, and Related Services	5.00	12.00	27.50	20.00	15.00	12.00	13.00	16.00	14.00	6.00	30.00	19.00	189.5
4239	Miscellaneous Durable Goods Merchant Wholesalers	8.00	18.00	20.50	17.00	27.00	16.00	18.00	25.00	27.00	2.50	16.50	3.50	199.0
5412	Accounting, Tax Preparation, Bookkeeping, & Payroll Svcs.	5.00	19.00	27.50	10.00	9.00	5.00	7.00	12.00	18.00	34.00	34.00	20.00	200.5
6214	Outpatient Care Centers	3.00	23.00	3.00	27.00	21.00	23.00	23.00	17.00	13.00	15.50	21.50	13.50	203.5
3363	Motor Vehicle Parts Manuf.	1.00	33.00	1.00	9.00	32.00	30.50	20.00	29.00	16.00	8.00	2.00	25.00	206.5
4244	Grocery and Related Product Merchant Wholesalers	8.00	25.00	32.00	26.00	18.00	21.00	28.00	19.00	15.00	2.50	16.50	3.50	214.5
4841	General Freight Trucking	6.00	31.00	33.00	15.00	13.00	16.00	25.00	15.00	22.00	21.50	5.50	13.50	216.5
5414	Specialized Design Services	5.00	8.50	18.00	12.00	26.00	11.00	17.00	21.00	31.00	25.00	32.00	13.50	220.0
6239	Other Residential Care Facilities	3.00	13.00	4.00	22.00	30.00	19.00	14.00	31.00	25.00	27.50	11.50	22.50	222.5
4541	Electronic Shopping and Mail-Order Houses	9.00	22.00	12.00	34.00	16.00	28.00	16.00	23.00	21.00	16.41	17.78	13.50	228.7
3353	Electrical Equipment Manuf.	1.00	34.00	14.50	25.00	34.00	16.00	30.50	34.00	4.00	19.00	1.00	17.00	230.0
4842	Specialized Freight Trucking	6.00	17.00	31.00	18.00	24.00	27.00	22.00	24.00	24.00	21.50	5.50	13.50	233.5
4243	Apparel, Piece Goods, and Notions Merchant Wholesalers	8.00	32.00	16.50	23.00	33.00	29.00	16.00	33.00	20.00	2.50	16.50	3.50	233.0
6232	Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities	3.00	27.00	14.50	32.00	19.00	18.00	12.00	22.00	30.00	27.50	11.50	22.50	239.0
4931	Warehousing and Storage	6.00	26.00	24.50	16.00	22.00	25.00	26.00	18.00	23.00	23.00	25.00	13.50	248.0
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maint.	4.00	28.00	24.50	24.00	31.00	14.00	15.00	32.00	17.00	12.00	33.00	13.50	248.0
8112	Electronic and Precision Equipment Repair and Maint.	4.00	5.00	29.50	21.00	29.00	22.00	24.00	30.00	26.00	24.00	26.00	11.50	252.0
7131	Amusement Parks and Arcades	7.00	3.00	19.00	31.00	20.00	26.00	27.00	27.00	34.00	30.00	14.00	15.00	253.0
6233	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly	3.00	29.00	7.50	28.00	23.00	17.00	21.00	20.00	29.00	32.00	28.00	22.50	260.0
			Column average values added where data were missing											
Cluster Legend - Clusters most frequently appearing														
			Manufacturing and Manufacturing Services											
			Wholesale Trade & Transportation, and Warehousing											
			Professional, Scientific, and Technical Services											
			Health Care and Social Assistance											

Source: EMSI, IMPLAN, TNDG Team

APPENDIX B. PRIORITY DEVELOPMENT SITES EVALUATION

Source for all tables: TNDG Team

Kyle Priority Development Sites		(1) Hays Commerce Center		(2) Plum Creek Area 6	
		Attributes / Challenges	Access to Trans. Networks	4	Close proximity to interchange. Other street improvements will follow. Internal circulation needs to be developed.
Access to Key Utility / Service Areas	2		Water seems to be present. Sewer is not and is outside sewer district services boundary. Other utilities limited.	4	
Prox. to Markets / Workforce	3		Northern fringe of the city, so local access is min. However, prox.to Austin and Buda is potentially advantageous.	4	Accessible to Kyle and Austin Market
Land Area Availability	4		Depending on the use, there is ample area for development.	5	
Proximity to Potentially Incompatible Uses	2		Residential uses are adjacent to the property on the NE. The real impediment may be the cement fac. N & W of property.	5	
Development Inertia	Apparent Use Compatibility Based on Existing Attributes, etc.	4	Development in the area is on the fringe of the city limits where strip development from freeway is est. and planned to the south. Starting to develop to the north.	5	
	Proximity to Existing Development, by Type	4		4	
	Stage of Dev. Cycle	3		3	
	Relative Age of Development in Area	4	New construction; Older, outdated construction	5	New construction
Redev. Potential	Need for Redevelopment?	N/A		N/A	
	Compatibility with Most Likely Uses	4		5	
	Land Assembly Required / Desired	4	Possibly. Depends on use and development standards for transition between neighboring uses, circulation, etc.	4	Not likely unless future use dictates the need to acquire or modify parcel boundaries for some other reason.
Use Potential Based on Existing Doc.	General Plan	4	Regional Node surrounded by New Town Community	5	New Town Community (Plum Creek MPD)
	Zoning	4	PUD: Planned Unit Development Zoning	5	PC MXD: Plum Creek PUD Zoning
	Specific Plan	NO		YES	Plum Creek
Potential Based on Dev. of Area in Proximity	Future Land Use	4	Prop. uses are compatible with future land uses planned for surrounding area. Some uses adj. to site should transition over time to align closer w/ future land uses for this area.	5	
	Future Improvements	2	Circulation, drainage, access, transition from surrounding dev. to the west/north sides of the property.	3	Mainly to the north, but also internally w/ certain encumbrances (Gas Line Esmt. etc.). See floodplain info.
	Neighborhood Attributes	4		4	
Development Suitability Index Average		3.5		4.4	
Development Suitability Index, scale of 100		70		88	

Kyle Priority Development Sites		(3) Kyle Town Center		(4) Crane Tract	
Attributes / Challenges	Access to Trans. Networks	4	Good access, street improvements are adequate, and is close to an interchange. Other street improvements will follow. Internal circulation needs to be developed.	3	Good access and streets improvements are adequate, and is close to an interchange. Lacks direct access interchange for targeted retail uses. Other street improvements will follow and internal circulation needs to be developed.
	Access to Key Utility / Service Areas	4		2	
	Prox. to Markets / Workforce	4	Accessible to Kyle and Austin Market	4	Accessible to Kyle and Austin Market
	Land Area Availability	5		5	
	Proximity to Potentially Incompatible Uses	5		4	
Development Inertia	Apparent Use Compatibility Based on Existing Attributes, etc.	4		4	
	Proximity to Existing Development, by Type	4		5	
	Stage of Dev. Cycle	3		2	
	Relative Age of Development in Area	5	New construction	5	New construction
Redev. Potential	Need for Redevelopment?	N/A		N/A	
	Compatibility with Most Likely Uses	4		4	
	Land Assembly Required / Desired	4		3	
Use Potential Based on Existing Doc.	General Plan	4	New Town Community	4	New Town Community
	Zoning	4	R/S: Retail & Service Zoning	1	A: Agricultural Zoning
	Specific Plan	NO		NO	
Potential Based on Dev. of Area in Proximity	Future Land Use	4	Proposed uses are compatible with future land uses planned for the surrounding area. Some uses adjacent to the site should transition over time to align closer with future land uses proposed for this area.	3	Proposed uses are fairly compatible with the land uses planned for the surrounding area. Uses adjacent to the site should transition over time to align closer with future land uses proposed for this area.
	Future Improvements	3		3	
	Neighborhood Attributes	4		5	
Development Suitability Index Average		4.1		3.6	
Development Suitability Index, scale of 100		81		71	

Kyle Priority Development Sites		(5) Kyle Crossing		(6) Sheldon Tract	
Attributes / Challenges	Access to Trans. Networks	4	Close proximity to interchange. Other street improvements will follow. Internal circulation needs to be developed.	4	Close proximity to interchange. Other street improvements will follow. Internal circulation needs to be developed.
	Access to Key Utility / Service Areas	4		4	
	Prox. to Markets / Workforce	4	Accessible to Kyle and Austin Market	4	Accessible to Kyle and Austin Market
	Land Area Availability	3		3	
	Proximity to Potentially Incompatible Uses	4		4	
Development Inertia	Apparent Use Compatibility Based on Existing Attributes, etc.	3	Smaller site. Check site design issues.	3	Check drainage issues on site and subsequent site design issues.
	Proximity to Existing Development, by Type	4		4	
	Stage of Dev. Cycle	3		2	
	Relative Age of Development in Area	5	New construction	5	New construction
Redev. Potential	Need for Redevelopment?	3	Potential need for re-platting	N/A	
	Compatibility with Most Likely Uses	5		3	
	Land Assembly Required / Desired	2		4	
Use Potential Based on Existing Doc.	General Plan	4	New Town Community	4	New Town Community and Super Regional Node
	Zoning	4	R/S: Retail Services	4	W: Warehouse Zoning
	Specific Plan	NO		NO	
Potential Based on Dev. of Area in Proximity	Future Land Use	4	Proposed uses are compatible with future land uses planned for the surrounding area. Some uses adjacent to the site should transition over time to align closer with future land uses proposed for this area.	3	Proposed uses are fairly compatible with the land uses planned for the surrounding area. Uses adjacent to the site should transition over time to align closer with future land uses proposed for this area.
	Future Improvements	3	Possible drainage concerns	2	Possible drainage concerns and other site design issues
	Neighborhood Attributes	4		4	
Development Suitability Index Average		3.5		3.6	
Development Suitability Index, scale of 100		71		71	

Kyle Priority Development Sites		(7 & 8) Plum Creek Area 7 & 11		(9) Village at Kyle	
Attributes / Challenges	Access to Trans. Networks	4	Fairly close in proximity to interchanges. Good access and street improvements are adequate. Other street improvements will follow. Internal circulation needs to be developed.	4	Close proximity to interchanges. Good access and street improvements are adequate. Other street improvements will follow. Internal circulation needs to be developed.
	Access to Key Utility / Service Areas	4		4	
	Prox. to Markets / Workforce	4	Plum Creek Area 7 is accessible to Kyle and Austin Market. Plum Creek Area 11 is fairly central to Kyle.	4	Accessible to Kyle and Austin Market, East of I-35
	Land Area Availability	5		5	
	Proximity to Potentially Incompatible Uses	4		4	
Development Inertia	Apparent Use Compatibility Based on Existing Attributes, etc.	4		4	Check drainage issues on site and subsequent site design issues.
	Proximity to Existing Development, by Type	4		4	
	Stage of Dev. Cycle	2		4	
	Relative Age of Development in Area	5	New construction	4	New construction
Redev. Potential	Need for Redevelopment?	N/A		N/A	
	Compatibility with Most Likely Uses	5		5	
	Land Assembly Required / Desired	5		5	
Use Potential Based on Existing Doc.	General Plan	5	New Town Community (Plum Creek MPD)	5	Super Regional Node
	Zoning	5	PC LI: Light Industrial Plum Creek PUD Zoning	4	R/S: Retail & Service Zoning
	Specific Plan	YES	Plum Creek	NO	
Potential Based on Dev. of Area in Proximity	Future Land Use	5		5	
	Future Improvements	2		4	
	Neighborhood Attributes	4		4	
Development Suitability Index Average		4.2		4.3	
Development Suitability Index, scale of 100		84		86	

Kyle Priority Development Sites		(10) Kyle Marketplace South		(11) Brooks Tract	
Attributes / Challenges	Access to Trans. Networks	4	Close proximity to interchanges. Good access and street improvements are adequate. Other street improvements will follow. Internal circulation needs to be developed.	4	Close proximity to interchanges. Good access and street improvements are adequate. Other street improvements will follow. Internal circulation needs to be developed.
	Access to Key Utility / Service Areas	4		3	
	Prox. to Markets / Workforce	4	Kyle Interior Market, West of I-35	4	Kyle Interior Market, West of I-35
	Land Area Availability	5		3	
	Proximity to Potentially Incompatible Uses	4		3	Possible access issues w/ nearby commercial
Development Inertia	Apparent Use Compatibility Based on Existing Attributes, etc.	4		3	Check site design issues and issues that originate w/ drainage
	Proximity to Existing Development, by Type	4		3	
	Stage of Dev. Cycle	3		2	
	Relative Age of Development in Area	4	New construction; Surrounding newer construction	5	New construction
Redev. Potential	Need for Redevelopment?	N/A		N/A	
	Compatibility with Most Likely Uses	5		4	
	Land Assembly Required / Desired	5		3	
Use Potential Based on Existing Doc.	General Plan	5	Super Regional Node	5	Super Regional Node
	Zoning	4	R/S: Retail & Service Zoning	3	R-3-3; R/S: Multi-Fam. Res. 3; Retail & Service Zoning
	Specific Plan	NO		NO	
Potential Based on Dev. of Area in Proximity	Future Land Use	5		4	Proposed uses are compatible with future land uses planned for the surrounding area. Some uses adjacent to the site should transition over time to align closer with future land uses proposed for this area.
	Future Improvements	3		1	Drainage concerns and possibly other site design issues
	Neighborhood Attributes	4		4	May require some finesse concerning transition to other uses and external circulation next to comm. development.
Development Suitability Index Average		4.2		3.4	
Development Suitability Index, scale of 100		84		68	

Kyle Priority Development Sites		(12) Old Hwy 81		(13) Downtown Kyle	
Attributes / Challenges	Access to Trans. Networks	5	Close proximity to interchange. Street improvements are mature. Some internal circulation needs to be developed.	4	Close proximity to interchange. Street improvements are mature. Must cross tracks from I-35.
	Access to Key Utility / Service Areas	5		5	
	Prox. to Markets / Workforce	3	Kyle Interior Market, West of I-35	3	Kyle Interior Market, West of I-35
	Land Area Availability	2		2	
	Proximity to Potentially Incompatible Uses	4		4	Only issue may be transition from some commercial to residential uses.
Development Inertia	Apparent Use Compatibility Based on Existing Attributes, etc.	3		5	
	Proximity to Existing Development, by Type	4		5	
	Stage of Dev. Cycle	3		5	
	Relative Age of Development in Area	2	Older construction	2	Older construction
Redev. Potential	Need for Redevelopment?	3	Potential need for re-platting	3	Potential for redevelopment, but not a requirement for a productive use.
	Compatibility with Most Likely Uses	4		5	
	Land Assembly Required / Desired	3		3	
Use Potential Based on Existing Doc.	General Plan	5	Regional Node	5	Old Town Kyle Community
	Zoning	4	R/S: Retail & Service Zoning	5	CBD-1; CBD-2: Central Business District 1 & 2 Zoning
	Specific Plan	NO		YES	
Potential Based on Dev. of Area in Proximity	Future Land Use	4	Proposed uses are compatible with future land uses planned for the surrounding area. Some uses adjacent to the site should transition over time to align closer with future land uses proposed for this area.	5	
	Future Improvements	3	Possible circulation issues	5	
	Neighborhood Attributes	4		5	
Development Suitability Index Average		3.6		4.2	
Development Suitability Index, scale of 100		72		84	

Kyle Priority Development Sites		(14) Barshop & Oles		(15) Primus Property	
Attributes / Challenges	Access to Trans. Networks	4	Close proximity to interchange. Other street improvements will follow. Internal circulation needs to be developed.	4	Close proximity to interchange. Other street improvements will follow. Internal circulation needs to be developed.
	Access to Key Utility / Service Areas	4		4	
	Prox. to Markets / Workforce	3	Kyle Interior Market, East of I-35	3	Kyle Interior Market, East of I-35
	Land Area Availability	4		4	
	Proximity to Potentially Incompatible Uses	3	Only issue may be transition from some commercial uses to nearby correctional facility.	3	Only issue may be transition from some commercial uses to nearby correctional facility.
Development Inertia	Apparent Use Compatibility Based on Existing Attributes, etc.	3	Issues may arise from capacity of external circulation.	3	Issues may arise from capacity of external circulation.
	Proximity to Existing Development, by Type	4		4	
	Stage of Dev. Cycle	3		3	
	Relative Age of Development in Area	3	Mixture of new and outdated older construction	3	Mixture of new and outdated older construction
Redev. Potential	Need for Redevelopment?	N/A		N/A	
	Compatibility with Most Likely Uses	4		4	
	Land Assembly Required / Desired	5		5	
Use Potential Based on Existing Doc.	General Plan	5	Regional Node	5	Regional Node
	Zoning	5	R/S: Retail & Service Zoning	2	A: Agricultural Zoning
	Specific Plan	NO		NO	
Potential Based on Dev. of Area in Proximity	Future Land Use	4	Proposed uses are compatible with future land uses planned for the surrounding area. Some uses adjacent to the site should transition over time to align closer with future land uses proposed for this area.	4	Proposed uses are compatible with future land uses planned for the surrounding area. Some uses adjacent to the site should transition over time to align closer with future land uses proposed for this area.
	Future Improvements	3	Possible circulation issues surrounding property to the east	3	Possible circulation issues surrounding property to the east
	Neighborhood Attributes	4	May require some finesse concerning the transition to residential uses.	4	May require some finesse concerning the transition to residential uses.
Development Suitability Index Average		3.9		3.7	
Development Suitability Index, scale of 100		78		74	

Kyle Priority Development Sites		(16) Michael's Landing		(17) Davenport Tract	
Attributes / Challenges	Access to Trans. Networks	2	Street frontage on N & S. However significant street improvements and external/internal circulation will need to be developed in the future. Some distance from interchange.	1	There is hardly any frontage to the property. Significant street improvements as well as external/internal circulation will need to be developed in the future.
	Access to Key Utility / Service Areas	2		3	
	Prox. to Markets / Workforce	2	San Marcos and San Antonio Markets, East of I-35	2	San Marcos and San Antonio Markets, West of I-35
	Land Area Availability	4		5	
	Proximity to Potentially Incompatible Uses	3	Only issue may be transition from newer construction to older unincorporated res. constructed neighborhoods. May need to check noise issues from San Marcos Airport.	3	May need to check issues pertaining to conservation.
Development Inertia	Apparent Use Compatibility Based on Existing Attributes, etc.	2	Issues may arise from capacity of external circulation or drainage issues.	3	Depends on residential density housing product.
	Proximity to Existing Development, by Type	4		3	
	Stage of Dev. Cycle	2		1	
	Relative Age of Development in Area	3	Mixture of newer and outdated older construction	3	Mixture of newer and outdated older construction
Redev. Potential	Need for Redevelopment?	N/A		N/A	
	Compatibility with Most Likely Uses	4		4	
	Land Assembly Required / Desired	2		2	
Use Potential Based on Existing Doc.	General Plan	4	Local Node and New Settlement Community	4	New Settlement Community
	Zoning	2	A;R/S;R-1-T;R-1-2;T/U: Agricultural; Retail & Service; Res. Townhome; Single-Fam. Res. 2; Transport. & Utilities Zoning	1	Agriculture Zoning (Hays County - Requires Annexation)
	Specific Plan	NO		NO	
Potential Based on Dev. of Area in Proximity	Future Land Use	4	Proposed uses are compatible w/ future land uses planned for surrounding area. Adj. uses should trans. over time to align w/ future land uses proposed for area.	3	Proposed uses are fairly compatible w/ the land uses planned for surrounding area. Adj. uses should trans. over time to align w/ future land uses proposed for area.
	Future Improvements	2	Circulation, access, transition from surrounding development	1	Circulation, access, transition from surrounding dev., site dev. design concerns, drainage, flood proofing, etc.
	Neighborhood Attributes	4		3	Depends on residential density housing product.
Development Suitability Index Average		2.9		2.6	
Development Suitability Index, scale of 100		58		53	

Kyle Priority Development Sites		(18) Yarrington Road West		(19) Coleman Tract	
Attributes / Challenges	Access to Trans. Networks	4	Close proximity to new interchange. Other street improvements will follow. Internal circulation needs to be developed.	4	Close proximity to new interchange. Other street improvements will follow. Internal circulation needs to be developed.
	Access to Key Utility / Service Areas	3		3	
	Prox. to Markets / Workforce	3	San Marcos and San Antonio Markets	3	San Marcos and San Antonio Markets
	Land Area Availability	5		5	
	Proximity to Potentially Incompatible Uses	4		4	
Development Inertia	Apparent Use Compatibility Based on Existing Attributes, etc.	5		5	
	Proximity to Existing Development, by Type	4		4	
	Stage of Dev. Cycle	3		3	
	Relative Age of Development in Area	3	Mixture of newer and outdated older construction	3	Mixture of newer and outdated older construction
Redev. Potential	Need for Redevelopment?	N/A		N/A	
	Compatibility with Most Likely Uses	5		5	
	Land Assembly Required / Desired	4		4	
Use Potential Based on Existing Doc.	General Plan	5	Regional Node and New Settlement Community	5	Regional Node and New Settlement Community
	Zoning	2	A: Agricultural Zoning	2	A: Agricultural Zoning
	Specific Plan	NO		NO	
Potential Based on Dev. of Area in Proximity	Future Land Use	3	Proposed uses are fairly compatible w/ the land uses planned for surrounding area. Adj. uses should trans. over time to align w/ future land uses proposed for area.	3	Proposed uses are fairly compatible w/ the land uses planned for surrounding area. Adj. uses should trans. over time to align w/ future land uses proposed for area.
	Future Improvements	3	Possible circulation issues surrounding property to the east and drainage concerns	2	Circulation, drainage, access, transition from surrounding development
	Neighborhood Attributes	4	May require some finesse concerning the transition to residential uses.	4	May require some finesse concerning the transition to residential uses.
Development Suitability Index Average		3.8		3.7	
Development Suitability Index, scale of 100		75		74	

Kyle Priority Development Sites		(20) Kyle Business Park	
Attributes / Challenges	Access to Trans. Networks	4	Fairly close in proximity to nearby interchanges. Fairly good access and street improvements are good. Other street improvements should follow to address traffic mitigation concerns.
	Access to Key Utility / Service Areas	4	
	Prox. to Markets / Workforce	4	Accessible to Kyle and Austin Market
	Land Area Availability	5	
	Proximity to Potentially Incompatible Uses	4	
Development Inertia	Apparent Use Compatibility Based on Existing Attributes, etc.	3	Issues may arise from capacity of external circulation or drainage issues.
	Proximity to Existing Development, by Type	3	
	Stage of Dev. Cycle	3	
	Relative Age of Development in Area	3	Mixture of newer construction and outdated older construction
Redev. Potential	Need for Redevelopment?	N/A	
	Compatibility with Most Likely Uses	4	
	Land Assembly Required / Desired	5	
Use Potential Based on Existing Doc.	General Plan	4	New Town Community
	Zoning	3	W: Warehouse (R/S to be used in compliance with W)
	Specific Plan	NO	
Potential Based on Dev. of Area in Proximity	Future Land Use	3	Proposed uses are fairly compatible with the land uses planned for the surrounding area. Uses adjacent to the site should transition over time to align closer with future land uses proposed for this area.
	Future Improvements	3	External Circulation, drainage, transition from surrounding development
	Neighborhood Attributes	4	May require some finesse concerning the circulation with other nearby uses.
Development Suitability Index Average		3.7	
Development Suitability Index, scale of 100		74	

APPENDIX C. TNDG MEMO ON WORKSHOP #2 OUTCOMES

MEMORANDUM			
TO:	Diana Blank-Torres Director of Economic Development City of Kyle	DATE:	June 8, 2015
FROM:	Roger Dale, Managing Principal The Natelson Dale Group, Inc. (TNDG)	FILE:	#4039
SUBJECT:	Kyle Economic Development Strategic Plan – Summary of Summit Workshop #2		

The following is a summary of stakeholder input from Summit Workshop #2 (held on May 28, 2105). The workshop focused on prioritizing major strategy categories and refining the list of potential target industry clusters.

For the strategies, a total of 14 strategy categories were presented for discussion and ranking. For each strategy category, the participants were asked to provide a ranking based on the following scale:

1. Most important/urgent (each participant could select up to three urgent strategies)
2. High priority
3. Include, but lower priority
4. Do not include

The participants also had the opportunity to provide comments on each strategy category.

For the potential target industries, a total 9 candidate industry groups/clusters were presented for ranking based on the following scale:

1. “Showcase” industry group (each participant could select up to two “showcase” industries/clusters)
2. High priority
3. Include, but lower priority
4. Do not include

The participants also had the opportunity to “write in” additional industries/clusters not on the original list.

Summary of Recommended Priorities

Based on a tabulation of the participants' "votes" and a review of the additional comments, the consultant team recommends the following prioritization of strategies and target industries/clusters:

Strategy Categories (in order of ranking)

Highest Priority

1. Strategically coordinate infrastructure development
2. Target industry/cluster development
3. Incentives
4. Development streamlining/readiness
5. Amenity focus: Making Kyle more attractive to residents/visitors/businesses

High Priority

6. Industrial real estate development
7. Branding/image
8. Regional cooperation on target industry/cluster development

Mid-level Priority

9. Office development: "business destination center(s)"
10. Education and workforce development

Lowest Priority

11. Entrepreneurial support
12. Community engagement
13. Other geographically-focused strategies (infrastructure, type of housing, etc.)
14. Promote housing development that helps balance product types, prices

The strategy category focusing on infrastructure development was clearly the most popular among the workshop participants, with 17 participants ranking it as a most important/urgent strategy and 9 participants ranking it as a high priority category. The strategy focusing on target industry/cluster development was the second most popular, with 10 participants ranking it as a most important/urgent strategy and 15 ranking it as a high priority strategy.

Target Industries/Clusters (in order of ranking)

Highest Priority

1. Manufacturing
2. Information
3. Health care
4. Manufacturing support

Mid-level Priority

5. Professional services
6. Logistics
7. Arts/entertainment/recreation

Lowest Priority

8. Wholesale trade
9. Retail (e-commerce)

Other potential industries/activities suggested by participants were:

- Hotels accommodations
- Education

These “write-in” industries were indicated as high priorities by the participants suggesting them, but were not ranked by the overall group.

The following tables provide a re-cap of the recommended priority levels, along with transcriptions of specific comments participants made about each item.

Attachment A shows a tabulation of the numbers of “votes” received by each strategy category or candidate industry/cluster.

We should note that the workshop input will not be the only basis for prioritizing strategies and target industries in the final Economic Development Strategic Plan. The priorities will be refined based on the additional research being completed by the consultant team, as well as additional input/direction from City staff.

RECOMMENDED PRIORITY LEVELS FOR STRATEGY ELEMENTS; SUMMARY OF WORKSHOP COMMENTS

Strategy Groups and Elements	Recommended Priority Level/ Overall Rank	Representative Comments
<p>1. Strategically coordinate infrastructure development</p>	<p>Highest #1</p>	<p>Infrastructure is the most important issue; deficiencies limit economic development; ED needs to be considered in infrastructure planning and programming.</p> <p>Recent sewer problems highlight need.</p> <p>You build infrastructure, they will come.</p> <p>Prioritize infrastructure in target areas; too expensive to address citywide.</p> <p>Need to have a plan in place for different land uses and how to get people to and from targeted development areas.</p> <p>Kyle needs to move from ideas to real plans. Prospects need to know what is coming and have certainty as to when/how existing deficiencies will be solved.</p>
<p>2. Focus marketing and other efforts around specific desired targeted economic activity</p>	<p>See items 2a-2c below</p>	<p>Participate in GSMP/Opportunity Austin.</p> <p>City needs to have infrastructure and incentives to use for marketing.</p> <p>Use what City already has as a starting point.</p>
<p>2.a. Branding/Image</p>	<p>High #7</p>	<p>Brand must be known and communicated to prospects, then City must back-up whatever the brand/message is. Community and City must support brand (Round Rock does this well).</p> <p>Needed image: track record of being helpful and pro-business.</p> <p>Update the brand to cover everything Kyle has to offer.</p> <p>Target industry marketing (“messages”) more important than brand at this time.</p> <p>Need to figure out what differentiates Kyle (major strengths) from other communities along I-35.</p>

Strategy Groups and Elements	Recommended Priority Level/ Overall Rank	Representative Comments
2.b. Target Industry/Cluster Development	Highest #2	<p>City can incentivize to an extent, but market will ultimately dictate.</p> <p>Focus on 50-100 employee firms (= “diverse portfolio”).</p> <p>Need to attract a “game changer” firm that could put Kyle on the map.</p>
2.c. Entrepreneurial Support	Lowest #11	<p>Doesn’t City already do this?</p> <p>City should support, when asked.</p> <p>Consider “co-working” facility.</p> <p>Important, but 2b is higher priority.</p> <p>Focus on finance and boosting owner knowledge. Help small businesses negotiate rules and regulations (at City and higher levels).</p> <p>Bring large businesses first.</p> <p>Entrepreneur support is not the City’s job; recruit economic “drivers: and entrepreneurial activity will emerge.</p>
3. Promote housing development that helps balance product types, prices	Lowest #14	<p>Market will dictate what housing is built; incentives will not move the meter substantially.</p> <p>The Market will determine the need.</p> <p>Need to incentivize master-planned communities (to avoid fragmented development).</p> <p>Provide incentives.</p> <p>Plan to accommodate.</p> <p>Don’t provide monetary incentives, but encourage by planning for utilities.</p> <p>Need to focus on bringing higher-end housing.</p> <p>Most important thing is to bring jobs that create demand for desired housing types.</p>

Strategy Groups and Elements	Recommended Priority Level/ Overall Rank	Representative Comments
4. Enhance livability, general functionality & responsiveness of community	See items 4a-4d below.	City has economies of scale to provide amenities; most developers cannot.
4.a. Amenity Focus: Making Kyle More Attractive to Residents/Visitors/Businesses	Highest #5	<p>Let other departments work on quality of life issues.</p> <p>Hard to promote downtown growth due to traffic problems.</p> <p>Incentivize developers to provide more amenities.</p> <p>Tie this strategy to branding/image strategy.</p> <p>Meet needs other (competitive) places aren't addressing.</p> <p>Good schools are part of the mix.</p>
4.b. Development Streamlining/Readiness	Highest #4	<p>Not ED's problem.</p> <p>Incredibly important – time is money.</p> <p>Walk the walk; don't just talk the talk.</p> <p>Buda does a better job on this (has a "culture of yes").</p> <p>Enlist ideas and best practices of other cities.</p> <p>Continue with the "yes" attitude.</p> <p>Put together a user-friendly checklist (of City resources/requirements) for developers.</p> <p>Fairly good and getting better; need to clearly quantify costs and complete checklist for prospective businesses.</p>
4.c. Incentives	Highest #3	<p>Use carrot, not stick.</p> <p>City must have program in place.</p> <p>Will help attract new business.</p> <p>Need different incentives for different size businesses.</p> <p>Need to attract companies with good salary and benefit packages; tie</p>

Strategy Groups and Elements	Recommended Priority Level/ Overall Rank	Representative Comments
		<p>incentives to salary/benefit targets.</p> <p>An EDC is critical for effective handling of incentives.</p>
4.d. Community Engagement	<p>Lowest</p> <p>#12</p>	<p>Will occur naturally.</p> <p>Strategic growth with community support is key.</p> <p>If the community does not support ED goals, they will elect “no growth” candidates.</p> <p>Find ways to make Kyle feel like home.</p> <p>Most create a sense of home for commuters.</p> <p>A must!</p> <p>Higher price homes should help.</p> <p>Build the community and the community will unite.</p>
<p>5. Encourage strategic regional cooperation, coordination on development</p>	<p>See items 5a-5b below.</p>	<p>Activity breeds activity; need synergy with neighboring cities and organizations.</p> <p>Kyle should enthusiastically participate in Opportunity Austin and GSMP.</p> <p>Utilize Opportunity Austin/GSMP – it’s silly to reinvent costly economic development programs.</p>
5.a. Education & Workforce Development	<p>Mid-level</p> <p>#5</p>	<p>HCISD needs to improve quality of education to attract employers.</p> <p>Talk to Texas State University about expanding to Kyle.</p> <p>Most important issue for many companies.</p> <p>Access to current and future talent is key to economic development.</p>
5.b. <i>(repeats 2.b. above)</i> Target Industry/Cluster Development	<p>High</p> <p>#8</p>	<p>Attend conferences that target specific industries City is seeking.</p> <p>Region can achieve more, as a group, than a single community, and do so more cost-effectively.</p>

Strategy Groups and Elements	Recommended Priority Level/ Overall Rank	Representative Comments
		<p>Local competition is an important consideration.</p> <p>Opportunity Austin is an effective group and good working partner.</p>
<p>6. Take a target-area approach to strategy design and implementation (focus attention on specific area(s) of community)</p>	<p>See items 6a-6c below.</p>	<p>Work with Community Development on Comprehensive Plan.</p> <p>Plan growth in targeted areas, but don't discourage development/demand in other areas.</p> <p>Market will dictate locations of growth.</p> <p>The City should address this by working neighborhoods to priorities their desires/goals for specific areas.</p> <p>"Customize" specific areas for specific industries.</p> <p>Need to focus on other priorities (especially infrastructure) first.</p> <p>There is not a lot of difference across Kyle.</p> <p>If City designates activity centers for different types of uses, prospects can find this attractive. If facilities exist or are shovel-ready, attractiveness increases. Firms are concerned about bureaucratic processes.</p>
<p>6.a. Office Development: "Business Destination Center(s)"</p>	<p>Mid-level #9</p>	<p>Yes! Employment centers are critical in Kyle.</p> <p>Will not occur without jobs.</p> <p>Need small offices – not "destination" center.</p> <p>Need for already-built space.</p>
<p>6.b. Industrial Real Estate Development</p>	<p>High #6</p>	<p>Industrial is low-hanging fruit; too competitive.</p> <p>Need a business park.</p>
<p>6.c. Other strategic focus (such as infrastructure, type of housing, etc.)</p>	<p>Lowest #13</p>	<p>Infrastructure deficit needs to be fixed to provide locations for business growth</p>

RANKED LIST OF POTENTIAL TARGET CLUSTERS

Kyle Economic Development Strategic Plan

Target Cluster	Recommended Priority Level/ Overall Rank	Comments
1. Manufacturing	Highest #1	
2. Manufacturing support	Highest #4	
3. Wholesale trade	Lowest #8	
4. Transportation and warehousing (logistics)	Mid-level #6	
5. Retail trade (e-commerce)	Lowest #9	
6. Information (data processing)	Highest #2	Potential focus on cyber security. Growth in “secure data” services.
7. Professional services	Mid-level #5	
8. Health care	Highest #3	
9. Arts, entertainment and recreation	Mid-level #7	
Other industries/clusters suggested by participants:	These “write-in” industries were indicated as high priorities by the participants suggesting them, but were not ranked by the overall group.	
Education (can be an activity that serves a regional market; also increases “exposure” of Kyle to types of workers City wants)		
Hotels/accommodations		

Attachment A: Tabulation of Workshop Votes
Kyle Economic Development Strategic Plan
Prioritization of Strategy Categories

Number of Votes by Priority Level:

Strategy Category	Level 1	Level 2	Level 3	Level 4
1 Strategically coordinate infrastructure development	17	9	4	0
2a Branding/image	5	14	7	0
2b Target industry/cluster development	10	15	4	0
2c Entrepreneurial support	4	10	13	1
3 Promote housing development that balances types, prices	3	11	13	2
4a Amenity focus: Making Kyle more attractive	4	16	5	1
4b Development streamlining/readiness	8	14	1	1
4c Incentives	9	14	2	0
4d Community engagement	2	14	7	1
5a Education and workforce development	3	14	6	0
5b Regional coordination on target industries/clusters	3	16	3	0
6a Office development	3	16	5	0
6b Industrial real estate development	4	15	4	0
6c Other geographically-focused strategies	0	11	6	1

Key to priority levels:

- 1 - Most important/urgent
- 2 - High priority
- 3 - Include, but lower priority
- 4 - Do not include

**Attachment A: Tabulation of Workshop Votes
 Kyle Economic Development Strategic Plan
 Prioritization of Potential Target Industries**

Number of Votes by Priority Level:

Industry Group/Cluster	Level 1	Level 2	Level 3	Level 4
1 Mfg.	13	8	2	1
2 Mfg. Support	6	14	3	1
3 Wholesale	1	12	7	3
4 Logistics	6	9	7	2
5 E-commerce	0	12	9	3
6 Information	12	9	2	1
7 Prof. svcs.	5	11	5	2
8 Health care	10	9	5	0
9 Arts, etc.	4	10	8	1
10 Education (participant write-in)	2	0	0	0
11 Hotels (participant write-in)	1	1	0	0

Key to priority levels:

- 1 - "Showcase" industry group
- 2 - High priority
- 3 - Include, but lower priority
- 4 - Do not include



CITY OF KYLE, TEXAS

Appointments to Economic Development & Tourism Board

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation:

Consider nomination (s) and take possible action for appointments to Economic Development & Tourism Board to fill vacancies. ~ *Diana Torres, Director of Economic Development*

- Brian Ziegler
- Don Tracy
- Neal Kelley
- Harish Malkani
- Tessa Schmidtzinsky
- Tony Spano
- Larry Kruzic
- Jim Hough
- Jo Fenety

Other Information:

Legal Notes:

Budget Information:

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

Attachments / click to download

- [Memo for Council regarding appointments](#)
 - [EDT Board applications](#)
-

MEMORANDUM

FROM: DIANA BLANK-TORRES, DIRECTOR OF ECONOMIC DEVELOPMENT
SUBJECT: ECONOMIC DEVELOPMENT AND TOURISM BOARD APPOINTMENTS
DATE: 9/11/2015

The outgoing Economic Development and Tourism Board discussed appointments for the newly created ED&T Board at their August meeting. There was a recommendation made for City Council's consideration, however, the minutes have not yet been approved. You will find the unanimous recommendation below.

Under the direction of Council and City Staff the ED&T Board will be comprised of individuals representing areas of direct impact on economic development in the community. The City is building a board that coincides with common practice of Economic Development Boards. The positions being recommended by the ED&T Board are key stakeholders that fill the following roles in the community: 1) Financier, 2) Higher Education/Workforce, 3&4) Two Industry/Major Employers, 5) Local Utility, 6) Local Developer and 7) Tourism Industry.

Applicants for City Council consideration:

Financier- Brian Ziegler, Wells Fargo Business Banking
Higher Education/Workforce- Don Tracy, ACC
Industry/Major Employer - Neal Kelley, Seton Hays
Industry/Major Employer- Harish Malkani, RSI
Local Utility- Tessa Schmitzinsky, PEC
Developer- Tony Spano, Plum Creek Development
Tourism Industry- Larry Kruzic, TX Old Town

Additional Applicants for Consideration:

Jim Hough- Retired, 30 years management in the relocation business
Jo Fenety- Retired, Assistant to the Senate Finance Committee Chair, State of Alaska, Leasing Manager for Anchorage and Fairbanks Airports, Administrative Officer, New Capital Site Planning Commission, Small Business Owner

City of Kyle
Economic Development & Tourism
Board



Member Application

Date

08/03/2015

Name

Brian Ziegler

Business Name

Wells Fargo Business Banking

Street Address

1600 Sanders

Position/Title

V.P. Sr. Business Relationship Manager

City

Kyle

State

TX

Zip Code

78640

Phone Number

512-627-7158

Email Address

brian.a.ziegler@wellsfargo.com

What is your preferred method of contact?

Email

Briefly describe your professional, education and work background.

Commercial lender with 9 years analytical and project experience centered around real estate acquisition and construction. Graduated from Texas State University with a B.B.A., Finance.

Briefly describe any special knowledge or experience you may have in Economic Development and/or Tourism.

Have served on the ED&T Board (formally committee) since 2011 during which time I have become familiar with ED processes, procedures and various incentive tools/agreements used to attract target industries and businesses to Kyle, TX.

Briefly describe why you are interested in serving on the ED&T Board.

As a Kyle resident and stakeholder in Kyle, I wish to serve community to the best of my ability employing my skill set to ensure smart and strategic growth.

Board members operate under strict confidentiality guidelines. Are you willing to sign a Confidentiality Agreement and adhere to the guidelines?

- Yes
- No

With very few exceptions, board meetings are held at Kyle City Hall, 6:30pm on the 2nd Thursday of each month. Are you able to commit to participating in each monthly meeting?

- Yes
- No



Member Application

Date

08/12/2015

Name

Donald Tracy

Business Name

Austin Community College

Street Address

5930 Middle Fiskville Road

Position/Title

Director, Business Operations, Continuing Edu

City

Austin

State

TX

Zip Code

78752

Phone Number

512-705-6650

Email Address

dtracy@austincc.edu

What is your preferred method of contact?

Email

Briefly describe your professional, education and work background.

I currently serve as the Director of Business Operations for the Continuing Education Division of Austin Community College, and in that capacity I work directly with businesses and community groups to develop and deliver targeted skills training programs, particularly in the advanced manufacturing, information technology and healthcare sectors. These programs are enabling

Briefly describe any special knowledge or experience you may have in Economic Development and/or Tourism.

I served on the Cedar Park City Council from 2010-2015, and in that capacity had the opportunity to work on numerous economic development and tourism related projects. These projects helped to create new employment opportunities for our citizens, increased significantly our retail & commercial AV tax receipts, and helped to make the community both a business & tourism

Briefly describe why you are interested in serving on the ED&T Board.

I am passionate about education, economic development and entrepreneurship, and the interplay between those areas, and believe that my professional & public experience would lend a helpful voice to the economic development efforts underway in the City of Kyle.

Board members operate under strict confidentiality guidelines. Are you willing to sign a Confidentiality Agreement and adhere to the guidelines?

- Yes
- No

With very few exceptions, board meetings are held at Kyle City Hall, 6:30pm on the 2nd Thursday of each month. Are you able to commit to participating in each monthly meeting?

- Yes
- No

DONALD J. TRACY, SHRM-SCP

512-705-6650

605 Winterfield Dr, #2102, Hutto, TX 78613

donald.tracy@gmail.com

SENIOR HIGHER EDUCATION PROGRAM ADMINISTRATOR



Exceptional results through innovative program development & administration strategy

Strategic & Operational Leader for Continuing Education Programs

TECHNICAL EXPERTISE

- Workforce Education & Training
- Program Development & Administration
- Grant Acquisition & Management
- Corporate Training Programs
- Marketing Communication
- Public & Private Sector Partnerships
- Public Speaking & Presentations
- Project Management
- Business Development Strategy
- Human Resource Management
- Contingent Workforce Management

PROFESSIONAL HIGHLIGHTS

Workforce Education – executed innovative middle-skills workforce training initiatives for the Advanced Manufacturing industry

Program Development – administered highly effective curriculum development and operational redesign efforts within the Texas higher education system

Grant Management – acquired significant state grant funding to design customized training programs for the Advanced Manufacturing, IT & Healthcare industries

Key Programs & Projects Summary

Continuing Education Division, Customized Training (2013-Current)

Leading large-scale / inter-organizational project team in the development and delivery of highly-customized training curricula targeted to middle and high-skill incumbent workforces in the advanced manufacturing, information technology and healthcare industries. This effort has included the development and implementation of several significant Texas Workforce Commission Skills Development Fund grant projects, and the launch of numerous strategic partnerships between Austin Community College, local workforce development boards, area chambers of commerce, and multiple businesses and business consortia in the Central Texas area.

Continuing Education Division, Marketing Communications (2013-2014)

Led large-scale / inter-departmental project team in the design and launch of a new web presence for the Division. The project included managing the development of marketing content for all course, program and department web pages, the specification of design and technical requirements to enhance site appearance and functionality, and the creation of streamlined content management processes for the on-going maintenance of the site.

Energy Efficiency & Renewable Energy Training Program (2010–2011)

Led large-scale / inter-organizational project team in the development and delivery of new and updated courses and course curricula in the areas construction, electrical technologies, HVAC and power management systems. The project included the identification and integration of emerging jobs skills concepts into the current content matter of post-secondary training, and the development of a best practice in workforce training model and sustainability plan for course adoption and continuous improvement across the State of Texas.

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– PAGE 2 OF 4 –

Professional Experience

Austin Community College

Current

Director, Business Operations & Marketing, Continuing Education Division (2012-Current)

- Execute strategies to deliver cost effective, revenue positive, operations, as well as manage financial reporting, procurement, inventory control and other Division functions
- Direct Corporate Training Department functions, including strategic business development initiatives, customized training program design / implementation, training capacity building, grant program development, and other Department activities
- Administer Division marketing activities, including brand management, print / web / social media content development / delivery, community outreach / engagement and other communication initiatives

Special Projects (2011-2012)

- Continuing Education Operations & Program Development
- National Science Foundation Planning Grant
- Southern Association of Colleges & Schools Compliance Audit

Program Coordinator, EERE Training Program (2010-2011)

- Designed / implemented / executed curriculum development efforts across an integrated team of community college districts, workforce development boards and industry partners within the context of a grant-funded training design project around energy efficiency and renewable energy concepts
- Managed all program administration functions, including project partner engagement and coordination, inter-organizational collaboration strategies, workflow design, and project reporting and budgeting

Manpower, Inc.

2006–2009 & 1998–2003

Group Manager, Middle-Skills Workforce (2008–2009)

Workforce Strategy & Human Resource Management Consultant (2006–2008)

- Designed associate employee career development and training programs within the Advanced Technologies & Manufacturing (AT&M) industry
- Managed workforce program initiatives across AT&M industry clients
- Developed strategic partnerships across industry / business & community organizations / educational institutions / government entities at the local / state / national level

Manpower @ Motorola Program Manager (1999–2003)

- Developed / implemented / executed supplemental direct labor and clerical / administrative recruitment / placement / retention strategies across an integrated team of Motorola managers / departments and multiple staffing supplier companies / offices within the context of a hybrid vendor neutral and vendor-on-premise managed services model
- Managed on-site employee relations functions, including the development / delivery of a comprehensive employee orientation program for all supplemental employees, the integration of fair and consistent coaching / counseling / conflict resolution policies / practices into our workforce management system, and the development of open communication with all supplemental staffing program stakeholders
- Led a multi-organizational project team (Motorola SPS, Applied Materials, Austin Community College) in the development of targeted training / career pathways for maintenance and test technician candidates in the semiconductor manufacturing industry, including the creation of an effective supplemental workforce rotation strategy and an integrated work / academic course schedule

Dedicated Service Representative (1998–1999)

- Recruited / placed / managed supplemental employees for two major semiconductor industry accounts (Motorola SPS, Cirrus Logic)
- Developed / implemented new employee orientation, drug / background screen, security badge and employee tracking programs

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– PAGE 3 OF 4 –

Professional Experience

Employee Partners 2003–2008

Director of Operations & Human Resource Management Consulting

- Designed / executed business development initiatives, including business process outsourcing and human resource management consulting services
- Developed / implemented all human resource management policies / procedures, including supplemental / regular full-time employee recruiting / placement / retention strategies, and career development / workforce training programs
- Participated in the planning and launch of company

Ben Bius for State Representative 1997–1998

Campaign Manager

- Day-to-day management of campaign operations, including scheduling, public relations, volunteer organization, fund raising, voter targeting and opposition research

TechTrans International (NASA) 1996–1997

Technical Translator / Interpreter

- Russian language translation and interpretation for the NASA/RSA cooperative space exploration program, including the Shuttle/MIR and International Space Station programs

Community Activities & Professional Affiliations

City of Cedar Park, TX

<i>Member, City Council, Place 6</i>	2010-2015
<i>Member, Tax Increment Reinvestment Zone #1 Board</i>	2010-2015
<i>Mayor Pro Tem, City Council</i>	2013-2014
<i>Chair, Higher Education Task Force</i>	2013-2014
<i>Member, Comprehensive Plan Advisory Committee</i>	2013-2014
<i>Member, Legislative Affairs Task Force</i>	2013-2014
<i>Member, Website Redesign Project Team</i>	2011-2012
<i>Chair, Science Center Task Force</i>	2010-2012
<i>Member, 4A Economic Development Sales Tax Corporation Board</i>	2009-2010

Capital Area Council of Governments (Central Texas)

<i>Member, Capital Area Economic Development District Board</i>	Current
<i>Member, Capital Area Council of Governments Executive Committee</i>	2013-2015
<i>Member, Comprehensive Economic Development Strategy Sub-Committee</i>	2014-2015
<i>Member, Capital Area Emergency Communications District Board</i>	2014-2015
<i>Member, Criminal Justice Advisory Committee</i>	2014-2015
<i>Member, Nominations Sub-Committee</i>	2014-2015

New Hope First Baptist Church (Cedar Park, TX)

<i>Member, Worship Choir</i>	2013-2015
<i>Teacher, Adult Sunday School</i>	2012-2014
<i>Facilitator, Adult Discipleship</i>	2010-2012
<i>Member, Nominations Committee</i>	2011-2012
<i>Member, Discipleship Ministry Team</i>	2011
<i>Member, Mission Leadership Team</i>	2009-2012

DONALD J. TRACY, SHRM-SCP

512-705-6650

605 Winterfield Dr, #2102, Hutto, TX 78613

donald.tracy@gmail.com

– PAGE 4 OF 4 –

Community Activities & Professional Affiliations

<i>The Leukemia & Lymphoma Society</i>	
<i>Man & Woman of the Year Fundraising Campaign</i>	2011
<i>Greater Austin Chamber of Commerce (Austin, TX)</i>	
<i>Member, Leander ISD Progress Report Task Force</i>	2013
<i>Member, Austin Community College Task Force</i>	2009
<i>Speaker, IBM Education Roundtable</i>	2007
<i>Pflugerville Independent School District (Pflugerville, TX)</i>	
<i>Member, Career & Technology Education Committee</i>	2008
<i>Society for Human Resource Management</i>	
<i>Member</i>	Current

Education & Professional Development

Doctor of Philosophy – Education (matriculated 2015)	Texas State University
Senior Certified Professional (2015)	SHRM
Senior Professional in Human Resources Certificate (2002)	HRCI - SHRM
Human Resource Management Certificate (2002)	University of Texas
Business Foundations Coursework (1999)	University of Texas
Master of Arts - Russian Area Studies (1995)	Georgetown University
Bachelor of Arts - Political Science/Russian (1992)	Texas A&M University
Internship, Health Services Division (1989, 1990)	Texas Department of Criminal Justice

City of Kyle
Economic Development & Tourism
Board



Member Application

Date

08/01/2015

Name

Neal Kelley

Business Name

Seton Medical Center Hays (SMCH)

Street Address

6001 Kyle Parkway

Position/Title

VP and COO for SMCH

City

Kyle

State

TX

Zip Code

78640

Phone Number

Email Address

nkelley@seton.org

What is your preferred method of contact?

Email

Briefly describe your professional, education and work background.

Joined the Seton Family in 1998. Before moving to Seton Medical Center Hays, was the site administrator for Seton Edgar B. Davis Hospital and the facility's associated rural health clinics in Caldwell County.

Briefly describe any special knowledge or experience you may have in Economic Development and/or Tourism.

Brings more than 25 years of clinical and health care administration experience to his role as chief operating officer

Briefly describe why you are interested in serving on the ED&T Board.

Want to represent the healthcare community and ensure that Kyle continues to grow it's quality healthcare

Board members operate under strict confidentiality guidelines. Are you willing to sign a Confidentiality Agreement and adhere to the guidelines?

- Yes
- No

With very few exceptions, board meetings are held at Kyle City Hall, 6:30pm on the 2nd Thursday of each month. Are you able to commit to participating in each monthly meeting?

- Yes
- No



Member Application

Date

08/03/2015

Name

Harish Malkani

Business Name

RSI

Street Address

1670 Kohlers Crossing

Position/Title

Owner/Founder

City

Kyle

State

TX

Zip Code

78640

Phone Number

512-268-7500

Email Address

hmalkani@rsi-cri.com

What is your preferred method of contact?

Email

Briefly describe your professional, education and work background.

CEO of RSI for over 32 years; graduate of California State University-Hayward with a MBA and Marketing; University of California, Berkeley, BS in Chemical Engineering

Briefly describe any special knowledge or experience you may have in Economic Development and/or Tourism.

Worked closely with the City of Kyle Economic Development Dept. on a development agreement when RSI relocated to Kyle. Continued close relationships with the City of Kyle throughout the years to ensure RSI's compliance with the Development Agreement.

Briefly describe why you are interested in serving on the ED&T Board.

I represent an industry leader in Kyle for the past 8 years. Would like to continue to help Kyle recruit their targeted industries.

Board members operate under strict confidentiality guidelines. Are you willing to sign a Confidentiality Agreement and adhere to the guidelines?

- Yes
- No

With very few exceptions, board meetings are held at Kyle City Hall, 6:30pm on the 2nd Thursday of each month. Are you able to commit to participating in each monthly meeting?

- Yes
- No

City of Kyle
Economic Development & Tourism
Board



Member Application

Date

09/10/2015

Name

Tessa Schmitzinsky

Business Name

Pedernales Electric Cooperative

Street Address

PO Box 1

Position/Title

Economic Development Representative - Sr.

City

Johnson City, TX

State

TX

Zip Code

78636

Phone Number

830-868-6082

Email Address

tessa.schmitzinsky@peci.com

What is your preferred method of contact?

Email

Briefly describe your professional, education and work background.

I have a Masters of Public Administration from Texas State University and have worked in Community and Economic Development at PEC for eight years. I am a member of the Texas Economic Development Council and maintain a certification a Professional Community and Economic Developer.

Briefly describe any special knowledge or experience you may have in Economic Development and/or Tourism.

In my job as a Community and Economic Development Representative at PEC, I work with PEC area communities in economic development, strategic planning, and marketing.

Briefly describe why you are interested in serving on the ED&T Board.

I am interested in serving on the City of Kyle ED&T Board to aid in promoting and developing the City of Kyle as a representative of PEC.

Board members operate under strict confidentiality guidelines. Are you willing to sign a Confidentiality Agreement and adhere to the guidelines?

- Yes
- No

With very few exceptions, board meetings are held at Kyle City Hall, 6:30pm on the 2nd Thursday of each month. Are you able to commit to participating in each monthly meeting?

- Yes
- No

City of Kyle
Economic Development & Tourism
Board



Member Application

Date

08/12/2015

Name

Tony Spano

Business Name

Plum Creek Development

Street Address

4100 Everett

Position/Title

Project Manager

City

Kyle

State

TX

Zip Code

78640

Phone Number

847-774-9536

Email Address

tony@benchmarktx.net

What is your preferred method of contact?

Email

Briefly describe your professional, education and work background.

forty plus years of land development and construction experience

Briefly describe any special knowledge or experience you may have in Economic Development and/or Tourism.

Board of directors Kyle Area Chamber of Commerce

Briefly describe why you are interested in serving on the ED&T Board.

I am interested in furthering the efforts of new economic development in Kyle

Board members operate under strict confidentiality guidelines. Are you willing to sign a Confidentiality Agreement and adhere to the guidelines?

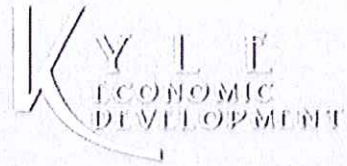
Yes

No

With very few exceptions, board meetings are held at Kyle City Hall, 6:30pm on the 2nd Thursday of each month. Are you able to commit to participating in each monthly meeting?

Yes

No



Member Application

Date

09/11/2015

Name

Larry Kruzle

Business Name

Texas Old Town

Street Address

1205 Roland Ln.

Position/Title

OWNER / OPERATOR

City

Kyle TX

State

TX

Zip Code

78640

Phone Number

512-850-3258

Email Address

Larry@thespringsevents.com

What is your preferred method of contact?

Phone

Briefly describe your professional, education and work background.

B.S. degree from BYU in animal science with a double minor in business and economics. I owned and operated farms and ranches, designed, built and operated ethanol plants, owned and operated trucking company, owned and operated construction companies. Presently owner operator of Texas Old Town and the Springs Events which consists of 21 event facilities in Texas and

Briefly describe any special knowledge or experience you may have in Economic Development and/or Tourism.

I have been a developer of businesses most of my life. I understand how projects happen from conception to completion. I have been involved in marketing Texas Old Town and the Springs Events for the past 10 years and we have become one of the largest special event facilities in the US.

Briefly describe why you are interested in serving on the ED&T Board.

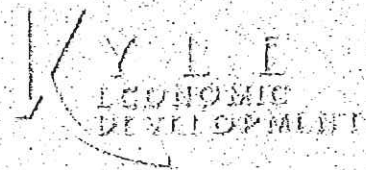
I would like to help improve the economic development of the Kyle area because this is where I live and I would like to be part of improving the area.

Board members operate under strict confidentiality guidelines. Are you willing to sign a Confidentiality Agreement and adhere to the guidelines?

- Yes
- No

With very few exceptions, board meetings are held at Kyle City Hall, 6:30pm on the 2nd Thursday of each month. Are you able to commit to participating in each monthly meeting?

- Yes
- No



Member Application

Date

07/11/2015

Name

James E. Hough

Business Name

Street Address

346 Spring Dr

Position/Title

City

Kylwe

State

TX

Zip Code

78640

Phone Number

512/504-3388

Email Address

Jhough5@austin.rr.com

What is your preferred method of contact?

Phone

Briefly describe your professional, education and work background.

I have been in the relocation business for 52 years. General Manager/manager for 30 of those years, and all the management issues that goes with that. Provided the POPE with a trailer to ride on when he visited Phoenix AZ,

Briefly describe any special knowledge or experience you may have in Economic Development and/or Tourism.

Have provided different companies in the Phoenix area with relocations for them as well employees to meet there budget guidelines.

Briefly describe why you are interested in serving on the ED&T Board.

I have served on the Parks Board till my term expired. I feel I am doing something useful to help the city grow.

Board members operate under strict confidentiality guidelines. Are you willing to sign a Confidentiality Agreement and adhere to the guidelines?

- Yes
- No

With very few exceptions, board meetings are held at Kyle City Hall, 6:30pm on the 2nd Thursday of each month. Are you able to commit to participating in each monthly meeting?

- Yes
- No

Member Application

Date

7/25/15

Name

Jo Fenety

Business Name

Street Address

1668 Amberwood Loop

Position/Title

City

Kyle

State

TX

Zip Code

78640

Phone Number

863-259-0869

Email Address

fenety@hotmail.com

What is your preferred method of contact?

Email

Briefly describe your professional, education and work background.

Professional Assistant to Senate Finance Committee Chair, State of Alaska, responsible for preparation of capital budget; drafted legislation. Leasing Manager for Anchorage and Fairbanks International Airports, responsible for contracts and competitive bids. Administrative Officer, New Capital Site Planning Commission, planning and budget over site responsibilities. Small business owner.

Briefly describe any special knowledge or experience you may have in Economic Development and/or Tourism.

Marketing, research and communication of a vision and goals are attributes I bring to the table. The ability to work as a team to attract the kinds of growth we want to see in Kyle and to bring together community interests in support as part of that team.

Briefly describe why you are interested in serving on the ED&T Board.

"The cost of doing business in Kyle is the cost of doing it well." The ED&T Board needs people who are capable of seeing the vision and who are committed to the work of seeing that Kyle grows responsibility. I am such a person who will work diligently.

Board members operate under strict confidentiality guidelines. Are you willing to sign a Confidentiality Agreement and adhere to the guidelines?

- Yes
- No

With very few exceptions, board meetings are held at Kyle City Hall, 6:30pm on the 2nd Thursday of each month. Are you able to commit to participating in each monthly meeting?

- Yes
- No



CITY OF KYLE, TEXAS

Appointments to the Parks and Recreation Board

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: Consider nomination (s) and take possible action for appointments to the Parks and Recreation Board to fill vacancies. ~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*

- David Nichols
- Nichole Braddock
- Irma Julie Rodriguez
- Tracy Scheel

Other Information: Currently have 4 vacancies on the Parks Board

Legal Notes:

Budget Information:

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

Attachments / click to download

- [Board Application](#)
 - [Board Application](#)
 - [Board Application](#)
 - [Board Application](#)
-

Subject: City of Kyle Texas Website submission: Parks and Recreation Board Application

Submitted on Thursday, July 16, 2015 - 12:34

Submitted by anonymous user: [162.89.23.10]

Submitted values are:

Name : **David Nichols**

Address (including city, state, and zip code): 701 Dove Hollow Kyle, Tx.
78640

Phone Number: 512-268-6288

Email: david.nichols@austinenergy.com

What Kyle park did you visit last? Greg Clark

How many times in a year do you typically visit a Kyle park? about two to three times a week

What was the last Kyle PARD program or event that you attended or participated in? polar bear swim and coached in the Kyle youth basketball league

How many Kyle PARD programs or events do you typically attend or participate in annually? : between 2 and 4

Are you a Landscape Architect, Outdoor Naturalist or Park Planner? Yes / No.

If yes, please elaborate your experience(s): I had a small landscaping business at one time and have worked for Austin Parks and Recreation in the past as a camp counselor.

Are you currently involved in a Parks or Recreation Business or Education career or similar type of business? Yes/No. If yes, please elaborate : No, not at the current time.

In the area of Parks and/or Recreation, tell us about the areas that interest you:

Aquatics -- Basketball -- Disc Golf --

I would love to be more involved with Lake Kyle

City of Kyle Texas Website submission: Parks and Recreation Board Application

City of Kyle Texas <webmaster@cityofkyle.com>

Tue 7/14/2015 11:33 AM

To: Amelia Sanchez <asanchez@cityofkyle.com>;

Submitted on Tuesday, July 14, 2015 - 11:32
Submitted by anonymous user: [209.163.220.2]
Submitted values are:

Name : Nichole Braddock
Address (including city, state, and zip code): 377 Dandelion Loop
Phone Number: 5127911407
Email: nicholebraddock@gmail.com
What Kyle park did you visit last? Lake Kyle
How many times in a year do you typically visit a Kyle park? 4-5 times a month
What was the last Kyle PARD program or event that you attended or participated in? I have played on the kickball league for a few seasons now, My kids play sometimes play in the basketball league. I am also Secretary for Kyle Youth Football Association and we are belong to the Chamber.
How many Kyle PARD programs or events do you typically attend or participate in annually? : 1-2
Are you a Landscape Architect, Outdoor Naturalist or Park Planner? Yes / No.
If yes, please elaborate your experience(s): NO
Are you currently involved in a Parks or Recreation Business or Education career or similar type of business? Yes/No. If yes, please elaborate : I am the Secretary for Kyle Youth Football Association
In the area of Parks and/or Recreation, tell us about the areas that interest you:
Building a recreation center for the children
Keeping parks clean and safe
Community involvement in PARD programs

City of Kyle Texas Website submission: Parks and Recreation Board Application

City of Kyle Texas <webmaster@cityofkyle.com>

Wed 8/26/2015 4:59 PM

To: Amelia Sanchez <asanchez@cityofkyle.com>;

Submitted on Wednesday, August 26, 2015 - 16:57

Submitted by anonymous user: [168.39.64.38]

Submitted values are:

Name : Irma Julie Rodriguez

Address (including city, state, and zip code): 248 Spillway Dr., Kyle, Texas 78640

Phone Number: 512-936-2181 day time #

Email: julie.rodriguez@tdcj.texas.gov

What Kyle park did you visit last? Steeplechase Parke

How many times in a year do you typically visit a Kyle park? 5

What was the last Kyle PARD program or event that you attended or participated in? fishing tournament, 4th of july fireworks

How many Kyle PARD programs or events do you typically attend or participate in annually? : 3 or 4

Are you a Landscape Architect, Outdoor Naturalist or Park Planner? Yes / No.

If yes, please elaborate your experience(s): no

Are you currently involved in a Parks or Recreation Business or Education career or similar type of business? Yes/No. If yes, please elaborate : no

In the area of Parks and/or Recreation, tell us about the areas that interest you:

I am interested in what is good for the city of Kyle and our Parks.

And bringing our neighbors and their children to the park everyday instead of just for special events.

When I was younger my parents always took us to the park.

I was always such a treat!

I loved to take my kids to the park they just loved it.

And as an older kid I always went to the park with my friends.

To swing, run, ride our bikes and just hang out.

It was the place to be.

That's what our parks need to be, the place to be!!!

City of Kyle Texas Website submission: Parks and Recreation Board Application

City of Kyle Texas <webmaster@cityofkyle.com>

Wed 9/2/2015 12:51 PM

To: Amelia Sanchez <asanchez@cityofkyle.com>;

Submitted on Wednesday, September 2, 2015 - 12:49

Submitted by anonymous user: [67.79.203.2]

Submitted values are:

Name : Teresa Scheel "Tracy"

Address (including city, state, and zip code): 120 Pasture Cove, Kyle TX 78640

Phone Number: 512/769-6151

Email: tracysleep@hotmail.com

What Kyle park did you visit last? Waterleaf

How many times in a year do you typically visit a Kyle park? Once a month

What was the last Kyle PARD program or event that you attended or participated in? I have not attended in any PARD events but have attended events that have been performed in one of the City of Kyle parks

How many Kyle PARD programs or events do you typically attend or participate in annually? : None

Are you a Landscape Architect, Outdoor Naturalist or Park Planner? Yes / No.

If yes, please elaborate your experience(s): No, But I am the acting chair of my HOA pool committee and Landscape committee

Are you currently involved in a Parks or Recreation Business or Education

career or similar type of business? Yes/No. If yes, please elaborate : No,

But I am the acting chair of my HOA pool committee and Landscape committee

In the area of Parks and/or Recreation, tell us about the areas that interest you: Making sure the parks are maintained in a fiscally responsible way, but still ensuring the are a safe and enjoyable enterprise for the residents of the City of Kyle of all ages.



CITY OF KYLE, TEXAS

Appointments Planning and Zoning

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: Consider nomination (s) and take possible action for appointment and re-appointments to Planning and Zoning Board to fill vacancies.
~ *Howard Koontz, Director of Planning*

- Mike Wilson
- Irene Melendez
- Timothy Kay
- Dex Ellison

Other Information:

Legal Notes:

Budget Information:

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

Attachments / click to download

 [Application](#)

City of Kyle Texas Website submission: Committee Volunteer Application

City of Kyle Texas <webmaster@cityofkyle.com>

Tue 5/26/2015 5:42 PM

Inbox

To: Grace Nino <gracenino@cityofkyle.com>;

Submitted on Tuesday, May 26, 2015 - 17:40
Submitted by anonymous user: [12.154.216.135]
Submitted values are:

Name: Dex Ellison
Address: 210 Amberwood Dr South Apt 915
E-Mail: dexellison@gmail.com
Best Phone Number to Reach You: 512-363-0070
Sub Division: Amberwood
Committees you are interested in: Planning & Zoning
Professional, Education and Work Background:
-Mass Communications @ TX State University
-Personal/Business Banker @ United Heritage Credit Union (UHCU)
-Business Development Committee Leader with UHCU

Previous or Current Community/Committee Involvements:
-Kyle Citizens Police Academy Graduate
-Kyle Leadership Academy level 2 recipient and continuing
-Volunteer coach for Kyle Invaders
-Formally a member of the Kyle Chamber Govt. affairs committee
-Volunteers regularly w/ Capital Area Food Bank satellite truck @ Science Hall Elem.

Special Knowledge or Experience: Experience with many different facets of the community: business community through the chamber, youth and parents through the Invaders and CAFB, and local government through KLA. Also, recently ran for District 6 city council seat and became very familiar with that area as well as the city as a whole throughout the campaign. Finance experience from professional experience as a banker.

How long have you been a Kyle resident? Since the summer of 2010

Today's Date: 2015-05-26

Other Comments:



CITY OF KYLE, TEXAS

Felder CND Agreed Termination of Development Agreement

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: Approval of Agreed Termination of Development Agreement between the City of Kyle, Texas and Felder CND with regards to the KYTEX Agreement and Felder Agreement. ~ *James R. Earp, Assistant City Manager*

Other Information: When the City and Developer amended the Development Agreement, the clause stating that the Amended Development Agreement REPLACED the original was left out, causing the title company to take the position that both are still in effect, which was not the intent. This action allows the Amended DA to replace the original DA as intended.

Legal Notes:

Budget Information:

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

Attachments / click to download

[Agreed Termination of Development Agreement with Felder CND](#)

STATE OF TEXAS §

COUNTY OF HAYS §

AGREED TERMINATION OF DEVELOPMENT AGREEMENT

This Agreed Termination of Development Agreement (“Agreed Termination”) is made and entered into and effective as of the 2nd day of September, 2015 (the “Effective Date”) by and among the City of Kyle, Texas, a Texas home-rule municipal corporation (the “City”) and Felder CND, LLC, a Texas limited liability company (“Felder CND”). The City and Felder CND are sometimes referred to herein as the “Parties.” The Parties agree as follows:

RECITAL

WHEREAS, on February 19, 2015, the City and KYTEX Properties entered into an Amended and Restated Development Agreement recorded in Volume 5144, Page 393, Official Public Records of Hays County, Texas (the “KYTEX Agreement”);

WHEREAS, the KYTEX Agreement pertains to approximately 132.59 acres of land, more particularly described in the attached Exhibit “A” (the “Property”);

WHEREAS, per the terms of the KYTEX Agreement, the KYTEX Agreement is a covenant that runs with title to the Property;

WHEREAS, on May 5, 2015, the City and Scott Felder Homes, LLC (“Felder”) entered into a Development Agreement regarding the Property that is recorded in Volume 05224, Page 255 Official Public Records of Hays County, Texas (the “Felder Agreement”);

WHEREAS, Section 1.05 of the Felder Agreement provided that the Felder Agreement would terminate 180 days after May 5, 2015 unless Felder purchased the Property and delivered a copy of the recorded deed to the City;

WHEREAS, KYTEX Properties conveyed the Property to Felder CND, LLC, an affiliate of Felder on May 22, 2015 by a deed recorded in Volume 5224, Page 246, Official Public Records of Hays County, Texas (“Felder CND Deed”);

WHEREAS, the Parties agree that Felder complied with the requirements of the Felder Agreement to extend the term of the Felder Agreement beyond 180 days;

WHEREAS, Felder and the City desired to amend and restate the Felder Agreement;

WHEREAS, on or about August 12, 2015, the City and Felder entered into a Development Agreement recorded in Volume 5294, Page 735, Official Public Records of Hays County, Texas (the “Felder Development Agreement”);

WHEREAS, on or about September 1, 2015, Felder assigned all of the Developer Rights to Felder CND pursuant to Section 6.01 of the Felder Development Agreement by an assignment recorded in Volume 5314, Page 199 Official Public Records of Hays County, Texas;

WHEREAS, the Parties desire to make the Felder Development Agreement the only development agreement applicable to the Property;

WHEREAS, pursuant to Section 6.05 of the KYTEX Agreement, the Parties desire to terminate the KYTEX Agreement; and

WHEREAS, pursuant to Section 9.05 of the Felder Agreement, the Parties desire to terminate the Felder Agreement.

NOW, THEREFORE, in consideration of the above stated premises and the mutual covenants stated herein, the Parties agree as follows:

1. The above stated recitals are true and correct.
2. The KYTEX Agreement and the Felder Agreement are hereby terminated as of the date hereof.
3. The Felder Development Agreement remains in full force and effect
4. This Agreed Termination, together with any exhibits attached hereto, constitutes the entire agreement between Parties hereto, and may not be amended except by a writing signed by all Parties and dated subsequent to the date hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year written below.

DEVELOPER:

Felder CND, LLC

By:


Title: Steve Krasoff, Executive
Committee Member

Felder CND, LLC

By:


Title: Jim Rado, Executive Committee
Member

CITY OF KYLE, TEXAS

By: _____
R. Todd Webster, Mayor

Date: _____

ATTEST:

Amelia Sanchez, City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

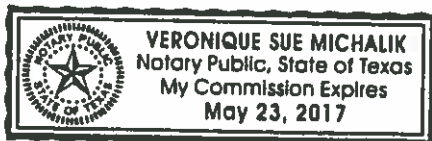
This instrument was acknowledged before me on September 3rd, 2015, by Steve Krasoff, Executive Committee Member of Felder CND, LLC, a Texas limited liability company, on behalf of said limited liability company.



[Signature]
Notary Public in and for the State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on September 2, 2015, by Jim Rado, Executive Committee Member of Felder CND, LLC, a Texas limited liability company, on behalf of said limited liability company.



[Signature]
Notary Public in and for the State of Texas

EXHIBIT "A"
Property Description

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

1 of 4

DESCRIPTION OF A 132.59 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC. IN FEBRUARY 2015, LOCATED IN THE JOHN PHARASS SURVEY, ABSTRACT NUMBER 361, HAYS COUNTY, TEXAS, SAID 132.59 ACRE TRACT BEING A REMAINDER OF A CALLED 135.78 ACRE TRACT OF LAND DESCRIBED IN VOLUME 254, PAGE 848, REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS, SAID 132.59 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found in the north right-of-way line of Cypress Road (right-of-way varies) for the most southerly southeast corner of said 135.78 acre tract, same being the most southerly corner of the herein described 132.59 acre tract of land, for the **POINT OF BEGINNING**;

THENCE with the north right-of-way line of Cypress Road, same being the south line of said 135.78 acre tract, N66°47'41"W, a distance of 464.63 feet to a ½ inch iron rod with "Delta Survey" cap set for the southeast corner of a 4.78 acre tract of land described in Volume 4719, Page 166, Official Public Records, Hays County, Texas;

THENCE leaving the north right-of-way line of Cypress Road, with the east, north and west lines of said 4.78 acre tract, same being south lines of said 135.78 acre tract the following three (3) courses and distances:

1. N18°25'46"E a distance of 218.68 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. N76°35'41"W a distance of 683.33 feet, to a ½ inch iron rod with "Delta Survey" cap set, and
3. S45°04'19"W a distance of 426.01 feet, to a 20 inch Live Oak found for the southwest corner of the said 4.78 acre tract, same being a south corner of the said 135.78 acre tract, and also being in the north line of an undefined tract of land (no record ownership or deed reference found);

THENCE with the north lines of said undefined tract, same being the south lines of said 135.78 acre tract the following five (5) courses and distances:

1. S59°45'22"W a distance of 97.79 feet, to a nail found in a 29 inch Live Oak,
2. S47°28'53"W a distance of 371.25 feet, to a ½ inch iron rod found,
3. S52°39'52"W a distance of 14.33 feet, to a ½ inch iron rod found,
4. S59°09'02"W a distance of 164.78 feet, to a ½ inch iron rod found, and
5. S67°49'19"W a distance of 74.92 feet, to a ½ inch iron rod with "Delta Survey" cap set in the north ROW line of said Cypress Road, same being a south line of said 135.78 acre tract;

THENCE with the north ROW lines of said Cypress Road, same being the south lines of said 135.78 acre tract the following nine (9) courses and distances:

1. N70°08'41"W a distance of 96.94 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. N64°30'41"W a distance of 79.56 feet, to a ½ inch iron pipe found,
3. N49°42'54"W a distance of 145.14 feet, to a ½ inch iron rod with "Delta Survey" cap set,
4. N47°57'54"W a distance of 437.25 feet, to a ½ inch iron rod with "Delta Survey" cap set,
5. N16°49'54"W a distance of 516.28 feet, to a ½ inch iron rod with "Delta Survey" cap set,
6. N35°14'54"W a distance of 48.31 feet, to a ½ inch iron rod with "Delta Survey" cap set,
7. N56°57'54"W a distance of 49.88 feet, to a ½ inch iron rod found,
8. N80°26'19"W a distance of 476.41 feet, to a ½ inch iron rod found, and
9. N41°17'19"W a distance of 155.64 feet, to a ½ inch iron rod with "Delta Survey" cap set in the east line of that 195.14 acre tract described in a deed to The State of Texas Permanent School Fund, and recorded in Volume 2965, Page 484, Official Public Records, Hays County, Texas, same being the west line of the said 135.78 acre tract;

THENCE with the east line of said 195.14 acre tract, same being the west lines of said 135.78 acre tract the following six (6) courses and distances:

1. N48°29'30"E a distance of 1587.53 feet, to a ½ inch iron rod found,
2. N48°25'30"E a distance of 428.87 feet, to a ½ inch iron rod with "VICKERY" cap found,
3. N25°26'19"E a distance of 39.38 feet, to a mag nail in fence post found,
4. S49°05'26"E a distance of 34.30 feet, to a mag nail in fence post found,
5. N48°35'06"E a distance of 1583.28 feet, to a mag nail in fence post found, and
6. S61°06'30"E a distance of 48.98 feet, to a ½ inch iron rod found in the west ROW line of County Road 136 (Old Stagecoach Road) (ROW varies), same being the northeast corner of said 135.78 acre tract;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract, S16°45'08"E a distance of 258.55 feet, to a ½ inch iron rod with "Delta Survey" cap set for the northeast corner of that 1.00 acre tract described in a deed to Clifton L. Oswalt and recorded in Volume 398 Page 265, Real Property Records of Hays County, Texas;

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

3 of 4

THENCE leaving said ROW and with the north and west lines of said 1.00 acre Oswalt tract, and the west and south lines of that 0.12 acre tract described in a deed to Clifton L. Oswalt and recorded in Volume 592 Page 807, Real Property Records of Hays County, Texas, the following three (3) courses and distances:

1. S73°14'47"W a distance of 350.00 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. S16°45'09"E a distance of 139.46 feet, to a ½ inch iron rod with "Delta Survey" cap set, and
3. N73°14'49"E a distance of 347.70 feet, to a ½ inch iron rod with "Delta Survey" cap set in the west ROW line of said Old Stagecoach Road;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract, S08°02'02"E a distance of 955.72 feet, to an iron rod with "BYRN" cap found for the northeast corner of that 0.615 acre tract conveyed to Martha Prado and recorded in Volume 2257 Page 881, Official Public Records, Hays County, Texas and last described in Volume 729 Page 644, Real Property Records, Hays County, Texas;

THENCE with the perimeter of said 0.615 acre Prado tract and a 1.86 acre tract described in a deed to Audrey Oswalt and recorded in Volume 398 Page 261, Real Property Records, Hays County Texas the following six (6) courses and distances:

1. S81°40'28"W a distance of 232.43 feet, to a ½ inch iron rod with "Delta Survey" cap set
2. S02°39'28"E a distance of 101.12 feet, to a calculated point for the west common corner of the said Prado and Oswalt tract,
3. S03°12'57"E a distance of 30.41 feet, to a calculated point,
4. S02°06'24"E a distance of 47.02 feet, to a fence post found,
5. S02°47'36"E a distance of 157.50 feet, to a ½ inch iron rod found, and
6. N87°19'33"E a distance of 203.13 feet, to a ½ inch iron rod found for the southeast corner of said Oswalt tract, same being in the west ROW line of said Old Stagecoach Road;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract the following four (4) courses and distances:

1. S16°08'07"W a distance of 474.58 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. S11°17'39"E a distance of 40.97 feet, to a ½ inch iron rod found,
3. S18°34'03"E a distance of 1287.66 feet, to a ½ inch iron road found, and

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

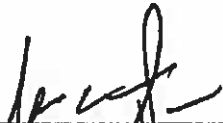
4 of 4

4. S56°24'24"W a distance of 10.77 feet, to the POINT OF BEGINNING and containing 132.59 acres, more or less.

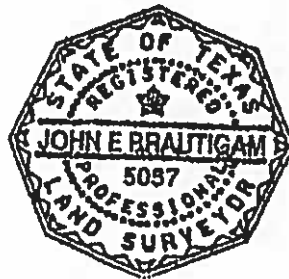
BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 83/HARN

I, John E Brautigam, hereby certify that the forgoing description represents an on-the-ground survey performed under my direct supervision during February 2015, and is true and correct to the best of my knowledge and belief.

Date: 02-16-15



John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas



Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745
TBPLS Firm No. 10004700



CITY OF KYLE, TEXAS

Meeting Date: 9/15/2015
Date time: 7:00 PM

Change Order Nos. 1 & 2 for Woodlands Drive Reconstruction

Subject/Recommendation: Approve Change Order No. 1 in the amount of \$1,067.93 and Change Order No. 2 in the amount of \$1,612.70 to CATARINA CONSTRUCTION, LLC, Austin, Texas, for a combined total change order amount of \$2,680.63 and increasing the total contract not to exceed amount to \$51,980.83 for additional work required on the Woodlands Drive Reconstruction Project. ~ *Leon Barba, City Engineer*

Other Information: Additional work was added due to increased traffic control requirements, adding reinforcing steel to the curb and gutter, and extending the concrete riprap at the downstream end of the intersection of Woodlands Drive at FM 150.

Legal Notes: N/A

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

- [Woodlands Drive CO #1](#)
- [Woodlands Drive CO #2](#)
- [Fiscal Note](#)

CHANGE ORDER No. 1
WOODLANDS DRIVE RECONSTRUCTION
STREET IMPROVEMENTS
CBD #4609

THE CONTRACT by and between CATARINA CONSTRUCTION, LLC whose principal office is located at P.O. Box 5564, Austin, Texas 78763 (hereinafter "Contractor"), and City of Kyle, Texas (hereinafter "Owner") whose principal office is located at 100 West Center Street, Kyle, Texas 78640 shall change in the following particulars only:

ADD:

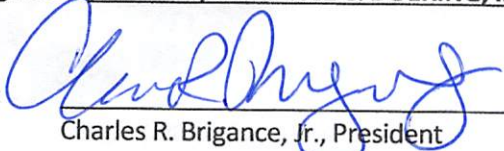
ITEM NO.	I. STREET ITEMS:	QUANTITY	UNIT	COST	AMOUNT
18	Traffic Control: N-Line	1	LS	\$746.93	\$746.93
19	Steel In Curb	1	LS	\$321.00	\$321.00

TOTAL CHANGE ORDER NO. 1 \$1,067.93

ORIGINAL CONTRACT AMOUNT \$49,300.20
Change Order No. 1 \$ 1,067.93
REVISED CONTRACT AMOUNT \$50,368.13

RECOMMENDED BY:

Engineer: CARLSON, BRIGANCE & DOERING, INC.


By: 
Charles R. Brigance, Jr., President

Date: 8/20/15

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed under seal and have hereto set their hands as of the day and year first above written.

Contractor: CATARINA CONSTRUCTION, LLC

Contractor's Address for Notice:
P.O. BOX 5564
Austin, Texas 78763

By: 
Name: William Archer
Title: VP-owner
Date: 8-20-2015

Owner: **CITY OF KYLE, TEXAS**

Owner's Address for Notice:
100 West Center Street
Kyle, Texas 78640

By _____

Printed Name

Title

ATTEST

Amelia Sanchez, City Secretary

APPROVED AS TO FORM

Law

CHANGE ORDER No. 2
WOODLANDS DRIVE RECONSTRUCTION
 STREET IMPROVEMENTS
 CBD #4609

THE CONTRACT by and between CATARINA CONSTRUCTION, LLC whose principal office is located at P.O. Box 5564, Austin, Texas 78763 (hereinafter "Contractor"), and City of Kyle, Texas (hereinafter "Owner") whose principal office is located at 100 West Center Street, Kyle, Texas 78640 shall change in the following particulars only:


ADD:

ITEM NO.	I. STREET ITEMS:	QUANTITY	UNIT	COST	AMOUNT
20	Traffic Control: N-Line	1	LS	\$467.25	\$467.25
21	Mobilize and Concrete Rip Rap	1	LS	\$1,145.45	\$1,145.45

TOTAL CHANGE ORDER NO. 2	\$1,612.70
ORIGINAL CONTRACT AMOUNT	\$49,300.20
Change Order No. 1	\$ 1,067.93
Change Order No. 2	\$1,612.70
REVISED CONTRACT AMOUNT	\$51,980.83

RECOMMENDED BY:

Engineer: CARLSON, BRIGANCE & DOERING, INC.


By: 
 Charles R. Brigance, Jr., President

Date: 8/31/15

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed under seal and have hereto set their hands as of the day and year first above written.

Contractor: CATARINA CONSTRUCTION, LLC

Contractor's Address for Notice:
 P.O. BOX 5564
 Austin, Texas 78763

By: 
 Name: William C. Archer
 Title: Owner-VP
 Date: 8-28-2015

Owner: CITY OF KYLE, TEXAS

Owner's Address for Notice:
100 West Center Street
Kyle, Texas 78640

By _____

Printed Name _____

Title _____

ATTEST

Amelia Sanchez, City Secretary

APPROVED AS TO FORM

Law

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: September 15, 2015
CONTACT CITY DEPARTMENT: Engineering Services
CONTACT CITY STAFF: Leon Barba, P.E., City Engineer

SUBJECT:

Approve Change Order No. 1 in the amount of \$1,067.93 and Change Order No. 2 in the amount of \$1,612.70 to CATARINA CONSTRUCTION, LLC, Austin, Texas, for a combined total change order amount of \$2,680.63 and increasing the total contract not to exceed amount to \$51,980.83 for additional work required on the Woodlands Drive Reconstruction Project.

CURRENT YEAR FISCAL IMPACT:

The two change orders to the construction contract with CATARINA CONSTRUCTION, LLC, will require expenditure of funds from the Fiscal Year 2014-15 approved budget of the Public Works Department (Street Maintenance) as follows:

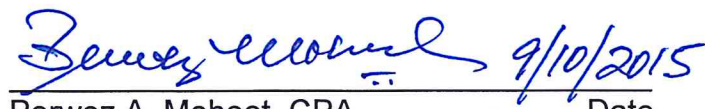
1. City Department:	Engineering Services
2. Project Name:	Woodlands Drive Reconstruction Project
3. Budget/Accounting Code(s):	110-161-55329
4. Funding Source:	General Fund
5. Current Appropriation:	\$ 65,000.00
6. Unencumbered Balance:	\$ 8,421.92
7. Amount of This Action:	<u>\$ (2,680.63)</u>
8. Remaining Balance:	<u>\$ 5,741.29</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for the two change orders to the construction contract in the amount of \$2,680.63 will be provided from the Fiscal Year 2014-15 approved budget of the Public Works Department (Street Maintenance).

ADDITIONAL INFORMATION/COUNCIL ACTION:

On April 21, 2015, City Council awarded a construction contract to CATARINA CONSTRUCTION, LLC., in an amount not to exceed \$49,300.20 for the Woodlands Drive Reconstruction Project.

 9/10/2015

Perwez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

JKB Construction UPRR Wastewater Crossing at Moreno Street

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation:

Award a contract in an amount not to exceed \$231,753.00 to JKB CONSTRUCTION CO., LLC, Liberty Hill, Texas, lowest and most responsible bidder, to perform all work required for the Union Pacific Railroad wastewater crossing at Moreno Street. ~ *Leon Barba, City Engineer*

Other Information:

The scope of work is to replace approximately 660 linear feet of existing 10 inch diameter gravity wastewater line underneath the Union Pacific Railroad in the area of Moreno St. The existing tuberculated cast iron pipe will be replaced with a 12 inch diameter PVC line inside a 20 inch diameter steel casing. An additional 160 linear feet of exposed 6 inch wastewater line will also be removed and replaced and covered with a concrete cap.

Public bids were received August 6, 2015 from five bidders. The lowest bid received for the base bid (\$214,953.00) and Supplemental Bid Items S1 (\$11,200.00) and S2 (\$5,600.00) is from JKB Construction Co. Supplemental Bid Item S3 (\$22,575.00) is not recommended for award at this time due to budget restraints and it is not essential to the repair of the 6 inch wastewater line.

JKB Construction Co. was established in 2010 and received positive responses to inquiries.

Legal Notes:

N/A

Budget Information:

A Fiscal Note is attached.

Attachments / click to download

 [Moreno St. Recommendation](#)

 [Moreno St. Bid Tab](#)

 [Fiscal Note](#)

NEPTUNE - WILKINSON ASSOCIATES, INC.
Consulting Engineers
TBPE Firm# F-359

4010 Manchaca Road
Austin, Texas 78704

(512) 462-3373
(FAX) 462-3469

August 20, 2015

Leon Barba, P.E., City Engineer
City of Kyle Public Works Department
520 East Ranch Road 150
Kyle, Texas 78640

Re: Union Pacific Railroad Wastewater Crossing at Moreno Street
NWA# 1190-556

Dear Mr. Barba:

Public bids were received August 6, 2015 from five bidders for the referenced project and a tabulation of the bids received is enclosed. The bids have been reviewed and presented to include the Base Bid Schedule and three Supplemental Bid Items with the bidders tabulated in order of low to high for the total Base Bid Schedule.

The low bid is from JKB Construction Co., LLC of Liberty Hill. This company was established in 2010 by Justin Byrn and now has 70 employees with the Principals having 15 to 33 years experience in underground utilities, earthwork and road construction. Trade references were provided and positive responses to inquiries were received. We know of no reason to deny award of this project to the low bidder and recommend award to JKB Construction Co., LLC in the amount \$231,753.00 as follows on condition the performance and payment bonds and proof of insurance be provided:

Base Bid Schedule	\$214,953.00
Supplemental Item S1 - 6" Gravity Line	11,200.00
Supplemental Item S2 - Erosion Control Matting	<u>5,600.00</u>
Total Amount of Award	\$231,753.00

Supplemental Bid Item S2 - Concrete Trickle Channel (\$22,575.00) is not recommended for award at this time due to budget constraints and it is not essential to making the repair to the existing 6" line.

If there are any questions on this recommendation, please feel free to call.

Sincerely,

John A. Bartle

John A. Bartle, P.E.

BID TABULATION

CITY OF KYLE								DATE: August 6, 2015			
UNION PACIFIC RAILROAD CROSSING AT MORENO STREET								TIME: 2:00 P.M.			
				JKB Construction Co., LLC		Joe Bland Construction, LP		AgH2O Holdings, LLC		Whitestone Civil Const. LLC	
				P.O. Box 1001		13111 Dessau Road		3817 Bent Brook Drive		P.O. Box 1537	
				Liberty Hill, TX 78642		Austin, TX 78754		Round Rock, TX 78664		Cedar Park, TX 78630	
				(512) 260-2600		(512) 821-2808		(512) 484-7611		(512) 963-6746	
ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	
1. Mobilization	LS	1	\$ 25,000.00		\$ 11,273.00		\$ 14,500.00		\$ 14,000.00		
2. 12" SDR-26 PVC Gravity Wastewater Line including testing and restoration to grades shown											
0 - 8' deep	LF	117	67.00		120.00		76.00		72.00		
8 - 10' deep	LF	305	73.00		130.00		100.00		82.00		
10 - 12' deep	LF	80	79.00		140.00		120.00		90.00		
3. 8" SDR-26 PVC Gravity Wastewater Line including testing and restoration to grades shown											
0 - 8' deep	LF	40	67.00		75.00		78.00		65.00		
8 - 10' deep	LF	45	73.00		85.00		95.00		75.00		
4. 20" Steel Casing in Railroad Bore including 12" SDR-26 carrier pipe, casing spacers and end seal boots to grades per Railroad Crossing Agreement	LF	130	365.00		320.00		410.00		460.00		
5. Bore Pits and Trench Safety including backfill, restoration, spoil disposal as required	EA	2	5,500.00		2,000.00		6,200.00		3,500.00		
6. 4' I.D. Concrete Manhole, 0-8' depth with precast or cast-in-place base, bolted ring and cover including connection to existing line and plugging abandoned line, restoration and testing	EA	6	5,300.00		6,000.00		4,600.00		4,700.00		
7. Extra depth over 8' for 4' I.D. concrete manhole	VF	2.5	326.00		600.00		260.00		160.00		
8. 5' I.D. Concrete Manhole, 0-8' depth with precast or cast-in-place base, bolted ring and cover including connection to existing line and plugging abandoned line, restoration and testing	EA	2	8,420.00		7,500.00		5,150.00		8,900.00		
9. Extra Depth over 8' for 5' I.D. concrete manhole	VF	4.5	480.00		750.00		355.00		160.00		
10. 6" Schedule 40 PVC Service Line	LF	240	45.00		60.00		46.00		61.00		
11. Concrete Trench Cap over 6" service line in drainage channel	LF	40	24.00		40.00		110.00		45.00		

BID TABULATION

CITY OF KYLE							DATE:	August 6, 2015
UNION PACIFIC RAILROAD CROSSING AT MORENO STREET							TIME:	2:00 P.M.
			JKB Construction Co., LLC	Joe Bland Construction	AgH2O Holdings, LLC	Whitestone Civil Const. LLC		
			P.O. Box 1001	13111 Dessau Road	3817 Bent Brook Drive	P.O. Box 1537		
			Liberty Hill, TX 78642	Austin, TX 78754	Round Rock, TX 78664	Cedar Park, TX 78630		
			(512) 260-2600	(512) 821-2808	(512) 484-7611	(512) 963-6746		
			UNIT	UNIT	UNIT	UNIT		
12. Wastewater Service Line Reconnection including fittings, cleanouts, transition from existing 4" to 6" service line	EA	3	450.00	800.00	3,300.00	800.00		
13. 12" Gravity Line Connection and remove existing manhole including traffic control and restoration in accordance with TxDOT permit	LS	1	8,700.00	4,000.00	7,000.00	24,500.00		
14. 4' High Chain Link Fence	LF	250	24.00	17.00	21.00	35.00		
15. Abandon Existing Manhole or Wet Well after new main is in service including plugging old lines with concrete within each manhole, filling old manhole, salvaging existing cast iron ring and cover to	EA	5	400.00	1,000.00	2,300.00	2,000.00		
16. Stormwater Pollution Prevention Plan	LS	1	2,500.00	3,000.00	2,600.00	4,500.00		
17. Silt Fence	LF	540	2.25	3.00	3.00	3.00		
18. Rock Berm for Erosion Control	LF	65	20.00	30.00	46.00	40.00		
19. Trench Safety System, 5' - 12' depth	LF	587	2.00	2.00	2.50	2.00		
20. Abandon Existing 10" Cast Iron Pipeline in Railroad right-of-way between existing manholes	LS	1	1,500.00	3,000.00	2,200.00	5,000.00		
TOTAL AMOUNT BID (Sum of Items 1 through 20)			\$ 214,953.00	\$ 226,857.00	\$ 236,702.00	*	\$ 251,513.00	
CALENDAR DAYS TO COMPLETE			120 Days	100 Days	120 Days	Not Stated		
* Arithmetic correction.								

BID TABULATION

CITY OF KYLE										DATE:	August 6, 2015
UNION PACIFIC RAILROAD CROSSING AT MORENO STREET										TIME:	2:00 P.M.
			JKB Construction Co., LLC		Joe Bland Construction		AgH2O Holdings, LLC		Whitestone Civil Const. LLC		
			P.O. Box 1001		13111 Dessau Road		3817 Bent Brook Drive		P.O. Box 1537		
			Liberty Hill, TX 78642		Austin, TX 78754		Round Rock, TX 78664		Cedar Park, TX 78630		
			(512) 260-2600		(512) 821-2808		(512) 484-7611		(512) 963-6746		
ITEM DESCRIPTION			UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	
SUPPLEMENTAL BID SCHEDULE											
S1. 6" SDR-26 Gravity Wastewater Line with Flow-able Fill Cap, 0-8' deep, testing and restoration			LF	160	70.00	\$ 11,200.00	40.00		140.00		94.00
S2. Erosion Control Matting over gravity wastewater line including final grading, select soil, seeding, staples and anchor trench			SY	280	20.00	\$ 5,600.00	10.00		6.00		12.00
S3. 6' Wide Concrete Trickle Channel			LF	215	105.00		50.00		120.00		110.00
TOTAL SUPPLEMENTAL BID SCHEDULE (Sum of Items S1 through S3)						\$ 39,375.00		\$ 19,950.00		\$ 49,880.00	\$ 42,050.00

BID TABULATION

CITY OF KYLE
UNION PACIFIC RAILROAD CROSSING AT MORENO STREET

DATE: August 6, 2015
TIME: 2:00 P.M.

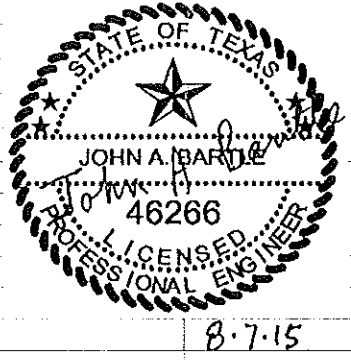
Nelson Lewis, Inc.
450 FM 1431 East
Marble Falls, TX 78654
(830) 693-8874

ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
1. Mobilization	LS	1	\$ 15,000.00							
2. 12" SDR-26 PVC Gravity Wastewater Line including testing and restoration to grades shown										
0 - 8' deep	LF	117	65.00							
8 - 10' deep	LF	305	75.00							
10 - 12' deep	LF	80	85.00							
3. 8" SDR-26 PVC Gravity Wastewater Line including testing and restoration to grades shown										
0 - 8' deep	LF	40	55.00							
8 - 10' deep	LF	45	65.00							
4. 20" Steel Casing in Railroad Bore including 12" SDR-26 carrier pipe, casing spacers and end seal boots to grades per Railroad Crossing Agreement	LF	130	600.00							
5. bore Pits and Trench Safety including backfill, restoration, spoil disposal as required	EA	2	1,000.00							
6. 4' I.D. Concrete Manhole, 0-8' depth with precast or cast-in-place base, bolted ring and cover including connection to existing line and plugging abandoned line, restoration and testing	EA	6	6,000.00							
7. Extra depth over 8' for 4' I.D. concrete manhole	VF	2.5	250.00							
8. 5' I.D. Concrete Manhole, 0-8' depth with precast or cast-in-place base, bolted ring and cover including connection to existing line and plugging abandoned line, restoration and testing	EA	2	7,500.00							
9. Extra Depth over 8' for 5' I.D. concrete manhole	VF	4.5	300.00							
10. 6" Schedule 40 PVC Service Line	LF	240	35.00							
11. Concrete Trench Cap over 6" service line in drainage channel	LF	40	50.00							

BID TABULATION

CITY OF KYLE										DATE:	August 6, 2015	
UNION PACIFIC RAILROAD CROSSING AT MORENO STREET										TIME:	2:00 P.M.	
Nelson Lewis, Inc. 450 FM 1431 East Marble Falls, TX 78654 (830) 693-8874												
			UNIT PRICE	COST				UNIT PRICE	COST			
12. Wastewater Service Line Reconnection including fittings, cleanouts, transition from existing 4" to 6" service line	EA	3	2,000.00									
13. 12" Gravity Line Connection and remove existing manhole including traffic control and restoration in accordance with TxDOT permit	LS	1	10,000.00									
14. 4' High Chain Link Fence	LF	250	30.00									
15. Abandon Existing Manhole or Wet Well after new main is in service including plugging old lines with concrete within each manhole, filling old manhole, salvaging existing cast iron ring and cover	EA	5	2,000.00									
16. Stormwater Pollution Prevention Plan	LS	1	7,000.00									
17. Silt Fence	LF	540	5.00									
18. Rock Berm for Erosion Control	LF	65	25.00									
19. Trench Safety System, 5' - 12' depth	LF	587	Not stated									
20. Abandon Existing 10" Cast Iron Pipeline in Railroad right-of-way between existing manholes	LS	1	7,000.00									
TOTAL AMOUNT BID (Sum of Items 1 through 20)					\$ 252,605.00	**						
CALENDAR DAYS TO COMPLETE					90 Days							
** Incomplete and arithmetically corrected.												

BID TABULATION

CITY OF KYLE										DATE:	August 6, 2015
UNION PACIFIC RAILROAD CROSSING AT MORENO STREET										TIME:	2:00 P.M.
										Nelson Lewis, Inc. 450 FM 1431 East Marble Falls, TX 78654 (830) 693-8874	
ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	
SUPPLEMENTAL BID SCHEDULE											
S1. 6" SDR-26 Gravity Wastewater Line with Flow-able Fill Cap, 0-8' deep, testing and restoration	LF	160	70.00								
S2. Erosion Control Matting over gravity wastewater line including final grading, select soil, seeding, staples and anchor trench	SY	280	20.00								
S3. 6' Wide Concrete Trickle Channel	LF	215	140.00								
TOTAL SUPPLEMENTAL BID SCHEDULE (Sum of Items S1 through S3)				\$	46,900.00						
											
										I, John A. Bartle, P.E., do hereby certify the above tabulation of bids is a true and correct listing of each bid received on the named project.	
										Neptune-Wilkinson Associates, Inc. TBPE Firm#F-359	
										#1190-556	

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: September 15, 2015
CONTACT CITY DEPARTMENT: Engineering Services
CONTACT CITY STAFF: Leon Barba, P.E., City Engineer

SUBJECT:

Award a contract in an amount not to exceed \$231,753.00 to JKB CONSTRUCTION CO., LLC, Liberty Hill, Texas, lowest and most responsible bidder, to perform all work required for the Union Pacific Railroad wastewater crossing at Moreno Street.

CURRENT YEAR FISCAL IMPACT:

This construction contract with JKB CONSTRUCTION CO., LLC, will require expenditure of funds from the approved CIP budget for Fiscal Year 2014-15 designated for the Old Town Kyle Wastewater Improvements and the approved operating budget of the Public Works Department for Fiscal Year 2014-15 as follows:


- | | |
|--------------------------------|--|
| 1. City Department: | Engineering Services |
| 2. Project Name: | Old Town Kyle WW Imp – Moreno Street |
| 3. Budget/Accounting Code(s): | 341-874-57211 |
| 4. Funding Source: | General Fund 52% & Utility Fund 48% |
| 5. Current Appropriation: | \$ 310,000.00 |
| 6. Unencumbered Balance: | \$ 174,128.92 |
| 7. Amount of This Action: | <u>\$ (174,128.92)</u> |
| 8. Remaining Balance: | <u>\$ 0.00</u> |
| 9. City Department: | Public Works |
| 10. Project Name: | Wastewater Mains/Lines – Moreno Street |
| 11. Budget/Accounting Code(s): | 310-825-57211 |
| 12. Funding Source: | Utility Fund |
| 13. Current Appropriation: | \$ 57,700.00 |
| 14. Unencumbered Balance: | \$ 57,700.00 |
| 15. Amount of This Action: | <u>\$ (57,624.08)</u> |
| 16. Remaining Balance: | <u>\$ 75.92</u> |

FUNDING SOURCE OF THIS ACTION:

The funding source for this construction contract in the amount of \$233,753.00 will be provided from the approved CIP budget Fiscal Year 2014-15 (\$174,128.92) and the approved operating budget (\$57,624.08) of the Public Works Department for Fiscal Year 2014-15.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A

 9/10/2015
Perwez A. Moheet, CPA - Date

Director of Finance



CITY OF KYLE, TEXAS

Southern Trenchless 2015 Manhole & Lift Station Rehab. (Bid Schedule A)

Meeting Date: 9/15/2015

Date time: 7:00 PM

Subject/Recommendation:

Award a contract in an amount not to exceed \$131,940.50 to SOUTHERN TRENCHLESS SOLUTIONS, LLC, Houston, Texas, lowest and most responsible bidder, to perform all work required for rehabilitation of various manholes. ~ *Leon Barba, City Engineer*

Other Information:

Public bids were received August 6, 2015 from seven bidders for the 2015 Manhole and Lift Station Rehabilitation Project.

Three bid schedules (A, B and C) were included in the proposed scope of work. Schedule A and B were for manhole rehabilitation and Schedule C was focused on repairs to the Southlake Lift Station.

The project was structured so that Bid Schedules A and B could be awarded separate from Bid Schedule C in order to take advantage of possible cost savings in awarding the work to separate contractors.

The recommendation is to award Bid Schedule A to Southern Trenchless Solutions LLC in an amount of \$131,940.50. Bid Schedule B is not recommended for award at this time due to budget constraints. Bid Schedule C will be awarded to a different contractor.

Southern Trenchless Solutions LLC has been in business since 2010 and references confirmed the company is experienced and competent.

Legal Notes:

N/A

Budget Information:

A Fiscal Note is attached.

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

Attachments / click to download

- [2015 Manhole and Lift Station Rehab Recommendation](#)
- [2015 Manhole and Lift Station Rehab Bid Tab](#)
- [Fiscal Note](#)

Cover Memo

NEPTUNE - WILKINSON ASSOCIATES, INC.
Consulting Engineers
TBPE Firm# F-359

4010 Manchaca Road
Austin, Texas 78704

(512) 462-3373
(FAX) 462-3469

August 20, 2015

Leon Barba, P.E., City Engineer
City of Kyle Public Works Department
520 East F.M. 150
Kyle, Texas 78640

Re: 2015 Manhole and Lift Station Rehabilitation
NWA# 1190-555

Dear Mr. Barba:

Public bids were received August 6, 2015 for the referenced project. Seven bids were received and have been verified as arithmetically correct. A tabulation of the bids received is enclosed. The project is structured so that Bid Schedules A and B (Manhole Rehabilitation) may be awarded separate from Bid Schedule C (Lift Station Rehabilitation) and there is a cost benefit to the City to award the work to separate contractors.

The low bidder for Bid Schedules A and B is Southern Trenchless Solutions and Infrastructure Rehab Company of Houston founded in 2010 and specializing in manhole rehabilitation with coatings, liners and/or inserts. Trade references provided have confirmed the company is experienced and competent.

Award of Bid Schedule A in the amount of \$131,940.50 to Southern Trenchless Solutions for the rehabilitation of 39 manholes is recommended on condition the required performance and payment bonds and proof of insurance be provided. Bid Schedule B is not recommended for award at this time due to budget constraints.

The low bidder for Bid Schedule C is Lewis Concrete Restoration of Buda which has been in the business of speciality coating for wastewater and water systems since 2009. Lewis Concrete Restoration has successfully completed previously manhole rehabilitation projects for the City of Kyle and is qualified to perform this work. Award of Bid Schedule C in the amount of \$50,380.00 is recommended on condition the required performance and payment bonds and proof of insurance be provided.

I will be available to answer any questions you, the City Officials or your staff have concerning this project and the award of these contracts.

Sincerely,

John A Bartle

John A. Bartle, P.E.

BID TABULATION

**CITY OF KYLE
2015 MANHOLE AND LIFT STATION REHABILITATION**

DATE: August 6, 2015
TIME: 2:30 P.M.

**Southern
Trenchless Solutions
20020 Hempstead Rd Ste 27
Houston, TX 77065
(956) 763-7898**

**Lewis Concrete
Restoration, Inc.
405 Ware
Buda, TX 78610
(512) 983-3283**

**National Works, Inc.
1078 San Marcos Highway
Luling, TX 78648
(830) 875-2770**

**Fuquay, Inc.
4861 Old Highway 81
New Braunfels, TX 78132
(830) 606-1882**

ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
BID SCHEDULE "A" - WASTEWATER LINES A AND B										
1. Mobilization	LS	1.0	\$ 17,045.00		\$ 2,000.00		\$ 3,500.00		\$ 9,600.00	
2. Repair and Rehabilitate Condition "A/B" Manhole including 125 mil thickness of polymer coating										
4' Diameter	VF	181.5	115.00		153.23		162.00		141.00	
5' Diameter	VF	92.5	150.00		191.54		200.00		179.00	
3. Repair and Rehabilitate Condition "D" Manhole including cementitious lining and 80 mil thickness of polymer coating										
4' Diameter	VF	156.5	200.00		194.68		162.00		263.00	
5' Diameter	VF	110.5	240.00		243.35		200.00		330.00	
4. Repair and Rehabilitate Condition "E" Manhole including cementitious lining and 80 mil thickness of polymer coating										
4' Diameter	VF	15.5	250.00		282.60		245.00		424.00	
5' Diameter	VF	41.5	300.00		353.25		275.00		522.00	
5. Concrete Bench Repairs	EA	4.0	500.00		500.00		750.00		775.00	
6. 8" PVC Internal Drop Pipe, any length, new parts	EA	4.0	1,000.00		1,500.00		3,500.00		3,930.00	
7. Flow Through Plug in Manhole										
30"	EA	1.0	1.00		1,600.00		2,500.00		220.00	
27"	EA	1.0	1.00		1,600.00		2,500.00		220.00	
12"	EA	1.0	1.00		400.00		1,200.00		220.00	
TOTAL AMOUNT BID SCHEDULE "A" (Sum of Items 1 thru 7)				\$ 131,940.50		\$ 135,526.47 *		\$ 137,266.00		\$ 177,088.50

* Arithmetic Correction

BID TABULATION

CITY OF KYLE 2015 MANHOLE AND LIFT STATION REHABILITATION										DATE:	August 6, 2015	
										TIME:	2:30 P.M.	
			Southern Trenchless Solutions 20020 Hempstead Rd Ste 27 Houston, TX 77065 (956) 763-7898			Lewis Concrete Restoration, Inc. 405 Ware Buda, TX 78610 (512) 983-3283			National Works, Inc. 1078 San Marcos Highway Luling, TX 78648 (830) 875-2770		Fuquay, Inc. 4861 Old Highway 81 New Braunfels, TX 78132 (830) 606-1882	
ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST		
BID SCHEDULE "B" - WASTEWATER LINE B												
1. Repair and Rehabilitate Condition "A/B" Manhole including 125 mil thickness of polymer coating 4' Diameter	VF	273.0	115.00		153.23		162.00		141.00			
TOTAL BID SCHEDULE "B" (Item 1 Only)				\$	31,395.00	\$	41,831.79	\$	44,226.00	\$	38,493.00	
BID SCHEDULE "C" - LIFT STATION REHABILITATION												
1. Replace 8" Pump Discharge Piping for Three Pumps from above the 6" x 8" reducers including 8" 90 degree bends and guide rail support brackets inside the wet well to new coupling between wet well and valve vault including bypass pumping	LS	1.0	41,515.00		25,000.00		39,000.00		152,365.00			
2. Repair and Rehabilitate Condition "D" Concrete Wet Well including removal of old lining, application of cementitious material and 125 mil thickness of polymer coating from the low water level up including inside top with any bypass pumping required	LS	1.0	17,000.00		25,380.00		17,000.00		43,524.00			
TOTAL AMOUNT BID SCHEDULE "C" (Sum of Items 1 and 2)				\$	58,515.00	\$	50,380.00	\$	56,000.00	\$	195,889.00	
TOTAL AMOUNT OF BID (Sum of Schedules A, B and C)				\$	221,850.50	\$	227,738.26	\$	237,492.00	\$	411,470.50	

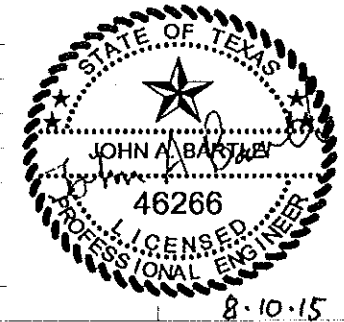
BID TABULATION

CITY OF KYLE										DATE:	August 6, 2015
2015 MANHOLE AND LIFT STATION REHABILITATION										TIME:	2:30 P.M.
			National Power Rodding 9810 FM 969 Austin, TX 78724 (5120) 928-1420		Standard Cement Materials 5710 West 34th Street #A Houston, TX 77092 (713) 680 0482		Mechanical Jobbers Marketing, Inc. 6691 Tribble Street Lithonia, GA 30058 (770) 482-5220				
ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	
BID SCHEDULE "A" - WASTEWATER LINES A AND B											
1. Mobilization	LS	1.0	\$ 5,000.00		\$ 16,700.00		\$ 10,000.00				
2. Repair and Rehabilitate Condition "A/B" Manhole including 125 mil thickness of polymer coating											
4' Diameter	VF	181.5	185.00		352.00		320.00				
5' Diameter	VF	92.5	215.00		440.00		400.00				
3. Repair and Rehabilitate Condition "D" Manhole including cementitious lining and 80 mil thickness of polymer coating											
4' Diameter	VF	156.5	250.00		379.00		380.00				
5' Diameter	VF	110.5	300.00		474.00		476.00				
4. Repair and Rehabilitate Condition "E" Manhole including cementitious lining and 80 mil thickness of polymer coating											
4' Diameter	VF	15.5	450.00		418.00		430.00				
5' Diameter	VF	41.5	500.00		523.00		537.00				
5. Concrete Bench Repairs	EA	4.0	1,200.00		250.00		450.00				
6. 8" PVC Internal Drop Pipe, any length, new parts	EA	4.0	3,500.00		500.00		975.00				
7. Flow Through Plug in Manhole											
30"	EA	1.0	1,500.00		450.00		2,200.00				
27"	EA	1.0	1,000.00		450.00		2,000.00				
12"	EA	1.0	500.00		150.00		400.00				
TOTAL AMOUNT BID SCHEDULE "A"				\$ 180,265.00			\$ 265,212.00 *	\$ 256,398.50			
(Sum of Items 1 thru 7)											

* Arithmetic Correction - Addendum No. 1 not acknowledged.

BID TABULATION

CITY OF KYLE 2015 MANHOLE AND LIFT STATION REHABILITATION										DATE:	August 6, 2015
										TIME:	2:30 P.M.
			National Power Rodding				Standard Cement Materials		Mechanical Jobbers Marketing, Inc.		
			9810 FM 969				5710 West 34th Street #A		6691 Tribble Street		
			Austin, TX 78724				Houston, TX 77092		Lithonia, GA 30058		
			(5120) 928-1420				(713) 680 0482		(770) 482-5220		
ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	
BID SCHEDULE "B" - WASTEWATER LINE B											
1. Repair and Rehabilitate Condition "A/B" Manhole including 125 mil thickness of polymer coating 4' Diameter	VF	273.0	225.00		352.00		320.00				
TOTAL BID SCHEDULE "B" (Item 1 Only)				\$61,425.00		\$96,096.00		\$87,360.00			
BID SCHEDULE "C" - LIFT STATION REHABILITATION											
1. Replace 8" Pump Discharge Piping for Three Pumps from above the 6" x 8" reducers including 8" 90 degree bends and guide rail support brackets inside the wet well to new coupling between wet well and valve vault including bypass pumping	LS	1.0	50,000.00		No Bid		No Bid				
2. Repair and Rehabilitate Condition "D" Concrete Wet Well including removal of old lining, application of cementitious material and 125 mil thickness of polymer coating from the low water level up including inside top with any bypass pumping required	LS	1.0	63,046.41		No Bid		No Bid				
TOTAL AMOUNT BID SCHEDULE "C" (Sum of Items 1 and 2)				\$ 113,046.41		No Bid		No Bid			
TOTAL AMOUNT OF BID (Sum of Schedules A, B and C)				\$ 354,736.41							



I, John A. Bartle, P.E. do hereby certify the above tabulation of bids is a true and correct listing of each bid received on the named project.

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: September 15, 2015
CONTACT CITY DEPARTMENT: Engineering Services
CONTACT CITY STAFF: Leon Barba, P.E., City Engineer

SUBJECT:

Award a contract in an amount not to exceed \$131,940.50 to SOUTHERN TRENCHLESS SOLUTIONS, LLC, Houston, Texas, lowest and most responsible bidder, to perform all work required for rehabilitation of various manholes.

CURRENT YEAR FISCAL IMPACT:

This construction contract with SOUTHERN TRENCHLESS SOLUTIONS, LLC, will require expenditure of funds from the Fiscal Year 2014-15 approved budget of the Public Works Department as follows:

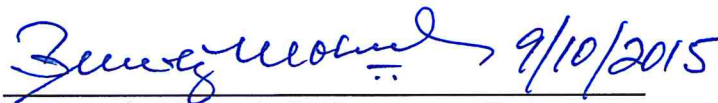
1. City Department:	Public Works
2. Project Name:	2015 Manhole Rehabilitation
3. Budget/Accounting Code(s):	310-825-53144
4. Funding Source:	Water and Wastewater Utility Fund
5. Current Appropriation:	\$ 260,000.00
6. Unencumbered Balance:	\$ 214,884.20
7. Amount of This Action:	<u>\$(131,940.50)</u>
8. Remaining Balance:	<u>\$ 82,943.70</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for this construction contract in the amount of \$131,940.50 will be provided from the approved operating budget of the Public Works Department for Fiscal Year 2014-15.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 9/10/2015

Perwez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Lewis Concrete 2015 Manhole & Lift Station Rehab. (Bid Schedule C)

Meeting Date: 9/15/2015

Date time: 7:00 PM

Subject/Recommendation: Award a contract in an amount not to exceed \$50,380.00 to LEWIS CONCRETE RESTORATION, INC., Buda, Texas, lowest and most responsible bidder, to perform all work required for the repairs to the Southlake Lift Station. ~ *Leon Barba, City Engineer*

Other Information: Public bids were received August 6, 2015 from seven bidders for the 2015 Manhole and Lift Station Rehabilitation Project.

Three bid schedules (A, B and C) were included in the proposed scope of work. Schedule A and B were for manhole rehabilitation and Schedule C was focused on repairs to the Southlake Lift Station.

The project was structured so that Bid Schedules A and B could be awarded separate from Bid Schedule C in order to take advantage of possible cost savings in awarding the work to separate contractors.

The recommendation is to award Bid Schedule C to Lewis Concrete Restoration, Inc. in an amount of \$50,380.00. Bid Schedule B is not recommended for award at this time due to budget constraints. Bid Schedule A will be awarded to a different contractor.

Lewis Concrete Restoration, Inc. has been in business since 2009 and has successfully completed work for the City of Kyle on previous manhole rehabilitation projects.

Legal Notes: N/A

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

[2015 Manhole and Lift Station Rehab Recommendation](#)

[2015 Manhole and Lift Station Rehab Bid Tab](#)

[Fiscal Note](#)

Cover Memo

NEPTUNE - WILKINSON ASSOCIATES, INC.
Consulting Engineers
TBPE Firm# F-359

4010 Manchaca Road
Austin, Texas 78704

(512) 462-3373
(FAX) 462-3469

August 20, 2015

Leon Barba, P.E., City Engineer
City of Kyle Public Works Department
520 East F.M. 150
Kyle, Texas 78640

Re: 2015 Manhole and Lift Station Rehabilitation
NWA# 1190-555

Dear Mr. Barba:

Public bids were received August 6, 2015 for the referenced project. Seven bids were received and have been verified as arithmetically correct. A tabulation of the bids received is enclosed. The project is structured so that Bid Schedules A and B (Manhole Rehabilitation) may be awarded separate from Bid Schedule C (Lift Station Rehabilitation) and there is a cost benefit to the City to award the work to separate contractors.

The low bidder for Bid Schedules A and B is Southern Trenchless Solutions and Infrastructure Rehab Company of Houston founded in 2010 and specializing in manhole rehabilitation with coatings, liners and/or inserts. Trade references provided have confirmed the company is experienced and competent.

Award of Bid Schedule A in the amount of \$131,940.50 to Southern Trenchless Solutions for the rehabilitation of 39 manholes is recommended on condition the required performance and payment bonds and proof of insurance be provided. Bid Schedule B is not recommended for award at this time due to budget constraints.

The low bidder for Bid Schedule C is Lewis Concrete Restoration of Buda which has been in the business of speciality coating for wastewater and water systems since 2009. Lewis Concrete Restoration has successfully completed previously manhole rehabilitation projects for the City of Kyle and is qualified to perform this work. Award of Bid Schedule C in the amount of \$50,380.00 is recommended on condition the required performance and payment bonds and proof of insurance be provided.

I will be available to answer any questions you, the City Officials or your staff have concerning this project and the award of these contracts.

Sincerely,

John A Bartle

John A. Bartle, P.E.

BID TABULATION

**CITY OF KYLE
2015 MANHOLE AND LIFT STATION REHABILITATION**

DATE: August 6, 2015
TIME: 2:30 P.M.

**Southern
Trenchless Solutions
20020 Hempstead Rd Ste 27
Houston, TX 77065
(956) 763-7898**

**Lewis Concrete
Restoration, Inc.
405 Ware
Buda, TX 78610
(512) 983-3283**

**National Works, Inc.
1078 San Marcos Highway
Luling, TX 78648
(830) 875-2770**

**Fuquay, Inc.
4861 Old Highway 81
New Braunfels, TX 78132
(830) 606-1882**

ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
BID SCHEDULE "A" - WASTEWATER LINES A AND B										
1. Mobilization	LS	1.0	\$ 17,045.00		\$ 2,000.00		\$ 3,500.00		\$ 9,600.00	
2. Repair and Rehabilitate Condition "A/B" Manhole including 125 mil thickness of polymer coating										
4' Diameter	VF	181.5	115.00		153.23		162.00		141.00	
5' Diameter	VF	92.5	150.00		191.54		200.00		179.00	
3. Repair and Rehabilitate Condition "D" Manhole including cementitious lining and 80 mil thickness of polymer coating										
4' Diameter	VF	156.5	200.00		194.68		162.00		263.00	
5' Diameter	VF	110.5	240.00		243.35		200.00		330.00	
4. Repair and Rehabilitate Condition "E" Manhole including cementitious lining and 80 mil thickness of polymer coating										
4' Diameter	VF	15.5	250.00		282.60		245.00		424.00	
5' Diameter	VF	41.5	300.00		353.25		275.00		522.00	
5. Concrete Bench Repairs	EA	4.0	500.00		500.00		750.00		775.00	
6. 8" PVC Internal Drop Pipe, any length, new parts	EA	4.0	1,000.00		1,500.00		3,500.00		3,930.00	
7. Flow Through Plug in Manhole										
30"	EA	1.0	1.00		1,600.00		2,500.00		220.00	
27"	EA	1.0	1.00		1,600.00		2,500.00		220.00	
12"	EA	1.0	1.00		400.00		1,200.00		220.00	
TOTAL AMOUNT BID SCHEDULE "A" (Sum of Items 1 thru 7)				\$ 131,940.50		\$ 135,526.47 *		\$ 137,266.00		\$ 177,088.50

* Arithmetic Correction

BID TABULATION

CITY OF KYLE 2015 MANHOLE AND LIFT STATION REHABILITATION										DATE:	August 6, 2015			
										TIME:	2:30 P.M.			
			Southern Trenchless Solutions 20020 Hempstead Rd Ste 27 Houston, TX 77065 (956) 763-7898				Lewis Concrete Restoration, Inc. 405 Ware Buda, TX 78610 (512) 983-3283				National Works, Inc. 1078 San Marcos Highway Luling, TX 78648 (830) 875-2770		Fuquay, Inc. 4861 Old Highway 81 New Braunfels, TX 78132 (830) 606-1882	
ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST				
BID SCHEDULE "B" - WASTEWATER LINE B														
1. Repair and Rehabilitate Condition "A/B" Manhole including 125 mil thickness of polymer coating 4' Diameter	VF	273.0	115.00		153.23		162.00		141.00					
TOTAL BID SCHEDULE "B" (Item 1 Only)				\$	31,395.00	\$	41,831.79	\$	44,226.00	\$	38,493.00			
BID SCHEDULE "C" - LIFT STATION REHABILITATION														
1. Replace 8" Pump Discharge Piping for Three Pumps from above the 6" x 8" reducers including 8" 90 degree bends and guide rail support brackets inside the wet well to new coupling between wet well and valve vault including bypass pumping	LS	1.0	41,515.00		25,000.00		39,000.00		152,365.00					
2. Repair and Rehabilitate Condition "D" Concrete Wet Well including removal of old lining, application of cementitious material and 125 mil thickness of polymer coating from the low water level up including inside top with any bypass pumping required	LS	1.0	17,000.00		25,380.00		17,000.00		43,524.00					
TOTAL AMOUNT BID SCHEDULE "C" (Sum of Items 1 and 2)				\$	58,515.00	\$	50,380.00	\$	56,000.00	\$	195,889.00			
TOTAL AMOUNT OF BID (Sum of Schedules A, B and C)				\$	221,850.50	\$	227,738.26	\$	237,492.00	\$	411,470.50			

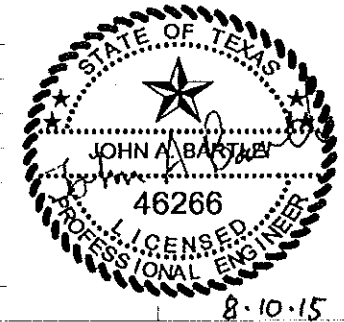
BID TABULATION

CITY OF KYLE										DATE:	August 6, 2015
2015 MANHOLE AND LIFT STATION REHABILITATION										TIME:	2:30 P.M.
			National Power Rodding 9810 FM 969 Austin, TX 78724 (5120) 928-1420			Standard Cement Materials 5710 West 34th Street #A Houston, TX 77092 (713) 680 0482			Mechanical Jobbers Marketing, Inc. 6691 Tribble Street Lithonia, GA 30058 (770) 482-5220		
ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	
BID SCHEDULE "A" - WASTEWATER LINES A AND B											
1. Mobilization	LS	1.0	\$ 5,000.00		\$ 16,700.00		\$ 10,000.00				
2. Repair and Rehabilitate Condition "A/B" Manhole including 125 mil thickness of polymer coating											
4' Diameter	VF	181.5	185.00		352.00		320.00				
5' Diameter	VF	92.5	215.00		440.00		400.00				
3. Repair and Rehabilitate Condition "D" Manhole including cementitious lining and 80 mil thickness of polymer coating											
4' Diameter	VF	156.5	250.00		379.00		380.00				
5' Diameter	VF	110.5	300.00		474.00		476.00				
4. Repair and Rehabilitate Condition "E" Manhole including cementitious lining and 80 mil thickness of polymer coating											
4' Diameter	VF	15.5	450.00		418.00		430.00				
5' Diameter	VF	41.5	500.00		523.00		537.00				
5. Concrete Bench Repairs	EA	4.0	1,200.00		250.00		450.00				
6. 8" PVC Internal Drop Pipe, any length, new parts	EA	4.0	3,500.00		500.00		975.00				
7. Flow Through Plug in Manhole											
30"	EA	1.0	1,500.00		450.00		2,200.00				
27"	EA	1.0	1,000.00		450.00		2,000.00				
12"	EA	1.0	500.00		150.00		400.00				
TOTAL AMOUNT BID SCHEDULE "A"				\$ 180,265.00			\$ 265,212.00 *	\$ 256,398.50			
(Sum of Items 1 thru 7)											

* Arithmetic Correction - Addendum No. 1 not acknowledged.

BID TABULATION

CITY OF KYLE 2015 MANHOLE AND LIFT STATION REHABILITATION										DATE:	August 6, 2015
										TIME:	2:30 P.M.
			National Power Rodding				Standard Cement Materials		Mechanical Jobbers Marketing, Inc.		
			9810 FM 969 Austin, TX 78724 (5120) 928-1420				5710 West 34th Street #A Houston, TX 77092 (713) 680 0482		6691 Tribble Street Lithonia, GA 30058 (770) 482-5220		
ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	
BID SCHEDULE "B" - WASTEWATER LINE B											
1. Repair and Rehabilitate Condition "A/B" Manhole including 125 mil thickness of polymer coating 4' Diameter	VF	273.0	225.00		352.00		320.00				
TOTAL BID SCHEDULE "B" (Item 1 Only)				\$61,425.00		\$96,096.00		\$87,360.00			
BID SCHEDULE "C" - LIFT STATION REHABILITATION											
1. Replace 8" Pump Discharge Piping for Three Pumps from above the 6" x 8" reducers including 8" 90 degree bends and guide rail support brackets inside the wet well to new coupling between wet well and valve vault including bypass pumping	LS	1.0	50,000.00		No Bid		No Bid				
2. Repair and Rehabilitate Condition "D" Concrete Wet Well including removal of old lining, application of cementitious material and 125 mil thickness of polymer coating from the low water level up including inside top with any bypass pumping required	LS	1.0	63,046.41		No Bid		No Bid				
TOTAL AMOUNT BID SCHEDULE "C" (Sum of Items 1 and 2)				\$ 113,046.41		No Bid		No Bid			
TOTAL AMOUNT OF BID (Sum of Schedules A, B and C)				\$ 354,736.41							



I, John A. Bartle, P.E. do hereby certify the above tabulation of bids is a true and correct listing of each bid received on the named project.

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: September 15, 2015
CONTACT CITY DEPARTMENT: Engineering Services
CONTACT CITY STAFF: Leon Barba, P.E., City Engineer

SUBJECT:

Award a contract in an amount not to exceed \$50,380.00 to LEWIS CONCRETE RESTORATION, INC., Buda, Texas, lowest and most responsible bidder, to perform all work required for the repairs to the Southlake Lift Station.

CURRENT YEAR FISCAL IMPACT:

This construction contract with LEWIS CONCRETE RESTORATION, INC., will require expenditure of funds from the Fiscal Year 2014-15 approved budget of the Public Works Department as follows:

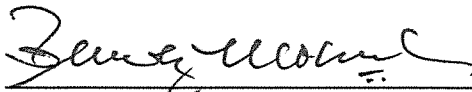
1. City Department:	Public Works
2. Project Name:	2015 Manhole Rehabilitation
3. Budget/Accounting Code(s):	310-825-53144
4. Funding Source:	Water and Wastewater Utility Fund
5. Current Appropriation:	\$ 260,000.00
6. Unencumbered Balance:	\$ 82,943.70
7. Amount of This Action:	<u>\$ (50,380.00)</u>
8. Remaining Balance:	<u>\$ 32,563.70</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for this construction contract in the amount of \$50,380.00 will be provided from the approved operating budget of the Public Works Department for Fiscal Year 2014-15.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 9/10/2015

Pervez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Neptune-Wilkinson Well Site No. 3 - Rehabilitation of Tanks

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: Approve Task Order No. 3 to NEPTUNE-WILKINSON ASSOCIATES, INC., Austin, Texas, in an amount not to exceed \$33,300.00 for the purpose of providing engineering services for the rehabilitation of the water storage tanks at Well Site No. 3 on Old Stagecoach Road. ~ *Leon Barba, City Engineer*

Other Information: The scope of work under this task order provides plans, specifications, estimates, construction administration, inspection and testing to provide steel repair and new coatings on the elevated tank, standpipe, and ground storage tank located at Well Site No. 3 on Old Stagecoach Road.

Construction is scheduled to begin December 2015 with an estimated completion of four months in order to have the facility back in full operation prior to the anticipated increase in water usage.

Legal Notes: N/A

Budget Information: A Fiscal Note is attached.

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

Attachments / click to download

[Task Order No. 3 Proposal](#)

[Proposed Schedule](#)

[Fiscal Note](#)

Task Order

This is Task Order No. **THREE**
consisting of **FOUR** pages.

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated March 12, 2015 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

- a. Effective Date of Task Order: **September 15, 2015**
- b. Owner: **City of Kyle**
- c. Engineer: **Neptune-Wilkinson Associates, Inc.**
- d. Specific Project (title): **Well No. 3 Tanks Rehabilitation**
- e. Specific Project (description): **Minor steel repair, recoating, overcoating and coating repair of the elevated tank, standpipe and ground storage tank at the City's Well No. 3 site on Stagecoach Road.**

2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are as follows:
 - 1) Review current condition of tank and specify appropriate rehabilitation design conforming to TCEQ, AWWA and OSHA requirements.
 - 2) Prepare drawings and specifications as needed to describe the work to be performed and incorporate into project documents.
 - 3) Prepare advertisement for public bid and solicit bid proposals (newspaper publication cost not included).
 - 4) Conduct public bid opening, prepare bid tabulation and make recommendation of contract award.
 - 5) Retain a qualified inspection and testing service to provide detailed inspections and reports on the project welding, steel preparation and coatings application progress.
 - 6) Coordinate, monitor and pay for up to 36 inspection visits. Attend preconstruction conference and issue notice to proceed.

TASK ORDER NO. THREE

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.
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and American Society of Civil Engineers. All rights reserved.

7) Provide construction administration services including monitoring inspections, monthly pay request processing, determine any field orders, and prepare any change orders to the work.

8) Conduct final inspection and prepare Certificate of Construction Completion and warranty documents.

B. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

3. Additional Services

Additional Services that may be authorized or necessary under this Task Order are those services (and related terms and conditions) set forth in Paragraph A2.01 of Exhibit A, as attached to the Agreement referred to above, such paragraph being hereby incorporated by reference.

4. Owner's Responsibilities

C. Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following:

1) Owner shall submit and incur cost of publishing Invitation for Bids in the local newspaper.

2) Owner shall remove tanks from service for construction and shall remove and replace SCADA instruments to accommodate the project.

3) Owner shall contact third parties that use the tank structure for antennae or other purposes and inform them about the project and it's impact, if any.

4) Owner shall provide access to project site for inspection and construction of the project.

5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule:

<u>Party</u>	<u>Action</u>	<u>Schedule</u>
Engineer	Furnish three (3) review copies of the 90% complete Bid Documents and opinion of probable Construction Cost to Owner.	Within fifteen (15) days of Owner's authorization to proceed with Preliminary Design Phase services.
Owner	Submit comments regarding 90% complete Bid Documents and opinion of probable Construction Cost to Engineer.	Within ten (10) days of the receipt of 90% complete Bid Documents and opinion of probable Construction Cost from Engineer.

TASK ORDER NO. THREE

Party	Action	Schedule
Engineer	Furnish three (3) copies of the 100% complete Bid Documents and any other final Design Phase deliverables to Owner.	Within ten (10) days of Owner's authorization to proceed with Final Bid Documents.
Owner	Submit comments and instructions regarding the 100% complete Bid Documents including a public bid date to Engineer.	Within seven (7) days of the receipt of the Final Bid Documents and any other final Design Phase deliverables from Engineer.
Engineer	Provide Construction Phase Services including conducting bid opening, tabulating bids, recommendation of award, conducting preconstruction meeting, reviewing inspection reports, issuing change orders, reviewing and recommending contractor pay requests, site visits, final inspection, completion of construction certification.	Within one hundred twenty (120) days of the receipt of Owner's executed construction contract.

6. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

Description of Service	Estimated Amount	Basis of Compensation
1. Basic Services (Part 1 of Exhibit A)		
a.&b. Preliminary and Final Design Phase	\$9,000.00	Hourly
c. Bidding or Negotiating Phase	2,500.00	Hourly
d. Construction Phase	8,000.00	Hourly
e. Inspection Services	13,800.00	Per Visit
TOTAL COMPENSATION (lines 1.a-e)	\$33,300.00	

Compensation items and totals based on Hourly Rates are estimates only.

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

7. Consultants retained as of the Effective Date of the Task Order:

Nordstrom Testing Service

8. **Other Modifications to Agreement and Exhibits:** Not applicable

9. **Attachments:** Not applicable

10. **Other Documents Incorporated by Reference:** Not applicable

11. Terms and Conditions

TASK ORDER NO. THREE

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 and American Society of Civil Engineers. All rights reserved.

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is September 15, 2015.

OWNER:

CITY OF KYLE

By: _____

Print Name: R. Todd Webster

Title: Mayor

ATTEST:

Amelia Sanchez, City Secretary

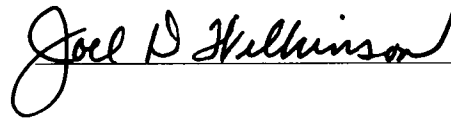
Address: P.O. Box 40

Kyle, Texas 78740

ENGINEER:

NEPTUNE-WILKINSON ASSOCIATES, INC.

By: _____



Print Name: Joel D. Wilkinson, P.E.

Title: President

Engineer License or Firm's Certificate No. (if required): F-359

State of: Texas

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: John A. Bartle, P.E.

Title: Neptune-Wilkinson Associates, Inc.

Address: 4010 Manchaca Road

Austin, TX 78704

E-Mail: johnnwainc@sbcglobal.net

Address: _____

Phone: (512) 462-3373

TASK ORDER NO. THREE

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PROPOSED SCHEDULE

WELL NO. 3 SITE TANKS REHABILITATION FOR CITY OF KYLE August 13, 2015

Task Order Proposal	August 28, 2015
Task Order Approval	September 15, 2015
90% Bid Documents and Cost Estimate	September 30, 2015
Bid Documents Complete	October 8, 2015
Advertise for Bids	October 14, 2015
Open Bids	November 5, 2015
Construction Contract Award	November 17, 2015
Construction Begins	December 1, 2015
Construction Complete	March 31, 2016

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: September 15, 2015
CONTACT CITY DEPARTMENT: Engineering
CONTACT CITY STAFF: Leon Barba, P.E., City Engineer

SUBJECT:

Approve Task Order No. 3 to NEPTUNE-WILKINSON ASSOCIATES, INC., Austin, Texas, in an amount not to exceed \$33,300.00 for the purpose of providing engineering services for the rehabilitation of the water storage tanks at Well Site No. 3 on Old Stagecoach Road.

CURRENT YEAR FISCAL IMPACT:

This engineering services contract with NEPTUNE-WILKINSON ASSOCIATES, INC., will require expenditure of funds from the 2014 Tax Notes as follows:


- | | |
|-------------------------------|---|
| 1. City Department: | Engineering Services |
| 2. Project Name: | Engineering – Roland Lane Elevated Tank |
| 3. Budget/Accounting Code(s): | 190-810-57214 |
| 4. Funding Source: | 2014 Tax Notes Fund |
| 5. Current Appropriation: | \$ 450,000.00 |
| 6. Unencumbered Balance: | \$ 247,800.00 |
| 7. Amount of This Action: | <u>\$(33,300.00)</u> |
| 8. Remaining Balance: | <u>\$ 214,500.00</u> |

FUNDING SOURCE OF THIS ACTION:

The funding for this engineering services contract in the amount of \$33,300.00 will be provided from the 2014 Tax Notes Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A

 9/10/2015
Pervez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Acceptance of Kensington Trails Subdivision Section 5A

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: A Resolution of the City Council of the City of Kyle, Texas, accepting Kensington Trails Subdivision Section 5A; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, City Engineer*

Other Information: A final walkthrough was completed on September 9, 2015. The punchlist items have been completed on the project. The street, drainage, water and wastewater improvements have been constructed in substantial accordance with the City's requirements. Record drawings have been provided.

A Maintenance Bond (SureTec Insurance Company - Bond No. 4398382MNT) in the amount of \$389,986.80 has been provided for a period of two years.

Legal Notes:

Budget Information:

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

Attachments / click to download

 [Resolution and Acceptance Package](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS ACCEPTING KENSINGTON TRAILS SUBDIVISION SECTION 5A; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS hereby accepts the public improvements and certifies completion of the improvements for Kensington Trails Subdivision Section 5A. The current maintenance surety is hereby \$389,986.80 being thirty five percent of the total cost of required improvements, to be held for two years from this date.

SECTION 1. That the subdivision improvements within the Kensington Trails Subdivision Section 5A are hereby accepted for operation and maintenance.

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

PASSED AND APPROVED this the ____ day of _____, 2015.

CITY OF KYLE, TEXAS

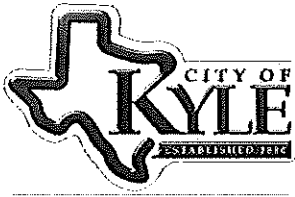
R. Todd Webster, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

STAFF ACCEPTANCE MEMO



CITY OF KYLE

100 W. Center St.
Office (512) 262-1010

Kyle, Texas 78640
Fax (512) 262-3915

MEMORANDUM

TO: Scott Sellers, City Manager

FROM: Leon Barba, P.E., City Engineer *LB*

DATE: September 11, 2015

SUBJECT: Kensington Trails Subdivision Section 5A
Street, Drainage, Water and Wastewater Improvements
Final Acceptance

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

A final walkthrough was completed on September 9, 2015. The punch list items have been completed on the project. The street, drainage water and wastewater improvements have been constructed in substantial accordance with the City's requirements. Record drawings have been provided to the City.

A Maintenance Bond (SureTec Insurance Company – Bond No. 4398382MNT) in the amount of \$389,986.80 has been provided for a period of two (2) years.

Please let me know if you need any additional information.

Xc: Harper Wilder, Public Works Dept.
Perwez Moheet, Finance Dept.
Debbie Guerra, Planning and Zoning



Firm Registration No. F-3524

September 8, 2015

Leon Barba, City Engineer
City of Kyle
300 West Center Street
Kyle, Texas 78640

**RE: KENSINGTON TRAILS SUBDIVISION, SECTION 5A
CCL 13-100**

Subject: Engineer's Letter of Concurrence

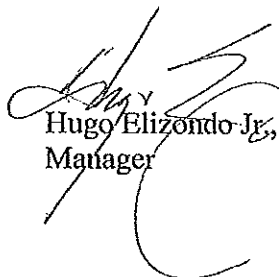
Dear Mr. Barba:

Per the City of Kyle requirements, we hereby submit this Engineer's Letter of Concurrence for the civil improvements at the referenced project. Civil improvements include water, wastewater, street, and drainage improvements.

In our opinion, the Projects' civil improvements were completed in general conformance with the permit plans and specifications as approved by the City of Kyle on January 14, 2014. The only exception is the detention pond facility which is being completed with Kensington Trails, Section 5B/C. All monuments and lot markers have been properly placed in accordance with acceptable standards.

Please advise if you have questions on this matter.

Sincerely,


Hugo Elizondo, Jr., P.E.
Manager



cc: Brett Corwin, Kensington Place Ventures, Ltd.

APPLICATION AND CERTIFICATE FOR PAYMENT

TO (OWNER): Kensington Place Ventures, Ltd
 1401 Burnham Drive
 Plano, Tx 75093

PROJECT: Kensington Trials Sec 5A
 APPLICATION NO.: 8
 PERIOD TO: 31-Aug-15
 PROJECT NO.:
 DISTRIBUTION TO:
 OWNER
 ENGINEER
 CONTRACTOR

FROM: (CONTRACTOR): Joe Bland Construction, LP
 13111 Dessau Road
 Austin, Texas 78754

CONTRACT FOR:

CONTRACT DATE:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract Continuation Sheet is attached.

1. ORIGINAL CONTRACT SUM \$ 1,114,248.00
 2. Net change by Change Orders \$ 1,114,248.00
 3. CONTRACT SUM TO DATE (Line 1 + (-)2) \$ 1,008,431.00
 4. TOTAL COMPLETED & STORED TO DATE.....

5. RETAINAGE
 a. 10.00% of Completed Work \$ 100,843.10
 b. \$ - of Stored Material \$

Total Retainage \$ 100,843.10

6. TOTAL EARNED LESS RETAINAGE \$ 907,587.90
 (Line 4 less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)..... \$ 827,341.20

8. CURRENT PAYMENT DUE \$ 80,246.70

9. BALANCE TO FINISH, PLUS RETAINAGE \$ 208,860.10
 (Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this month		
TOTALS		
Net change by Change Orders		

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificate for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: JOE BLAND CONSTRUCTION, LP
 KYLE KLUSSMANN

By: _____ Date: _____

State of: Texas County of: Travis
 Subscribed and sworn to before me this _____ day of _____, 2015

Notary Public:

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on the on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$
 ENGINEER: Cuatro Consultants, LTD

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

EXHIBIT B

MAINTENANCE BOND



v
SureTec Insurance Company

9737 Great Hills Trail, Suite 320
Austin, Tx 78759
512-732-0099

Bond No. 4398382MNT

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we Joe Bland Construction, LP as Principal, and SureTec Insurance Company, a corporation organized under the laws of the State of Texas, and duly authorized to do business in the State of Texas as Surety, are held and firmly bound unto City of Kyle, TX Public Works Department as Obligee, in the penal sum of Three Hundred Eighty Nine Thousand Nine Hundred Eighty Six and 80/100's (\$389,986.80) to which payment well and truly to be made we do bind ourselves, and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal has completed, and owner has inspected and accepted as being complete in accordance with applicable design documents (failing which, this bond shall become effective only upon such completion and inspection) that certain work (herein referred to as the "Work") described as: Kensington Trails Subdivision Section 5A.

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of Two (2) year (s) after substantial completion of the Work against defects in workmanship and materials which are the responsibility of the Principal under the contract under which the Work was constructed, and which did not appear prior to the final completion of the Work.

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of defective materials or workmanship which may first become apparent, and with respect to which written notice is delivered to Surety, before the expiration of the period of Two (2) year (s) from and after date of substantial completion of the Work, then this obligation shall be void, otherwise to remain in full force and effect.

This obligation does not cover normal wear and tear of materials, misuse or abuse by the Obligee or third parties, failure of Owner to perform owner-required maintenance, nor

any defects known to Obligee prior to final completion of the Work nor any defects discovered or occurring after the expiration of the period set forth above.

Surety's liability on any performance bond previously executed in connection with the Work shall terminate automatically upon acceptance of this Bond and Surety's liability shall thereafter be determined exclusively in accordance with the terms of this Bond.

No right of action shall accrue hereunder to or for the benefit of any person or entity other the Obligee named herein, nor shall any suit be filed or action maintained on this bond more than twenty five (25) months after the date of the earliest timely notice of defect by Obligee to Surety.

SIGNED, SEALED AND DATED THIS 2nd day of September, 2015.

Joe Bland Construction LP

Principal

By: 

Joe Bland
President, Bland, Inc.
General Partner

SureTec Insurance Company

By: 
David S. Ballew, Attorney-in-Fact

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

David S. Ballew

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Three Million Dollars and no/100 (\$3,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 12/31/2016 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

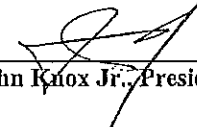
Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. *(Adopted at a meeting held on 20th of April, 1999.)*

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 21st day of March, A.D. 2013.

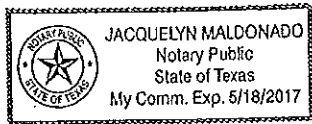
SURETEC INSURANCE COMPANY

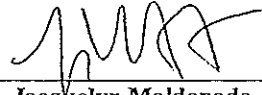
By: 
John Knox Jr., President

State of Texas ss:
County of Harris



On this 21st day of March, A.D. 2013 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.




Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2017

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 2nd day of September, 2015, A.D.


M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 6:00 pm CST.

SureTec Insurance Company
THIS BOND RIDER CONTAINS IMPORTANT COVERAGE INFORMATION

Statutory Complaint Notice

To obtain information or make a complaint: You may call the Surety's toll free telephone number for information or to make a complaint at: 1-866-732-0099. You may also write to the Surety at:

SureTec Insurance Company
9737 Great Hills Trail, Suite 320
Austin, Tx 78759

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights or complaints at 1-800-252-3439. You may write the Texas Department of Insurance at

PO Box 149104
Austin, TX 78714-9104
Fax#: 512-475-1771

PREMIUM OR CLAIM DISPUTES: Should you have a dispute concerning your premium or about a claim, you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

Terrorism Risks Exclusion

The Bond to which this Rider is attached does not provide coverage for, and the surety shall not be liable for, losses caused by acts of terrorism, riot, civil insurrection, or acts of war.

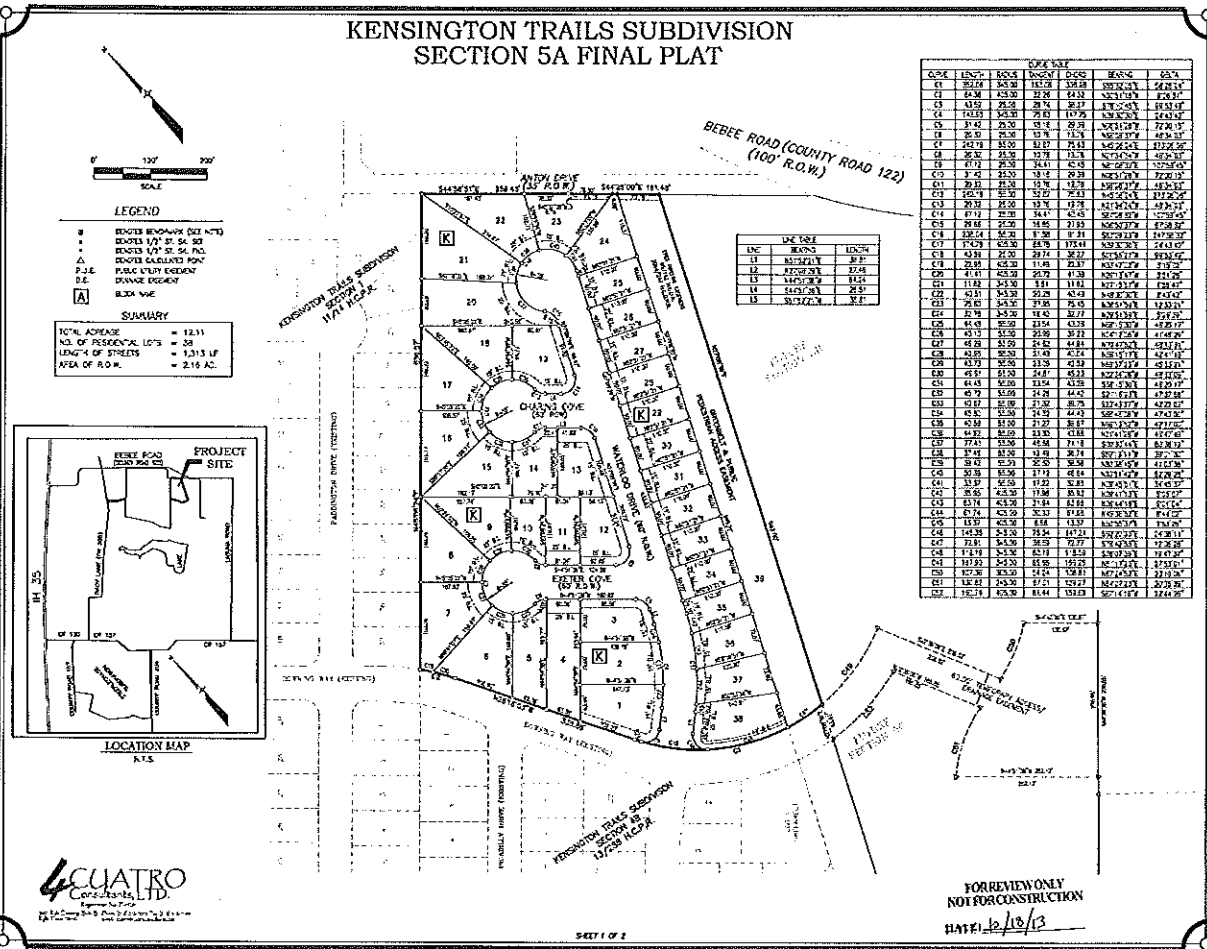
**Exclusion of Liability for
Mold, Mycotoxins, Fungi & Environmental Hazards**

The Bond to which this Rider is attached does not provide coverage for, and the surety thereon shall not be liable for, molds, living or dead fungi, bacteria, allergens, histamines, spores, hyphae, or mycotoxins, or their related products or parts, nor for any environmental hazards, bio-hazards, hazardous materials, environmental spills, contamination, or cleanup, nor the remediation thereof, nor the consequences to persons, property, or the performance of the bonded obligations, of the occurrence, existence, or appearance thereof.

EXHIBIT C

SUBDIVISION MAP

KENSINGTON TRAILS SUBDIVISION SECTION 5A FINAL PLAT



KENSINGTON TRAILS SUBDIVISION SECTION 5A FINAL PLAT

STATE OF TEXAS
COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS, THAT KENSINGTON PLACE VENTURES, LTD., A TEXAS LIMITED PARTNERSHIP, A PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 1431 BUSINESS DRIVE, BEAUMONT, TEXAS 77705, OWNER OF 12.11 ACRES OF LAND OUT OF THE JOHN STANTON SURVEY, TRACT NO. 14, LOCATED IN TARRANT COUNTY, TEXAS, CONVEYED TO KENSINGTON PLACE VENTURES, LTD., A TEXAS LIMITED PARTNERSHIP, AS RECORDED IN VOLUME 2004, PAGE 524 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, DO HEREBY SUBDUCE 12.11 ACRES TO BE KNOWN AS KENSINGTON TRAILS SUBDIVISION, SECTION 5A, ACCORDING WITH THE PLAT SIGNED HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS, HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

KENSINGTON PLACE VENTURES, LTD.
BY: INTERMANNING CO. LLC
ITS: GENERAL PARTNER

BE: MARILYN PLANO
ITS: MANAGER

THE STATE OF TEXAS

COUNTY OF TARRANT
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2013, BY MARILYN PLANO, MANAGER OF INTERMANNING CO. LLC, GENERAL PARTNER OF KENSINGTON PLACE VENTURES, LTD., A TEXAS LIMITED PARTNERSHIP, SAID PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, ON BEHALF OF SAID LIMITED PARTNERSHIP.

NOTARY PUBLIC - STATE OF TEXAS

NOTES:

- A 10' PUBLIC UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE REAR OF ALL LOTS.
- A 15' PUBLIC UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE FRONT OF ALL LOTS.
- A 10' PUBLIC UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE SIDE STREET OF BINDER LOTS.
- A 5' PUBLIC UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF THE SIDE PROPERTY LINES.
- NO CRUISES, INCLUDING SWAGE, REARLAND, ACCESSORY REARLAND, FENCING, OR LANDSCAPING WHICH WOULD INTERFERE WITH CONDUITAGE OF 2" S.W. WATER SHALL BE PLACED OR ERECTED WITHIN DRAINAGE EASEMENTS WITHOUT THE PRIOR APPROVAL OF THE CITY OF KYLE.
- PROPERTY OWNERS SHALL ALLOW ACCESS TO DRAINAGE AND UTILITY EASEMENTS FOR INSPECTION, REPAIR, MAINTENANCE OR RECONSTRUCTION AS MAY BE NECESSARY.
- ACCESS TO DONORING HWY FROM LOTS 1, 4, 5, 8, 9, AND 38, BLOCK X SHALL BE PRESERVED.
- SEWERLINES SHALL BE BUILT ALONG BOTH SIDES OF EVERY STREET SHOWN ON THE PLAT AS A PART OF THE RESIDENTIAL CONSTRUCTION ON EACH LOT. SEWERLINES SHALL BE A MINIMUM OF FOUR FEET IN WIDTH AND BEAT IN COMPLIANCE WITH THE CONSTRUCTION STANDARDS AND ASSUMPTIONS REQUIRED BY THE CITY OF KYLE. THE SEWERLINES MUST BE IN PLACE ON EACH LOT FOR WHICH A CERTIFICATE OF OCCUPANCY IS REQUIRED. ALL CURB AND APPROVED IN-COURT RAMP SHALL BE CONSTRUCTED WHEN STREETS ARE CONSTRUCTED.
- EACH PROPERTY OWNER OF A LOT ON WHICH DRAINAGE EASEMENTS ARE PLACED SHALL BE RESPONSIBLE FOR KEEPING GRASS AND WEEDS NEATLY CUT AND EASEMENT AREA FREE OF OBSTACLES AND ALL TREE/BUCH RESPONSE.
- NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF A 100 YEAR FLOODPLAIN AS INDICATED ON THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL #422990292P, DATED SEPTEMBER 2, 2005, TARRANT COUNTY, TEXAS.

4 CUATRO CONSULTANTS, LTD.

NOTES:

- LOT 33, BLOCK X - GREENBELT AND PUBLIC PEDESTRIAN ACCESS EASEMENT IS HEREBY DEDICATED TO AND SHALL BE MAINTAINED BY THE KENSINGTON TRAILS ASSOCIATION OF HOMEOWNERS INC.
- STREETS ARE HEREBY PUBLICLY DEDICATED TO AND SHALL BE FINED AND MAINTAINED BY THE CITY OF KYLE.
- RESIDENTIAL LOTS ARE LIMITED TO ONE SINGLE FAMILY RESIDENCE PER LOT.
- UTILITY PROVIDERS:
WATER: CITY OF KYLE
SEWERAGE: CITY OF KYLE
ELECTRICITY: FERRISBURG ELECTRIC COMPANY
TELEPHONE: VERIZON
- ZONING: R-1-2

STATE OF TEXAS
COUNTY OF TARRANT

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

GEORGE E. LUKAS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4180
STATE OF TEXAS
CLAYCO CONSULTANTS, LTD.
3601 KYLE CROSSING, SUITE B
KYLE, TEXAS 75742

STATE OF TEXAS
COUNTY OF TARRANT

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

HUGO ELIZONDO, JR.
REGISTERED PROFESSIONAL ENGINEER NO. 07381
CLAYCO CONSULTANTS, LTD.
3601 KYLE CROSSING, SUITE B
KYLE, TEXAS 75742

STATE OF TEXAS
COUNTY OF TARRANT

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

CITY ENGINEER _____

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

DIRECTOR OF PUBLIC WORKS _____

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

DATED 1-8 _____ DAY OF _____, 2013.

CHAIRPERSON _____

I HEREBY CERTIFY THAT THE ABOVE FOREGOING PLAT OF KENSINGTON TRAILS SUBDIVISION, SECTION 5A TO THE CITY OF KYLE, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE ON THE _____ DAY OF _____, 2013. SAID ACTION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF KYLE, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2013.

CITY SECRETARY _____

STATE OF TEXAS
COUNTY OF TARRANT

I, LEO D. GONZALEZ, COUNTY CLERK OF TARRANT COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION HAS FILED FOR RECORD IN MY OFFICE.

ON THE _____ DAY OF _____, A.D.,
O'CLOCK _____ M., IN THE PLAT RECORDS OF
TARRANT COUNTY, TEXAS IN BOOK _____ PAGE _____

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, A.D.

LEO D. GONZALEZ
COUNTY CLERK
TARRANT COUNTY, TEXAS

FOR REVIEW ONLY
NOT FOR CONSTRUCTION
DATE: 10/16/13



CITY OF KYLE, TEXAS

Ordinance TMRS Vesting Change

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation:

(First Reading) An Ordinance of the City of Kyle, Texas, adopting the change in the creditable service years required for vesting in the Texas Municipal Retirement System (TMRS) from a 10-year period to a 5-year period as approved in the budget for Fiscal Year 2015-16. ~
Sandra Duran, Director of Human Resources

Other Information:

The City of Kyle participates in the Texas Municipal Retirement System (TMRS) to provide a retirement plan to its eligible employees. TMRS is a statewide retirement system established in 1947 that provides retirement, disability, and death benefits for employees of participating Texas municipalities.

Most cities participating in the TMRS have a 5-year creditable service requirement for vesting in the retirement system including the cities of:

- Buda
- Cedar Park
- Georgetown
- Leander
- Lockhart
- New Braunfels
- Pflugerville
- Round Rock
- San Marcos
- Schertz
- Seguin

The City Manager's proposed budget for Fiscal Year 2015-16 included a proposal to change the number of creditable service years required to vest in the employee retirement system from ten (10) years to five (5)

years.

On September 8, 2015, the City Council approved the City's annual budget for Fiscal Year 2015-16 which included the change in the vesting period beginning October 1, 2015.

Legal Notes:

Budget Information: Funding approved as part of the City's Fiscal Year 2015-16 budget.

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

Attachments / click to download

 [Letter From TMRS](#)

 [Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY KYLE, TEXAS, AFFECTING PARTICIPATION OF CITY EMPLOYEES IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS); GRANTING THE ADDITIONAL RIGHTS, CREDITS AND BENEFITS AUTHORIZED BY SECTIONS 852.205 OF TITLE B. GOVERNMENT CODE, AS AMENDED; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PRESCRIBING THE EFFECTIVE DATE OF THIS ORDINANCE.

Whereas, the City Council of the City of Kyle, Texas approved the municipal budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016; and

Whereas, the municipal budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016 as approved by the City Council includes City Council's authorization and adequate funding to change the vesting period in the retirement system provided to City employees from a 10-year creditable service period to a 5-year creditable service period.

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

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. Provisions. Pursuant to the provisions of Sections 854.105 and 854.202, 854.405 of Subtitle G of Title 8, Government Code, as amended, which Subtitle shall herein be referred to as the "TMRS Act," the City of **KYLE**, Texas, adopts the following provisions affecting participation of its employees in the Texas Municipal Retirement System (which retirement system shall herein be referred to as the "System"):

- (a) An employee of the City who is a member of the System may terminate employment and remain eligible to retire and receive a service retirement annuity at any time after that member attains an applicable age and service requirement, if that member has at least five (5) years of credited service performed for one or more municipalities that have authorized eligibility under Section 854.202(c) of the Act or are subject to Section 854.102(e) of the Act.
- (b) An employee of the City who is a member of the System may retire and receive a service retirement annuity if that member is at least sixty (60) years

old and has at least five (5) years of creditable service performed for one or more municipalities that either have authorized eligibility under this subsection or are subject to Section 854.102(e) of this subtitle.

(c) The rights, credits and benefits herein above authorized shall be in addition to the plan provisions heretofore adopted and in force at the effective date of this ordinance pursuant to the TMRS Act.

Section 3. Amendment of Conflicting Ordinances. All Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or Ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

Section 5. Effective Date. This ordinance shall become effective on the first day of October 2015, provided that it has previously been determined by the Actuary for the System that all obligations of the City to the benefit accumulation fund, including obligations hereby undertaken, can be funded by the City within its maximum contribution rate and within its amortization period.

PASSED AND APPROVED on First Reading this ____ day of September, 2015.

FINALLY PASSED AND APPROVED on this ____ day of September, 2015.

CITY OF KYLE, TEXAS

R. Todd Webster, Mayor

ATTEST:

Amelia Sanchez, City Secretary



September 9, 2015

Via E-Mail

Ms. Sandra Duran
Human Resources Director
City of Kyle
P.O. Box 40
Kyle, TX 78640-0040

Dear Sandra:

We are pleased to enclose an ordinance for your city to:

Revoke the election not to provide 5-Year Vesting

With the adoption of this provision, city employees will become "vested" after obtaining five years of service credit. Vesting means that employees have worked enough years and established enough service credit to meet the minimum length-of-service requirement for service retirement.

With the adoption of this ordinance your city's contribution rate for 2016 will be **12.32%**.

We would appreciate receiving a copy of this ordinance as soon as possible after its adoption.

If you have any questions or concerns, please do not hesitate to contact me at 1-800-924-8677.

Sincerely,

Eric W. Davis
Deputy Executive Director



CITY OF KYLE, TEXAS

Acceptance of Grant for Juvenile Justice Officer

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation:

Authorize the City Manager to accept a grant in the amount of \$70,948.00 from the Office of the Governor Juvenile Justice and Delinquency Prevention-Local Program for the purpose of funding a full-time Juvenile Justice Officer for the Kyle Police Department for one year ending August 31, 2016 ~ *Jeff Barnett, Chief of Police*

Other Information:

The funding amount is \$70,948, which includes \$65,348 for personnel costs, \$3,500 for police portable radio, \$1,100 for computer and related supplies, \$1000 for office supplies.

The position will be classified as Civil Service, with required continuation of this position. Should funding be unavailable to continue the position, per Civil Service Rules, the officer with the least seniority will be released. This may or may not be the officer placed in the Juvenile Specialist Officer position.

The position and one time support costs are funded at 100% from the date of acceptance to August 31, 2016. Reimbursement of funds will be conducted on a quarterly basis.

Legal Notes:

Budget Information:

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

Attachments / click to download

[Juvenile Justice Officer Backup Material](#)

[Print This Page](#)

Agency Name: Kyle, City of
Grant/App: 2877801 **Start Date:** 9/1/2015 **End Date:** 8/31/2016

Project Title: Juvenile Justice Officer
Status: Pending AO Acceptance of Award

Narrative Information

Primary Mission and Purpose

The State Criminal Justice Planning (421) Fund supports programs designed to reduce crime and improve the criminal or juvenile justice system.

Funding Levels

The anticipated funding levels for these programs are as follows:

- Minimum Award - \$5, 000 for juvenile justice projects
- Minimum Award - \$10,000 for all other projects
- Maximum Award - None
- Match Required - None

For more information regarding grantee match, please click on the **Budget** tab, and then click on the **Source of Match** tab in eGrants.

Note: If you voluntarily include matching funds that exceed the minimum match requirement, you will be held to that amount throughout the grant period.

Program Requirements

Program Income

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income to CJD through a formal grant adjustment and to secure CJD approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after CJD's approval of a grant adjustment and prior to requesting reimbursement of CJD funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless CJD authorizes otherwise. Program income shall be used to reduce the CJD award and grantee match rather than to increase the funds committed to the project. Exceptions to the deduction method must be approved by the CJD Executive Director.

Note: Program income must be spent on project expenses before expending OOG grant funds. Program income is subject to the same statutes, rules, regulations, and guidelines applicable to the use of the OOG-funded portion of the grant.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

Criminal History Reporting

Entities receiving funds from CJD must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 60*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Juvenile Justice Program Requirements

Preferences

Preference will be given to those applicants that demonstrate cost effective programs focused on proven or promising approaches to services provision.

Juvenile Justice Board Priorities

Juvenile justice projects or projects serving delinquent or at-risk youth will address at least one of the following priorities developed by the Governor's Juvenile Justice Advisory Board to be eligible for funding:

Diversification - Programs to divert at-risk juveniles from entering the juvenile justice system. At-risk juveniles are those having had documented discipline problems in the school system or contact with law enforcement or juvenile probation.

Job Training - Projects to enhance the employability of juveniles or prepare them for future employment. Such programs may include job readiness training, apprenticeships, and job referrals.

Professional Therapy and Counseling/Mental Health - Services include, but are not limited to, the development and/or enhancement of diagnostic, treatment, and prevention instruments; psychological and psychiatric evaluations; counseling services; and/or family support services.

If your program incorporates academically researched, peer reviewed, or evidence based practices, please provide any information that supports the program's approach:

Programs providing mental health services are strongly encouraged to utilize a multidisciplinary team to assist with planning and implementation of the program.

If your program is utilizing a multidisciplinary team, please provide the name and discipline(s) of each team member:

School Based Delinquency Prevention - Education programs and/or related services to prevent truancy, suspension, and expulsion. School safety programs may include support for school resource officers and law-related education.

Substance Abuse - Programs, research, or other initiatives to address the use and abuse of illegal and other prescription and nonprescription drugs and the use and abuse of alcohol. Programs include control, prevention, and treatment.

Training and Technology/Juvenile Justice System Improvement (for Statewide Projects Only) - Programs, research, and other initiatives to examine issues or improve practices, policies, or procedures on a system-wide basis (e.g., examining problems affecting decisions from arrest to disposition and detention to corrections).

Sustainability

Over the course of the past few years, funding for juvenile programs has experienced a substantial decline. For example, federal awards to Texas under the Juvenile Justice and Delinquency Prevention Act have decreased by 66% since 2010. CJD encourages applicants to consider alternative methods of sustaining grant funded services should future funding become unavailable.

Civil Rights Liaison

A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:

Sandra Duran

Enter the Address for the Civil Rights Liaison:

100 W. Center St. P.O. Box 40 Kyle, TX 78640

Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:

(512) 262-1010

Certification

Each applicant agency will certify to the specific criteria detailed above under **Program Requirements for Juvenile Justice, Victim Assistance, Criminal Justice, and Specialty Court Program Requirements** to be eligible for funding under the State Criminal Justice (421) Fund Program Solicitations.

I certify to all of the above eligibility requirements.

Problem Statement:

Please provide a detailed account in the Problem Statement section of the existing issues your project will target.

Enter your problem statement:

The Kyle Police Department is an actively growing community facing an influx in the amount of juveniles in need of specialized supervision. This issue remains prevalent without the support of a dedicated juvenile services officer, dedicated solely to address the challenges raised by this demographic. The response of a juvenile services officer will require the specialized/reduced caseloads from an officer with specialized knowledge and understanding of how the criminal justice system collaborates with both internal and external resources available to youth, especially those with known mental health illness, and diversion strategies to prevent at-risk youth from entering into adulthood with criminal backgrounds. The Kyle Police Department has, and continues to respond to cases as these with limited officers and resources. The inclusion of a juvenile services officer will assist the Kyle Police Department in its ability to appropriately respond to cases involving juveniles.

Supporting Data:

Provide as much supporting data, to include baseline statistics and the sources of your data, which are pertinent to where the grant project is located and/or targeted. Do not use statewide data for a local problem or national data for a statewide problem.

Enter your supporting data:

In the calendar year 2014, the Kyle Police Department with a police force of 37 sworn officers, serving a population of approximately 32,000, addressed 117 separate cases involving juveniles, all of which are subject to one or more of the following categories. (Note: the following information has been compiled through the City of Kyle police records system) Interim Deferred Prosecution: 3 Deferred Prosecution: 61 Conditional Pre-Disposition: 45 Court Ordered Probation: 39 Interim Probation: 9 Permanent Probation: 2 Indirect Supervision: 5 Conditional Release from Detention: 3 Interim Inter-County Transfer: 2 Temporary Pre-Court Monitoring: 2

Community Plan:

For projects that have a local or regional impact target area, provide information regarding the community plan need(s) that your project will address.

Enter your community planning needs:

This project addresses a regional priority that CAPCOG has identified, which includes the need to improve the juvenile justice system with the addition of specialized youth service officers, trained to provide services to at-risk youth (especially those with identified mental illness, and children of incarcerated parents) that prevent them from entering the criminal justice system; and the implementation of a program that provides a liaison to link those at-risk with the internal and external resources available to meet their needs. The goal of this program is to divert at-risk youth from entering the juvenile justice system by seeking alternative treatment options other than adjudication, and/or continue working with juveniles upon completion of diversion programs.

Goal Statement:

Provide a brief description of the overall goals and objectives for this project.

Enter a description for the overall goals and objectives:

The goals of the Kyle Police Department include decreasing the number of youth from entering the criminal justice system; reduce the amount of intervention from juvenile courts and adjudication; provide cultural competency to others regarding the psychological and physical needs of at-risk youth; increased access to alternative treatment options for youth other than adjudication; reduced/specialized caseloads involving at-risk youth; increased collaboration between internal and external resources; and the continued training and professional development of a specialized youth services officer.

Cooperative Working Agreement (CWA):

When a grantee intends to carry out a grant project through cooperating or participating with one or more outside organizations, the grantee must obtain authorized approval signatures on the cooperative working agreement (CWA) from each participating organization. Grantees must maintain on file a signed copy of all cooperative working agreements, and they must submit to CJD a list of each participating organization and a description of the purpose of each **CWA**. Cooperative working agreements do not involve an exchange of funds.

For this project, provide the name of the participating organization(s) and a brief description of the purpose(s) for the **CWA(s)**. You should only provide information here that this project's successful operation is contingent on for the named service or participation from the outside organization.

Note: A **Sample CWA** is available [here](#) for your convenience.

Enter your cooperating working agreement(s):

N/A

Continuation Projects:

For continuation projects only, if your current or previous year's project is NOT on schedule in accomplishing the stated objectives, briefly describe the major obstacles preventing your organization from successfully reaching the project objectives as stated within your previous grant application. (Data may be calculated on a pro-rated basis depending on how long the current or previous year's project has been operating.)

Enter your current grant's progress:

N/A

Project Summary:

Briefly summarize the entire application, including the project's problem statement, supporting data, goal, target group, activities, and objectives. Be sure that the summary is easy to understand by a person not familiar with your project and that you are confident and comfortable with the information if it were to be released under a public information request.

Enter your summary statement for this project:

The City of Kyle has seen an influx in both the general population and the number of unique juveniles on supervision the past 5-10 years. Although there has been an increase in the number of residents, calls for assistance, and juveniles on supervision, the amount of officers available to respond has not grown with the city. The Kyle Police Department realizes the significance of offering the same quality of service to those calling the police for assistance and those needing ongoing assistance, and the importance of establishing exclusive caseloads for juveniles, especially those with known mental illness. One hundred and seventeen juveniles on supervision within the City of Kyle require a significant amount of time, dedication and resources in order to be addressed effectively. The goal of the Kyle Police Department is to continue providing essential services to those calling for assistance and to provide specialized attention to juveniles within the community with the addition of a positioned officer solely dedicated to carry out these functions. The project seeks to have a position dedicated to obtaining specialized training, respond to calls involving juveniles, develop specific intake-based diversion protocols, to provide training to other officers within the Kyle Police Department to improve their overall knowledge and approach to working with at-risk youth, and focus its efforts on the pre-adjudicatory diversion of youth, especially those with known mental health issues. Some of the goals and objectives of addressing the special needs of these youth is to continue building on to the "crisis intervention team" approach for responding to calls, already considered an integral and successful facet of the Kyle Police Department. The primary objective of this program is to maintain consistency in the quality of service while proactively finding solutions for a community growing at an unparalleled rate.

You are logged in as **User Name:** kyletexas

Print This Page

Agency Name: Kyle, City of**Grant/App:** 2877801 **Start Date:** 9/1/2015 **End Date:** 8/31/2016**Project Title:** Juvenile Justice Officer**Status:** Pending AO Acceptance of Award**Budget Details Information****Budget Information by Budget Line Item:**

CATEGORY	SUB CATEGORY	DESCRIPTION	CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Supplies and Direct Operating Expenses	Cellular, Fax, Pager, and/or Office Telephone	Portable P25 compliant radio for youth services officer to use in office or out in field.	\$3,500.00	\$0.00	\$0.00	\$0.00	\$3,500.00	0
Personnel	Certified Peace Officer - Police Department	NEW- Certified Peace Officer, Youth Services Officer. This position will be responsible for responding to calls involving juveniles, especially those with known mental health illness or disability. The officer will be responsible for handling reduced/specialized caseloads involving juveniles, and assisting fellow officers with calls for service involving juveniles, especially those with mental health issues. These responsibilities include, but are not limited to responding to calls for service, transport to appropriate facility, and caseload follow-up/close-out. The total cost for salary is \$48,941 with a total cost for fringe benefits package of \$16,407.	\$65,348.00	\$0.00	\$0.00	\$0.00	\$65,348.00	100
Supplies and Direct Operating Expenses	Laptop System and Accessories (\$5,000 or less per unit)	Laptop computer for use by youth services officer in responding to calls, making reports, maintaining records, communication with other officers, and training in-state conference/training purposes.	\$1,100.00	\$0.00	\$0.00	\$0.00	\$1,100.00	0
Supplies and Direct Operating Expenses	Office Supplies (e.g., paper, postage, calculator)	Misc. office supplies such as paper, pens, desktop supplies, filing folders, postage, highlighters, markers, steno pads, planner)	\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,000.00	0

Print This Page

Agency Name: Kyle, City of
Grant/App: 2877801 **Start Date:** 9/1/2015 **End Date:** 8/31/2016

Project Title: Juvenile Justice Officer
Status: Pending AO Acceptance of Award

Measures Information

Progress Reporting Requirements

All programs will be required to report the output and outcome measures for this program to Texas A&M University, Public Policy Research Institute (PPRI).

Objective Output Measures

OUTPUT MEASURE	CURRENT DATA	TARGET LEVEL
Number of program youth served.	0	75

Custom Objective Output Measures

CUSTOM OUTPUT MEASURE	CURRENT DATA	TARGET LEVEL
-----------------------	--------------	--------------

Objective Outcome Measures

OUTCOME MEASURE	CURRENT DATA	TARGET LEVEL
Number of program youth completing program requirements.	0	50
Number of program youth exhibiting a decrease in substance use.	0	0
Number of program youth exhibiting an improvement in family relationships.	0	65
Number of program youth exhibiting an improvement in social competencies.	0	65
Number of program youth who offend or reoffend.	0	25

Custom Objective Outcome Measures

CUSTOM OUTCOME MEASURE	CURRENT DATA	TARGET LEVEL
------------------------	--------------	--------------

You are logged in as **User Name:** kyletexas

Print This Page

Agency Name: Kyle, City of

Grant/App: 2877801 **Start Date:** 9/1/2015 **End Date:** 8/31/2016

Project Title: Juvenile Justice Officer

Status: Pending AO Acceptance of Award

Project Activities Information

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Diversion	100.00	The juvenile Services Officer will provide access to supervision, treatment, and rehabilitation as an alternative for certain youth who would otherwise face formal processing in the juvenile justice system. The officer will maintain specialized caseloads through diversion agreements between the youth, and diversion program. Each individual agreement will be tailored to a youth's specific risk factors and needs. A case management approach that requires the relationship between offenders and officer to be based on a specialized collaboration to achieve diversion goals, instead of traditional enforcement will be emphasized. Agreements will require interactive coordination between the officer, and both internal and external community based resources. Agreements will contain the following: measurable objectives/conditions to be met by youth; Identification of others who support the youth responsible for completing the agreement; a formal process for reviewing and monitoring compliance with an agreement; a system to maintain compliance and consequences for non-compliance; and an outcome evaluation component including discharge from the program. The officer will screen each individual at intake to determine eligibility for the program. A formal referral process and intake protocol will be established, and a seasoned officer will have or be in the process of completing mental health/juvenile justice training certifications to ensure proper identification of eligible participants at their earliest points of contact, identified as: law enforcement, schools, and intake.

Geographic Area:

City of Kyle

Target Audience:

Juveniles, especially those with mental illness.

Gender:

Male and Female

Ages:

Juveniles (Ages: 10-17)

Special Characteristics:

Juveniles, especially those experiencing mental health emergencies and juveniles program participants in need of immediate intervention.

You are logged in as **User Name:** kyletexas



CITY OF KYLE, TEXAS

Capital Metro Contract Extension

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: Approve an Interlocal Agreement between Capital Metropolitan Transportation Authority and the City of Kyle for demand response transportation services in the Kyle city limits for the months of October, November and December. ~ *Jerry Hendrix, Chief of Staff*

Other Information: The existing ILA with Capital Metro expires on September 30, 2015. The city council approved funding for the existing CARTS service through December 2015. Approval of this ILA will procure that service through the end of this calendar year and give staff time to solicit proposals for possible alternative service providers. The amount of funding for the CARTS service through this ILA is not to exceed the \$8,000 allocated in the 2015-2016 approved budget.

Legal Notes:

Budget Information: The City of Kyle will provide 60% funding for the CARTS service for an amount not to exceed \$8,000. Federal 5307 funds will provide the additional 40% of the funding at \$5,333.

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

Attachments / click to download

- [Capital Metro Service Costs](#)
- [Capital Metro ILA](#)
- [Capital Metro Service Analysis](#)

Subject: Service Costs for Your Review

Date: Friday, September 4, 2015 at 8:53:40 AM Central Daylight Time

From: Meaux, Michelle

To: Jerry Hendrix

Service Costs: October 1, 2015 to December 31, 2015	
Operating Cost per Hour	\$66.95
Service Hours	199
*Local Funds Required for Service	\$8,000
*Section 5307 Funds Required for Service	\$5,333
Total Service Cost	\$13,333

*FTA reimburses Capital Metro 80% of 50% for service costs. Local funds required are 50% of service costs, plus the 20% remaining funds not reimbursed by the FTA.

Michelle Meaux
Regional Coordination Planner
512-369-7785



**Amendment No. 2
To
Interlocal Agreement
Between
Capital Metropolitan Transportation Authority and the City of Kyle**

This Amendment No. 2 (“Amendment No. 2”) is entered into by and between Capital Metropolitan Transportation Authority (“Capital Metro”), a transportation authority and political subdivision of the State of Texas organized under Chapter 451 of the Texas Transportation Code, and the City of Kyle (“City”), a political subdivision of the State of Texas, each individually referred to as “Party” and collectively referred to as “Parties”.

I. Recitals

WHEREAS, the Parties entered into that one certain Interlocal Agreement dated January 24, 2014 to define the roles and responsibilities for the administration of Federal Transit Administration funds under 49 USC 5307 (the “ILA”);

WHEREAS, the Parties entered into that one certain Amendment No.1 to the ILA dated November 25, 2014 to add additional services (“Amendment No. 1”);

WHEREAS, the ILA and Amendment No. 1 are collectively referred herein as the “Agreement”;

WHEREAS, the Agreement expires on September 30, 2015 and the parties desire to extend the term to December 31, 2015;

WHEREAS, the parties desire to modify certain terms and conditions to address the foregoing as well as make other changes to the Agreement;

NOW, THEREFORE, in consideration of mutual promises, covenants, obligations, and benefits contained herein and for the good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the terms and conditions stated herein as evidenced by the signatures of their respected duly authorized representatives below.

II. Terms and Conditions

1. The Agreement is amended as follows:

I. Section I. Statement of Services to be Performed:

“Section I, subsection 2 is deleted in its entirety and replaced with the following:

2. Capital Metro will coordinate to provide Services according to the stipulations outlined as follows:

A. All public relations will be coordinated through the Capital Metro Public Information office, and

B. The Parties mutually understand the need for coordination and prior approval of activities and initiatives and agree to work together on planning activities in support of the Project, and

C. Capital Metro will monitor the ridership and use of the Services, and

D. The Parties mutually agree to consult with each other regarding any amendments or issues to be addressed in these Services, including the amending of the rates set forth in Exhibit "A". This Agreement may be modified solely in writing, by mutual consent, executed in the same formality as this Agreement and

E. The Services shall be provided through a contract with the Capital Area Rural Transportation System (CARTS) or other mutually agreed upon transportation provider.

II. Section IV. Term of the Agreement:

Section IV of the Agreement "Term of the Agreement" is deleted in its entirety and replaced with the following:

"This Agreement shall begin upon signature of the last party to sign and terminate the earlier of: (i) December 31, 2015, or (ii) when the local share from the City for DRT services reaches the sum of \$8,000.00, and /or when the FTA Section 5307 funds used equal \$5,333.00, as described in Exhibit. B-2" attached and incorporated herein for all purposes.

2. This Amendment No. 2 incorporates by reference the original ILA and Amendment No. 1 executed between the Parties. Except as expressly provided herein, all other provisions of the original ILA and Amendment No. 1 remain unchanged, are in full force and effect, are ratified, and affirmed by the Parties.
3. This Amendment No. 2 together with the original ILA and Amendment No. 1 represents the entire agreement between the Parties concerning the subject matter herein and supersedes any and all prior or contemporaneous oral or written statements, agreements, correspondence, quotations and negotiations.
4. If there is a conflict between the terms of the ILA and Amendment No. 1 and the terms of this Amendment No.2, the provisions of this Amendment No. 2 will control.
5. All terms not otherwise defined herein shall have the same meaning as in the Agreement.
6. The Recitals are incorporated herein for all purposes.

III. Signatories

This Amendment No. 2 is hereby accepted and agreed to by the following individuals or officers who have the specific authority to bind the Parties.

**Capital Metropolitan
Transportation Authority**

City of Kyle

By: _____

Linda S. Watson, President/CEO

By: _____

Todd Webster, Mayor

Date: _____

Date: _____

Approved as to form:

CMTA Legal

ATTEST:

By: _____

Amelia Sanchez, City Secretary

Exhibit A

Rates (subject to change)

Demand Response is a curb-to-curb service. Fares are based on a one-way trip. Each time the vehicle is boarded, exact fare must be paid by cash, Ride CARTS card, multi-ride tickets, or monthly passes. Drivers cannot make change. (No checks will be accepted.)

Zone 1 – Intra City: All trips within a community, town or city.

Zone 2 – Intra County: All trips originating and ending within the same county.

Zone 3 – Inter County: All trips with destinations outside the county of origin.

Paratransit Fares:	Full Fare	Reduced Fares
Zone 1	\$2.00	\$1.00
Zone 2	\$4.00	\$2.00
Zone 3	\$6.00	\$3.00

Each Additional Stop will be a Zone 1 fare

REDUCED FARES

Reduced fares are provided to persons with disabilities, persons 60 years of age or older, and children age 3 to 12. Children under the age of 3 may ride free when accompanied by an adult with an approved child safety seat

Person 60 years of age or older qualify by showing picture identification with their birthday.

Persons with Disabilities may qualify by completing the Disability Discount Eligibility Form which must be certified by a doctor and returned to CARTS prior to travel. Forms and instructions may be obtained by calling the CARTS offices or from the CARTS web site at RideCARTS. Com. A card will be issued after approval of application.

Children under age 3 may travel for free. Children between the age of 3 and 12 may travel for the reduced fare.

Exhibit B-2

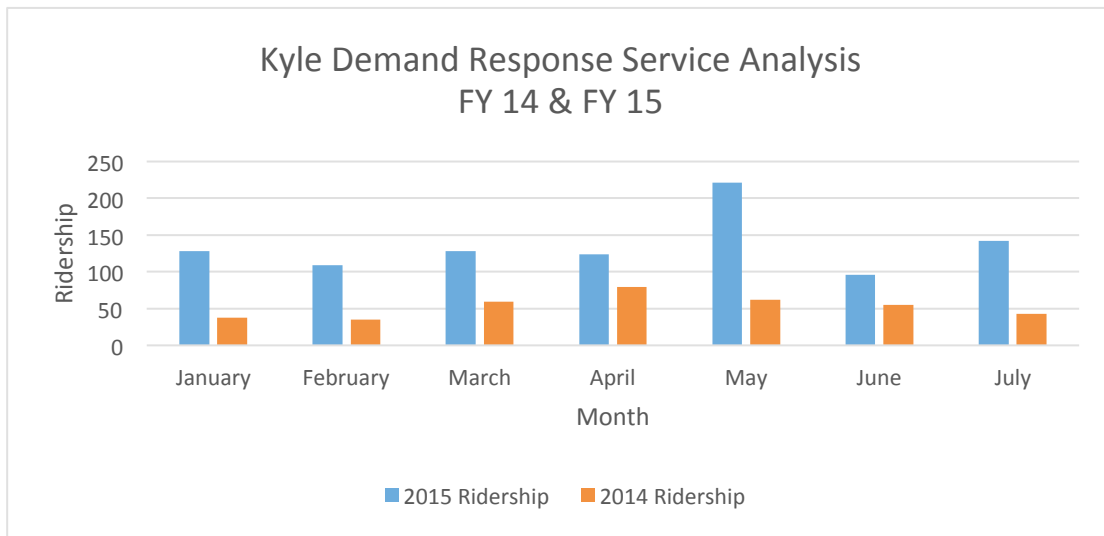
Service Costs: October 1, 2015 to December 31, 2015	
Operating Cost per Hour	\$66.95
Service Hours	199
*Local Funds Required for Service	\$8,000
*Section 5307 Funds Required for Service	\$5,333
Total Service Cost	\$13,333

*The FTA reimburses Capital Metro 80% of 50% for service costs. Local funds required are 50% of service costs, plus the 20% remaining funds not reimbursed by the FTA.

City of Kyle 2015 Demand Response Service Analysis							
	January	February	March	April	May	June	July
2015 Ridership	128	109	128	124	221	96	142
Miles Driven	1,484	1,344	942	1,027	1,915	763	1,353
On-Time Performance (Monthly Average)	86%	89%	89%	90%	89%	89%	90%
Total Hours of Service	86	70	71	80	80	71	69

City of Kyle 2014 Demand Response Service Analysis							
	January	February	March	April	May	June	July
2014 Ridership	38	35	59	79	62	55	43
Miles Driven	1,569	1,439	1,300	1,392	1,510	1,765	1,996
On-Time Performance (Monthly Average)	78%	89%	94%	90%	94%	100%	69%
Total Hours of Service	143	136	149	173	150	133	117

Ridership significantly increased even though miles driven and hours of service decreased in FY15. On-time performance remained fairly constant.





CITY OF KYLE, TEXAS

Resolution FM 150

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: A Resolution of the City of Kyle, Texas, calling the development of the FM 150 corridor between FM 150 near Arroyo Ranch and Yarrington Road, which is described in the study undertaken by Hays County, and for the further development of an alignment within this corridor. ~ *J. Scott Sellers, City Manager*

Other Information:

Legal Notes:

Budget Information:

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Attachments / click to download

[Letter FM 150 Realignment Study](#)

[Resolution](#)

Hays County Commissioner Mark Jones



5458 FM 2770
Kyle, Texas 78640
E-mail: mark.jones@co.hays.tx.us

Phone: (512) 262-2091

Contact: Jennifer Scott

December 19, 2014

The Honorable Todd Webster
Mayor, City of Kyle
100 W Center Street
Kyle, Texas 78640

Re: FM 150 West Realignment Study (CSJ 0805-04-028; 0016-17-013)

Dear Mayor Webster:

On behalf of Commissioner Whisenant and myself, I am writing to provide you with information regarding the FM 150 West Realignment Study project. As you are aware, Hays County has initiated a route and alignment study for a new roadway between FM 150 and Arroyo Ranch Road and the existing I-35/Yarrington Road interchange. This corridor project is part of the 2013 Hays County-TxDOT Partnership Program and falls within both Commissioner Whisenant's precinct and mine.

The purpose of the study, which also includes an environmental assessment under the National Environmental Policy Act (NEPA), is to:

- Identify a new corridor to relieve traffic on existing FM 150 through Kyle;
- Identify a specific route for right-of-way preservation; and
- Keep the future construction eligible for Federal and/or State funding.

While the new roadway corridor would relieve traffic on existing FM 150, no determination has been made regarding the funding and designation of the new roadway. At this point, we do not even know if a new roadway alignment/corridor can be approved. The new roadway could be a County road or be the new FM 150. Regardless, what happens to existing FM 150 has not been determined.

Also, during the County's negotiations regarding the Partnership Program, the County and State never committed funding to the project, re-designating FM 150, or removing existing FM 150 through Kyle from the State Highway System. Any discussion of those actions would be determined if and when construction funding was discussed with TxDOT. And, of course, just as the County did with the City of Buda regarding segments of FM 967, such determinations would be done in consultation with the City of Kyle.

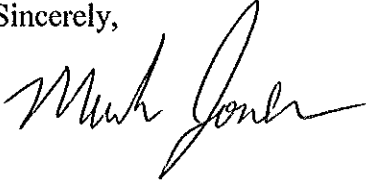
At this point, the County, working with the City of Kyle and TxDOT, is trying to determine a viable route for a new corridor that was identified in the Hays County Transportation Plan. The final

alignment and environmental process will include input from a number of people and agencies, especially the City of Kyle.

Both Commissioner Whisenant and I look forward to working with you and the City as the County's consultant team continues this study. We are committed to working with you now and in the future as we develop this project.

If you have any questions, please let me or Commissioner Whisenant know.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Jones". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Mark Jones
Commissioner, Precinct Two

cc: Judge Bert Cobb, M.D.
Commissioner Debbie Ingalsbe
Commissioner Will Conley
Commissioner Ray Whisenant
Michael J. Weaver, Prime Strategies, Inc.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KYLE, TEXAS, CALLING THE DEVELOPMENT OF THE FM 150 CORRIDOR BETWEEN FM 150 NEAR ARROYO RANCH AND YARRINGTON ROAD, WHICH IS DESCRIBED IN THE STUDY UNDERTAKEN BY HAYS COUNTY, AND FOR THE FURTHER DEVELOPMENT OF AN ALIGNMENT WITHIN THIS CORRIDOR.

WHEREAS, the Hays County Transportation Plan adopted in January of 2013 identified the need for a new four-lane divided arterial from the vicinity of Arroyo Ranch Road south to Interstate Highway 35 to meet future demands for travel through Hays County and through and in the vicinity of the City of Kyle; and,

WHEREAS, the most recently adopted City of Kyle Transportation Plan also identified the need for a new four-lane divided arterial from the vicinity of Arroyo Ranch Road south to Interstate Highway 35 to meet future demands for travel through the City of Kyle and to support future development in the City of Kyle; and,

WHEREAS, Hays County, in partnership with the Texas Department of Transportation, has undertaken the FM 150 West Realignment Study (Study) to determine the best and most appropriate route for providing this new four lane arterial; and,

WHEREAS, the Study is intended to evaluate the most effective route for a new State roadway to reduce congestion and improve safety through Hays County and through and in the vicinity of the City of Kyle; and,

WHEREAS, the Study is also intended to support the growth and development objectives of the City of Kyle; and,

WHEREAS, the Study has included and will continue to include extensive public outreach including public workshops, briefings to City of Kyle officials and committees, briefings to the Kyle Chamber of Commerce and other community based agencies and organizations, coordination with regulating agencies and organization, and, coordination with potentially affected property owners, and,

WHEREAS, the Study evaluated four various alternative corridors for the location of the new corridor based on several factors, including, but not limited to, construction costs, existing and future travel patterns and demands, public input, selected natural and human environment constraints; and,

WHEREAS, the Study has recommended that a corridor extending from FM 150 near Arroyo Ranch south to a connection point at Yarrington Road, which is known as Corridor C.

WHEREAS, Corridor C most directly supports the purpose and need identified in the Hays County and City of Kyle transportation plans, provides the most feasible constructability, avoids business and public facility resources, provides for the most adjustments to mitigate potential land use and environmental impacts, and best balances human and natural environment impacts based on the evaluation criteria described above; and.

WHEREAS, the next step in the State environmental process is to further evaluate Corridor C and determine the best alignment for the new roadway to support growth and provide reliable traffic flow and safety in the region.

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

Section 1. That the City of Kyle supports the continuation of the Study by Hays County.

Section 2. That the City of Kyle supports the further development of an alignment for a four-lane divided arterial within Corridor C.

Section 3. That the City of Kyle will continue to support the Study through sharing of technical information, the sharing of land development information, and through the facilitation of discussion with potential affected property owners,

Section 4. That this resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this _____ day of September, 2015.

R. Todd Webster, Mayor

ATTEST:

Amelia Sanchez, City Secretary



CITY OF KYLE, TEXAS

Kyle Apartments, LLC request for Overhead Electrical Service

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation:

Consider and possible action for a request by Charles Holbrook, Development Manager, Kyle Apartments, to permit offsite overhead electrical service, provided by Pedernales Electric Cooperative, in the right of way of Bebee Road to Kyle Apartments, LLC. ~ *Daphne Tenorio, City Council Member*

Other Information:

Legal Notes:

Budget Information:

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

Attachments / click to download



CITY OF KYLE, TEXAS

Meeting Date: 9/15/2015
Date time: 7:00 PM

Charles D. Nash - Zoning (W)

Subject/Recommendation:

(First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 3.1132 acres of land from Multi-Family Residential 2 “R-3-2” to Warehouse District “W”, on property located in the Replat of Four Season Farms, Section III, part of Lot 2, in Hays County, Texas. (Charles D. Nash, Sr., Z-15-010). ~ Howard J. Koontz, Director of Planning and Community Development

Planning and Zoning Commission voted 4-1 to recommend approval of the request.

• PUBLIC HEARING

Other Information:

The site is located along the east side of Lehman Road, just north of its intersection with RR 150 East. The undeveloped site is directly north of the retail plaza located at the corner of Lehman and RR 150 East. The entire property, comprising 16.63 acres, is currently zoned R-3-2 (Multi-Family Residential 2), and has up until now been the site of a future garden apartment complex. The adjacent parcels to the west and north (across Lehman Road) are zoned ‘AG’ (Agriculture) and are developed with large lot single family detached homes; the parcel to the north that is adjacent to the development site is also zoned ‘AG’, the Lake Kyle park property. The lots to the northeast, east, and south comprise the Four Seasons housing development and are zoned R-1-1 (Single Family Residential). The property to the south, immediately adjacent to the development site, is zoned R/S and is currently a retail plaza with a restaurant and retail stalls. The applicant seeks to subdivide and rezone 3.11 acres of the whole parcel from R-3-2 to ‘W’ (Warehouse District), a category “designed to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users”. Conditions of the Zoning Ordinance §53-1205 – Amendments (d) Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council

may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property. (e) Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

Comprehensive Plan Text As viewed on the city's future land use map, the subject site is located in a border region between the 'Regional Node' and 'Mid-Town Community' character areas, primarily located in the Regional Node. In the Regional Node, it is not recommended that 'Warehouse' be approved as a zoning district. Regional Node 'Character': "Regional Nodes should have regional scale retail and commercial activity complemented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers." Regional Node 'Intent': "The primary goal of the Regional Nodes is to capture commercial opportunities necessary to close Kyle's tax gap. To achieve this goal, these Nodes should draw upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location. Regional Nodes should provide a mixture of uses that complements regional commercial activity, as well as encourage high intensity residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to growth toward Hwy 21, SH 45 and SH 130. The anchor of each Regional Node should be regional commercial uses, and Regional Nodes should have a high level of development intensity."

Recommendation Establishing Warehouse zoning on this parcel entitles not only those uses prescribed in the zoning ordinance for warehouse, but also for Retail/Service (R/S), Central Business District 1 (CBD-1), and Central Business District 2 (CBD-2). Staff has had conversations with the applicant, and although the potential for the site to be developed as an employment center is a favorable event, the role of the Mayor & City Council is to evaluate all possible outcomes of establishing warehouse on this tract. A warehouse designation for this site could benefit from its proximity to residential districts, as the labor pool for the district could be sourced from the adjacent population, and those same residents could serve as local clientele for the businesses in the district. However, that same benefit wouldn't necessarily be achieved by the nearby residents, as a locally unwanted land uses can erode the sense of place of an established, stable neighborhood. The diminutive area of the site would certainly attenuate the possible negative impacts from a less-than-desirable land use on the site, but it wouldn't preclude them entirely. The property is indicated in the city Comprehensive Plan to be located in a region poised for an increase in activity and development density. Establishing the warehouse district

would be another step toward making that prediction a reality. The buffer of the remaining 13 acres, immediately adjacent to the east-/southeast, works to insulate the warehouse use from the nearby Four Seasons neighborhood. In any case, it would be a significant act of faith on the part of the planning commission to expect that the project would be developed into a neighborhood amenity that increases the region's quality of life and benefits the city as a whole, in light of the extensive list of permissible uses enabled by warehouse zoning. Planning Commission At their regular September 8, 2015 business meeting, the planning commission held a public hearing related to this issue. Following extended discussion, the planning commission recommended approval of the request, 4-1 (Huey, Kaye absent; Christie dissent).

Legal Notes: N/A

Budget Information: N/A

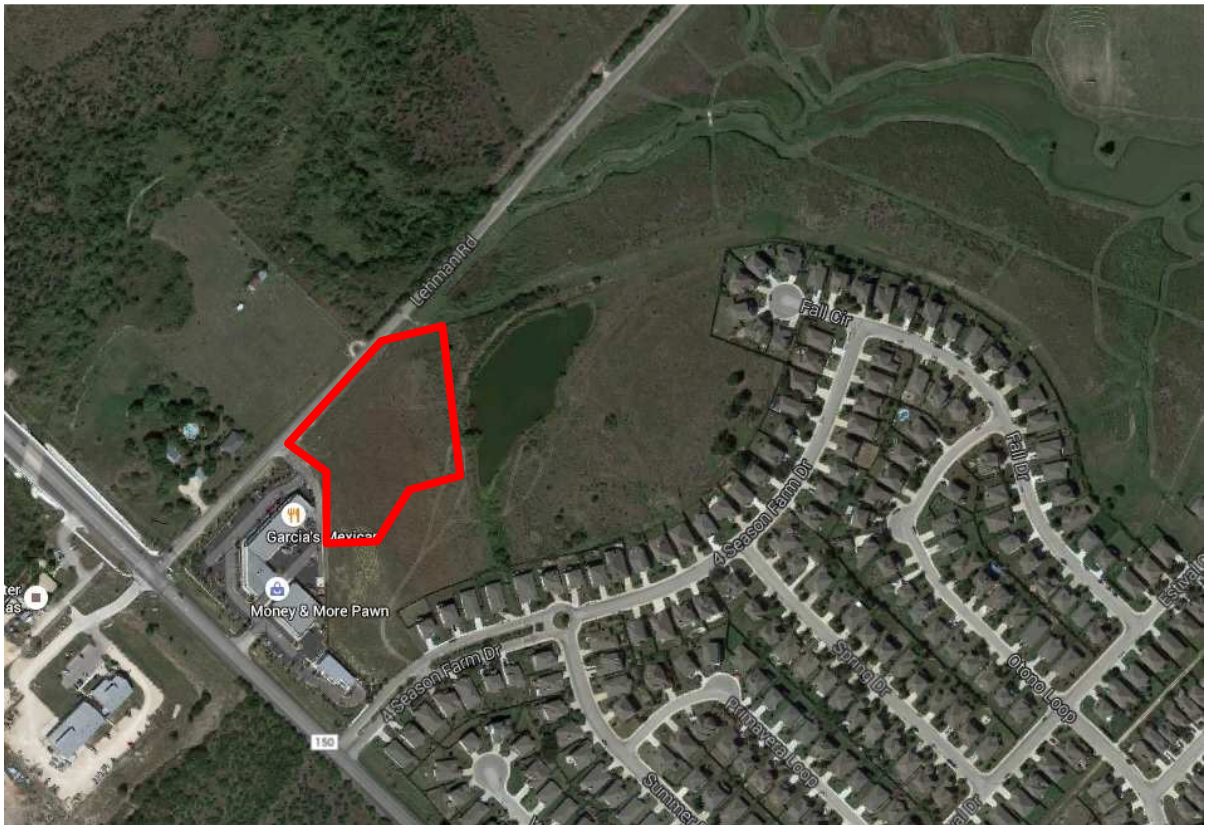
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Attachments / click to download

- [Ordinance with Exhibits A & B](#)
 - [Application Packet](#)
 - [Project Location Map](#)
 - [Staff Memo](#)
-

Property Location	Replat Four Seasons Farms, Section III, Part of Lot 2, Lehman Road
Owner	Charles D. Nash P.O. Box 1988 Austin, Texas 78767
Petitioner	Herman Vigil Vigil and Associates 4303 Russell Drive Austin, Texas 78704
Request	Rezone 3.11 acres from R-3-2 (Multi-Family Residential) to W (Warehouse)

Vicinity Map



The site is located along the east side of Lehman Road, just north of its intersection with RR 150 East. The undeveloped site is directly north of the retail plaza located at the corner of Lehman and RR 150 East. The entire property, comprising 16.63 acres, is

currently zoned R-3-2 (Multi-Family Residential 2), and has up until now been the site of a future garden apartment complex.

The adjacent parcels to the west and north (across Lehman Road) are zoned 'AG' (Agriculture) and are developed with large lot single family detached homes; the parcel to the north that is adjacent to the development site is also zoned 'AG', the Lake Kyle park property. The lots to the northeast, east, and south comprise the Four Seasons housing development and are zoned R-1-1 (Single Family Residential). The property to the south, immediately adjacent to the development site, is zoned R/S and is currently a retail plaza with a restaurant and retail stalls. The applicant seeks to subdivide and rezone 3.11 acres of the whole parcel from R-3-2 to 'W' (Warehouse District), a category "designed to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users".

Conditions of the Zoning Ordinance

§53-1205 – Amendments

...

(d) Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e) Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

Comprehensive Plan Text

As viewed on the city's future land use map, the subject site is located in a border region between the 'Regional Node' and 'Mid-Town Community' character areas, primarily located in the Regional Node. In the Regional Node, it is not recommended that 'Warehouse' be approved as a zoning district.

Regional Node 'Character': "Regional Nodes should have regional scale retail and commercial activity complemented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores,

retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers.”

Regional Node ‘Intent’: “The primary goal of the Regional Nodes is to capture commercial opportunities necessary to close Kyle’s tax gap. To achieve this goal, these Nodes should draw upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location. Regional Nodes should provide a mixture of uses that complements regional commercial activity, as well as encourage high intensity residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to growth toward Hwy 21, SH 45 and SH 130. The anchor of each Regional Node should be regional commercial uses, and Regional Nodes should have a high level of development intensity.”

Recommendation

Establishing Warehouse zoning on this parcel entitles not only those uses prescribed in the zoning ordinance for warehouse, but also for Retail/Service (R/S), Central Business District 1 (CBD-1), and Central Business District 2 (CBD-2). Staff has had conversations with the applicant, and although the potential for the site to be developed as an employment center is a favorable event, the role of the Mayor & City Council is to evaluate all possible outcomes of establishing warehouse on this tract.

A warehouse designation for this site could benefit from its proximity to residential districts, as the labor pool for the district could be sourced from the adjacent population, and those same residents could serve as local clientele for the businesses in the district. However, that same benefit wouldn’t necessarily be achieved by the nearby residents, as a locally unwanted land uses can erode the sense of place of an established, stable neighborhood.

The diminutive area of the site would certainly attenuate the possible negative impacts from a less-than-desirable land use on the site, but it wouldn’t preclude them entirely. The property is indicated in the city Comprehensive Plan to be located in a region poised for an increase in activity and development density. Establishing the warehouse district would be another step toward making that prediction a reality. The buffer of the remaining 13 acres, immediately adjacent to the east-/southeast, works to insulate the warehouse use from the nearby Four Seasons neighborhood.

In any case, it would be a significant act of faith on the part of the planning commission to expect that the project would be developed into a neighborhood amenity that increases the region’s quality of life and benefits the city as a whole, in light of the extensive list of permissible uses enabled by warehouse zoning.

Planning Commission

At their regular September 8, 2015 business meeting, the planning commission held a public hearing related to this issue. Following extended discussion, the planning commission recommended approval of the request, 4-1 (Huey, Kaye absent; Christie dissent).

Attachments

- Application
- Letter of intent
- Overhead map of the subject vicinity

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.1132 ACRES OF LAND FROM MULTI FAMILY RESIDENTIAL 2 "R-3-2" TO WAREHOUSE DISTRICT "W", ON PROPERTY LOCATED IN THE REPLAT OF FOUR SEASON FARMS, SECTION III, PART OF LOT 2, IN HAYS COUNTY, TEXAS. (CHARLES D. NASH, SR. Z-15-010); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 3.1132 acres from Multi Family Residential 2 "R-3-2" to Warehouse District "W", on property located in the Replat of Four Season Farms, Section III, part of Lot 2, 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 _____, 2015, 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 _____, 2015, 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 _____, 2015.

Todd Webster, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

Field Note Description of a 3.1132 Acre Parcel to be Rezoned W (Warehouse)

Commencing at a point at the northeast corner of the intersection of Lehman Road and FM 150 and proceeding N 44°24'28" E, 392.82 feet to a point in the easterly right-of-way of Lehman Road and **Point of Beginning**:

Thence continuing along the eastern right-of-way of Lehman Road, N 44°24'28" E, 398.69 feet;

Thence N 75°25'22" E, 150.08 feet to a corner;

Thence leaving Lehman Road and proceeding S 7°44'40" E, 373.50 feet to a corner, 13.25 feet to the north of and parallel to the northern boundary of a 20 foot wastewater easement found on the Replat of Four Seasons Farm, Section III, a subdivision recorded in Volume 11, Page 330 of the Hays County Subdivision Records to a corner;

Thence S 82°15'20" W, 197.50 feet;

Thence S 44°12'26" W, 161.50 feet;

Thence S 89°27'14" W, 71.83 feet;

Thence N 0°32'46" W, 98.99 feet;

Thence N 45°35'32" W, 130.88 feet to a point in the eastern right-of-way of Lehman Road and **Point of Beginning** containing 135, 609 square feet or 3.1132 acres of land.



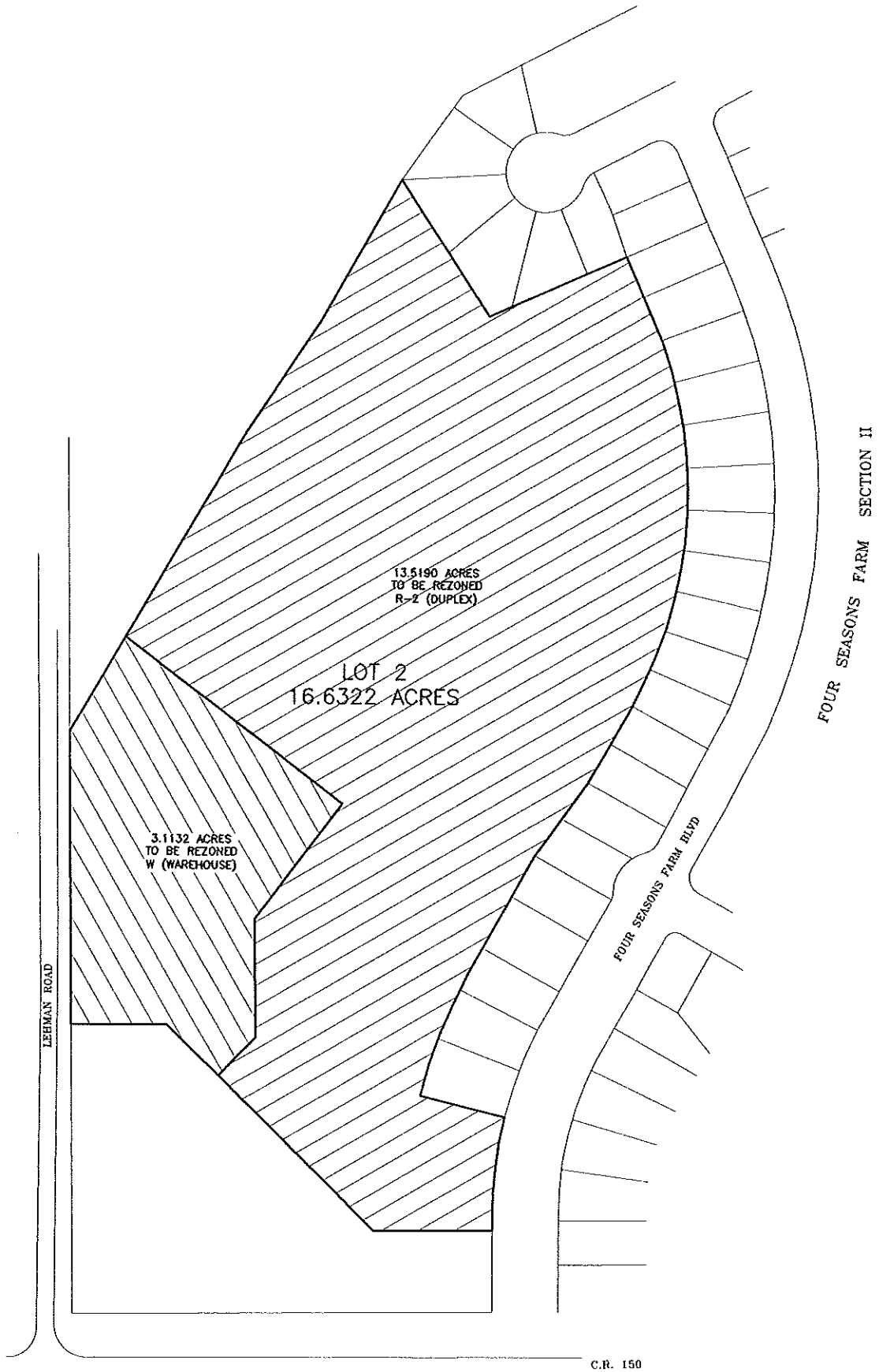


Exhibit B

Z-15-010



CITY OF KYLE
APPLICATION & CHECKLIST - ZONING CHANGE

Zoning: Charles D. Nash, Sr.

AUG 06 2015

(Name of Owner)

(Submittal Date)

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

(Z-15-010)

PLANNING DEPARTMENT

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

- ✓ 1. Completed application form with owner's original signature.
- ✓ 2. Letter explaining the reason for the request.
- ✓ 3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof. \$3.62 x 3.1132 acres=\$11.27
Newspaper Publication Fee: \$190.21

Total Fee: \$629.54

- ✓ 4. A map or plat showing the area being proposed for rezoning.
- ✓ 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- ✓ 6. Certified Tax certificates: County Hays School Hays City Kyle
CISD
- ✓ 7. Copy of Deed showing current ownership.

*** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.

1. Zoning Request:

Current Zoning Classification: R-3-2
Proposed Zoning Classification: W
Proposed Use of the Property: Warehouse
Acreage/Sq. Ft. of Zoning Change: 3.1132 acres

2. Address and Legal Description:

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: _____

Subdivision Name/Lot & Block Nos.: Replat of Four Seasons Farm, Section III, Part of Lot 2

Property Recording Information:
Volume/Cabinet No. 200

Hays County

Page/Slide No. 346

3. Ownership Information:

Name of Property Owner(s): Charles D. Nash, Sr.

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: P.O. Box 1988

Austin TX 78767-1988

Phone Number: 512 753-6443

Fax Number: _____

Email Number: Chucknash@Chucknash.com

I hereby request that my property, as described above, be considered for rezoning:

Signed: _____

Date: 8-5-2015

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Hermann Vigil - Vigil and Associates

Agent's Address: 4303 Russell Drive

Austin TX 78704

Agent's Phone Number: 512 326-2667

Agent's Fax Number: _____

Agent's Mobile Number: 512 431-3525

Agent's Email Number: hermann@vigilandassociates.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: _____

Date: 8-5-2015

*Do Not Write Below This Line
Staff Will Complete*

Tax Certificates: County School City

Certified List of Property Owners Within 200'

All Fees Paid: Filing/Application Mail Out Costs

Attached Map of Subject Property

Accepted for Processing By: Debbie A. Guerna Date: 8/6/15

Date of Public Notification in Newspaper: 8/19/15

Date of Public Hearing Before Planning and Zoning Commission: 9/8/15

Date of Public Hearing Before City Council: 9/15/15 + 10/6/15

VIGIL & ASSOCIATES
CONSULTING SERVICES

Firm Registration No. F-4768
4303 Russell Drive, Austin, TX 78704, Phone: (512) 326-2667

July 22, 2015

Mr. Howard Koontz, Director
Planning Dept., City of Kyle
100 W. Center Street
P.O. Box 40
Kyle TX 78640

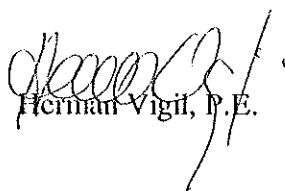
Dear Mr. Koontz,

On behalf of my client, Mr. Charles D. Nash, Sr., I would like to request a zoning change for 16.6322 acres of land that is currently subdivided as Lot 2, Replat of Four Seasons Farm, Section III. The property is on the east side of Lehman Road approximately 400 feet north of the intersection of F.M. 150 and Lehman Road and also has access to Four Seasons Farm Boulevard. It is currently zoned R-3-2 .

We propose to rezone the property into two different zoning categories, 13.5190 acres adjacent to the single family portion of Four Seasons Farm, Section II to R-2 (Duplex) and 3.1132 acres along Lehman Road to W (Warehouse). Our purpose is to create a gated duplex community more compatible with the adjacent single family uses and to provide a buffer to the proposed office/warehouse use along Lehman Road, which is a use more consistent with the retail property to the south.

Please review our application and note the merits of our proposal. Thank you very much for your consideration.

Sincerely,


Herman Vigil, P.E.

Vol. 200 PAGE 346

THE STATE OF TEXAS)
COUNTY OF TRAVIS) KNOW ALL MEN BY THESE PRESENTS:

49309

That we, Billy McGee and wife, Jewell McGee,

of the County of Hays, State of Texas, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), cash, and other good and valuable consideration to us in hand paid by Charles Durham Nash, receipt of all of which consideration is hereby acknowledged and payment of no part of which is secured by a lien, expressed or implied, upon the hereinafter described premises, and the further consideration as follows: The assumption of and the promise to pay by the Grantee herein the balance remaining unpaid as of this date on that certain promissory note for the original principal sum of \$28,763.20, dated January 2, 1962, executed by Grantors herein, payable to the order of Edwin Cullen, of Austin, Texas, bearing interest and being due and payable in monthly installments as therein provided, said note being secured by vendor's lien retained in deed of even date from Edwin Cullen and by deed of trust of even date therewith, executed by Grantors herein to Charles H. Young, Trustee, for the use and benefit of Edwin Cullen, of Austin, Texas, duly recorded in the Deed of Trust Records of Hays County, Texas; and the Grantee herein, by the acceptance of this deed, expressly assumes and promises to pay in full said note above described and perform all acts and covenants contained in said deed of trust as part of the consideration for this conveyance,

HAVE GRANTED, SOLD and CONVEYED and by these presents do GRANT, SELL and CONVEY unto the said Charles Durham Nash, of the County of Travis, State of Texas, all that certain lot, tract or parcel of land lying and being situated in the County of Hays, State of Texas, known and described as follows, to-wit:

222.44 acres of land out of the John Jones Survey No. 263 in Hays County, Texas, being all that certain land conveyed to Billy McGee, et ux. by Edwin Cullen by deed recorded in Volume 190, Page 36-38 of the Deed Records of Hays County, Texas, and being also the same property conveyed to Charles H. Young, Trustee, for Edwin Cullen by Billy McGee, et ux., by deed of trust dated January 2, 1962;

Beginning at an iron pipe in the occupied Southeast line of the John Jones Survey No. 263 and the Northwest line of the M. B. Atkinson Survey No. 10, said point being in the Northeast right-of-way line of FM Highway 150 and being the most Southerly corner of that certain tract conveyed to Billy McGee, et ux. by Edwin Cullen by deed recorded in Vol. 190, Page 36-38 of the Deed Records of Hays County, Texas, for the most Southerly corner of the tract herein described;

Thence with the fence along the Northeast line of FM Highway 150, N. 45 deg. 00' W. a distance of 1408.6 feet to a concrete right-of-way marker for an angle point in said highway, for an angle point in this tract;

Thence continuing with the fence along the Northeast line of the said highway, N. 45 deg. 30' W. a distance of 620.1 feet to an iron stake at fence corner post at intersection of the Northeast line of the said highway with the Southeast line of a county road, for the most Westerly corner of this tract;

Thence with the fence along the Southeast line of the said county road, N. 44 deg. 44' E. a distance of 776.0 feet to an angle post in fence for an angle point in this tract;

Thence continuing with the fence along the Southeast line of the said county road, N. 42 deg. 48' E. a distance of 917.7 feet to an angle post in fence, for an angle point in this tract;

Thence continuing with the fence along the Southeast line of the said county road, N. 44 deg. 44' E. a distance of 3025.6 feet to an iron stake at fence corner post at the most Northerly corner of the said Billy McGee tract, for the most Northerly corner of this tract;

Thence with the fence along the Northeast line of the said McGee tract, S. 44 deg. 53' E. a distance of 2001.2 feet to a fence corner post near the most Easterly corner of the said McGee tract, for the most Easterly corner of this tract;

Thence with a fence along the courses and distances as follows: S. 31 deg. 43' W. 239.6 feet, S. 39 deg. 29' W. 198.3 feet to a nail set in fence corner post for an angle point in this tract in the Southeast line of the said McGee tract in the occupied Southeast line of the John Jones Survey;

Thence with the fence along the Southeast line of the said John Jones Survey, being also the Southeast line of the said McGee tract, S. 44 deg. 55' W. a distance of 4278.8 feet to the place of beginning, containing 222.44 acres of land, more or less.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Charles Durham Nash, his heirs, executors, administrators, and assigns forever.

And we do hereby bind ourselves, our heirs, executors and administrators, to WARRANT and FOREVER DEFEND all and singular the said premises unto the said Charles Durham Nash, his heirs and assigns, executors and administrators, against every person whomsoever, lawfully claiming or to claim the same, or any part thereof, subject to covenants, conditions, restrictions and easements of record.

But it is expressly agreed and stipulated that the vendor's lien is retained in favor of Billy McGee and wife Jewell McGee, against the above described property, premises and improvements until the above described promissory note payable to the order of Edwin Cullen, together with all interest thereon, has been fully paid, according to its face and tenor, effect and reading, when this deed shall become absolute provided,

WOL 200 PAGE 348

however, the execution of a release of the above described note and liens by the holder thereof shall operate as a release of the vendor's lien retained herein.

WITNESS OUR HANDS this the 17 day of April, A. D. 1964.



Billy McGee
Billy McGee

Jewell McGee
Jewell McGee

THE STATE OF TEXAS)
COUNTY OF TRAVIS)

BEFORE ME, the undersigned authority, on this day personally appeared Billy McGee and wife, Jewell McGee, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and the said Jewell McGee, wife of Billy McGee, having been examined by me privily and apart from her husband and having the same fully explained to her by me, she, the said Jewell McGee, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration expressed, and that she did not wish to retract it.



GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17th April, A. D. 1964.

Robert G. Heaton, Jr.
Notary Public in and for Travis County, Texas

Filed for record the 22nd day of April, A. D., 1964, at 9:45 o'clock A. M.

Recorded the 27th day of April, A. D., 1964, at 8:45 o'clock A. M.

Lydell B. Clayton
Lydell B. Clayton, County Clerk, Travis County, Texas.

TAX CERTIFICATE

Luanne Caraway Tax Assessor-Collector, Hays County

712 S. Stagecoach Trail
San Marcos, TX 78666
Ph: 512-393-5545 Fax: 512-393-5517

This certificate includes tax years up to 2014

Entities to which this certificate applies:

SHA - Hays Consolidated ISD
WPC - Plum Creek Groundwater District
FHA - Hays Co ESD #5
ACCD - AUSTIN COMMUNITY COLLEGE DISTRICT

PCC - Plum Creek Conservation District
RSP - Special Road Dist
GHA - Hays County
CKY - City Of Kyle

Property Information

Owner Information

Property ID : 11-3043-0000-00200-2
Quick-Ref ID : R110708

Owner ID : O24600

Value Information

KYLE, TX 78640	Land HS	:	\$0.00
	Land NHS	:	\$646,620.00
	Imp HS	:	\$0.00
	Imp NHS	:	\$0.00
FOUR SEASONS FARM	Ag Mkt	:	\$0.00
SEC III, LOT 2, ACRES	Ag Use	:	\$0.00
16.6322	Tim Mkt	:	\$0.00
	Tim Use	:	\$0.00
	HS Cap Adj	:	\$0.00
	Assessed	:	\$646,620.00

NASH, CHARLES D, SR
P O BOX 1988
AUSTIN, TX 78767-1988

Ownership: 100.00%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
PCC	2014	142.26	0.00	0.00	0.00	0.00
SHA	2014	9,943.08	0.00	0.00	0.00	0.00
RSP	2014	283.22	0.00	0.00	0.00	0.00
WPC	2014	142.26	0.00	0.00	0.00	0.00
GHA	2014	2,749.43	0.00	0.00	0.00	0.00
FHA	2014	646.62	0.00	0.00	0.00	0.00
CKY	2014	3,480.75	0.00	0.00	0.00	0.00
ACCD	2014	609.12	0.00	0.00	0.00	0.00

Total for current bills if paid by 7/31/2015 : \$0.00

Total due on all bills 7/31/2015 : \$0.00

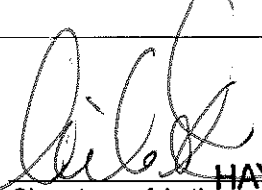
2014 taxes paid for entity PCC \$142.26
2014 taxes paid for entity SHA \$9,943.08
2014 taxes paid for entity RSP \$283.22
2014 taxes paid for entity WPC \$142.26
2014 taxes paid for entity GHA \$2,749.43
2014 taxes paid for entity FHA \$646.62
2014 taxes paid for entity CKY \$3,480.75
2014 taxes paid for entity ACCD \$609.12

2014 Total Taxes Paid : \$17,996.74

Date of Last Payment : 01/20/15

If applicable, the above-described property is receiving special valuation based on its use. Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43, Paragraph (i) of the Texas Property Tax Code.


HAYS COUNTY TAX DEPUTY
Signature of Authorized Officer of the Tax Office

Date of Issue : 07/22/2015
Requestor : NASH, CHARLES D, SR
Receipt : SM-2015-827934
Fee Paid : \$20.00
Payer : VIGIL AND ASSOCIATES

REPRINTED TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County
712 S. Stagecoach Trail
San Marcos, TX 78666
Ph: 512-393-5545 Fax: 512-393-5517

Receipt Number: **SM-2015-803587**

Payor: CDN FARM LTD. ()
6200 SOUTH IH 35
AUSTIN, TX 78745

Owner: NASH, CHARLES D, SR (O24600)
P O BOX 1988
AUSTIN, TX 78767-1988

Quick Ref ID: R110708
Owner: NASH, CHARLES D, SR (O24600) - 100%
Owner Address: P O BOX 1988
AUSTIN, TX 78767-1988

Property: 11-3043-0000-00200-2
Legal Description: FOUR SEASONS FARM SEC III, LOT 2,
ACRES 16.6322
Situs Address: KYLE, TX 78640

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2014					
Plum Creek	646,620	0.022000	142.26	142.26	142.26
Hays Consolidated	646,620	1.537700	9,943.08	9,943.08	9,943.08
Special Road Dist	646,620	0.043800	283.22	283.22	283.22
Plum Creek	646,620	0.022000	142.26	142.26	142.26
Hays County	646,620	0.425200	2,749.43	2,749.43	2,749.43
Hays Co ESD #5	646,620	0.100000	646.62	646.62	646.62
City Of Kyle	646,620	0.538300	3,480.75	3,480.75	3,480.75
AUSTIN COMMUNITY	646,620	0.094200	609.12	609.12	609.12

Total Payment Amount	17,996.74
Check Payment (Ref # 1029) Tendered	17,996.74
Total Tendered	17,996.74

Remaining Balance Due, including other fees,
as of 7/22/2015 **0.00**

Date Paid: 01/20/2015
Effective Date: 01/20/2015
Station/Till: Monica/Monica's Till
Cashier:

TAX CERTIFICATE

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FOUR SEASONS FARM	Ag Mkt	:	\$0.00
SEC III, LOT 2, ACRES	Ag Use	:	\$0.00
16.6322	Tim Mkt	:	\$0.00
	Tim Use	:	\$0.00
	HS Cap Adj	:	\$0.00
	Assessed	:	\$646,620.00

Owner Information

Owner ID : O24600
 NASH, CHARLES D, SR
 P O BOX 1988
 AUSTIN, TX 78767-1988
 Ownership: 100.00%

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WPC	2014	142.26	0.00	0.00	0.00	0.00
GHA	2014	2,749.43	0.00	0.00	0.00	0.00
FHA	2014	646.62	0.00	0.00	0.00	0.00
CKY	2014	3,480.75	0.00	0.00	0.00	0.00
ACCD	2014	609.12	0.00	0.00	0.00	0.00

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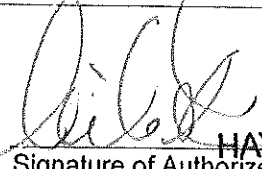
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P O BOX 1988
AUSTIN, TX 78767-1988

Quick Ref ID: R110708
Owner: NASH, CHARLES D, SR (O24600) - 100%
Owner Address: P O BOX 1988
AUSTIN, TX 78767-1988

Property: 11-3043-0000-00200-2
Legal Description: FOUR SEASONS FARM SEC III, LOT 2,
ACRES 16.6322
Situs Address: KYLE, TX 78640

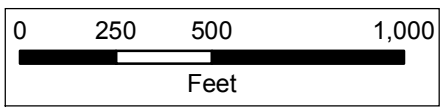
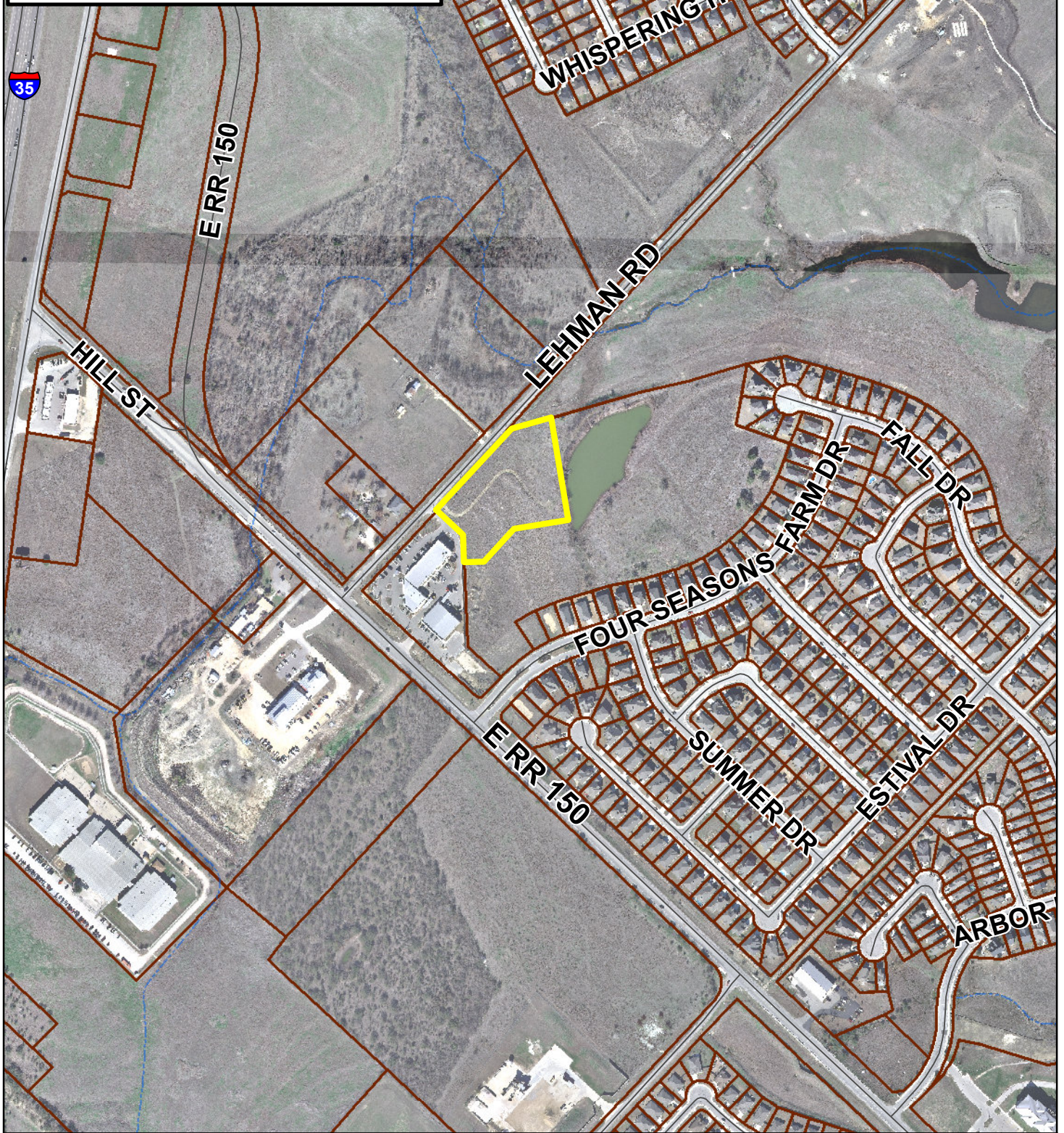
Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2014					
Plum Creek	646,620	0.022000	142.26	142.26	142.26
Hays Consolidated	646,620	1.537700	9,943.08	9,943.08	9,943.08
Special Road Dist	646,620	0.043800	283.22	283.22	283.22
Plum Creek	646,620	0.022000	142.26	142.26	142.26
Hays County	646,620	0.425200	2,749.43	2,749.43	2,749.43
Hays Co ESD #5	646,620	0.100000	646.62	646.62	646.62
City Of Kyle	646,620	0.538300	3,480.75	3,480.75	3,480.75
AUSTIN COMMUNITY	646,620	0.094200	609.12	609.12	609.12

Total Payment Amount	17,996.74
Check Payment (Ref # 1029) Tendered	17,996.74
Total Tendered	17,996.74

Remaining Balance Due, including other fees,
as of 7/22/2015 **0.00**

Date Paid: 01/20/2015
Effective Date: 01/20/2015
Station/Till: Monica/Monica's Till
Cashier:

Project Location
Z-15-010
3.1 Acres
300 Block of Lehman Rd



 Property Location

 Parcel Lines



CITY OF KYLE, TEXAS

Meeting Date: 9/15/2015
Date time: 7:00 PM

Charles D. Nash - Zoning (R-2)

Subject/Recommendation:

(First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 13.5190 acres of land from Multi-Family Residential 2 “R-3-2” to Residential Two Family “R-2”, on property located in the Replat of Four Season Farms, Section III, part of Lot 2, in Hays County, Texas. (Charles D. Nash, Sr., Z-15-011). ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-0 to recommend approval of the request.

• PUBLIC HEARING

Other Information:

The site is located along the east side of Lehman Road, just north of its intersection with RR 150 East. The undeveloped site is directly north of the retail plaza located at the corner of Lehman and RR 150 East. The entire property, comprising 16.63 acres, is currently zoned R-3-2 (Multi-Family Residential 2), and has up until now been the site of a future garden apartment complex. The adjacent parcels to the west and north (across Lehman Road) are zoned ‘AG’ (Agriculture) and are developed with large lot single family detached homes; the parcel to the north that is adjacent to the development site is also zoned ‘AG’, the Lake Kyle park property. The lots to the northeast, east, and south comprise the Four Seasons housing development and are zoned R-1-1 (Single Family Residential). The property to the south, immediately adjacent to the development site, is zoned R/S and is currently a retail plaza with a restaurant and retail stalls. The applicant seeks to subdivide and rezone the bulk of the parent property, 13.519 acres, from R-3-2 to ‘R-2’ (Residential Two Family), a category which “allows single-family dwellings and duplex housing not to exceed six units per buildable acre”. Conditions of the Zoning Ordinance §53-1205 – Amendments (d) Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning

commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property. (e) Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper. . . Comprehensive Plan Text The subject site is located in a border region between the ‘Regional Node’ and ‘Mid-Town Community’ character areas, primarily located in the Mid-Town Community area. In the Mid-Town Community, it is recommended that ‘R-2’ be approved as a zoning district. Mid-Town Community “Character”: “The Mid-Town District contains sites of recent residential development in Kyle. The residential uses in this District are organized around curvilinear streets, rather than the regular, rectilinear grid that characterizes the Old Town District. The Plum Creek waterway flows through and adjacent to the Mid-Town District, offering opportunities for recreation and environmental conservation. This District has a neighborhood-oriented form built around shared spaces such as streets, yards, porches and common areas. Neighborhood legibility and continuity is enhanced through these shared spaces. Distinctive landscape forms, including creekways, vistas, and rolling hills, give identity to this District and should be preserved, protected, and incorporated into development plans.” Mid-Town Community “Intent”: “The purpose of the Mid-Town District is to maximize the value capture of new residential development in Kyle. This District enjoys unusual proximity to amenities, such as open space, Downtown, commercial nodes, and transit options. The area is therefore well-positioned to define an economic and lifestyle pattern that is unique to Kyle. New development should accommodate mid- to high-density residential uses within the unique landscape forms that are present in the District. Legibility of neighborhood identity, definition, and transportation should be improved within the Mid-Town District through such elements as trails, sidewalks, signage, and interconnected shared spaces.” Recommendation The proposed use is exactly appropriate for the site, as it furthers the tenants of the city’s comprehensive plan and serves as a land use buffer between the existing low-density residential to the east and the proposed activity center to the west, across Lehman Road. Staff recommends the request be considered favorably. Planning Commission At their regular September 8, 2015 business meeting, the planning commission held a public hearing for this request. Afterwards, following limited discussion, they unanimously recommended approval of the request, as presented.

Legal Notes: N/A

Budget Information: N/A

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

Attachments / click to download

- [📄 Ordinance with Exhibits A & B](#)
 - [📄 Application Packet](#)
 - [📄 Project Location Map](#)
 - [📄 Staff Memo](#)
-

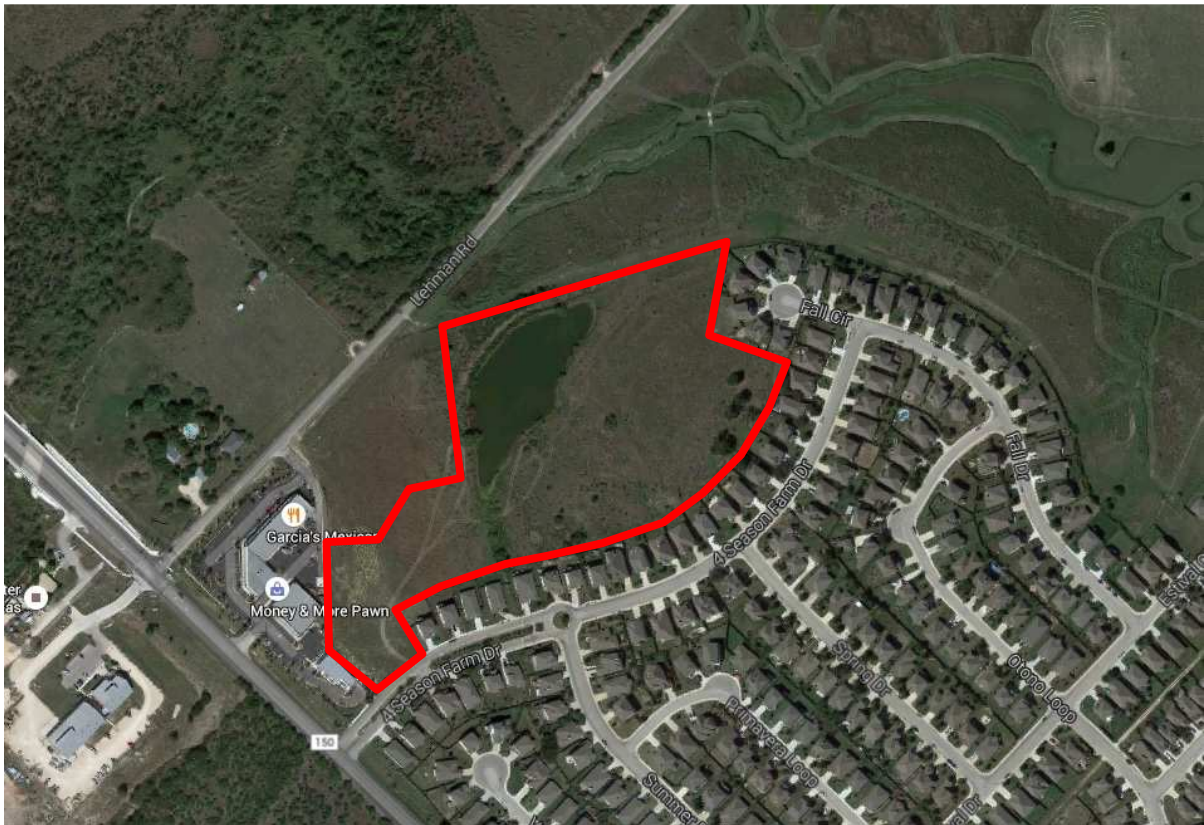
Property Location Replat Four Seasons Farms, Section III, Part of Lot 2, Lehman Road

Owner Charles D. Nash
P.O. Box 1988
Austin, Texas 78767

Petitioner Herman Vigil
Vigil and Associates
4303 Russell Drive
Austin, Texas 78704

Request Rezone 13.519 acres from R-3-2 (Multi-Family Residential) to R-2 (Residential Two Family)

Vicinity Map



The site is located along the east side of Lehman Road, just north of its intersection with RR 150 East. The undeveloped site is directly north of the retail plaza located at the corner of Lehman and RR 150 East. The entire property, comprising 16.63 acres, is

currently zoned R-3-2 (Multi-Family Residential 2), and has up until now been the site of a future garden apartment complex.

The adjacent parcels to the west and north (across Lehman Road) are zoned 'AG' (Agriculture) and are developed with large lot single family detached homes; the parcel to the north that is adjacent to the development site is also zoned 'AG', the Lake Kyle park property. The lots to the northeast, east, and south comprise the Four Seasons housing development and are zoned R-1-1 (Single Family Residential). The property to the south, immediately adjacent to the development site, is zoned R/S and is currently a retail plaza with a restaurant and retail stalls. The applicant seeks to subdivide and rezone the bulk of the parent property, 13.519 acres, from R-3-2 to 'R-2' (Residential Two Family), a category which "allows single-family dwellings and duplex housing not to exceed six units per buildable acre".

Conditions of the Zoning Ordinance

§53-1205 – Amendments

...

(d) Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e) Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

Comprehensive Plan Text

The subject site is located in a border region between the 'Regional Node' and 'Mid-Town Community' character areas, primarily located in the Mid-Town Community area. In the Mid-Town Community, it is recommended that 'R-2' be approved as a zoning district.

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streets, yards, porches and common areas. Neighborhood legibility and continuity is enhanced through these shared spaces. Distinctive landscape forms, including creekways, vistas, and rolling hills, give identity to this District and should be preserved, protected, and incorporated into development plans.”

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Recommendation

The proposed use is exactly appropriate for the site, as it furthers the tenants of the city’s comprehensive plan and serves as a land use buffer between the existing low-density residential to the east and the proposed activity center to the west, across Lehman Road. Staff recommends the request be considered favorably.

Planning Commission

At their regular September 8, 2015 business meeting, the planning commission held a public hearing for this request. Afterwards, following limited discussion, they unanimously recommended approval of the request, as presented.

Attachments

- Application
- Letter of intent
- Overhead map of the subject vicinity

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 13.5190 ACRES OF LAND FROM MULTI FAMILY RESIDENTIAL 2 "R-3-2" TO RESIDENTIAL TWO FAMILY "R-2", ON PROPERTY LOCATED IN THE REPLAT OF FOUR SEASON FARMS, SECTION III, PART OF LOT 2, IN HAYS COUNTY, TEXAS. (CHARLES D. NASH, SR. Z-15-011); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 13.5190 acres from Multi Family Residential 2 "R-3-2" to Residential Two Family "R-2", on property located in the Replat of Four Season Farms, Section III, part of Lot 2, 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 _____, 2015, 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 _____, 2015, 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 _____, 2015.

Todd Webster, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

Field Note Description of a 13.5190 Acre Parcel to be Rezoned R-2 (Duplex)

Commencing at a point at the northeast corner of the intersection of Lehman Road and FM 150 and proceeding N 44°24'28" E, 392.82 feet to a point in the easterly right-of-way of Lehman Road;

Thence continuing along the eastern right-of-way of Lehman Road, N 44°24'28" E, 398.69 feet;
Thence leaving Lehman Road, N 75°25'22" E, 150.08 feet to a corner and the **Point of Beginning**;

Thence N 75°25'22" E, 324.52 feet;

Thence N 78°47'54" E, 180.19 feet;

Thence N 74°44'09" E, 221.62 feet to a corner;

Thence S 11°34'51" W, 221.89 feet to a corner;

Thence S 68°45'52" E, 203.75 feet to a corner;

Thence S 21°12'37" W, 86.65 feet, passing at 60.00 feet the northwest corner of Lot 2D, Replat of Four Seasons Subdivision, Volume 11, Page 330, Hays County Subdivision Records, to the beginning of a curve to the right, whose chord bears S 47°44'28" W, 536.02 feet;

Thence with said curve to the right whose radius is 600.00 feet, an arc length of 555.66 feet;

Thence S 74°34'25" W, 115.74 feet;

Thence S 81°00'18" W, 122.74 feet;

Thence S 74°16'19" W, 184.48 feet to the beginning of a curve to the left whose chord bears S 66°34'33" W, 178.12 feet;

Thence with said curve to the left whose radius is 665.00 feet, an arc length of 178.65 feet;

Thence S 31°07'14" E, 120.00 feet, to a point in the western right-of-way of Four Seasons Farm Boulevard feet and the beginning of a non-tangent curve to the left, whose chord bears S 51°47'26" W, 134.52 feet;

Thence with said curve to the left whose radius is 545.00 feet, an arc length of 134.88 feet;

Thence S 44°42'05" W, 20.31 feet;

Thence leaving the right-of way of Four Seasons Farms Boulevard, N 45°30'00" W, 164.17 feet;

Thence N 0°32'46" W, 300.34 feet to a corner;

Thence N 89°27'14" E, 71.83 feet;

Thence N 44°12'26" W, 161.50 feet;

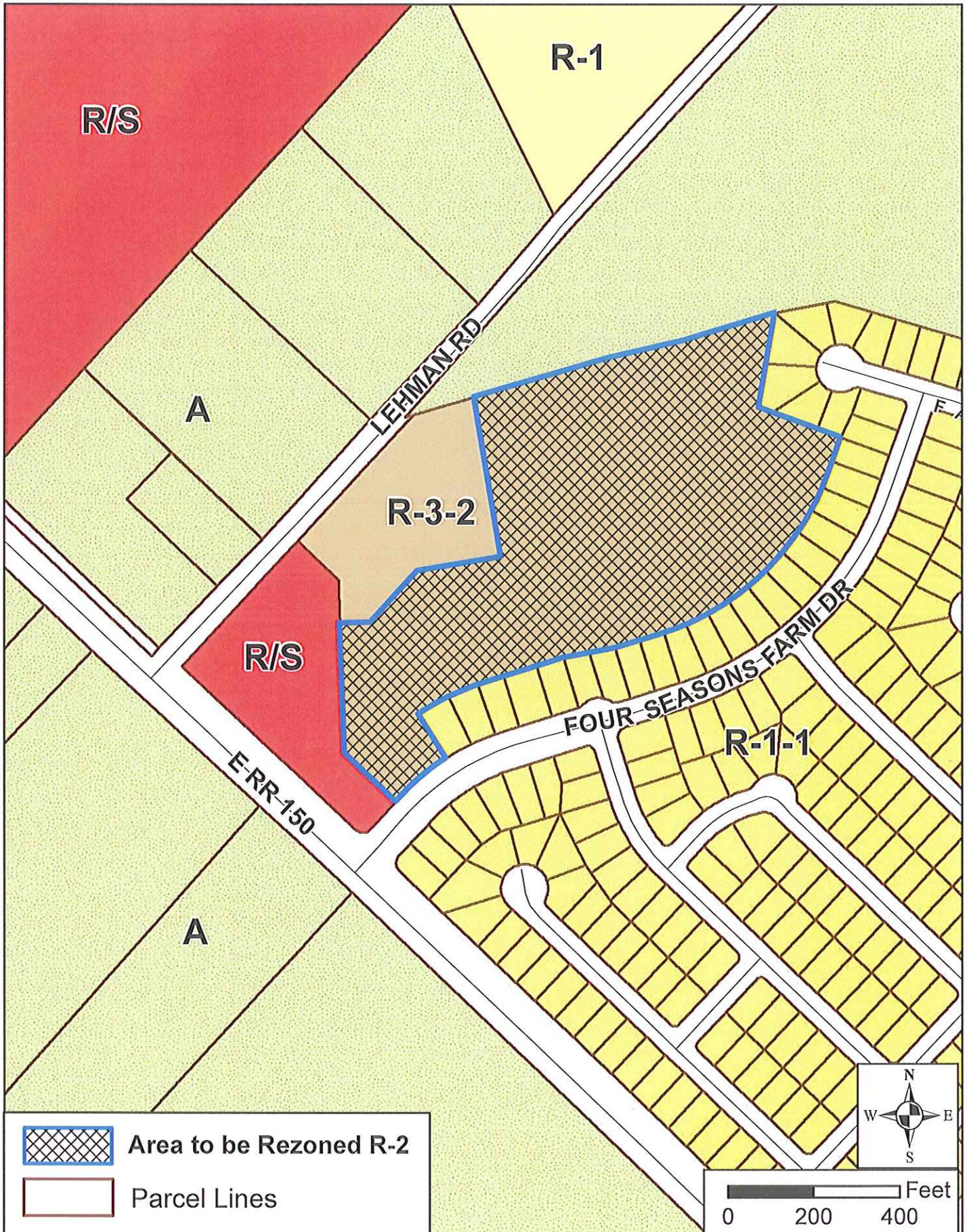
Thence N 82°45'20" E, 197.50 feet to a corner;

Thence N 7°44'40" W, 373.50 feet to a point in the eastern right-of-way of Lehman Road and the **Point of Beginning** containing 588,890 square feet or 13.5190 acres of land.



Exhibit B

Z-15-011



APPLICATION & CHECKLIST – ZONING CHANGE CITY OF KYLE

Zoning: Charles D. Nash, Sr.

AUG 06 2015

(Name of Owner)

(Submittal Date)

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

PLANNING DEPARTMENT

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

- 1. Completed application form with owner's original signature.
- 2. Letter explaining the reason for the request.
- 3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof. $\$3.62 \times 13.5190 \text{ acres} = \48.94
Newspaper Publication Fee: \$190.21

Total Fee: \$667.21

- 4. A map or plat showing the area being proposed for rezoning.
- 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- 6. Certified Tax certificates: County Hays School Hays City Kyle
CISD
- 7. Copy of Deed showing current ownership.

*** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.

1. Zoning Request:

Current Zoning Classification: R-3-2
 Proposed Zoning Classification: R-2
 Proposed Use of the Property: Duplexes
 Acreage/Sq. Ft. of Zoning Change: 13.5190 acres

2. Address and Legal Description:

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: _____

Subdivision Name/Lot & Block Nos.: Replat of Four Seasons Farm, Section III, Part of Lot 2

Property Recording Information: Hays County
Volume/Cabinet No. 200

Page/Slide No. 346

3. Ownership Information:

Name of Property Owner(s): Charles D. Nash, Sr.

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: P.O. Box 1988

Austin TX 78767-1988

Phone Number: 512 753-6443

Fax Number: _____

Email Number: Chucknash@Chucknash.com

I hereby request that my property, as described above, be considered for rezoning:

Signed: _____

Date: 8-5-2015

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Hermann Vigil - Vigil and Associates

Agent's Address: 4303 Russell Drive

Austin TX 78704

Agent's Phone Number: 512 326-2667

Agent's Fax Number: _____

Agent's Mobile Number: 512 431-3525

Agent's Email Number: hermann@vigilandassociates.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: _____

Date: 8-5-2015

*Do Not Write Below This Line
Staff Will Complete*

Tax Certificates: County School City

Certified List of Property Owners Within 200'

All Fees Paid: Filing/Application Mail Out Costs

Attached Map of Subject Property

Accepted for Processing By: Debbie A. Greena Date: 8/6/15

Date of Public Notification in Newspaper: 8/19/15

Date of Public Hearing Before Planning and Zoning Commission: 9/8/15

Date of Public Hearing Before City Council: 9/15/15 & 10/6/15

VIGIL & ASSOCIATES
CONSULTING SERVICES

Firm Registration No. F-4768
4303 Russell Drive, Austin, TX 78704, Phone: (512) 326-2667

July 22, 2015

Mr. Howard Koontz, Director
Planning Dept., City of Kyle
100 W. Center Street
P.O. Box 40
Kyle TX 78640

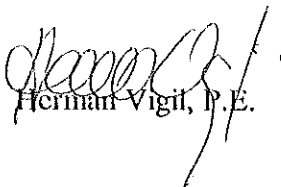
Dear Mr. Koontz,

On behalf of my client, Mr. Charles D. Nash, Sr., I would like to request a zoning change for 16.6322 acres of land that is currently subdivided as Lot 2, Replat of Four Seasons Farm, Section III. The property is on the east side of Lehman Road approximately 400 feet north of the intersection of F.M. 150 and Lehman Road and also has access to Four Seasons Farm Boulevard. It is currently zoned R-3-2 .

We propose to rezone the property into two different zoning categories, 13.5190 acres adjacent to the single family portion of Four Seasons Farm, Section II to R-2 (Duplex) and 3.1132 acres along Lehman Road to W (Warehouse). Our purpose is to create a gated duplex community more compatible with the adjacent single family uses and to provide a buffer to the proposed office/warehouse use along Lehman Road, which is a use more consistent with the retail property to the south.

Please review our application and note the merits of our proposal. Thank you very much for your consideration.

Sincerely,


Herman Vigil, P.E.

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THE STATE OF TEXAS) 49309
) KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF TRAVIS)

That we, Billy McGee and wife, Jewell McGee,

of the County of Hays, State of Texas, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), cash, and other good and valuable consideration to us in hand paid by Charles Durham Nash, receipt of all of which consideration is hereby acknowledged and payment of no part of which is secured by a lien, expressed or implied, upon the hereinafter described premises, and the further consideration as follows: The assumption of and the promise to pay by the Grantee herein the balance remaining unpaid as of this date on that certain promissory note for the original principal sum of \$28,763.20, dated January 2, 1962, executed by Grantors herein, payable to the order of Edwin Cullen, of Austin, Texas, bearing interest and being due and payable in monthly installments as therein provided, said note being secured by vendor's lien retained in deed of even date from Edwin Cullen and by deed of trust of even date therewith, executed by Grantors herein to Charles H. Young, Trustee, for the use and benefit of Edwin Cullen, of Austin, Texas, duly recorded in the Deed of Trust Records of Hays County, Texas; and the Grantee herein, by the acceptance of this deed, expressly assumes and promises to pay in full said note above described and perform all acts and covenants contained in said deed of trust as part of the consideration for this conveyance,

HAVE GRANTED, SOLD and CONVEYED and by these presents do GRANT, SELL and CONVEY unto the said Charles Durham Nash, of the County of Travis, State of Texas, all that certain lot, tract or parcel of land lying and being situated in the County of Hays, State of Texas, known and described as follows, to-wit:

222.44 acres of land out of the John Jones Survey No. 263 in Hays County, Texas, being all that certain land conveyed to Billy McGee, et ux. by Edwin Cullen by deed recorded in Volume 190, Page 36-38 of the Deed Records of Hays County, Texas, and being also the same property conveyed to Charles H. Young, Trustee, for Edwin Cullen by Billy McGee, et ux., by deed of trust dated January 2, 1962:

Beginning at an iron pipe in the occupied Southeast line of the John Jones Survey No. 263 and the Northwest line of the M. B. Atkinson Survey No. 10, said point being in the Northeast right-of-way line of FM Highway 150 and being the most Southerly corner of that certain tract conveyed to Billy McGee, et ux. by Edwin Cullen by deed recorded in Vol. 190, Page 36-38 of the Deed Records of Hays County, Texas, for the most Southerly corner of the tract herein described;

Thence with the fence along the Northeast line of FM Highway 150, N. 45 deg. 00' W. a distance of 1408.6 feet to a concrete right-of-way marker for an angle point in said highway, for an angle point in this tract;

Thence continuing with the fence along the Northeast line of the said highway, N. 45 deg. 30' W. a distance of 620.1 feet to an iron stake at fence corner post at intersection of the Northeast line of the said highway with the Southeast line of a county road, for the most Westerly corner of this tract;

Thence with the fence along the Southeast line of the said county road, N. 44 deg. 44' E. a distance of 776.0 feet to an angle post in fence for an angle point in this tract;

Thence continuing with the fence along the Southeast line of the said county road, N. 42 deg. 48' E. a distance of 917.7 feet to an angle post in fence, for an angle point in this tract;

Thence continuing with the fence along the Southeast line of the said county road, N. 44 deg. 44' E. a distance of 3025.6 feet to an iron stake at fence corner post at the most Northerly corner of the said Billy McGee tract, for the most Northerly corner of this tract;

Thence with the fence along the Northeast line of the said McGee tract, S. 44 deg. 53' E. a distance of 2001.2 feet to a fence corner post near the most Easterly corner of the said McGee tract, for the most Easterly corner of this tract;

Thence with a fence along the courses and distances as follows: S. 31 deg. 43' W. 239.6 feet, S. 39 deg. 29' W. 198.3 feet to a nail set in fence corner post for an angle point in this tract in the Southeast line of the said McGee tract in the occupied Southeast line of the John Jones Survey;

Thence with the fence along the Southeast line of the said John Jones Survey, being also the Southeast line of the said McGee tract, S. 44 deg. 55' W. a distance of 4278.8 feet to the place of beginning, containing 222.44 acres of land, more or less.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Charles Durham Nash, his heirs, executors, administrators, and assigns forever.

And we do hereby bind ourselves, our heirs, executors and administrators, to WARRANT and FOREVER DEFEND all and singular the said premises unto the said Charles Durham Nash, his heirs and assigns, executors and administrators, against every person whomsoever, lawfully claiming or to claim the same, or any part thereof, subject to covenants, conditions, restrictions and easements of record.

But it is expressly agreed and stipulated that the vendor's lien is retained in favor of Billy McGee and wife Jewell McGee, against the above described property, premises and improvements until the above described promissory note payable to the order of Edwin Cullen, together with all interest thereon, has been fully paid, according to its face and tenor, effect and reading, when this deed shall become absolute provided,

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however, the execution of a release of the above described note and liens by the holder thereof shall operate as a release of the vendor's lien retained herein.

WITNESS OUR HANDS this the 17 day of April, A.D. 1964.



Billy McGee
Billy McGee

Jewell McGee
Jewell McGee

THE STATE OF TEXAS)
COUNTY OF TRAVIS)

BEFORE ME, the undersigned authority, on this day personally appeared Billy McGee and wife, Jewell McGee, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and the said Jewell McGee, wife of Billy McGee, having been examined by me privily and apart from her husband and having the same fully explained to her by me, she, the said Jewell McGee, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.



GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17th April, A.D. 1964

Robert J. Deaton, Jr.
Notary Public in and for Travis County, Texas

Filed for record the 22nd day of April, A.D., 1964, at 9:45 o'clock A. M.

Recorded the 27th day of April, A.D., 1964, at 8:45 o'clock A. M.

Lydell B. Clayton
Lydell B. Clayton, County Clerk, Travis County, Texas.

TAX CERTIFICATE

Luanne Caraway Tax Assessor-Collector, Hays County

712 S. Stagecoach Trail

San Marcos, TX 78666

Ph: 512-393-5545 Fax: 512-393-5517

This certificate includes tax years up to 2014

Entities to which this certificate applies:

SHA - Hays Consolidated ISD
 WPC - Plum Creek Groundwater District
 FHA - Hays Co ESD #5
 ACCD - AUSTIN COMMUNITY COLLEGE DISTRICT

PCC - Plum Creek Conservation District
 RSP - Special Road Dist
 GHA - Hays County
 CKY - City Of Kyle

Property Information

Property ID : 11-3043-0000-00200-2

Quick-Ref ID : R110708

Value Information

KYLE, TX 78640	Land HS	:	\$0.00
	Land NHS	:	\$646,620.00
	Imp HS	:	\$0.00
	Imp NHS	:	\$0.00
FOUR SEASONS FARM	Ag Mkt	:	\$0.00
SEC III, LOT 2, ACRES	Ag Use	:	\$0.00
16.6322	Tim Mkt	:	\$0.00
	Tim Use	:	\$0.00
	HS Cap Adj	:	\$0.00
	Assessed	:	\$646,620.00

Owner Information

Owner ID : O24600

NASH, CHARLES D, SR
 P O BOX 1988
 AUSTIN, TX 78767-1988

Ownership: 100.00%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
PCC	2014	142.26	0.00	0.00	0.00	0.00
SHA	2014	9,943.08	0.00	0.00	0.00	0.00
RSP	2014	283.22	0.00	0.00	0.00	0.00
WPC	2014	142.26	0.00	0.00	0.00	0.00
GHA	2014	2,749.43	0.00	0.00	0.00	0.00
FHA	2014	646.62	0.00	0.00	0.00	0.00
CKY	2014	3,480.75	0.00	0.00	0.00	0.00
ACCD	2014	609.12	0.00	0.00	0.00	0.00

Total for current bills If paid by 7/31/2015 : \$0.00

Total due on all bills 7/31/2015 : \$0.00

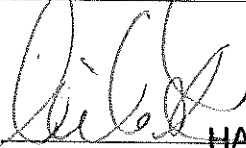
- 2014 taxes paid for entity PCC \$142.26
- 2014 taxes paid for entity SHA \$9,943.08
- 2014 taxes paid for entity RSP \$283.22
- 2014 taxes paid for entity WPC \$142.26
- 2014 taxes paid for entity GHA \$2,749.43
- 2014 taxes paid for entity FHA \$646.62
- 2014 taxes paid for entity CKY \$3,480.75
- 2014 taxes paid for entity ACCD \$609.12

2014 Total Taxes Paid : \$17,996.74

Date of Last Payment : 01/20/15

If applicable, the above-described property is receiving special valuation based on its use. Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43, Paragraph (i) of the Texas Property Tax Code.

 HAYS COUNTY TAX DEPUTY Signature of Authorized Officer of the Tax Office	Date of Issue : 07/22/2015 Requestor : NASH, CHARLES D, SR Receipt : SM-2015-827934 Fee Paid : \$20.00 Payer : VIGIL AND ASSOCIATES
---	---

REPRINTED TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County
712 S. Stagecoach Trail
San Marcos, TX 78666
Ph: 512-393-5545 Fax: 512-393-5517

Receipt Number: **SM-2015-803587**

Payor: CDN FARM LTD. ()
6200 SOUTH IH 35
AUSTIN, TX 78745

Owner: NASH, CHARLES D, SR (O24600)
P O BOX 1988
AUSTIN, TX 78767-1988

Quick Ref ID: R110708
Owner: NASH, CHARLES D, SR (O24600) - 100%
Owner Address: P O BOX 1988
AUSTIN, TX 78767-1988

Property: 11-3043-0000-00200-2
Legal Description: FOUR SEASONS FARM SEC III, LOT 2,
ACRES 16.6322
Situs Address: KYLE, TX 78640

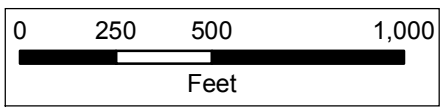
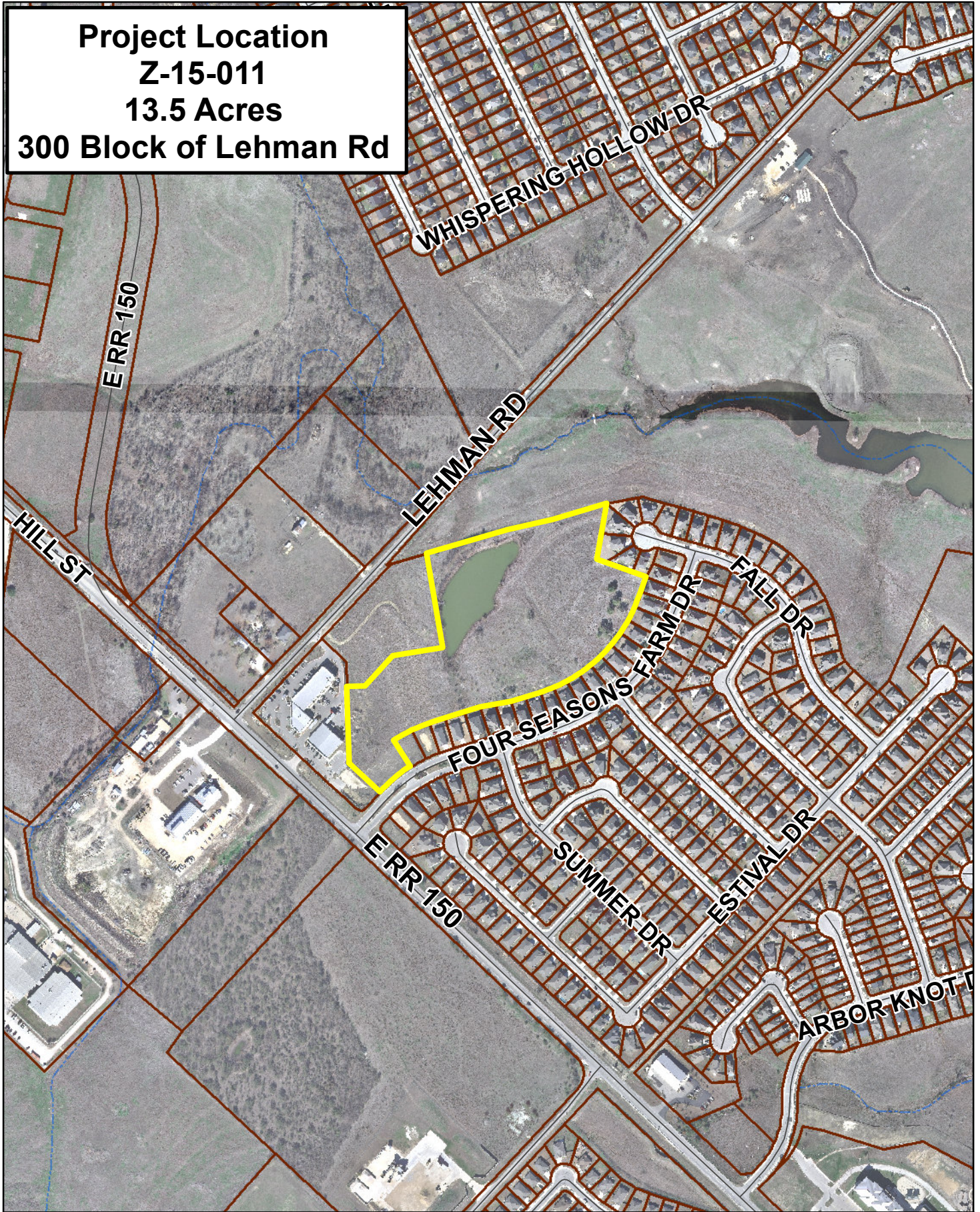
Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2014					
Plum Creek	646,620	0.022000	142.26	142.26	142.26
Hays Consolidated	646,620	1.537700	9,943.08	9,943.08	9,943.08
Special Road Dist	646,620	0.043800	283.22	283.22	283.22
Plum Creek	646,620	0.022000	142.26	142.26	142.26
Hays County	646,620	0.425200	2,749.43	2,749.43	2,749.43
Hays Co ESD #5	646,620	0.100000	646.62	646.62	646.62
City Of Kyle	646,620	0.538300	3,480.75	3,480.75	3,480.75
AUSTIN COMMUNITY	646,620	0.094200	609.12	609.12	609.12

Total Payment Amount	17,996.74
Check Payment (Ref # 1029) Tendered	17,996.74
Total Tendered	17,996.74

Remaining Balance Due, including other fees,
as of 7/22/2015 **0.00**

Date Paid: 01/20/2015
Effective Date: 01/20/2015
Station/Till: Monica/Monica's Till
Cashier:

Project Location
Z-15-011
13.5 Acres
300 Block of Lehman Rd



 Property Location

 Parcel Lines



CITY OF KYLE, TEXAS

Crosswinds Municipal Utility Extension and Reservation of Easement

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation:

A Resolution of the City of Kyle, Texas, to hold a Public Hearing, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, and approval of resolution for the non-park use of a part of Kyle Vista Park for the purpose of installing and maintaining a water line and a sanitary sewer line for the Crosswinds Municipal Utility Extension and Reservation of Easement in the event of sale of park; Authorizing the Mayor, or His Designee to execute all necessary documents and providing an effective date. ~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*

- **PUBLIC HEARING**

Other Information:

Legal Notes:

Budget Information:

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

Attachments / click to download

- [Resolution](#)
 - [Preliminary Sketch](#)
 - [Utility Extension Exhibit](#)
-

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KYLE, TEXAS, TO HOLD A PUBLIC HEARING, IN ACCORDANCE WITH CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE, AND APPROVAL OF RESOLUTION FOR THE NON-PARK USE OF A PART OF KYLE VISTA PARK FOR THE PURPOSE OF INSTALLING AND MAINTAINING A WATER LINE AND A SANITARY SEWER LINE FOR THE CROSSWINDS MUNICIPAL UTILITY EXTENSION AND RESERVATION OF EASEMENT IN THE EVENT OF SALE OF PARK; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY DOCUMENTS AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 26 of the Texas Parks and Wildlife Code requires a Public Hearing prior to approval of non-park use; and,

WHEREAS, the Crosswinds Municipal Utility Extension desires to install and maintain a water line and sanitary sewer line on Kyle Vista Park property next to the Dacy Lane right of way; and,

WHEREAS, the City of Kyle's Parks Board reviewed and unanimously recommended the proposal at their meeting on July 27, 2015

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

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

Section 2. Consideration. The City of Kyle, in consideration for adoption of this resolution, shall receive, at no cost to the city, two (2) 2" water meters to serve Kyle Vista Park along the aforementioned water line extension at locations within the easement designated by the City of Kyle Parks Department; AND the City of Kyle, in consideration for adoption of this resolution, shall receive, at no cost to the city, access to the waste water line along the aforementioned sanitary sewer line to serve Kyle Vista Park in the form of a manhole at a suitable location within the easement.

Section 3. Authorization. The city manager is hereby authorized to schedule a Public Hearing on this matter at the regular City Council meeting scheduled to begin at 7:00pm (CST) for Tuesday, September 15, 2015, at the Kyle City Hall. Following the Public Hearing, the Mayor, or his designee, pursuant to Section 26.001(a) 1-2, hereby makes the necessary findings and is authorized to sign necessary documents.

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, Texas.

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

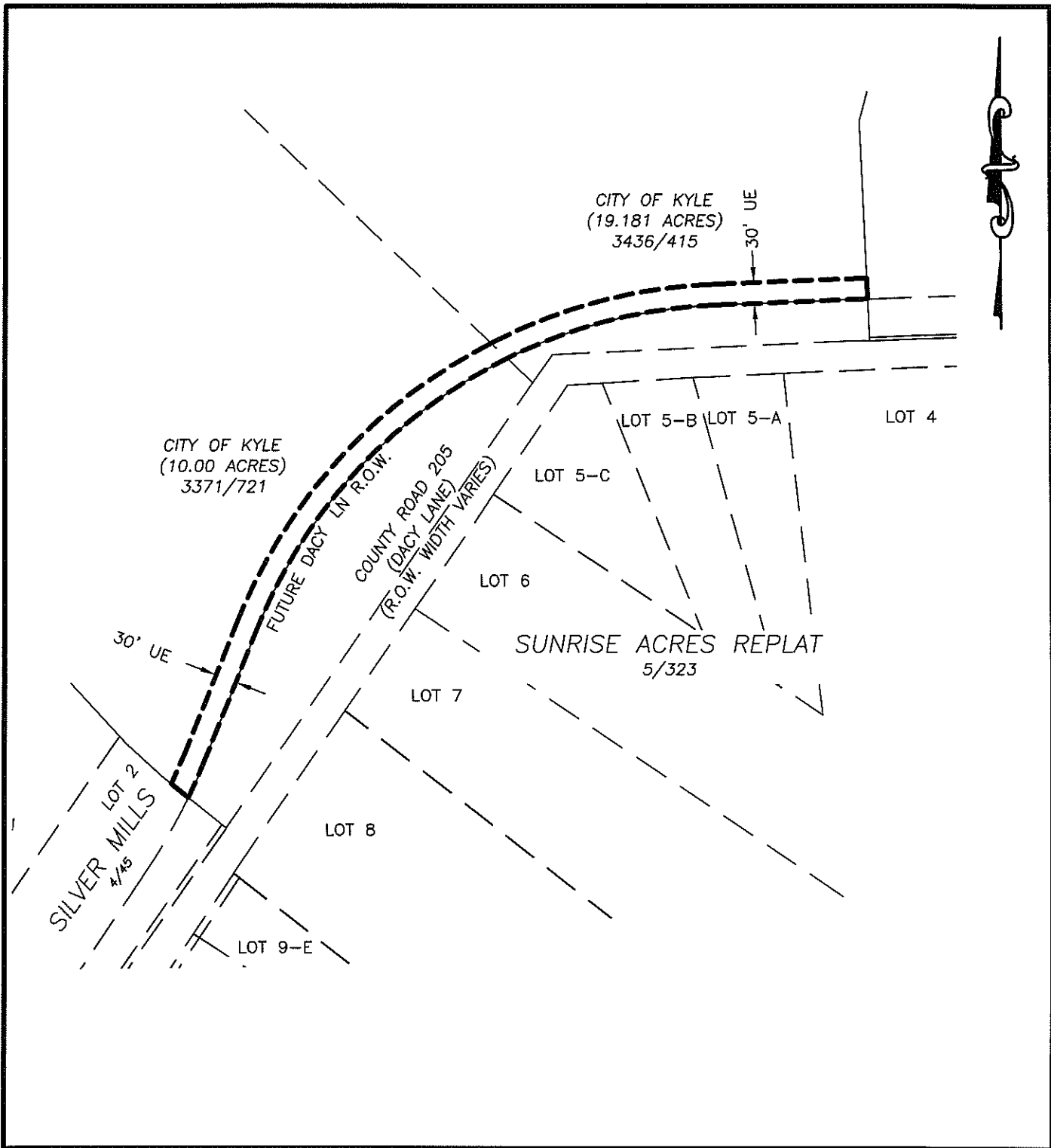
PASSED AND APPROVED this _____ day of September, 2015.

CITY OF KYLE, TEXAS

ATTEST:

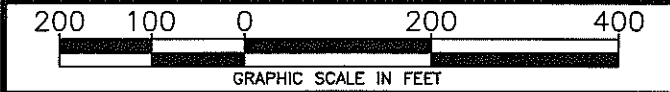
R. Todd Webster, Mayor

Amelia Sanchez, City Secretary



CMA ENGINEERING, INC.
 235 LEDGE STONE DRIVE
 AUSTIN, TEXAS 78737
 (512) 432-1000 Fax: (512) 432-1015
 Licensed Surveying Firm No. 10193988

PRELIMINARY SKETCH [NOT FOR RECORDATION]
0.93 AC UTILITY EASEMENT
CITY OF KYLE
 HAYS COUNTY , TEXAS



JOB #: 1665-001
 DRAWN BY: STS

DATE: JULY 2015
 REVIEWED BY:



CITY OF KYLE, TEXAS

Meeting Date: 9/15/2015
Date time: 7:00 PM

Hays Veterans Music Fest

Subject/Recommendation:

Special Event Application request by Hays Fiesta to have the City of Kyle be a sponsor of the Hays Veterans Music Fest, waive the \$1,000 Park Use Fees for the two day event, provide city logo for sponsor promotions and promote the event on city's billboards, marquee and calendar. ~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*

Other Information:

The Special Event Application was received on July 6, 2015, from Hays Fiesta, HF Events, and is scheduled to take place at Gregg-Clarke Park on Saturday, November 7 and Sunday, November 8, 2015.

Staff is working with event organizers and received this formal request:

"HaysFiesta <haysfiesta@gmail.com>
Wed 8/26/2015 5:05 PM
Good afternoon

Kerry thank you for meeting with me today to go over details for the upcoming events.

We would like to request a waiving of the 2 day fee total of \$1000 for Hays Veterans Music Fest as we will be bringing people from all over Texas in support of our Veterans and represent our City of Kyle Texas.

We would like for the City of Kyle to be our main Sponsor. An exchange for a billboard and Marques on Center street advertisement and a link to the city calender.

Can we have your permission to use your logo as our sponsor.

Thank you

Sylvia Gallo"

Legal Notes:

Budget Information:

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

Attachments / click to download

 [Hays Veterans Music Fest Special Event Application](#)



PUBLIC & SPECIAL EVENT PROCESS & APPLICATION





**City of Kyle Parks And Recreation Department
Special Events Application**

Name of Event	2010 Veterans Memorial	Proposed Date	Nov 7 th
Location of Event	Greg Clark Park		
Time of Event (from)	8am	(to)	7pm
Estimated Attendance	500		
Profit	Yes	/ Non-Profit	501(c)(3) Certificate Attached / Charity
(Check one of the Above)			

Summary of Event:

~~B~~ ~~Recreation~~ Recreation for Veterans of all military

Name of Organization Sponsoring Event:	Hays Fiesta (HF Events)		
Contact/Event Coordinator	Sylvia Gallo	Cell Number	512-917-7569
Mailing Address	1445 1445 Main St		
Email Address	haysfiesta@gmail.com		

2nd Contact Info:			
Contact Name	_____	Cell Number	_____
Mailing Address	_____		
Email Address	_____		

Deposit Policy:
 Upon submission of application/contract and reserving event date, a **\$500 Refundable Security Deposit** will be required.

1. A deposit established in Appendix I to protect the city against possible clean up, lost key, and repair expenses. The deposit is to be paid with cash, check or money order. **Any refund of deposit will be repaid by the city with a city check within thirty (30) working days after the event.**
2. Any keys are to be returned to the City the day after the event. It shall be an offense under this ordinance for anyone to duplicated, retain or copy any such key. If the key is not returned, the entire deposit will be forfeit.
3. All damages and clean-up charges, if any, **will be deducted from the deposit prior to the City providing any refund as described under this subsection.** Any and all damage or clean-up charges in excess of the deposit will be billed to the responsible person or organization for payment to the city.
4. Should any person or organization responsible fail to pay for any additional damage or clean-up charges within fifteen (15) days of notification by the city, that person or organization shall be barred from using the facility as deemed appropriate. Appeals pursuant to this policy shall be made to the City Council. Council shall have final authority to waive or lower charges, to extend the deadline for payment, or to shorten or waive the penalty.



**City of Kyle Parks And Recreation Department
Special Events Application**

Park and/or Facility Requested Greg Clark Park

Time of Use From: 8am to 7pm (What time will you be setting up before your event and when will you be leaving after cleaning up?)

Special Requests/Needs from PARD Staff ?

The section below to be completed and approved by Kyle Parks Department

Parks and Recreation Committee Recommendation _____

Rates for Park and/or Facility as set by Ordinance Appendix\$ _____

Total number of Staff _____ x Total number of hours _____ x \$30 = \$ _____

Any event requiring the assistance of the Parks and Recreation Department and Staff to help with the set up or take down of your event will be charged at the rate of \$30 per hour per staff member.

Other City of Kyle Parks and Recreation Equipment requested for rental use:

bathrooms, water station, dumpster

Total Kyle PARD Equipment rental use \$ _____

Total Usage Fees for Kyle Parks Department \$ _____

(Transaction Code 602)

Receipt # _____

Hours of Operation of All City Parks & Facilities:

Sunday - Thursday - 8:00am-10:30pm

Friday & Saturday - 8:00am - 12midnight

Other Park Rules:

1. Events with loudspeakers, live music, or any activity which involves amplification equipment/devices of any kind shall not commence prior to 5:30 p.m. Monday – Friday, and shall terminate by 10:30 p.m. Monday – Thursday and 12midnight on Friday & Saturday.
2. It shall be unlawful for any person exercising ownership, care, custody, or control of a pet or animal to allow such pet or animal, which animal has not been licensed as required by law, upon any public property, playground, or park area located within the city. City leash laws apply within the confines of all city parks. Pets and/or animals are not permitted within the playscape areas, or any play areas that are designed for children. It shall also be unlawful for any person exercising ownership, care, custody or control of a pet or animal to allow such animal knowingly, intentional or negligently to deposit feces on any City property, unless said person removes the feces once deposited.
3. No glass containers permitted in parks

Any person who violates the Park Ordinance or part thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50.00 nor more than \$500.00. Each day that such violation continues shall be deemed a separate offense.

Comments by Park Administration/Director:

Signature of Parks Administration/ Director _____ Date _____



**City of Kyle Parks And Recreation Department
Special Events Application**

This Section to be approved by Public Works Department

Requester's Name: Sylvia Gallo

Requester's Phone Number: 512-698-4178

Requester's Email Address: ~~sgallo@kyle-tx.gov~~ Hays fiesta@gmail.com

Other Contact Name: _____

Other Contact Phone Number: _____

Streets to be closed, if any: **

**Notification of the Kyle Police Department and Kyle Volunteer Fire Department for all Street Closings. See Safety Management Plan on Page 8

Is Street Closing within a Residential Area? _____

Subdivision Name (if yes): _____

Is Street Closing on a State or County Road? _____

Approval letter from State or County Official attached (if yes) _____

Date for closure: _____

Time requested for closure: _____

Are Public Works Department barricades needed? _____ Cost \$ _____

(Current fee to close public street is \$157.50. To use Public Works or Parks Dept barricades require a \$150 per barricade refundable security deposit. The need for two (2) six foot (6') wide barricades at each end of closed Street has been established for public safety)

Names & Addresses of all residents affected by this request - Please attach list if more space is needed:

Comments by Public Works Administration/Director:

Signature of Public Works Administration/ Director _____ Date _____



City of Kyle Parks And Recreation Department Special Events Application

This Section to be approved by Kyle Police Department

Security Requirements

The following chart shall be used to properly provide security at your event:

- Up to 500 people = 1 Uniformed Officer
- 500 - 1,000 people = 2 Uniformed Officers
- 1,000 - 2,500 people = 3 Uniformed Officers
- 2,500 - 4,000 people = 4 Uniformed Officers

4,000 plus people = 4 Uniformed Officers plus 1 for each additional 2,000

Security for special events is the responsibility of the sponsoring organization. The sponsoring organization must pay for any costs related to security. Security Officers must be present 30 minutes prior to the beginning of the event to 30 minutes after the event is over. Officers must receive a schedule of the event and the hours they will be required on site as well as an itinerary for the event. The names, addresses and telephone numbers for these officers will be required by the Kyle Parks Administration and must be turned in prior to issuing a Use Permit.

The City of Kyle has the right to require additional guards for your event if deemed necessary.

Alcoholic Beverages Policy

The Texas Alcoholic Beverage Commission (TABC) controls the sale and/or distribution of alcoholic beverages. In addition to the rules and regulations set by TABC, the City of Kyle has rules that apply to alcoholic beverages in public areas:

- 1) Any event on Public Grounds that serves or offers for sale alcoholic beverages must provide an additional Certified Uniformed Peace Officer on site during serving and or selling hours;
- 2) Glass containers and kegs are prohibited in all city parks, buildings, facilities and public grounds;
- 3) A copy of the TABC License must be provided to the Kyle PARD Admin prior to issuance of Use Permit.
- 4) Contact TABC at (512)393-7744 or (512)451-0231

Safety Management Plan

Events that are held on Public Grounds or City Property must also submit a written Public Safety Management Plan. As the event coordinator, you are responsible for the safety of all participants. Consideration of safety must be a top priority of event planning. The following topics are a suggestion of what must be covered in your plan: Security Name and Schedule; Crowd Management; Command Post; First Aid; Street Closing; Traffic Flow; Inclement Weather; Ingress & Egress; Emergency Services; Lost Children; Lost & Found; Fencing & Barricades.

A copy of this plan must be submitted to and approved by the Kyle Police Department.

***A copy of this approved plan must also be delivered to the Kyle Volunteer Fire Department.**

The approved plan must be submitted to the Kyle Parks Admin prior to issuance of Use Permit.

Security Required _____	Number of Officers <u> 1 </u>
Alcohol at event <u> yes </u>	
Safety Management Plan Submitted to Kyle Police Department _____	
Safety Management Plan Approved by the Kyle Police Department _____	
*Safety Management Plan copy delivered to the Kyle Volunteer Fire Department _____	
Additional Comments by Kyle Police Department/Chief of Police: _____ _____	
Signature of Kyle Police Department/Chief of Police _____	Date _____



**City of Kyle Parks And Recreation Department
Special Events Application**

This Section to be approved by Planning Department

Does this Event require a Conditional Use Permit as described under the current Zoning Ordinance:

Section 63. Conditional Use Permits.

(a) Purpose. The City Council may by ordinance, adopted by an four (4) affirmative votes after receiving the recommendation of the Commission, grant a conditional use permit in compliance with this Section for the conditional uses as listed in (b) below. The City Council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property and property values in the neighborhood.

(b) Authorized Conditional Uses. The following listed conditional uses, and none other, may be authorized subject to the terms of this subsection and compliance with all conditional terms, regulations and requirements established by the City Council.

- (i) Heliport (CM, W and PUD only);
- (ii) Municipal service facilities and buildings (All Districts);
- (iii) Circus or carnival; but not within three hundred (300) feet of any Residential District);
- (iv) Hospital, clinic or institution, provided that any hospital or institution permitted in any Residential District shall be located on a site of not less than five (5) acres, shall not occupy more than ten percent (10%) of the total lot area and shall be set back from all property lines at least two (2) feet for each foot of building height (All Districts);
- (v) Private operated community building or recreation field (All Districts);
- (vi) Telephone, Radio or television broadcasting tower or station (T, CM, W and PUD only);
- (vii) Churches (All Districts where not otherwise specifically permitted);
- (viii) Cemeteries (A, TU, E; CBD-2; RS; W; CM; or PUD);
- (ix) Schools - Public and Denominational -Not Daycare (All Districts where not otherwise specifically permitted);
- (x) Manufactured Homes - In the limited areas as specifically authorized by this Ordinance; and
- (xi) Alcoholic Beverages-On Premises and Alcoholic Beverages-Mixed Drink for those specific uses and in the specific zoning districts (CBD-2; RS; W; CM; E).

(c) Procedure. Before authorization of any of the above conditional uses, public notice shall be given and public hearings shall be held as provided in *Chapt. 211, Tex. Loc. Gov't. Code*; provided that a conditional use permit for a period not to exceed seven (7) calendar days may be given for a use set forth in (b)(iii) or (b)(iv) above after a public hearing is held by the City Council after having received a report and recommendation from the Commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

Conditional Use Permit Required _____	Names & Addresses of Property Owners within 200' Attached _____
Public Hearing Posted _____	Date of P&Z _____
Date of City Council _____	CUP Fees \$ _____ Collected _____
Comments by Planning Department Administration/Director: _____ _____	
Signature of Planning Department Administration/ Director _____	Date _____



**City of Kyle Parks And Recreation Department
Special Events Application**

On File from Cinco de Mayo

Event Liability Insurance

Any event that is open to the public must have insurance in the amount of One Million Dollars (\$1,000,000) liability coverage This can be in the form of a one (1) day event insurance or by including the event as a rider on an existing insurance policy. The insurance policy must name the **City of Kyle** as an additional insured.

A copy of the insurance certificate must be turned in to the Kyle Parks Administration Office with all usage fees. Failure to do so will void this agreement/contract.

Certificate received on _____ By (PARD Rep) _____

Insurance Carrier _____ **Policy #** _____

Security Guard Information

Name of Security Company Being Used For This Event:

Name of Company _____ Phone _____

Officer's Name _____ Phone _____

Officer's Name _____ Phone _____

Officer's Name _____ Phone _____

Officer's Name _____ Phone _____

List additional Names and numbers on back of this page

List received on _____ By (PARD Staff) _____

Display of Permit

After all forms have been completed, after all fees have been paid and after all the approvals required have been received, the Event Coordinator will be issued a **Use Permit**. This **Use Permit** must be displayed at the event in a clear and obvious location. This **Use Permit** must be available when requested by any City of Kyle Staff member. Failure to display or make available will void the agreement/contract and event will not be permitted to take place. Duplicate Permits, for lost **Use Permit** may be purchased at the Kyle PARD Admin Office for an additional \$25.00.

Guidelines For Food & Beverage

All food and beverages served and/or sold on any City Property or Public Grounds shall comply with all state and local health codes. This includes concessions, cook-offs, benefit plates and booth vendors. There is a fee for serving and/or selling any type of food or beverages in public grounds or facilities. A **Use Permit** is required and must be properly displayed. Any person handling open food and/or beverage items must poses a valid Food Handlers Permit. They must present this Permit at any time while handling food and/or beverages. Food Handlers Permits may be obtained by contacting any City, County or State Health Department Office. Pre-Packaged food and drink are exempt from the Food Handlers permit requirement.



City of Kyle Parks And Recreation Department Special Events Application

Tents and Temporary Structures

All temporary structures, portable building, tents (over 10'x10'), fences, food booths, jump castles, amusement rides, stages and similar items will require a reference map showing the location of any and all of these structures. A flame retardant certificate is required for each tent. In-ground staking of tents and/or structures is not allowed without prior approval by PARD due to underground utilities.

List of all structures expected for this event:

Map received on _____ By (PARD Rep) _____

Electrical or Lighting Requirements

The City Facilities and Parks have limited electrical and lighting available. If your event requires additional electrical or lighting needs, a licensed electrician or commercial vendor are only permitted to perform electrical or lighting needs. A list of commercial electrical and lighting vendors may be obtained through the Kyle PARD Admin Office. A copy of any work order or contract along with location maps must be submitted prior to Use Permit being issued.

Contract & Map received on _____ By (PARD Rep) _____

Street Signs and Banners

Street signs are an effective way to advertise your event and direct participants to designated parking areas. When you choose to use street signs, please be aware that you will need to obtain sign permits from the Kyle Building Department and/or the Texas Department of Transportation depending on location of signs and banners. The City of Kyle does not install signs or banners. The labor required to remove signs and banners after your event will be deducted from your deposit. In no case will permission be granted to place your signs and banners more than 7 days prior to your event.

Sign Permit Obtained on _____ By (Kyle Building Official) _____

Copy of Permit received on _____ By (PARD Rep) _____

Restroom Facilities

Depending on the size and duration of your event, additional portable restrooms may be required. Please work with the Kyle PARD Admin Office to determine the number and location of these services. You are to supply adequate clean up crews and additional supplies to make sure your event is a pleasant one. ADA approved and accessible toilets must be supplied. Copy of agreement with supplier needed prior to issuance of Use Permit.

Number of Portables Needed _____ Company supplying _____

Copy of Permit received on _____ By (PARD Rep) _____



**City of Kyle Parks And Recreation Department
Special Events Application**

Trash and Litter Removal

Clean well-kept grounds are important to the safety and satisfaction of the event participants as well as returning the Public Grounds back to pre-event conditions. Placing large numbers of trash containers throughout the event, especially in high traffic and eating areas, will help reduce the amount of trash ending up on the ground or floor. Use of rental dumpsters to remove and dispose of trash is highly recommended. Facility dumpster are not to be considered when planning your event. The Event Coordinator is responsible for scheduling, paying for and removal of all trash generated by the event. Rented dumpsters may be place only in pre-determined locations approved by the Kyle PARD Admin Office. The size and number of rental dumpsters will be determined by the Kyle PARD Admin Office. The Event Coordinator is responsible for clean up crews to remove all trash and debris and return the park or facility back to pre-event conditions within 24 hours of conclusion of event. All cost associated with removing trash and debris after 24 hours of event will be deducted from the deposit. Copy of dumpster rental agreement must be submitted to Kyle PARD Admin Office prior to issuance of Use Permit.

Number of Dumpsters Required _____ Location Map Supplied _____

Copy of Dumpster Rental Agreement Received By PARD Staff _____

Date/Time of Dumpster Delivery _____ Date/Time of Removal _____

PARD Staff has Approved All Trash/Dumpster Related Issues _____

Parking Plans and Regulations

No vehicles are allowed on grass areas without permission from the PARD Admin Office. Adequate parking must be provided for your expected number of guests and participants. Any damage caused by parking, including but not limited to, tire ruts, damage to trees, poles and structures will be deducted from the deposit. A Parking Plan must be submitted and approved by the Kyle PARD Admin Office prior to issuance of Use Permit.

Parking Plan received on _____ By (PARD Rep) _____

Live and/or Amplified Music

Live and/or amplified music may be permitted Gregg-Clarke Park, Kyle Pool, Steeplechase Park and Kyle Vista Park as well as inside the Community Rooms at all City Facilities. However, at no time shall the noise level exceed the current Noise Ordinance of the City of Kyle. A schedule of any amplified music must be submitted and approved prior to issuance of Use Permit.

Music Schedule received on _____ By (PARD Rep) _____

Park Curfews

All City Parks and Facilities have scheduled hours of operations and curfews. No activity shall take place in any park or within any facility between the hours of 12:30am and 6:00am without permission from the Kyle PARD Admin Office. A schedule of any activities during these hours must be approved prior to issuance of Use Permit

Curfew Schedule received on _____ By (PARD Rep) _____



City of Kyle Parks And Recreation Department Special Events Application

Acknowledgement and Authorization

(To be sign by person responsible for Event)

I, Sylvia Gallo, residing at 1311 Amberwood Loop,
(Print Full Name) (Mailing Address, City and Zip)

representing Hays Fiesta,
(List the Organization(s) you are seeking a Use Permit for)

for the purposes of Veterans Memorial,
(Name of Event or Purposes for Use Permit)

attest that the information submitted is true and correct. Any misstatement, omission or incomplete response will be grounds for revocation or permit for this event. I am authorized by and for the above organization(s) to represent the listed groups in this matter for the purposes outlined above.

I further understand that this is an application for approval from various Departments within the City of Kyle to hold a public event in the City of Kyle on city property, parkland or facility managed and maintained by the Kyle Parks and Recreation Department. This application does not grant permission for any of the above purposes or plans submitted as part of this application. All plans are subject to change to meet approvals of all parties involved. All plans that impact other City of Kyle Departments will require review and approval from each department. Successful completion and approval of this application is required before an event is approved. And I further understand that all approval, signatures and paperwork MUST be completed and turned into the Kyle Parks Administration Office before a Use Permit can be issued. Failure to do so will result in the cancellation or postponement of my event.

By my signature, I am acknowledging that I am the responsible party in charge or duly authorized representative of the event. I also understand that I and my associates and/or company/organization must abide by all of the rules and ordinances of the City of Kyle and the laws of the State of Texas. All of the information listed in this application is complete and true. I understand that at any time conditions are unsafe or not in compliance with the listed conditions or the conditions on-site become unsafe, that any permit, if issued, can be revoked by the City of Kyle. A complete application is not a permit, nor is it conditional that a permit be issued. All fees shall be paid in full prior to the issuance of a Use Permit. I/Company shall maintain our own insurance and coverage assuming all liabilities potential or known. I understand that this application is not inclusive and other permits may be required by other City of Kyle Departments and/or entities.

Signature of Person listed above Sylvia Gallo

Day Time Phone 512-698-6178

Email haysfiesta@gmail.com

Date of Signature Sylvia Gallo

Received by Kyle PARD Staff _____

Date Received _____

**SPECIAL EVENTS CHECKLIST
&
STAFF APPROVAL**

Name of Event Veterans Memorial

Date of Event Nov 7th Time of Event 8am - 7pm

Event Contact Sylvia Galle Phone 512-698-6178

**Completed Application/Contract shall be returned to:
Kyle Parks and Recreation Administrative Office
P O Box 40 (100 W. Center St)
Kyle, Texas 78640**

**Kyle PARD Contact info: Office - (512) 262-3939
Email - parks@cityofkyle.com
Website - www.kylepard.com**

____ **(Page 4) Application/Contract Form Complete**

____ **(Page 5-8) City Department Sign Off Pages Complete**

____ **(Page 9) Liability Insurance Certificate naming City of Kyle as additional insured, Security, Permit Display and Food & Beverages**

____ **(Page 10) Structures, Electrical, Signs and Restrooms**

____ **(Page 11) Trash, Parking, Music and Curfews**

____ **(Page 12) Acknowledgement & Authorization**

**All items, plans, maps, permits, approvals and signatures have been received.
All payments, fees and deposits have been receipted.
This event is approved as presented and included in this application.**

Signature of PARD Staff _____

Use Permit # _____ **has been issued on this date** _____



CITY OF KYLE, TEXAS

Dia De Los Muertos Mariachi Extravaganza

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: Special Event Application request by The Hays CISD Mariachi Booster Club Board for Hotel Occupancy Funds (HOT funds) to cover the costs of liability insurance fee of \$280 and Park Use Fees of \$743, a total of \$1,023. ~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*

Other Information: Special Event Application and Formal request to waive fees attached

Legal Notes:

Budget Information: Park Fees, established by City Ordinance, are: Old City Hall Use Fee \$551; Gazebo Use Fee \$96; and Concession Sales Fee \$96 - a total of \$743 Facility Use Fees.

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

Attachments / click to download

[Hays Mariachi Fee Waiver Request](#)

[Dia de los Muertos Special Event Application](#)

Daphne Tenorio
(512) 293-0966



PUBLIC & SPECIAL EVENT PROCESS & APPLICATION



RECEIVED

8-31-15 @ 9:17AM

MGJ



August 26, 2015

RECEIVED
8/26/15
6:38pm

City of Kyle Parks Department

It is with great excitement that we announce our 5th annual Dia De Los Muertos Mariachi Extravaganza. Last year we were thrilled to receive additional funding from the City of Kyle Hotel funds tax to assist with the costs that are associated with this event.

Allison Garcia
President

Vera Mendez
1st Vice President

Daphne Tenorio
2nd Vice President

Irene Reyes
Treasurer

Jessica Garcia
Secretary



Joseph Baird
*Lehman High School
Director*

Carlos Maldonado
*Chapa Middle School
Director*

Frank Deleon
*Simon Middle School
Director*

Yvonne Vasquez
*Wallace Middle School
Director*



Our cultural event attracts guests from all over central Texas. This event features the over 300 students of the Hays CISD mariachi comprised of musicians from Chapa Middle School, Simon Middle School, Wallace Middle School and Lehman High School. We look to have over 4500 guest this year. Last year we had over 5000.

We provide free vendor booths to our local non-profits and school organizations. We also provide vendor space for local vendors. Our BBQ chicken plates are sold to support scholarships for our graduating seniors. To date every graduating senior received a scholarship to various colleges, universities and technical schools. We are proud to continue in that tradition.

This year we again request HOT funds to help curtail the expenses of this event including the insurance liability fee of \$280 as well as any additional fees the parks department may have.

We thank you for your assistance and we look forward to another successful event and partnership with the City. Our event is set forward to welcoming you and all of our guests on October 31, 2015.

With Thanks,

Allison Garcia

Allison Garcia
President
The Hays CISD Mariachi Booster Club Board

To All Event Coordinators:

The City of Kyle Parks and Recreation Department is ready to assist you with the coordination of your event. This information packet is design to help you understand and comply with all City Ordinances, Policies and Regulations related to the production of your event. It is the responsibility of the Event Coordinator to review all the information contained in this packet and to comply with all the rules, regulations and ordinances.

What is a Special Event:

No event is too big or too small. Unless you are holding a private event with a specific number of guests, your event is considered a Public or Special Event. This event could be held in one of the City's Parks, on a public street or in a municipal building. This event could be a recreation or sporting activity or carnival or concert. This event could be sponsored by Kyle citizens, business groups, civic organizations, non-profits or anyone wishing to organize a gathering for virtually any purpose on City or Public property.

Application Prior Date:

The City of Kyle Parks and Recreation Department requires that an application be filled out and submitted to the Parks Administration Office at least ninety (90) days prior to the event. We will check the availability of the facility being requested and put a temporary contract on the date, with receipt of deposit, until the event receives final approval from all City Departments involved. Your application may have to be presented to the Parks and Recreation Committee, Kyle Planning & Zoning or the Kyle City Council before receiving final approval. At the time of final approval, all fees must be submitted to complete the contract/agreement.

If your event is less than 90 days away, please submit your request anyway. Due to the content and nature of your event, you may not require the full 90 days for approval. In any case, no event can occur without a completed application.

Annual Events:

If your event plans to be an annual event, the City of Kyle Parks and Recreation Department requires a post-event meeting be scheduled within 30 days after the event to evaluate and make recommendations for future events.

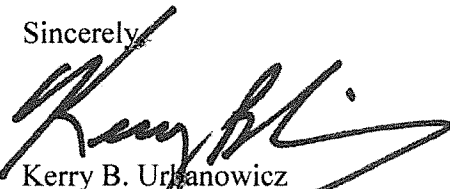
Alcohol Use:

Special events (any event open to the public) that include the servicing of alcoholic beverages shall be conducted under the laws of the State of Texas and the rules and regulations of the TABC. You are required to contact the TABC for information regarding such rules and regulations.

Any event that includes the selling of alcoholic beverages requires a TABC license and such license shall be filed with the Kyle PARD prior to Use Permit being issued.

Finally - As the Event Coordinator, you are undertaking a large responsibility for the production of your event. Remember that advance planning will help ensure that your event runs smoothly. Last minute planning may create unnecessary heartaches and situations. Please do your part and plan a great event.

Sincerely,



Kerry B. Urbanowicz
Director - Kyle PARD
(512) 262-3939

Process subject to change with or without notice



City of Kyle Parks And Recreation Department Special Events Application

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**City of Kyle Parks And Recreation Department
Special Events Application**

Name of Event Dia De los Muertos Mariachi Extravaganza Proposed Date 11-7-15
 Location of Event Kyle City Square
 Time of Event (from) 10 (to) 4 Estimated Attendance 1500 - 5000
 Profit _____ / Non-Profit _____ 501(c)(3) Certificate Attached / Charity
 (Check one of the Above)

Summary of Event:

Cultural & musical celebration w/ people coming from all over Central Texas. Over 300 Mariachi students & a BBQ chn plate fundraiser

Name of Organization Sponsoring Event: Hays CISD Mariachi Booster Club
 Contact/Event Coordinator Allison Garcia Cell Number (512) 4108-9604
 Mailing Address _____
 Email Address ~~agarcia~~ garciaa@hayscisd.net

2nd Contact Info:
 Contact Name Vera Mendez Cell Number (512) 644-0013
 Mailing Address _____
 Email Address Vmendez57@hotmail.com

Deposit Policy:

Upon submission of application/contract and reserving event date, a **\$500 Refundable Security Deposit** will be required.

1. A deposit established in Appendix I to protect the city against possible clean up, lost key, and repair expenses. The deposit is to be paid with cash, check or money order. **Any refund of deposit will be repaid by the city with a city check within thirty (30) working days after the event.**
2. Any keys are to be returned to the City the day after the event. It shall be an offense under this ordinance for anyone to duplicated, retain or copy any such key. If the key is not returned, the entire deposit will be forfeit.
3. All damages and clean-up charges, if any, **will be deducted from the deposit prior to the City providing any refund as described under this subsection.** Any and all damage or clean-up charges in excess of the deposit will be billed to the responsible person or organization for payment to the city.
4. Should any person or organization responsible fail to pay for any additional damage or clean-up charges within fifteen (15) days of notification by the city, that person or organization shall be barred from using the facility as deemed appropriate. Appeals pursuant to this policy shall be made to the City Council. Council shall have final authority to waive or lower charges, to extend the deadline for payment, or to shorten or waive the penalty.



**City of Kyle Parks And Recreation Department
Special Events Application**

Park and/or Facility Requested Kyle City Square

Time of Use From: 10 to 4 (What time will you be setting up before your event and when will you be leaving after cleaning up?)

Special Requests/Needs from PARD Staff _____

The section below to be completed and approved by Kyle Parks Department

Parks and Recreation Committee Recommendation _____

Rates for Park and/or Facility as set by Ordinance Appendix\$ _____

Total number of Staff _____ x Total number of hours _____ x \$30 = \$ _____

Any event requiring the assistance of the Parks and Recreation Department and Staff to help with the set up or take down of your event will be charged at the rate of \$30 per hour per staff member.

Other City of Kyle Parks and Recreation Equipment requested for rental use:

Total Kyle PARD Equipment rental use \$ _____

Total Usage Fees for Kyle Parks Department \$ _____

(Transaction Code 602)

Receipt # _____

Hours of Operation of All City Parks & Facilities:

Sunday - Thursday - 8:00am-10:30pm

Friday & Saturday - 8:00am - 12midnight

Other Park Rules:

1. Events with loudspeakers, live music, or any activity which involves amplification equipment/devices of any kind shall not commence prior to 5:30 p.m. Monday – Friday, and shall terminate by 10:30 p.m. Monday – Thursday and 12midnight on Friday & Saturday.
2. It shall be unlawful for any person exercising ownership, care, custody, or control of a pet or animal to allow such pet or animal, which animal has not been licensed as required by law, upon any public property, playground, or park area located within the city. City leash laws apply within the confines of all city parks. Pets and/or animals are not permitted within the playscape areas, or any play areas that are designed for children. It shall also be unlawful for any person exercising ownership, care, custody or control of a pet or animal to allow such animal knowingly, intentional or negligently to deposit feces on any City property, unless said person removes the feces once deposited.
3. No glass containers permitted in parks

Any person who violates the Park Ordinance or part thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50.00 nor more than \$500.00. Each day that such violation continues shall be deemed a separate offense.

Comments by Park Administration/Director:

Signature of Parks Administration/ Director _____ Date _____



**City of Kyle Parks And Recreation Department
Special Events Application**

This Section to be approved by Public Works Department

Requester's Name: Allison Garcia

Requester's Phone Number: (512) 468-9604

Requester's Email Address: garciaa@haysisd.net

Other Contact Name: Vera Mendez

Other Contact Phone Number: (512) 644-0013

Streets to be closed, if any: **

**Notification of the Kyle Police Department and Kyle Volunteer Fire Department for all Street Closings. See Safety Management Plan on Page 8

Is Street Closing within a Residential Area? _____

Subdivision Name (if yes): _____

Is Street Closing on a State or County Road? _____

Approval letter from State or County Official attached (if yes) _____

Date for closure: _____

Time requested for closure: _____

Are Public Works Department barricades needed? _____ Cost \$ _____

(Current fee to close public street is \$157.50. To use Public Works or Parks Dept barricades require a \$150 per barricade refundable security deposit. The need for two (2) six foot (6') wide barricades at each end of closed Street has been established for public safety)

Names & Addresses of all residents affected by this request - Please attach list if more space is needed:

Comments by Public Works Administration/Director:

Signature of Public Works Administration/ Director _____ Date _____



City of Kyle Parks And Recreation Department Special Events Application

This Section to be approved by Kyle Police Department

Security Requirements

The following chart shall be used to properly provide security at your event:

- Up to 500 people = 1 Uniformed Officer
- 500 - 1,000 people = 2 Uniformed Officers
- 1,000 - 2,500 people = 3 Uniformed Officers
- 2,500 - 4,000 people = 4 Uniformed Officers

4,000 plus people = 4 Uniformed Officers plus 1 for each additional 2,000

Security for special events is the responsibility of the sponsoring organization. The sponsoring organization must pay for any costs related to security. Security Officers must be present 30 minutes prior to the beginning of the event to 30 minutes after the event is over. Officers must receive a schedule of the event and the hours they will be required on site as well as an itinerary for the event. The names, addresses and telephone numbers for these officers will be required by the Kyle Parks Administration and must be turned in prior to issuing a Use Permit.

The City of Kyle has the right to require additional guards for your event if deemed necessary.

Alcoholic Beverages Policy

The Texas Alcoholic Beverage Commission (TABC) controls the sale and/or distribution of alcoholic beverages. In addition to the rules and regulations set by TABC, the City of Kyle has rules that apply to alcoholic beverages in public areas:

- 1) Any event on Public Grounds that serves or offers for sale alcoholic beverages must provide an additional Certified Uniformed Peace Officer on site during serving and or selling hours;
- 2) Glass containers and kegs are prohibited in all city parks, buildings, facilities and public grounds;
- 3) A copy of the TABC License must be provided to the Kyle PARD Admin prior to issuance of Use Permit.
- 4) Contact TABC at (512)393-7744 or (512)451-0231

Safety Management Plan

Events that are held on Public Grounds or City Property must also submit a written Public Safety Management Plan. As the event coordinator, you are responsible for the safety of all participants. Consideration of safety must be a top priority of event planning. The following topics are a suggestion of what must be covered in your plan: Security Name and Schedule; Crowd Management; Command Post; First Aid; Street Closing; Traffic Flow; Inclement Weather; Ingress & Egress; Emergency Services; Lost Children; Lost & Found; Fencing & Barricades.

A copy of this plan must be submitted to and approved by the Kyle Police Department.

***A copy of this approved plan must also be delivered to the Kyle Volunteer Fire Department.**

The approved plan must be submitted to the Kyle Parks Admin prior to issuance of Use Permit.

Security Required <u>5</u> Number of Officers _____
Alcohol at event <u>no</u>
Safety Management Plan Submitted to Kyle Police Department _____
Safety Management Plan Approved by the Kyle Police Department _____
*Safety Management Plan copy delivered to the Kyle Volunteer Fire Department _____
Additional Comments by Kyle Police Department/Chief of Police: _____ _____
Signature of Kyle Police Department/Chief of Police _____ Date _____



**City of Kyle Parks And Recreation Department
Special Events Application**

This Section to be approved by Planning Department

Does this Event require a Conditional Use Permit as described under the current Zoning Ordinance:

Section 63. Conditional Use Permits.

(a) Purpose. The City Council may by ordinance, adopted by an four (4) affirmative votes after receiving the recommendation of the Commission, grant a conditional use permit in compliance with this Section for the conditional uses as listed in (b) below. The City Council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property and property values in the neighborhood.

(b) Authorized Conditional Uses. The following listed conditional uses, and none other, may be authorized subject to the terms of this subsection and compliance with all conditional terms, regulations and requirements established by the City Council.

- (i) Heliport (CM, W and PUD only);
- (ii) Municipal service facilities and buildings (All Districts);
- (iii) Circus or carnival; but not within three hundred (300) feet of any Residential District);
- (iv) Hospital, clinic or institution, provided that any hospital or institution permitted in any Residential District shall be located on a site of not less than five (5) acres, shall not occupy more than ten percent (10%) of the total lot area and shall be set back from all property lines at least two (2) feet for each foot of building height (All Districts);
- (v) Private operated community building or recreation field (All Districts);
- (vi) Telephone, Radio or television broadcasting tower or station (T, CM, W and PUD only);
- (vii) Churches (All Districts where not otherwise specifically permitted);
- (viii) Cemeteries (A, TU, E; CBD-2; RS; W; CM; or PUD);
- (ix) Schools - Public and Denominational -Not Daycare (All Districts where not otherwise specifically permitted);
- (x) Manufactured Homes - In the limited areas as specifically authorized by this Ordinance; and
- (xi) Alcoholic Beverages-On Premises and Alcoholic Beverages-Mixed Drink for those specific uses and in the specific zoning districts (CBD-2; RS; W; CM; E).

(c) Procedure. Before authorization of any of the above conditional uses, public notice shall be given and public hearings shall be held as provided in *Chapt. 211, Tex. Loc. Gov't. Code*; provided that a conditional use permit for a period not to exceed seven (7) calendar days may be given for a use set forth in (b)(iii) or (b)(iv) above after a public hearing is held by the City Council after having received a report and recommendation from the Commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

Conditional Use Permit Required _____	Names & Addresses of Property Owners within 200' Attached _____
Public Hearing Posted _____	Date of P&Z _____
Date of City Council _____	CUP Fees \$ _____ Collected _____
Comments by Planning Department Administration/Director:	

Signature of Planning Department Administration/ Director _____	Date _____



**City of Kyle Parks And Recreation Department
Special Events Application**

Event Liability Insurance

Any event that is open to the public must have insurance in the amount of One Million Dollars (\$1,000,000) liability coverage This can be in the form of a one (1) day event insurance or by including the event as a rider on an existing insurance policy. The insurance policy must name the City of Kyle as an additional insured.

A copy of the insurance certificate must be turned in to the Kyle Parks Administration Office with all usage fees. Failure to do so will void this agreement/contract.

Certificate received on _____ By (PARD Rep) _____

Insurance Carrier _____ *Policy #* _____

Security Guard Information

Name of Security Company Being Used For This Event:

Name of Company _____ Phone _____

Officer's Name _____ Phone _____

Officer's Name _____ Phone _____

Officer's Name _____ Phone _____

Officer's Name _____ Phone _____

List additional Names and numbers on back of this page

List received on _____ By (PARD Staff) _____

Display of Permit

After all forms have been completed, after all fees have been paid and after all the approvals required have been received, the Event Coordinator will be issued a **Use Permit**. This **Use Permit** must be displayed at the event in a clear and obvious location. This **Use Permit** must be available when requested by any City of Kyle Staff member. Failure to display or make available will void the agreement/contract and event will not be permitted to take place. Duplicate Permits, for lost **Use Permit** may be purchased at the Kyle PARD Admin Office for an additional \$25.00.

Guidelines For Food & Beverage

All food and beverages served and/or sold on any City Property or Public Grounds shall comply with all state and local health codes. This includes concessions, cook-offs, benefit plates and booth vendors. There is a fee for serving and/or selling any type of food or beverages in public grounds or facilities. A Use Permit is required and must be properly displayed. Any person handling open food and/or beverage items must poses a valid Food Handlers Permit. They must present this Permit at any time while handling food and/or beverages. Food Handlers Permits may be obtained by contacting any City, County or State Health Department Office. Pre-Packaged food and drink are exempt from the Food Handlers permit requirement.



**City of Kyle Parks And Recreation Department
Special Events Application**

Tents and Temporary Structures

All temporary structures, portable building, tents (over 10'x10'), fences, food booths, jump castles, amusement rides, stages and similar items will require a reference map showing the location of any and all of these structures. A flame retardant certificate is required for each tent. In-ground staking of tents and/or structures is not allowed without prior approval by PARD due to underground utilities.

List of all structures expected for this event:

We would like to use the tent.
We would like to place an ad on marquee

Map received on _____ By (PARD Rep) _____

Electrical or Lighting Requirements

The City Facilities and Parks have limited electrical and lighting available. If your event requires additional electrical or lighting needs, a licensed electrician or commercial vendor are only permitted to perform electrical or lighting needs. A list of commercial electrical and lighting vendors may be obtained through the Kyle PARD Admin Office. A copy of any work order or contract along with location maps must be submitted prior to Use Permit being issued.

Contract & Map received on _____ By (PARD Rep) _____

Street Signs and Banners

Street signs are an effective way to advertise your event and direct participants to designated parking areas. When you choose to use street signs, please be aware that you will need to obtain sign permits from the Kyle Building Department and/or the Texas Department of Transportation depending on location of signs and banners. The City of Kyle does not install signs or banners. The labor required to remove signs and banners after your event will be deducted from your deposit. In no case will permission be granted to place your signs and banners more than 7 days prior to your event.

Sign Permit Obtained on _____ By (Kyle Building Official) _____

Copy of Permit received on _____ By (PARD Rep) _____

Restroom Facilities

Depending on the size and duration of your event, additional portable restrooms may be required. Please work with the Kyle PARD Admin Office to determine the number and location of these services. You are to supply adequate clean up crews and additional supplies to make sure your event is a pleasant one. ADA approved and accessible toilets must be supplied. Copy of agreement with supplier needed prior to issuance of Use Permit.

Number of Portables Needed _____ Company supplying _____

Copy of Permit received on _____ By (PARD Rep) _____



City of Kyle Parks And Recreation Department Special Events Application

Trash and Litter Removal

Clean well-kept grounds are important to the safety and satisfaction of the event participants as well as returning the Public Grounds back to pre-event conditions. Placing large numbers of trash containers throughout the event, especially in high traffic and eating areas, will help reduce the amount of trash ending up on the ground or floor. Use of rental dumpsters to remove and dispose of trash is highly recommended. Facility dumpsters are not to be considered when planning your event. The Event Coordinator is responsible for scheduling, paying for and removal of all trash generated by the event. Rented dumpsters may be placed only in pre-determined locations approved by the Kyle PARD Admin Office. The size and number of rental dumpsters will be determined by the Kyle PARD Admin Office. The Event Coordinator is responsible for clean up crews to remove all trash and debris and return the park or facility back to pre-event conditions within 24 hours of conclusion of event. All cost associated with removing trash and debris after 24 hours of event will be deducted from the deposit. Copy of dumpster rental agreement must be submitted to Kyle PARD Admin Office prior to issuance of Use Permit.

Number of Dumpsters Required _____ Location Map Supplied _____

Copy of Dumpster Rental Agreement Received By PARD Staff _____

Date/Time of Dumpster Delivery _____ Date/Time of Removal _____

PARD Staff has Approved All Trash/Dumpster Related Issues _____

Parking Plans and Regulations

No vehicles are allowed on grass areas without permission from the PARD Admin Office. Adequate parking must be provided for your expected number of guests and participants. Any damage caused by parking, including but not limited to, tire ruts, damage to trees, poles and structures will be deducted from the deposit. A Parking Plan must be submitted and approved by the Kyle PARD Admin Office prior to issuance of Use Permit.

Parking Plan received on _____ By (PARD Rep) _____

Live and/or Amplified Music

Live and/or amplified music may be permitted Gregg-Clarke Park, Kyle Pool, Steeplechase Park and Kyle Vista Park as well as inside the Community Rooms at all City Facilities. However, at no time shall the noise level exceed the current Noise Ordinance of the City of Kyle. A schedule of any amplified music must be submitted and approved prior to issuance of Use Permit.

Music Schedule received on _____ By (PARD Rep) _____

Park Curfews

All City Parks and Facilities have scheduled hours of operations and curfews. No activity shall take place in any park or within any facility between the hours of 12:30am and 6:00am without permission from the Kyle PARD Admin Office. A schedule of any activities during these hours must be approved prior to issuance of Use Permit

Curfew Schedule received on _____ By (PARD Rep) _____



**City of Kyle Parks And Recreation Department
Special Events Application**

Acknowledgement and Authorization

(To be sign by person responsible for Event)

I, Allison Garcia, residing at _____,
(Print Full Name) (Mailing Address, City and Zip)

representing Hays CISD Mariachi Booster Club,
(List the Organization(s) you are seeking a Use Permit for)

for the purposes of Mariachi fundraiser,
(Name of Event or Purposes for Use Permit)

attest that the information submitted is true and correct. Any misstatement, omission or incomplete response will be grounds for revocation or permit for this event. I am authorized by and for the above organization(s) to represent the listed groups in this matter for the purposes outlined above.

I further understand that this is an application for approval from various Departments within the City of Kyle to hold a public event in the City of Kyle on city property, parkland or facility managed and maintained by the Kyle Parks and Recreation Department. This application does not grant permission for any of the above purposes or plans submitted as part of this application. All plans are subject to change to meet approvals of all parties involved. All plans that impact other City of Kyle Departments will require review and approval from each department. Successful completion and approval of this application is required before an event is approved. And I further understand that all approval, signatures and paperwork MUST be completed and turned into the Kyle Parks Administration Office before a Use Permit can be issued. Failure to do so will result in the cancellation or postponement of my event.

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Signature of Person listed above _____

Day Time Phone (512) 468-9604

Email garciaa@hayscisd.net

Date of Signature _____

Received by Kyle PARD Staff _____

Date Received _____

**SPECIAL EVENTS CHECKLIST
&
STAFF APPROVAL**

Name of Event DDLM Mariachi Extravaganza
Date of Event ~~11-20-15~~ 11/15 Time of Event 10-11
Event Contact Allison Garcia Phone (512) 468-9604

**Completed Application/Contract shall be returned to:
Kyle Parks and Recreation Administrative Office
P O Box 40 (100 W. Center St)
Kyle, Texas 78640**

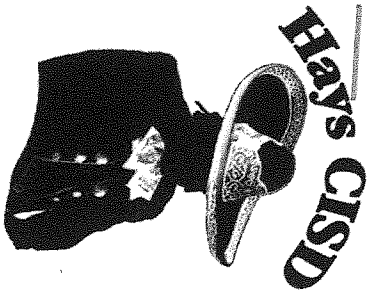
**Kyle PARD Contact info: Office - (512) 262-3939
Email - parks@cityofkyle.com
Website - www.kylepard.com**

- ____ **(Page 4) Application/Contract Form Complete**
- ____ **(Page 5-8) City Department Sign Off Pages Complete**
- ____ **(Page 9) Liability Insurance Certificate naming City of Kyle as additional insured, Security, Permit Display and Food & Beverages**
- ____ **(Page 10) Structures, Electrical, Signs and Restrooms**
- ____ **(Page 11) Trash, Parking, Music and Curfews**
- ____ **(Page 12) Acknowledgement & Authorization**

**All items, plans, maps, permits, approvals and signatures have been received.
All payments, fees and deposits have been receipted.
This event is approved as presented and included in this application.**

Signature of PARD Staff _____

Use Permit # _____ has been issued on this date _____



MARIACHI

August 26, 2015

RECEIVED
1:38 PM

City of Kyle Parks Department

Allison Garcia
President

It is with great excitement that we announce our 5th annual Dia De Los Muertos Mariachi Extravaganza. Last year we were thrilled to receive additional funding from the City of Kyle Hotel funds tax to assist with the costs that are associated with this event.

Vera Mendez
1st Vice President

Our cultural event attracts guests from all over central Texas. This event features the over 300 students of the Hays CISD mariachi comprised of musicians from Chapa Middle School, Simon Middle School, Wallace Middle School and Lehman High School. We look to have over 4500 guest this year. Last year we had over 5000.

Daphne Tenorio
2nd Vice President

We provide free vendor booths to our local non-profits and school organizations. We also provide vendor space for local vendors. Our BBQ chicken plates are sold to support scholarships for our graduating seniors. To date every graduating senior received a scholarship to various colleges, universities and technical schools. We are proud to continue in that tradition.

Irene Reyes
Treasurer

Jessica Garcia
Secretary

This year we again request HOT funds to help curtail the expenses of this event including the insurance liability fee of \$280 as well as any additional fees the parks department may have.



Joseph Baird
*Lehman High School
Director*

We thank you for your assistance and we look forward to another successful event and partnership with the City. Our event is set forward to welcoming you and all of our guests on October 31, 2015.

With Thanks,

Carlos Maldonado
*Chapa Middle School
Director*

Allison Garcia

Frank Deleon
*Simon Middle School
Director*

Allison Garcia
President
The Hays CISD Mariachi Booster Club Board

Yvonne Vasquez
*Wallace Middle School
Director*





CITY OF KYLE, TEXAS

Meeting Date: 9/15/2015
Date time: 7:00 PM

Kalogridis Zoning

Subject/Recommendation:

(First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 1.75 acres of land from Single Family Residential 2 “R-1-2” to Retail Service District “RS”, on property located at 2050 E. RR 150, in Hays County, Texas. (Kalogridis & Kalogridis, Development, LLC, Z-15-009). ~ Howard J. Koontz, Director of Planning and Community Development

Planning and Zoning Commission voted 5-0 to recommend approval of Community Commercial.

• PUBLIC HEARING

Other Information:

The site is located on the south side of the 2000 block of RR 150 East, between its intersections with New Bridge Drive and Waterleaf Boulevard. The parent property is the 126-acre Cool Springs residential development, currently zoned R-1-2 (Single Family Residential), which has not yet begun development activities. All the adjacent properties are either similarly zoned residential, or ‘AG’ (Agricultural District), including the parcel to the west which is not in the city limits, but has a development agreement in place. The applicant seeks to rezone 1.75 acres that front RR 150 to R/S (Retail Service District), a commercial zoning category 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”.

Conditions of the Zoning Ordinance

(d) Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e) Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

Comprehensive Plan Text

The subject site is located in the 'New Settlement' character area. In New Settlement, it is recommended that the allowable zoning districts be limited by right to R-1-1 and R-1-2. R/S is only recommended to be approved conditionally, as are all retail uses.

New Settlement "Character": "Stretching over both Plum Creek and I-35, the New Settlement District is comprised primarily of farm fields and new residential developments that are being carved out of former farm fields. Northwest to southeast roadway patterns are strong, while northeast to southwest connections are lacking. Traditional residential enclaves predominate in the New Settlement District, aggregated in neighborhoods of unique housing forms. Private and public spaces are clearly separate, with the public domain defined by shared neighborhood amenities and the private domain defined by privatized landscapes. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape should evoke the agricultural heritage of the District. Physical and visual portioning and division of land should be avoided where possible in this District."

New Settlement "Intent": "The flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. The City of Kyle should seek to capitalize on this "developability," while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the District. The unique water features, such as creekways and detention/retention facilities, in the New Settlement District should be utilized as form-giving elements and corridors for connections. Use patterns should be established that complement residential development and facilitate beneficial land use

transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.”

Recommendation

The list of permissible uses in R/S is comprehensive and exhaustive (see attachment). Many of those uses are completely appropriate as accessory to low-density residential land uses. However, some of them could be viewed critically as incompatible with respect to the proximity to single family homes. Complicating this analysis is the location along a minor arterial state route (RR 150), for which all but the most intrusive uses are appropriate.

If the permissible land uses in R/S were deemed to intensive for this parcel at this time, a reasonable and plausible alternative to R/S would be CC (Community Commercial District), a district designed “...to provide for slightly more intense commercial uses than allowed in the neighborhood commercial zoning district. The district is established to provide areas for quality retail establishments and service facilities. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.”

Planning Commission

At their regular September 8, 2015 business meeting, the planning commission held a public hearing about this item and engaged in discussions with the applicant and staff. Following that discussion, and with the consent of the applicant, the planning commission voted unanimously to recommend that the property be rezoned from R-1-2 to CC (Community Commercial), and leave the opportunity to zone to R/S for a later date, if appropriate.

Legal Notes: N/A

Budget Information: N/A

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

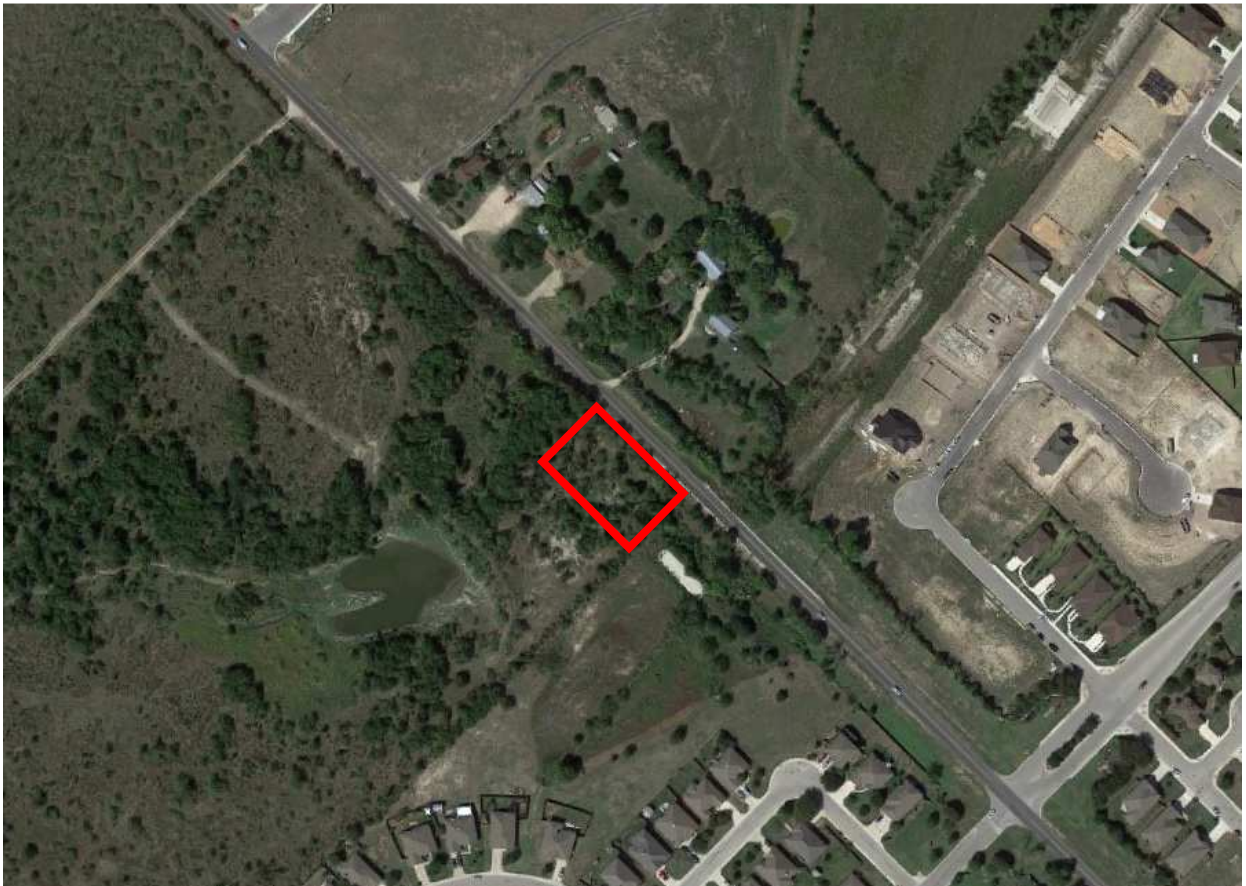
Attachments / click to download

- [Ordinance with Exhibits A & B](#)
- [Project Location Map](#)
- [Application Packet](#)
- [Staff Memo](#)

Cover Memo

Property Location	2050 East RR 150
Owner/Petitioner	Kalogridis & Kalogridis Development, LLC 2110-B Boca Raton Dr., Suite 102 Austin, Texas 78747
Request	Rezone 1.75 acres from R-1-2 (Single Family) to R/S (Retail/Service)

Vicinity Map



The site is located on the south side of the 2000 block of RR 150 East, between its intersections with New Bridge Drive and Waterleaf Boulevard. The parent property is the 126-acre Cool Springs residential development, currently zoned R-1-2 (Single Family Residential), which has not yet begun development activities. All the adjacent properties are either similarly zoned residential, or 'AG' (Agricultural District), including the parcel to the west which is not in the city limits, but has a development agreement in place. The applicant seeks to rezone 1.75 acres that front RR 150 to R/S (Retail Service District), a commercial zoning category 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”.

Conditions of the Zoning Ordinance

§53-1205 – Amendments

...

(d) Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

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Comprehensive Plan Text

The subject site is located in the ‘New Settlement’ character area. In New Settlement, it is recommended that the allowable zoning districts be limited by right to R-1-1 and R-1-2. R/S is only recommended to be approved conditionally, as are all retail uses.

New Settlement “Character”: “Stretching over both Plum Creek and I-35, the New Settlement District is comprised primarily of farm fields and new residential developments that are being carved out of former farm fields. Northwest to southeast roadway patterns are strong, while northeast to southwest connections are lacking. Traditional residential enclaves predominate in the New Settlement District, aggregated in neighborhoods of unique housing forms. Private and public spaces are clearly separate, with the public domain defined by shared neighborhood amenities and the private domain defined by privatized landscapes. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape should evoke the agricultural heritage of the District. Physical and visual portioning and division of land should be avoided where possible in this District.”

New Settlement “Intent”: “The flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. The City of Kyle should seek to capitalize on this “developability,” while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within

and without the District. The unique water features, such as creekways and detention/retention facilities, in the New Settlement District should be utilized as form-giving elements and corridors for connections. Use patterns should be established that complement residential development and facilitate beneficial land use transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.”

Recommendation

The list of permissible uses in R/S is comprehensive and exhaustive (see attachment). Many of those uses are completely appropriate as accessory to low-density residential land uses. However, some of them could be viewed critically as incompatible with respect to the proximity to single family homes. Complicating this analysis is the location along a minor arterial state route (RR 150), for which all but the most intrusive uses are appropriate.

If the permissible land uses in R/S were deemed to intensive for this parcel at this time, a reasonable and plausible alternative to R/S would be CC (Community Commercial District), a district designed “...to provide for slightly more intense commercial uses than allowed in the neighborhood commercial zoning district. The district is established to provide areas for quality retail establishments and service facilities. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.”

Planning Commission

At their regular September 8, 2015 business meeting, the planning commission held a public hearing about this item and engaged in discussions with the applicant and staff. Following that discussion, and with the consent of the applicant, the planning commission voted unanimously to recommend that the property be rezoned from R-1-2 to CC (Community Commercial), and leave the opportunity to zone to R/S for a later date, if appropriate.

Attachments

- Application
- Letter of intent
- Overhead map of the subject vicinity
- List of permissible uses in both R/S and CC

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 1.75 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL 2 "R-1-2" TO RETAIL SERVICE DISTRICT "RS", ON PROPERTY LOCATED AT 2050 E. RR 150, IN HAYS COUNTY, TEXAS. (KALOGRIDIS & KALOGRIDIS DEVELOPMENT, LLC. Z-15-009); 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 1.75 acres from Single Family Residential 2 "R-1-2" to Retail Service District "RS", on property located at 2050 E. RR 150, 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 _____, 2015, 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 _____, 2015, 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 _____, 2015.

Todd Webster, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

FLUGEL LAND SURVEYING

PROFESSIONAL LAND SURVEYORS

14910 Doria Drive

Austin, Texas 78728

Firm No. 10193837

Telephone: (512) 633-3996

EXHIBIT "___"

LEGAL DESCRIPTION FOR A 1.764 ACRE TRACT

LEGAL DESCRIPTION OF A 1.764 ACRE (76,853 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE MILTON B. ATKINSON SURVEY, ABSTRACT NO. 21, BEING A PORTION OF 125.941 ACRES (CALLED 126.41 ACRES) CONVEYED TO KALOGRIDIS & KALOGRIDIS DEVELOPMENT, LLC, IN VOLUME 4917, PAGE 152, DEED RECORDS, HAYS COUNTY, TEXAS; SAID 1.764 ACRE TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set on the southwest right-of-way (R.O.W.) of F.M. Highway 150 (R.O.W. varies) for the most easterly corner of said 125.941 acre tract, the most northerly corner of Woodland Park Phase 1 Replat recorded in Volume 11, Page 157-159, Plat Records, Hays County, Texas, and most easterly corner and the **POINT OF BEGINNING** of the herein described tract;

THENCE, S 44°02'32" W along the southeast line of said 125.941 acre tract and the northwest line of said Woodland Park Phase 1 Replat a distance of **207.47'** to a calculated point for the most southerly of the herein described tract, from which bears S 44°02'32" W a distance of 3527.27' to a ½" iron rod found for the most southerly corner of said 125.941 acre tract;

THENCE, through and across said 125.941 acre tract the following four courses:

1. **N 46°17'16" W** a distance of **370.60'** to a calculated point for the most westerly corner of the herein described tract;
2. Along the arc of a curve to the left a length of **30.00'**, a radius of **435.00'**, and a chord that bears **N 45°32'52" E** a distance of **30.00'** to a calculated point of tangency;
3. **N 43°34'19" E** a distance of **167.43'** to a calculated point of curvature of a curve to the right;
4. Along the arc of said curve to the right a length of **10.35'**, a radius of **25.00'**, and a chord that bears **N 55°25'52" E** a distance of **10.28'** to a calculated point on said southwest R.O.W. line of F.M. Highway 150 and the northeast line of said 125.941 acre tract for the most northerly corner of the herein described tract, from which bears N 46°17'16" W a distance of 572.65' to a TXDOT concrete monument found on said southwest R.O.W. line of F.M. Highway 150 and the northeast line of said 125.941 acre tract;

THENCE, S 46°17'16" E along said southwest R.O.W. line of F.M. Highway 150 and the northeast line of said 125.941 acre tract a distance of **369.15'** to the **POINT OF BEGINNING** and containing **1.764 acres (76,853 square feet)** of land, more or less.

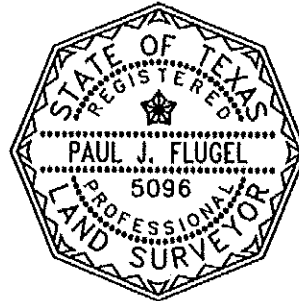


BASIS OF BEARINGS:

Bearings are based on NAD '83 State Plane Coordinates.
(Texas Central 4203)

I do hereby certify that this description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared by
Flugel Land Surveying
Firm Registration No. 10193837

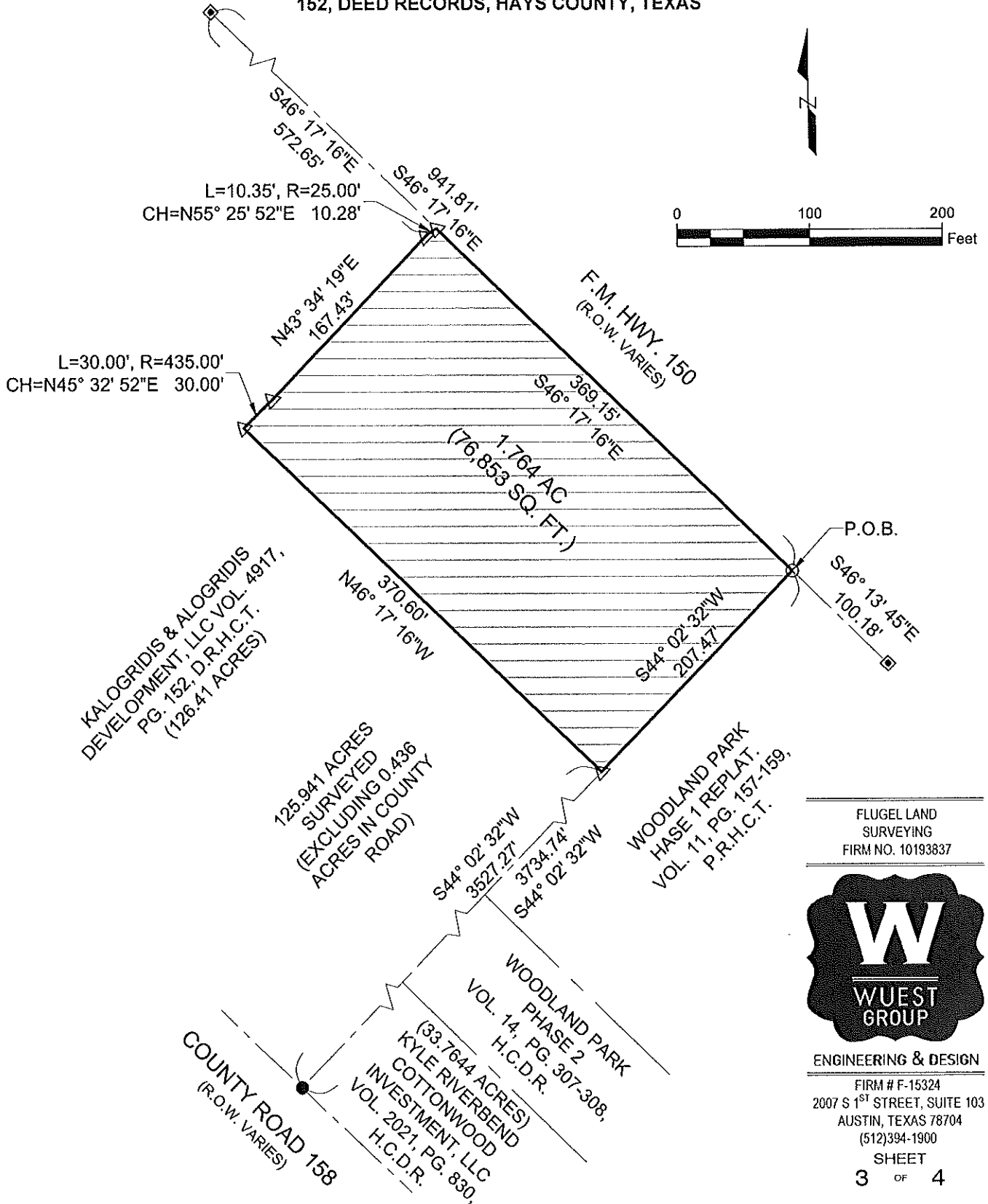


A handwritten signature in black ink that reads "Paul J. Flugel".

Paul J. Flugel
RPLS No. 5096

Date of Survey: 8/29/2014
Date of Field Notes: 7/29/2015

SURVEY OF
1.764 ACRES (76,853 SQUARE FEET) OF LAND, BEING A PORTION OF
125.941 ACRES (CALLED 126.41 ACRES) OF LAND CONVEYED TO
KALOGRIDIS & ALOGRIDIS DEVELOPMENT, LLC IN VOLUME 4917, PAGE
152, DEED RECORDS, HAYS COUNTY, TEXAS



FLUGEL LAND
 SURVEYING
 FIRM NO. 10193837

W
WUEST
GROUP

ENGINEERING & DESIGN

FIRM # F-15324
 2007 S 1ST STREET, SUITE 103
 AUSTIN, TEXAS 78704
 (512)394-1900

SHEET
3 OF **4**

SURVEY OF
1.764 ACRES (76,853 SQUARE FEET) OF LAND, BEING A PORTION OF
125.941 ACRES (CALLED 126.41 ACRES) OF LAND CONVEYED TO
KALOGRIDIS & ALOGRIDIS DEVELOPMENT, LLC IN VOLUME 4917, PAGE
152, DEED RECORDS, HAYS COUNTY, TEXAS

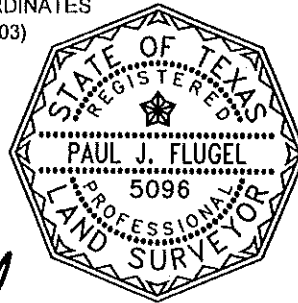
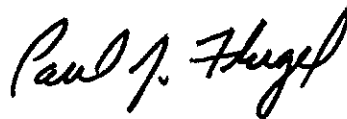
LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET STAMPED "P
FLUGEL 5096"
- ◆ CONCRETE MONUMENT FOUND
- ▽ CALCULATED POINT
- () RECORD INFORMATION
- R.O.W. RIGHT-OF-WAY
- D.R.H.C.T. DEED RECORDS, HAYS COUNTY,
TEXAS
- P.R.H.C.T. PLAT RECORDS, HAYS COUNTY,
TEXAS

HORIZONTAL DATUM:

TEXAS STATE PLANE COORDINATES
NAD '83 (CENTRAL ZONE 4203)

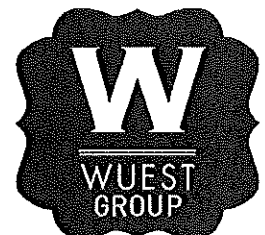
AS SURVEYED BY:



PAUL J. FLUGEL
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5096
FIRM NO. 10193837

DATE OF FIELD SURVEY:
8-29-2014
DATE OF PLAT:
7-29-2015

FLUGEL LAND
SURVEYING
FIRM NO. 10193837



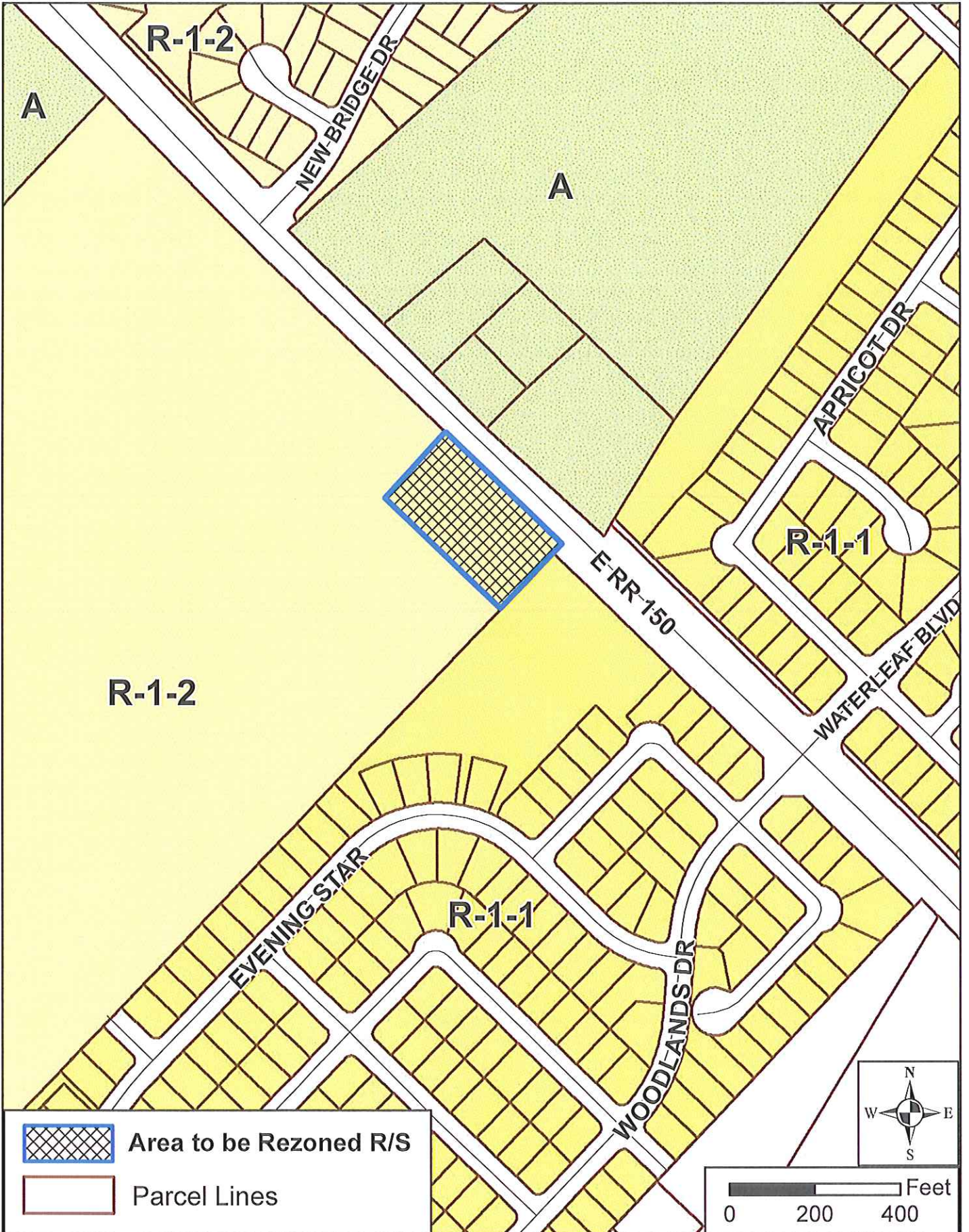
ENGINEERING & DESIGN

FIRM # F-15324
2007 S 1ST STREET, SUITE 103
AUSTIN, TEXAS 78704
(512)394-1900

SHEET

4 OF 4

Exhibit B Z-15-009



APPLICATION & CHECKLIST – ZONING CHANGE OF KYLE

Zoning: Kalogridis & Kalogridis Development LLC

Z-15-009

(Name of Owner)

(Submittal Date)

AUG 03 2015

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

PLANNING DEPARTMENT

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

1. Completed application form with owner's original signature.

2. Letter explaining the reason for the request.

3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof.

Newspaper Publication Fee: \$190.21

Total Fee: \$ 624.61

4. A map or plat showing the area being proposed for rezoning.

5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).

6. Certified Tax certificates: County School City

7. Copy of Deed showing current ownership.

**** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.*

1. Zoning Request:

Current Zoning Classification: R-1-2

Proposed Zoning Classification: RS

Proposed Use of the Property: commercial retail

Acreage/Sq. Ft. of Zoning Change: 1.75 acres

2. Address and Legal Description:

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: ~~1898 PM~~ 150 Kyle, TX 78640 (2050 E. RR 150)

Subdivision Name/Lot & Block Nos.: (R14894) ABS 221 WM Hemphill Survey 125.41 AC
(R14893) ABS 221 WM Hemphill Survey 1.00 AC

Property Recording Information:
Volume/Cabinet No. 4917

Hays County

Page/Slide No. 152

3. Ownership Information:

Name of Property Owner(s): Kalogridis & Kalogridis Development LLC

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: 2110-B Boca Raton Dr., Suite 102

Austin, Texas 78747

Phone Number: 512-282-6060

Fax Number: 512-627-8106

Email Number: mitchell@mkdevelopments.com

I hereby request that my property, as described above, be considered for rezoning:

Signed: 

Date: 7-30-15

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Tom Curran, P.E. - Chan & Partners Engineering, LLC

Agent's Address: 4319 James Casey Suite 300

Austin, Texas 78745

Agent's Phone Number: 512/480-8155

Agent's Fax Number: 512/480-8811

Agent's Mobile Number: _____

Agent's Email Number: TomC@chanpartners.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: 

Date: 7-30-15

Do Not Write Below This Line
Staff Will Complete

Tax Certificates: County School City

Certified List of Property Owners Within 200"

All Fees Paid: Filing/Application Mail Out Costs

CITY OF KYLE

Attached Map of Subject Property

AUG 03 2015

Accepted for Processing By: Abbey Guma Date: _____
PLANNING DEPARTMENT

Date of Public Notification in Newspaper: 8/19/15

Date of Public Hearing Before Planning and Zoning Commission: 9/8/15

Date of Public Hearing Before City Council: 9/15/15 + 10/6/15



Chan & Partners Engineering, LLC

4319 James Casey Street, Suite 300 Austin, Texas 78745

Phone (512) 480-8155 Fax (512) 480-8811

TBPE Firm Registration No. F-13013

www.chanpartners.com

CITY OF KYLE

AUG 03 2015

PLANNING DEPARTMENT

July 31, 2015

Ms. Debbie Guerra
City of Kyle
100 West Center Street
Kyle, Texas 78640

**RE: COOL SPRINGS SUBDIVISION
ZONING CHANGE APPLICATION SUBMITTAL**

Dear Ms. Guerra:

On behalf of Kalogridis & Kalogridis Development, LLC, the land owner of the referenced 126-acre tract, Chan & Partners Engineering, LLC (CPE) is pleased to submit this zoning change application packet. The tract of land is currently zoned R-1-2 (single family residential) and the owner wishes to create one lot along FM150 that can serve as a commercial retail lot for the neighborhood and surrounding area. Uses may include a convenience store, gas station, or specialty retail such as a coffee shop. This lot is currently shown as Lot 101 on the approved preliminary plan and is located east of the FM 150 and Cool Springs Blvd. intersection. The zoning classification being requested is RS (Retail Services).

In addition to this cover letter explaining the reason for this request, attached is:

1. Completed Application Form
2. A check in the amount of \$624.61 for the zoning change and public notice fee
3. A map showing the area proposed for rezoning
4. Field notes of the property
5. Certified Tax certificates
6. Copy of the Deed showing current ownership

If you need any further information to begin the review process, please don't hesitate to contact us at (512) 480-8155.

Sincerely,

CHAN & PARTNERS ENGINEERING, LLC

Tom Curran, PE
Vice President

**Permitted Uses
in each Zoning Category**

9/4/2015

SIC Code	SIC Type	SIC Code Description	Primary Zoning	Secondary Zoning	Third Zoning
RS, Retail and Service					
3121 3000	Mfg	Food, winery (wine)	RS	W	CM
4529 9002	Retail	Auto and home supply stores	RS	W	CM
4411 2001	Retail	Auto dealer, consignment	RS	W	CM
4411 1000	Retail	Auto dealer, new	RS	W	CM
4411 1001	Retail	Auto dealer, truck (new)	RS	W	CM
4411 2000	Retail	Auto dealer, used	RS	W	CM
4413 1000	Retail	Auto parts, new	RS	W	CM
7224 1001	Retail	Bar	RS	W	CM
4412 2200	Retail	Boat dealers	RS	W	CM
4543 9000	Retail	Bottled water	RS	W	CM
7224 1004	Retail	Brew pub	RS	W	CM
4441 1000	Retail	Building materials	RS	W	CM
4532 1001	Retail	Business machines, sales and service	RS	W	CM
4452 9201	Retail	Candy and nuts kiosk	RS	W	CM
4441 9001	Retail	Ceiling fans	RS	W	CM
5532 2000	Retail	Costume sales and rental	RS	W	CM
7224 1001	Retail	Drinking place, bar	RS	W	CM
7224 1004	Retail	Drinking place, brew pub	RS	W	CM
4441 9001	Retail	Fans (ceiling)	RS	W	CM
4218 2000	Retail	Farm equipment sales	RS	W	CM
7223 3001	Retail	Fast food, mobile food vendor, auto	RS	W	CM
7223 3002	Retail	Fast food, mobile food vendor, cart	RS	W	CM
5616 2100	Retail	Fire and security systems	RS	W	CM
4442 2000	Retail	Garden and lawn supplies	RS	W	CM
4471 1003	Retail	Gas (self-serv), gas, no grocery	RS	W	CM
4471 1002	Retail	Gas (self-serv), gas and grocery and carwash	RS	W	CM
4471 1001	Retail	Gas (self-serv), gas and grocery	RS	W	CM
4471 9000	Retail	Gas service station	RS	W	CM
4529 9001	Retail	General merchandise nec	RS	W	CM
4441 9002	Retail	Glass and mirror, home and commercial	RS	W	CM
4511 1001	Retail	Golf and tennis, club pro shops	RS	W	CM
4412 2900	Retail	Golf cart sales	RS	W	CM
4511 1004	Retail	Golf equipment	RS	W	CM
4511 1006	Retail	Gun shop	RS	W	CM
4539 9802	Retail	Hot tub and spas sales	RS	W	CM
5322 9200	Retail	Jet ski and boat rental	RS	W	CM
4452 9201	Retail	Kiosk, candy and units	RS	W	CM
4442 2000	Retail	Lawn and garden supplies	RS	W	CM
4442 1000	Retail	Lawn mower sales and service	RS	W	CM
4453 1000	Retail	Liquor stores	RS	W	CM
4441 9000	Retail	Lumber yard	RS	W	CM
4441 9002	Retail	Mirror and glass, home and commercial	RS	W	CM
7223 3001	Retail	Mobile food vendor, auto and trailer	RS	W	CM
7223 3002	Retail	Mobile food vendor, cart	RS	W	CM
4412 2100	Retail	Motorcycle dealers	RS	W	CM
4412 2101	Retail	Motorcycle parts, used only	RS	W	CM
4442 2000	Retail	Nursery (lawn and garden)	RS	W	CM
4452 9201	Retail	Nuts and candy kiosk	RS	W	CM
4511 1001	Retail	Pro shops, golf or tennis	RS	W	CM
5322 9900	Retail	Rental center, furniture and appliances	RS	W	CM
5323 1000	Retail	Rental center, tools and equipment	RS	W	CM
4511 1005	Retail	Scuba dive gear shop	RS	W	CM
5616 2100	Retail	Security and fire systems	RS	W	CM
4539 9802	Retail	Spas and hot tub sales	RS	W	CM
4539 9803	Retail	Swimming pool supplies	RS	W	CM
4511 1001	Retail	Tennis and golf, club pro shops	RS	W	CM

**Permitted Uses
in each Zoning Category**

9/4/2015

SIC Code	SIC Type	SIC Code Description	Primary Zoning	Secondary Zoning	Third Zoning
4413 2000	Retail	Tire store	RS	W	CM
4413 2001	Retail	Tire store, used	RS	W	CM
2351 1005	Services	Air conditioning and heating services	RS	W	CM
6233 1101	Services	Alternative living center	RS	W	CM
8114 9004	Services	Appliance repair, household	RS	W	CM
8111 1806	Services	Auto detailing	RS	W	CM
8111 1807	Services	Auto inspection station	RS	W	CM
8111 1802	Services	Auto repair, air conditioning	RS	W	CM
8111 2100	Services	Auto repair, body and paint	RS	W	CM
8111 1200	Services	Auto repair, brakes and muffler	RS	W	CM
8111 1804	Services	Auto repair, electrical	RS	W	CM
8111 1100	Services	Auto repair, general repair	RS	W	CM
8111 9100	Services	Auto repair, lube and oil	RS	W	CM
3227 1001	Services	Auto repair, machine shop	RS	W	CM
8111 1200	Services	Auto repair, muffler and brakes	RS	W	CM
8111 1801	Services	Auto repair, NEC	RS	W	CM
8111 1805	Services	Auto repair, radiator	RS	W	CM
8111 1300	Services	Auto repair, transmission	RS	W	CM
8111 1803	Services	Auto repair, tune-up shop	RS	W	CM
8111 2200	Services	Auto repair, windshield	RS	W	CM
7211 9100	Services	Bed and breakfast	RS	W	CM
3399 5000	Services	Billboard business office	RS	W	CM
8114 9002	Services	Boat and boat motor repair	RS	W	CM
3231 2100	Services	Bookbinding service	RS	W	CM
5619 9000	Services	Business services, NEC	RS	W	CM
5132 1000	Services	Cable television	RS	W	CM
8111 9200	Services	Carwash, automatic	RS	W	CM
8111 9202	Services	Carwash, drive-thru	RS	W	CM
7111 9000	Services	Carnival	RS	W	CM
5617 4000	Services	Carpet and upholstery cleaning	RS	W	CM
3231 1000	Services	Commercial printing, lithography	RS	W	CM
3231 1900	Services	Commercial printing, NEC	RS	W	CM
3344 1303	Services	Computers and electronics, research development	RS	W	CM
6231 1000	Services	Convalescent and nursing homes	RS	W	CM
4922 1000	Services	Courier services	RS	W	CM
3391 1600	Services	Dental laboratories	RS	W	CM
8129 9004	Services	Disc jockey and party service	RS	W	CM
8129 1000	Services	Dog and cat kennel	RS	W	CM
7213 1001	Services	Dormitory (student)	RS	W	CM
4218 3000	Services	Elevator sales and service	RS	W	CM
6214 9300	Services	Emergency clinic	RS	W	CM
7213 1000	Services	Fraternity and sorority houses	RS	W	CM
8122 1000	Services	Funeral home	RS	W	CM
8111 2201	Services	Glass tinting, auto and home	RS	W	CM
7139 4004	Services	Gyms	RS	W	CM
6213 9902	Services	Health service, NEC	RS	W	CM
2351 1005	Services	Heating and air conditioning services	RS	W	CM
4871 1000	Services	Horse-drawn carriage service	RS	W	CM
6221 1000	Services	Hospital	RS	W	CM
7211 1000	Services	Hotel	RS	W	CM
8129 1000	Services	Kennels, dogs and cats	RS	W	CM
6214 9200	Services	Kidney dialysis clinics	RS	W	CM
6215 1104	Services	Laboratories, analytical	RS	W	CM
6215 1101	Services	Laboratories, analytical	RS	W	CM
3391 1600	Services	Laboratories, dental	RS	W	CM
6215 1100	Services	Laboratories, medical	RS	W	CM
6215 1102	Services	Laboratories, pathological	RS	W	CM

**Permitted Uses
in each Zoning Category**

9/4/2015

SIC Code	SIC Type	SIC Code Description	Primary Zoning	Secondary Zoning	Third Zoning
6215 1105	Services	Laboratories, research and development	RS	W	CM
6215 1106	Services	Laboratories, testing	RS	W	CM
6215 1103	Services	Laboratories, X-ray	RS	W	CM
5416 9000	Services	Landscape planning and service	RS	W	CM
8123 3100	Services	Laundry, linen service	RS	W	CM
8123 3102	Services	Laundry, uniform service	RS	W	CM
3231 2202	Services	Litho platemaking printing	RS	W	CM
6219 1000	Services	Medical, ambulance service	RS	W	CM
6214 9300	Services	Medical, emergency clinic	RS	W	CM
6213 9902	Services	Medical, health service, NEC	RS	W	CM
6221 1000	Services	Medical, hospital	RS	W	CM
6214 9200	Services	Medical, kidney dialysis clinic	RS	W	CM
6215 1200	Services	Medical, magnetic imaging center	RS	W	CM
6222 1000	Services	Medical, rehabilitation clinics	RS	W	CM
6222 1001	Services	Medical rehabilitation services	RS	W	CM
7211 1001	Services	Motel	RS	W	CM
5121 2000	Services	Motion picture, distribution	RS	W	CM
8114 9003	Services	Motorcycle repair	RS	W	CM
6231 1000	Services	Nursing and convalescent homes	RS	W	CM
8129 1001	Services	Pet grooming	RS	W	CM
8129 2100	Services	Photofinishing labs	RS	W	CM
7139 4004	Services	Physical fitness facilities	RS	W	CM
3231 2100	Services	Print, bookbinding	RS	W	CM
3231 1000	Services	Print, commercial lithography	RS	W	CM
3231 1900	Services	Print, commercial, NEC	RS	W	CM
3231 2202	Services	Print, litho platemaking	RS	W	CM
3231 2201	Services	Print, typesetting	RS	W	CM
6222 1000	Services	Rehabilitation clinics	RS	W	CM
6233 1100	Services	Retirement homes, full service	RS	W	CM
5616 2101	Services	Security systems service	RS	W	CM
5415 1901	Services	Semiconductor industry services	RS	W	CM
3399 5000	Services	Sign and billboard business office	RS	W	CM
8114 1100	Services	Small engine repair	RS	W	CM
7213 1000	Services	Sorority and fraternity houses	RS	W	CM
5131 2000	Services	TV station	RS	W	CM
8121 9903	Services	Tattoo parlor	RS	W	CM
7115 1001	Services	Taxidermists	RS	W	CM
5132 1000	Services	Television, cable	RS	W	CM
5131 2000	Services	Television station	RS	W	CM
3262 1200	Services	Tire repair and retreading	RS	W	CM
3231 2201	Services	Typesetting	RS	W	CM
8123 3102	Services	Uniform service, laundry	RS	W	CM
5321 1200	Transp.	Auto lease agency office	RS	W	CM
5321 1100	Transp.	Auto rental agency office	RS	W	CM
4884 9000	Transp.	Bus terminal facility	RS	W	CM
4853 2000	Transp.	Limousine rental	RS	W	CM
4853 1001	Transp.	Taxicabs (driver owned)	RS	W	CM
5321 2002	Transp.	Trailer rental	RS	W	CM
5321 2001	Transp.	Truck, rental and lease, vehicle only	RS	W	CM
5321 2000	Transp.	Truck rental and leasing office	RS	W	CM

DIVISION 25. - COMMUNITY COMMERCIAL DISTRICT CC

Sec. 53-667. - Purpose.

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

(Ord. No. 700, § 2(Exh. A), 7-17-2012)

Sec. 53-668. - Applicability.

Any building constructed or reconstructed within a community commercial zoned property shall adhere to the following requirements.

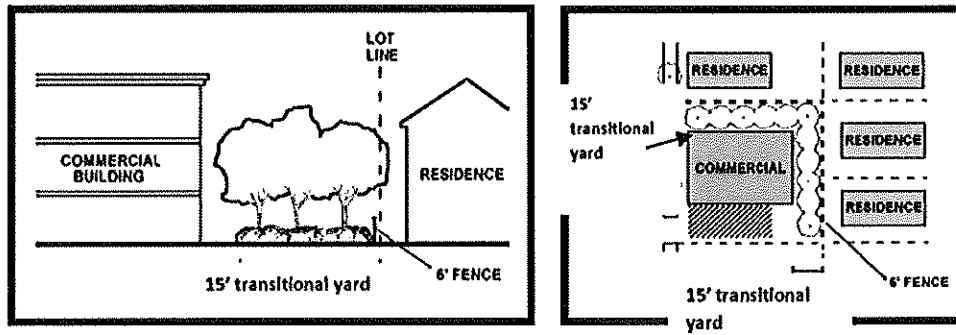
(Ord. No. 700, § 2(Exh. A), 7-17-2012)

Sec. 53-669. - Building placement.

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

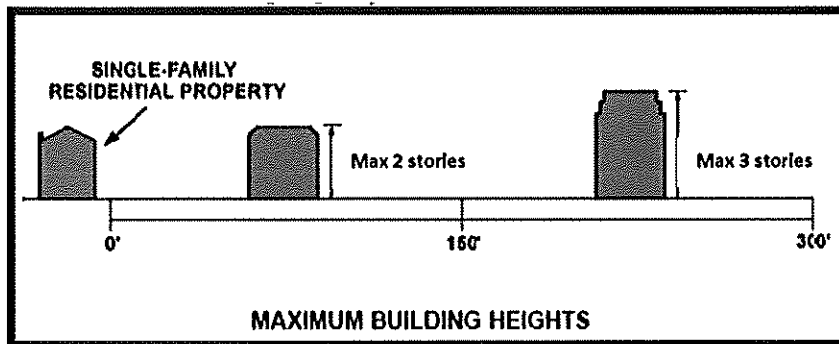
* When the rear or side lot line abuts a single family residential zoned lot or property used for a single family residence the rear/side setback shall consist of the following transitional yards:

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



Lot size: Minimum 8,000 square foot lot.

Height regulations: Maximum height of two stories within 150 feet from single-family residential zoned or used property and three stories between 150 and 300 feet from single-family residential zoned or used property.**

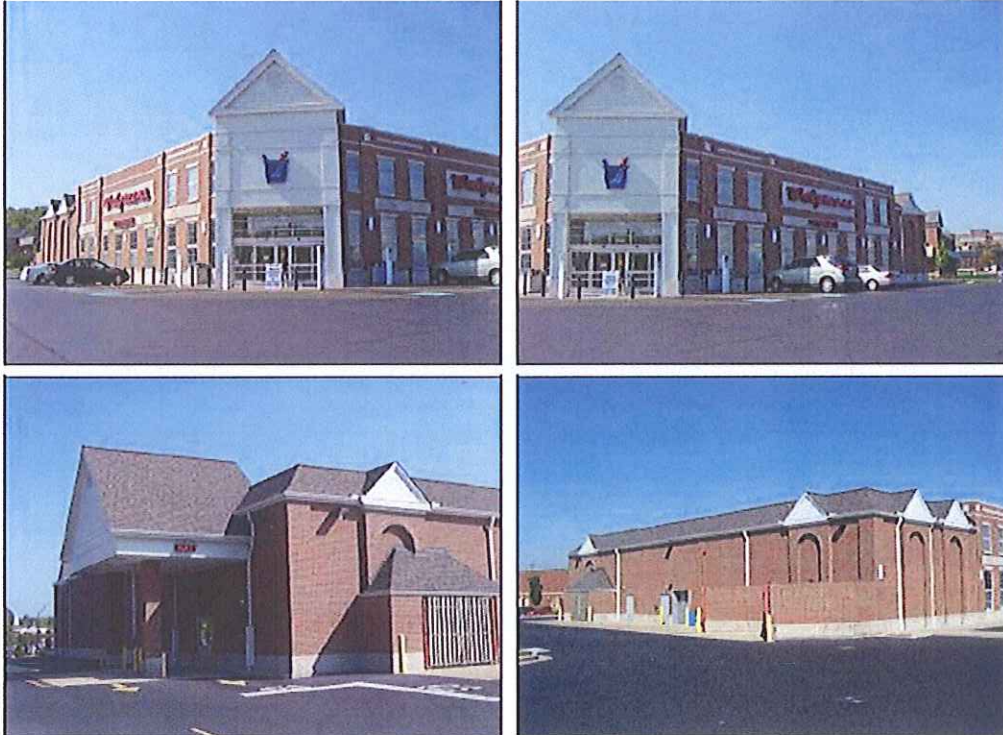


** Stories shall not exceed 14 feet in height from finished floor to finished ceiling. A single floor level exceeding 14 feet shall be counted as two stories.

(Ord. No. 700, § 2(Exh. A), 7-17-2012)

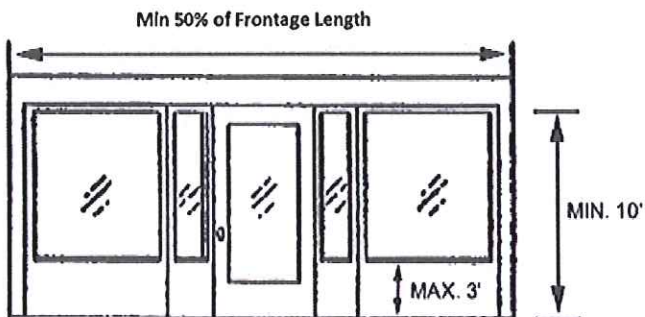
Sec. 53-670. - Design.

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



An example of four-sided design.

- Windows or doors of clear or lightly tinted glass shall comprise at least 50 percent of the frontage length measured between three feet and ten feet above grade, for retail buildings and shall comprise at least 30 percent of the frontage length for non-retail based buildings. Windows shall be distributed in a more or less even manner.



- For new non-residential development all buildings shall incorporate at least four of the following buildings elements:
 - Awnings;
 - Pillars;
 - Canopies;

- Alcoves;
 - Recessed entries;
 - Ornamental cornices (other than colored stripes or bands alone);
 - Pillar posts.
- Exterior walls cannot have a blank uninterrupted length greater than 30 feet, without including two or more features:
 - Change in plane;
 - Change in texture or masonry pattern;
 - Windows;
 - Other equivalent that subdivide the wall into a human scale.

(Ord. No. 700, § 2(Exh. A), 7-17-2012)

Sec. 53-671. - Site standards.

The site development regulations for uses in the CC district are as follows:

Landscaping

- Street trees shall be planted a minimum of 30 feet on center. A minimum of 25 percent of the lot area shall be devoted to landscaping (all landscaping shall consist of drought-tolerant plants). Fifty percent of the required landscaping shall be located in front of the primary building.

Sidewalks.

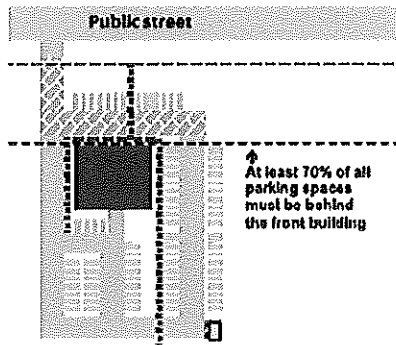
- Sidewalks, driveways and parking areas are required. The sidewalks and pedestrian walkways must be constructed of brick, pavers, or concrete with an exposed broom finish, and connect to the adjacent property having a common frontage.

Screening.

- Screening of loading, trash, recycling and storage facilities is required. All trash and recycling receptacles shall be stored behind the host building. The materials used for screening must be compatible with the materials used on the host building.

Parking.

- Seventy percent of all parking shall be setback behind the front of the building. Curb cuts for parking areas shall not exceed 25 feet in width.



Detention Facilities.

- Detention and water quality ponds shall utilize earthen berms and be designed with a curvilinear contoured shape. Any structural stabilization shall be limited to the use of native stone (except for outlet structure), and shall be limited to not more than 30 percent of the perimeter of the pond and shall be seamlessly integrated with landscape.

Lighting.

- Site lighting shall shine downward and be shielded so that light sources are not visible from public thoroughfares or from adjacent residential zoned or used property. Lighting pole standards shall not exceed a height of 18 feet.

Fencing.

- Any fencing in front, or to the side on corner lots, shall not exceed a height of three feet and any solid fencing material shall not exceed a height of two feet. No chain link, sheet metal, plastic, vinyl, barbed wire or horizontal metal pipe larger than two inches in diameter shall be used.

(Ord. No. 700, § 2(Exh. A), 7-17-2012)

Sec. 53-672. - Use.

The neighborhood commercial zoning district shall allow professional offices and small businesses serving neighborhood community needs. The following uses shall be permitted:

- Multi-family on the second floor and above shall be permitted by right regardless of base zoning;
- Bed and breakfast up to five rooms;
- Retail;
- Restaurant;
- Religious assembly;
- Art gallery;
- Child care center (outdoor playground allowed);
- Fire/police station;
- Professional office;

- Funeral home;
- Barber/beauty shop;
- Convenience/grocery store;
- Fuel station*;
- Nursing/retirement homes;
- Veterinarian - without outdoor boarding;
- Health and fitness center;
- Restaurant with drive-thru*;
- Financial institution w/ drive-thru banking.

* See special standards.

(Ord. No. 700, § 2(Exh. A), 7-17-2012)

Sec. 53-673. - Special standards.

Size of building: First floors are limited to a maximum of 15,000 square feet.

Permanent outdoor storage shall not be allowed. Outdoor dining shall be allowed. Limited outdoor display shall be allowed with no more than ten percent of the lot area to be used for merchandise (merchandise shall not be left outside overnight). Outdoor displays shall not be allowed in any required off-street parking spaces.

Establishments located on property that are within 300 feet of any property zoned or used for a single-family residential use may not be open to the general public before 6:00 a.m. and must be closed to the general public by 10:00 p.m. Businesses may utilize extended hours on Friday and Saturday if the following conditions exist:

- If a property is located 150 feet or more from a single-family zoned or used property the business shall be allowed a closing time of midnight, on Friday and Saturday, by right.
- Any property closer than 150 feet from a single-family residentially zoned or used property may apply for a conditional use permit to allow for extended business hours that would allow for a closing time of midnight, on Friday and Saturday.

Fuel stations must adhere to the following requirements:

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

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

(Ord. No. 700, § 2(Exh. A), 7-17-2012)

Sec. 53-674. - Reserved.

**Permitted Uses
in each Zoning Category**

9/4/2015

SIC Code	SIC Type	SIC Code Description	Primary Zoning
CC, Community Commercial			
		Art gallery	CC
		Barber/beauty shop	CC
		Bed and breakfast up to five rooms	CC
		Child care center (outdoor playground allowed)	CC
		Convenience/grocery store	CC
		Financial institution with drive-thru banking	CC
		Fire/police station	CC
		Fuel station	CC
		Funeral home	CC
		Health and fitness center	CC
		Multi-family on the second floor and above	CC
		Nursing/retirement homes	CC
		Professional office	CC
		Religious assembly	CC
		Restaurant	CC
		Restaurant with drive-thru	CC
		Retail	CC
		Veterinarian - without outdoor boarding	CC

Doc-14012509 Bk-OPR VI-4917 Pg-152

**** Electronically Filed Document ****

Hays County Texas
Liz Q. Gonzalez
County Clerk

Document Number: 2014-14012509
Recorded As : ELECTRONIC RECORDING

Recorded On: May 08, 2014
Recorded At: 11:47:28 am
Number of Pages: 14
Book-VI/Pg: Bk-OPR VI-4917 Pg-152
Recording Fee: \$74.00

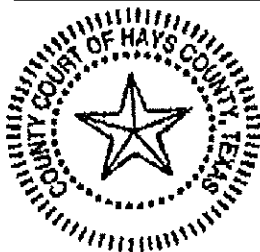
Parties:

Direct- MCCOMIC PRICE COOL SPRINGS LP
Indirect- KALOGRIDIS & KALOGRIDIS DEVELOP

Receipt Number: 366577
Processed By: Alisha Herzog

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.



I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Liz Q. Gonzalez, County Clerk

Doc-14012509 Bk-OPR VI-4917 Pg-153

Special Warranty DeedDate: May ¹⁴/₁₄, 2014

Grantor: McComic-Price Cool Springs LP, a Texas limited partnership

Grantor's Mailing Address: c/o The Price Group, LLC
7979 Ivanhoe Avenue, Suite 520
La Jolla, CA 92037
Attention: Sherry S. Bahraimbeygui

Grantee: Kalogridis & Kalogridis Development, LLC, a Texas limited liability company

Grantee's Mailing Address: 2110-B Boca Raton Drive, Suite 102
Austin, Texas, 78747

Consideration: Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements): See Exhibit A attached.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters arising from and existing; and taxes for 2014, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

Doc-14012509 Bk-OPR VI-4917 Pg-154

This instrument was prepared based on information furnished by the parties, and no independent title search has been made.

MCCOMIC-PRICE COOL SPRINGS LP, a Texas limited partnership

By: 126 Cool Springs, LLC, a Texas limited liability company, its General Partner

By: PS Ivanhoe, LLC, a California limited liability company, its Manager

By: The Price Group, LLC, a California limited liability company, Manager

By: *[Handwritten Signature]*

Printed Name: Sherry S. Balzambeygui
Title: Manager

STATE OF CALIFORNIA)

COUNTY OF _____)

On _____ before me, _____ Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Doc-14012509 Bk-OPR VI-4917 Pg-155

ACKNOWLEDGMENT

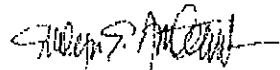
State of California }
County of San Diego }

On May 1, 2014 before me, Evelyn E. Fontanilla, Notary Public,
personally appeared Scheherazade (Sherry) S. Bahrambeygul

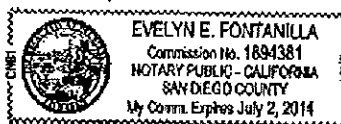
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public Signature



Notary Public Seal

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Scheherazade S. Bahrambeygul
Signers of document

Special Warranty Deed
Title or Type of document

May 1, 2014
Date of document

12
Number of pages

Other information

Doc-14012509 Bk-OPR VI-4917 Pg-156

AFTER RECORDING RETURN TO:
KALOGRIDIS & KALOGRIDIS DEVELOPMENT, LLC
2110B BOCA RATON DR, STE. 102
AUSTIN, TX 78747

Doc-14012509 Bk-OPR VI-4917 Pg-157

EXHIBIT A TO SPECIAL WARRANTY DEED

LEGAL DESCRIPTION

126.410 ac.
 M.B. Atkinson Sur., A-21
 William Hemphill Sur, A-221
 R.T. Hughes Sur., A-237
 James W. Williams Sur., A-473
 Hays County, Texas

Project No. 06-788
 Field Book 360 Sept 13

A DESCRIPTION OF A CERTAIN 126.410 ACRE TRACT OF LAND SITUATED IN HAYS COUNTY, TEXAS, ESTIMATED TO CONSIST OF: 66.31 ACRES OUT OF THE MILTON B. ATKINSON SUR., A-21; 58.94 ACRES OUT OF THE WILLIAM HEMPHILL SUR., A-221; 0.58 ACRES OUT OF THE R.T. HUGHES SUR., A-237; AND THE BALANCE BEING OUT OF THE JAMES W. WILLIAMS SUR., A-473

SAID 126.410 ACRE TRACT BEING THAT SAME LAND CONVEYED BY A.W. GREGG ET UX TO A.W. GREGG, JR., TRUSTEE BY WARRANTY DEED DATED FEBRUARY 1, 1971 RECORDED IN VOLUME 254 AT PAGE 365 OF THE HAYS COUNTY DEED RECORDS (THE CONTENTS OF THAT TRACT CONVEYED TO A.W. GREGG, JR., TRUSTEE, BEING RECITED AS 126.51 ACRES IN SAID DEED, BUT FINDING THE ACTUAL CONTENTS TO BE 126.41 ACRES BY RESURVEY), AND OF WHICH 126.410 ACRES, 0.436 ACRES LIES WITHIN THE RIGHT-OF-WAY OF HAYS COUNTY ROAD 138 AS FOUND PRESENTLY FENCED AND USED UPON THE GROUND;

BEING ALSO THAT SAME LAND CONVEYED BY L.A. FARRIS ET UX TO CLEMENS ARMBRUSTER AS DESCRIBED IN WARRANTY DEED DATED MARCH 1, 1951 RECORDED IN VOLUME 149 AT PAGE 228 HCDR;

AND SAID 126.410 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ACCORDING TO SURVEYS PERFORMED UPON THE GROUND THROUGH SEPTEMBER 19, 2006 UNDER THE DIRECTION OF KENT NEAL MCMILLAN, REGISTERED PROFESSIONAL LAND SURVEYOR, AS FOLLOWS:

Bearings of lines in the following description refer to Grid North of the Texas Coordinate System of 1983 (South Central Zone) as computed from GPS vectors;

Distances are Horizontal Surface Distances in units of US Survey Feet computed using a project average Combined Grid Factor of 0.999895
 (Surface Distance = Grid Distance / 0.999895)

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In the following description, "Standard Rod and Cap" denotes a Punchmark on a 2 in. Aluminum Cap stamped "KENT MCMILLAN, SURVEYOR, RPLS 4341" (and numbered as noted) affixed to a 5/8 in. Iron Rod and

"Dixon Rod and Cap" denotes an Orange Plastic Cap imprinted "DIXON, RPLS 4324" affixed to a 1/2 in. Iron Rod;

Underlined Numbers in this description refer to the Coordinate List.

Coordinates in the following list are in US Survey Feet and refer to the Texas Coordinate System of 1983 (South Central Zone), NAD83 (CORS96) Epoch 2002.0 as derived from L1/L2 GPS observations of more than 4 hrs. duration on each of three different days in September, 2006, processed using rapid orbits via the National Geodetic Survey's OPUS software and extended across the project by GPS and conventional methods adjusted in combination by least squares:

No.	N	E
34	13898509.770	2334280.090
79	13899867.222	2332872.713
81	13899147.034	2333625.764
98	13900507.477	2332363.443
111	13900105.120	2332747.596
601	13898769.012	2329345.656
602	13899668.924	2331936.191
605	13899215.714	2333552.303
606	13899215.551	2333552.666
608	13898663.736	2333019.059
609	13898617.085	2332974.621
610	13898571.953	2332930.236
611	13898525.790	2332885.694
612	13898479.929	2332841.200
613	13898433.876	2332796.756
614	13898387.827	2332752.278
615	13898342.093	2332707.622
626	13900050.234	2332690.321
627	13900254.799	2332492.395
629	13900255.156	2332492.210
632	13897920.549	2330240.864
633	13897576.693	2329923.291
634	13897550.650	2329912.773
635	13897525.667	2329919.142
638	13896529.550	2330966.348
639	13896531.972	2330957.642
643	13897899.503	2330261.829
647	13900049.975	2332690.052
650	13897909.844	2330250.932
651	13896524.781	2330950.688

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652	13898137.510	2332510.199
653	13899216.274	2333553.365
654	13896531.561	2330957.244
655	13899198.431	2333536.111
656	13900452.455	2332305.427
657	13900256.756	2332492.445
658	13898310.541	2329828.690
659	13897910.261	2330229.674
660	13897544.111	2329886.246
662	13897919.941	2330240.292

BEGINNING at the top center of a Concrete Right-of-Way Marker 79 found on the Southwest line of the 80 ft. wide Right-of-Way of F.M. Highway 150 opposite Engineer's Centerline Station 111+44.9, same being at the Southeast end of a curve on the Southwest line of that certain 1.36 acre strip of land conveyed by Charlie F. Hitzfeld et ux to the State of Texas by Right-of-Way Deed dated February 18, 1947 recorded in Volume 137 at Page 273 of the Hays County Deed Records (HCDR), noting that from said Point:

- the Top Center of a Concrete Right-of-Way Marker 81 found on the Southwest line of the original 80 ft. wide Right-of-Way of F.M. 150 opposite Engineer's Centerline Station 121+86.4 bears S46°16'40"W, 1042.11 ft.
- 1) THENCE along the Southwest line of F.M. 150, same being the Southwest line of the above-mentioned 1.36 ac. strip conveyed by Hitzfeld to the State of Texas, and being also the true Northeast line of that certain 126.51 acre tract of land conveyed by Otto Armbruster et al to A. W. Gregg as described in Warranty Deed recorded in Volume 246 Page 796 HCDR, S46°16'40"E, 941.92 ft. to an Unmarked Point 653 at the intersection of the Southeast line of that certain 126.6 acre tract of land conveyed by Edward F. Reuss, Trustee, to Will Hill by Warranty Deed dated May 4, 1923 recorded in Volume 85 at Page 188 HCDR, Point 653 being the North corner of that certain 101.1435 acre tract of land conveyed by Wilna R. Ehrlich to Kyle Riverbend-Cottonwood Investments, L.C. as described in Warranty Deed dated June 24, 2002 recorded in Volume 2021 at Page 830 HCDR and a Point on the Southeast line of the former 126.6 acre Will Hill tract as determined by Charles R. Swart, RPLS, in 1999 (said line being evidenced upon the ground by an old Wire Fence), Point 653 being occupied by a Hackberry tree where the undersigned surveyor deemed it impractical to try to establish a survey marker, but referencing its position as follows:
- a 1/2 in. Iron Rod 605 found on the Northwest side of the base of a 9 in. Cedar Fence Corner Post bears S62°12'32"W, 1.20 ft., said Rod being taken for the "iron stake" placed by James E. Byrn, PE, in October, 1971 (but found to be somewhat erroneously located);
 - Point 606 at the center of the Base of a 9 in. Cedar Fence Corner Post bears S44°02'W, 1.01 ft., said Point being on the Southeast line of the former 126.6

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acre Will Hill tract as determined by Charles R. Swart, RPLS, in 1999 as described in the deed to Kyle Riverbend-Cottonwood Investments, L.C. recorded in Volume 2021 at Page 830 HCDR.

- a Standard Rod and Cap 655 set to mark a point on the Southeast line of the above-mentioned 126.6 acre Will Hill tract and true Southeast line of the A.W. Gregg tract bears S44°02'20"W, 24.82 ft.

and noting also that from Point 632:

- a Point 639 at the Center of the base of a 6-1/2 in. Pole Post with Tin Disc stamped "103" and 3/4 in. Round Tag stamped "C.R. SWART" bears S44°02'20"W, 3734.46 ft. (and from Point 639, a 2 in. Aluminum Cap 638 stamped "EHRLICH, 1999, REFERENCE, MONUMENT, 93, CHARLES R. SWART, SURVEYOR", affixed to a 5/8 in. Iron Rod, bears S74°27'06"E, 9.04 ft.), Point 639 being the West corner of that certain 101.1435 acre tract of land conveyed by Wilna R. Ehrlich to Kyle Riverbend-Cottonwood Investments, L.C. as described in Warranty Deed dated June 24, 2002 recorded in Volume 2021 at Page 830 HCDR and a Point on the Southeast line of the former 126.6 acre Will Hill tract as determined by Charles R. Swart, RPLS, in 1999,

2) THENCE S44°02'20"W, along the recognized Southeast line of the former 126.6 acre Will Hill tract as evidenced by old wire fencing,

- at 24.82 ft. passing Standard Rod and Cap 655 set on line,
- at 768.70 ft. passing a Dixon Rod and Cap 608 found on line (approximately 1.0 ft. Northwest of old Wire Fence) marking the North corner of Lot 1 in Block I of WOODLANDS PART PHASE 1 REPLAT, a Subdivision according to the Plat recorded in Plat Book 11 at Pages 157-159 of the Hays County Plat Records,
- at 832.56 ft. passing a Dixon Rod and Cap 609 found 0.07 ft. Northwest of line (approximately 0.9 ft. Northwest of old Wire Fence) marking the Northwest common corner of Lots 1 and 2 in said Block I,
- at 896.44 ft. passing a Dixon Rod and Cap 610 found 0.05 ft. Northwest of line (approximately 1.2 ft. Northwest of old Wire Fence) marking the Northwest common corner of Lots 2 and 3 in Block I,
- at 960.60 ft. passing a Dixon Rod and Cap 611 found 0.02 ft. Southeast of line (approximately 1.1 ft. Northwest of old Wire Fence) marking the Northwest common corner of Lots 3 and 4 in Block I,

126.410 ac.

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- at 1024.50 ft. passing a Dixon Rod and Cap 612 found 0.08 ft. Northwest of line (approximately 1.2 ft. Northwest of old Wire Fence) marking the Northwest common corner of Lots 4 and 5 in Block I,
- at 1038.51 ft. passing a Dixon Rod and Cap 613 found 0.02 ft. Northwest of line (approximately 0.9 ft. Northwest of old Wire Fence) marking the Northwest common corner of Lots 5 and 6 in Block I,
- at 1152.54 ft. passing a Dixon Rod and Cap 614 found 0.02 ft. Southeast of line (approximately 1.1 ft. Northwest of old Wire Fence) marking the Northwest common corner of Lots 6 and 7 in Block I,
- at 1216.46 ft. passing a Dixon Rod and Cap 615 found 0.29 ft. Northwest of line (approximately 1.2 ft. Northwest of old Wire Fence) marking the West corner of Lot 7 in Block I
- at 1500.80 ft. passing a Standard Rod and Cap 652 set on line,
- at 3734.46 ft. passing Point 639 at the Center of the base of a 6-1/2 in. Pole Post as described above,

in all for a total distance of 3735.63 ft. to a Standard Rod and Cap 654 set to mark the intersection of the Northeast line of Hays County Road 158 as presently fenced and used upon the ground, and from which Point:

- Standard Rod and Cap 635 set by a 6 in. Pole Post at Angle in Wire Fence to mark an Angle Point in said present road right-of-way as fenced bears N46°14'25"W, 1437.48 ft. (the Northeast and Southeast lines of Hays County Road 158 as found presently fenced and used upon the ground running from Standard Rod and Cap 654 to 635 to 634 to 633 to 650 as herein after described);
- 3) THENCE S44°02'20"W, 9.43 ft. to a Standard Rod and Cap 651 set (within the present right-of-way of Hays County Road 158 as fenced and used) to mark the South corner of the former 126.6 acre Will Hill tract and the South corner of the 126.51 acre tract conveyed to A.W. Gregg, Jr., Trustee;
- 4) THENCE along the Southwest line of said 126.51 acre Gregg tract, same being the Southwest line of the former 126.6 acre Will Hill tract, N46°14'25"W, 1473.95 ft. to to an Unmarked Point 660 on the Asphalt Pavement of Hays County Road 158, said Point being in the reconstructed Position of a Fence Corner Post at the West corner of the former 126.6 acre Will Hill tract as reported by James B. Byrn, PE, in 1971 (Volume 246 Page 796 HCDR) and from which:

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- a 1/2 in. Iron Rod 659 found and taken for the "iron stake" set by Mr. Bryn to mark the Ell corner on the Northwest line of the 126.51 acre tract conveyed to A. W. Gregg bears N43°09'58"E, 502.06 ft. (Bryn's call of 505.26 ft. being considered to be in error)
 - a Standard Rod and Cap 631 set by a 6 in. Pole Post at Angle in Wire fence to mark an Angle point in the Right-of-way of Hays County Road 158 as presently fenced and used bears N48°40'06"E, 49.34 ft.
 - a Standard Rod and Cap 634 set by a 5 in. Pole Post at Angle in Wire fence to mark an Angle point in the Right-of-way of Hays County Road 158 as presently fenced and used bears N76°09'12"E, 27.32 ft.
 - a Standard Rod and Cap 635 set by a 6 in. Pole Post at Angle in Wire fence to mark an Angle point in the Right-of-way of Hays County Road 158 as presently fenced and used bears S60°43'17"E, 37.72 ft.
 - a 3/8 in. Spike 632 set in an old 5 in. Cedar Post leaning well off plumb bears N43°17'26"E, 517.22 ft., said Cedar Post being taken for the identical Cedar Post described as marking an Ell Corner on the Southwest line of that certain 126.6 acre tract of land conveyed by Edward F. Reuss, Trustee, to Will Hill by Warranty Deed dated May 4, 1923 recorded in Volume 85 at Page 188 HCDR;
- 5) THENCE along the Northwest line of the former Will Hill 126.6 ac. tract, N43°17'26"E, 516.38 ft. to an Unmarked Point 662 at the intersection of the Southwest line of that certain 33.30 ac. tract of land described in Contract of Sale and Purchase between the Veteran's Land Board of Texas and Freddie Lee Sturdivant, Purchaser, dated May 21, 1969 recorded in Volume 230 at Page 391 HCDR and from which Point 662:
- Spike 632 described above bears N43°17'26"E, 0.84 ft.
- 6) THENCE S46°29'59"E, along the Southwest line of the 33.30 acre Sturdivant tract, 14.67 ft. to a Point 650 set on the Northeasterly prolongation of the Southeast line of Hays County Road 158 as fenced, and from which:
- the above-mentioned Standard Rod and Cap 633 at an Angle Point on the Southeast line of Hays County Road 158 as fence bears S44°31'20"W, 467.32 ft.;
- 7) THENCE along the Southwest line of said 33.30 acre Freddie Lee Sturdivant tract, S46°29'59"E, 15.02 ft. to an old 3/4 in. Galvanized Iron Pipe 643 found, taken for the identical "iron stake" placed in February, 1969 by William F. Brooks, RPS, to

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mark the South corner of that certain 151.50 acre tract of land conveyed by John Hancock Mutual Life Insurance Company to Alex B. Kercheville and W. A. Word by Deed recorded in Volume 124 at Page 58 HCDR and the South corner of the 33.30 acre Freddie Lee Sturdivant tract, and noting that from said Pipe 643:

- an old 1-1/4 in. Galvanized Iron Pipe 658 found marking the West corner of said 33.30 acre Sturdivant tract bears N46°29'59"W, 597.19 ft., said Pipe being taken for the identical "iron stake" placed by William F. Brooks, RPS in February, 1969;
 - the original West corner of the Albert Pace Sur. 55, A-367, an old Stone Mound found by the undersigned in September, 2001 (later destroyed by construction) bears S46°29'59"E, 20.00 ft.; N43°25'08"E, 5584.90 ft.; and S46°37'19"E, 2462.58 ft.;
 - the original Northerly Ell corner of the Milton B. Atkinson Sur. 10, A-21, a Standard Rod and Cap set to replace the rotten stub of a Cedar Stake in an old Stone Mound found bears S46°29'59"E, 20.00 ft.; N43°25'08"E, 5218.23 ft.; N46°34'52"W, 1626.71 ft.; and N43°25'08"E, 6961.18 ft.;
 - the Position of the original North corner of the William Hemphill Sur. 4, A-221, as reported by Hays County Surveyor B.C. Hardin in 1871 (located from the above corners of the Pace and Atkinson Surveys) bears S46°29'59"E, 20.00 ft.; N43°25'08"E, 5584.90 ft.;
- 8) THEENCE N43°25'08"E, along the Northwest line of that certain tract of land conveyed by L.A. Farris et ux to Clemens Armbruster by Warranty Deed dated March 1, 1951 recorded in Volume 149 at Page 228 HCDR as the same was resurveyed and marked by William F. Brooks, RPS, in February, 1969,
- at 2436.31 ft. passing on line an old 1 in. Galvanized Iron Pipe 602 found (8 in. Up) on the Southwest side of the Corner Post of a Wire Fence (approximately 2.8 ft. Northwest of another Wire Fence), said Pipe being taken for the identical "iron stake" placed by Mr. Brooks to mark the East corner of the 33.30 acre Sturdivant tract on the Northwest line of the said Armbruster tract, said Pipe 602 marking also the South corner of that certain 37.99 acre tract of land conveyed by W.A. Word et ux and Alex B. Kercheville et ux to Henry Crew Armbruster and William M. Johnson by Warranty Deed dated May 12, 1969 recorded in Volume 230 at Page 402 HCDR and marking the South corner of that certain 5.99 acre tract of land conveyed by Rhonda Kay Sturdivant to J.D. Sturdivant by Special Warranty Deed dated March 12, 1969 recorded in Volume 1513 at Page 874 HCDR;

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in all for a total distance of 3245.69 ft. to an old 1 in. Galvanized Iron Pipe 657 (found leaning well off plumb and taken to have been disturbed) reset plumb on the Southwest line of the 80 ft. wide Right-of-way of F.M. 150 to mark a Point on the Southeast line of the former 151.50 acre Kercheville and Word tract described Volume 124 Page 58 HCDR as resurveyed and marked upon the ground by William F. Brooks, RPS, in February, 1969, same Pipe being taken for the identical "iron stake" placed by Mr. Brooks to mark the East corner of the above-mentioned 37.99 acre tract of land conveyed by Word and Kercheville to Armbruster and Johnson as described in Deed recorded in Volume 230 at Page 402 HCDR, and noting that from Pipe 657:

- an old 3/4 in. Galvanized Iron Pipe 656 found on the West side of a broken and leaning Concrete Right-of-way Marker on the Southwest line of the 80 ft. Right-of-way opposite Engineer's Centerline Station 103+32.1 bears N43°42'02"W, 270.72 ft.,
 - a Standard Rod and Cap 98 stamped "98, FD ROW CM" set by the undersigned in September, 2001 in the broken stub of a Concrete Right-of-way Marker on the Northeast line of F.M. 150 opposite Engineer's Centerline Station 103+32.1 bears N43°42'02"W, 270.72 ft. and N46°31'02"E, 79.97 ft.
 - a Point 629 at the center of the Base of a 9 in. leaning Cedar Fence Corner Post bears S8°20'W, 1.62 ft.;
 - a 1/2 in. Iron Rod 627 found on the Southeast side of the Base of the above Post bears S1°27'W, 1.96 ft., said Rod being taken for the "iron stake" placed by James E. Byrn, PE, in October, 1971 as described Volume 246 Page 796 HCDR (but found to be erroneously located);
- 9) THENCE along the Southwest line of F.M. 150, same being the Southwest line of that certain 1.36 acre strip of land conveyed by Charlie F. Hitzfeld et ux to the State of Texas by Right-of-Way Deed dated February 18, 1947 recorded in Volume 137 at Page 273 HCDR and the true Northeast line of the A.W. Gregg tract, S43°42'02"E, 286.05 ft. to a Standard Rod and Cap 647 set opposite Engineer's Centerline Station 108+88.2 to mark the beginning of a 5769.58 ft. radius curve, concave to the Northeast in the Southwest right-of-way line, and from said Rod and Cap 647:
- a 3/8 in. Steel Spike 626 set by the undersigned in September, 2001 in the center of the broken stub of a Concrete Right-of-way Marker bears N46°13'10"E, 0.37 ft.
 - the Top Center of a Concrete Right-of-way Marker 111 bears N46°13'10"E, 79.71 ft., and

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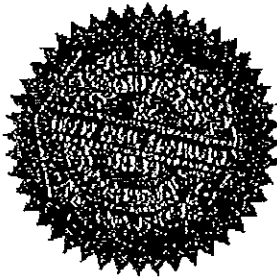
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• the center of said curve bears N46°17'52"E, 5769.58 ft.;

10) THENCE along said 5769.58 ft. radius curve, in a Southeasterly direction for an arc distance of 258.44 ft., the chord of said arc bearing S44°59'08"E, 258.41 ft. to the POINT OF BEGINNING;

CONTAINING in all 126.41 acres of land within the above described metes and bounds as determined by this resurvey.

I, Kent Neal McMillan, a Registered Professional Land Surveyor, hereby certify that the above is a true and correct description of the results of an actual survey performed under my supervision on the ground, completed September 19, 2006.



Kent Neal McMillan

Kent Neal McMillan
Registered Professional Land Surveyor
418 Ridgewood Road
Austin TX 78746
Telephone (512) 445-5441

126.410 ac.

Exhibit "A"

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TAX CERTIFICATE

Luanne Caraway Tax Assessor-Collector, Hays County

712 S. Stagecoach Trail
 San Marcos, TX 78666
 Ph: 512-393-5545 Fax: 512-393-5517

This certificate includes tax years up to 2014

Entities to which this certificate applies:

SHA - Hays Consolidated ISD
 WPC - Plum Creek Groundwater District
 FHA - Hays Co ESD #5
 ACCD - AUSTIN COMMUNITY COLLEGE DISTRICT

PCC - Plum Creek Conservation District
 RSP - Special Road Dist
 GHA - Hays County
 CKY - City Of Kyle

Property Information

Property ID : 10-0221-0016-00000-2
 Quick-Ref ID : R14894

Value Information

Land HS	:	\$0.00
Land NHS	:	\$0.00
Imp HS	:	\$0.00
Imp NHS	:	\$0.00
Ag Mkt	:	\$621,560.00
Ag Use	:	\$9,130.00
Tim Mkt	:	\$0.00
Tim Use	:	\$0.00
HS Cap Adj	:	\$0.00
Assessed	:	\$9,130.00

ABS 221 WM HEMPHILL
 SURVEY 125.41 AC
 GEO#90601854

Owner Information

Owner ID : O0177498

KALOGRIDIS & KALOGRIDIS
 DEVELOPMENT LLC
 2110B BOCA RATON DR
 AUSTIN, TX 78747-1673

Ownership: 100.00%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
PCC	2014	2.01	0.00	0.00	0.00	0.00
SHA	2014	140.39	0.00	0.00	0.00	0.00
RSP	2014	4.00	0.00	0.00	0.00	0.00
WPC	2014	2.01	0.00	0.00	0.00	0.00
GHA	2014	38.82	0.00	0.00	0.00	0.00
FHA	2014	9.13	0.00	0.00	0.00	0.00
CKY	2014	49.15	0.00	0.00	0.00	0.00
ACCD	2014	8.60	0.00	0.00	0.00	0.00

Total for current bills if paid by 7/31/2015 : \$0.00

Total due on all bills 7/31/2015 : \$0.00

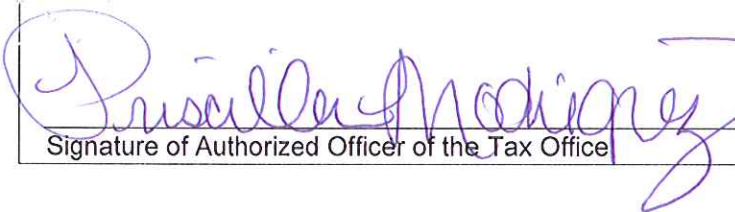
2014 taxes paid for entity PCC \$2.01
 2014 taxes paid for entity SHA \$140.39
 2014 taxes paid for entity RSP \$4.00
 2014 taxes paid for entity WPC \$2.01
 2014 taxes paid for entity GHA \$38.82
 2014 taxes paid for entity FHA \$9.13
 2014 taxes paid for entity CKY \$49.15
 2014 taxes paid for entity ACCD \$8.60

2014 Total Taxes Paid : \$254.11

Date of Last Payment : 12/05/14

If applicable, the above-described property is receiving special valuation based on its use. Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43, Paragraph (i) of the Texas Property Tax Code.

 Signature of Authorized Officer of the Tax Office	Date of Issue : 07/30/2015
	Requestor : KALOGRIDIS & KALOGRIDIS DEVELOPM
	Receipt : KY-2015-26214
	Fee Paid : \$10.00
	Payer : HELEN LEE

REPRINTED TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County
712 S. Stagecoach Trail
San Marcos, TX 78666
Ph: 512-393-5545 Fax: 512-393-5517

Receipt Number: **SM-2014-762236**

Payor: KALOGRIDIS & KALOGRIDIS DEVELOPMENT LLC (O0177498)
2110B BOCA RATON DR
AUSTIN, TX 78747-1673

Owner: KALOGRIDIS & KALOGRIDIS DEVELOPMENT LLC (O0177498)
2110B BOCA RATON DR
AUSTIN, TX 78747-1673

Quick Ref ID: R14894
Owner: KALOGRIDIS & KALOGRIDIS DEVELOPMENT LLC (O0177498) - 100%
Owner Address: 2110B BOCA RATON DR
AUSTIN, TX 78747-1673

Property: 10-0221-0016-00000-2
Legal Description: ABS 221 WM HEMPHILL SURVEY
125.41 AC GEO#90601854

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2014					
Plum Creek	9,130	0.022000	2.01	2.01	2.01
Hays Consolidated	9,130	1.537700	140.39	140.39	140.39
Special Road Dist	9,130	0.043800	4.00	4.00	4.00
Plum Creek	9,130	0.022000	2.01	2.01	2.01
Hays County	9,130	0.425200	38.82	38.82	38.82
Hays Co ESD #5	9,130	0.100000	9.13	9.13	9.13
City Of Kyle	9,130	0.538300	49.15	49.15	49.15
AUSTIN COMMUNITY	9,130	0.094200	8.60	8.60	8.60

Total Payment Amount 254.11
Check Payment Tendered 254.11
Total Tendered 254.11

Remaining Balance Due, including other fees,
as of 7/30/2015 0.00

Date Paid: 12/05/2014
Effective Date: 12/05/2014
Station/Till: ELIZABETH/Liz's Import Till
Cashier:

TAX CERTIFICATE

Luanne Caraway Tax Assessor-Collector, Hays County

712 S. Stagecoach Trail
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 Ph: 512-393-5545 Fax: 512-393-5517

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 CKY - City Of Kyle

Property Information

Property ID : 10-0221-0015-00000-2
 Quick-Ref ID : R14893

Value Information

1838 FM 150 KYLE, TX 78640	Land HS	:	\$0.00
	Land NHS	:	\$3,300.00
	Imp HS	:	\$0.00
	Imp NHS	:	\$56,100.00
ABS 221 WM HEMPHILL SURVEY 1.00 AC HOUSE GEO#90601853	Ag Mkt	:	\$0.00
	Ag Use	:	\$0.00
	Tim Mkt	:	\$0.00
	Tim Use	:	\$0.00
	HS Cap Adj	:	\$0.00
	Assessed	:	\$59,400.00

Owner Information

Owner ID : O0177498

 KALOGRIDIS & KALOGRIDIS
 DEVELOPMENT LLC
 2110B BOCA RATON DR
 AUSTIN, TX 78747-1673

 Ownership: 100.00%

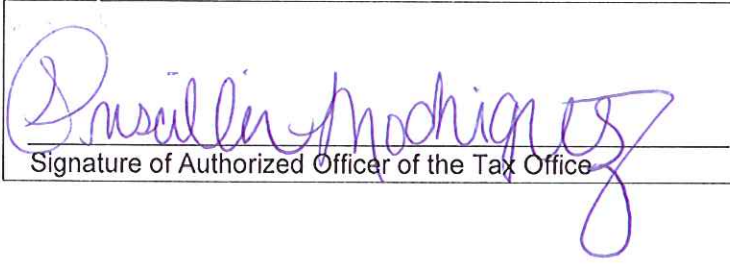
This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
PCC	2014	13.07	0.00	0.00	0.00	0.00
SHA	2014	913.39	0.00	0.00	0.00	0.00
RSP	2014	26.02	0.00	0.00	0.00	0.00
WPC	2014	13.07	0.00	0.00	0.00	0.00
GHA	2014	252.57	0.00	0.00	0.00	0.00
FHA	2014	59.40	0.00	0.00	0.00	0.00
CKY	2014	319.75	0.00	0.00	0.00	0.00
ACCD	2014	55.95	0.00	0.00	0.00	0.00

Total for current bills if paid by 7/31/2015 : \$0.00
Total due on all bills 7/31/2015 : \$0.00
 2014 taxes paid for entity PCC \$13.07
 2014 taxes paid for entity SHA \$913.39
 2014 taxes paid for entity RSP \$26.02
 2014 taxes paid for entity WPC \$13.07
 2014 taxes paid for entity GHA \$252.57
 2014 taxes paid for entity FHA \$59.40
 2014 taxes paid for entity CKY \$319.75
 2014 taxes paid for entity ACCD \$55.95
2014 Total Taxes Paid : \$1,653.22
Date of Last Payment : 12/05/14

If applicable, the above-described property is receiving special valuation based on its use. Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43, Paragraph (i) of the Texas Property Tax Code.


Signature of Authorized Officer of the Tax Office

Date of Issue : 07/30/2015
Requestor : KALOGRIDIS & KALOGRIDIS DEVELOPM
Receipt : KY-2015-26212
Fee Paid : \$10.00
Payer : HELEN LEE

REPRINTED TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County
712 S. Stagecoach Trail
San Marcos, TX 78666
Ph: 512-393-5545 Fax: 512-393-5517

Receipt Number: **SM-2014-762237**

Payor: KALOGRIDIS & KALOGRIDIS DEVELOPMENT LLC (O0177498)
2110B BOCA RATON DR
AUSTIN, TX 78747-1673

Owner: KALOGRIDIS & KALOGRIDIS DEVELOPMENT LLC (O0177498)
2110B BOCA RATON DR
AUSTIN, TX 78747-1673

Quick Ref ID: R14893
Owner: KALOGRIDIS & KALOGRIDIS DEVELOPMENT LLC (O0177498) - 100%
Owner Address: 2110B BOCA RATON DR
AUSTIN, TX 78747-1673

Property: 10-0221-0015-00000-2
Legal Description: ABS 221 WM HEMPHILL SURVEY 1.00
AC HOUSE GEO#90601853
Situs Address: 1838 FM 150 KYLE, TX 78640

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2014					
Plum Creek	59,400	0.022000	13.07	13.07	13.07
Hays Consolidated	59,400	1.537700	913.39	913.39	913.39
Special Road Dist	59,400	0.043800	26.02	26.02	26.02
Plum Creek	59,400	0.022000	13.07	13.07	13.07
Hays County	59,400	0.425200	252.57	252.57	252.57
Hays Co ESD #5	59,400	0.100000	59.40	59.40	59.40
City Of Kyle	59,400	0.538300	319.75	319.75	319.75
AUSTIN COMMUNITY	59,400	0.094200	55.95	55.95	55.95

Total Payment Amount **1,653.22**
Check Payment Tendered 1,653.22
Total Tendered **1,653.22**

Remaining Balance Due, including other fees,
as of 7/30/2015 **0.00**

Date Paid: 12/05/2014
Effective Date: 12/05/2014
Station/Till: ELIZABETH/Liz's Import Till
Cashier:

Area to be rezoned

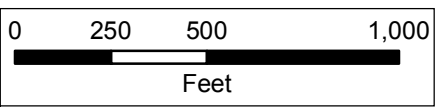


Interstate 35 Frontage Rd

Sum Creek Campground

Google

Project Location
Cool Springs Retail
Z-15-009
1.75 Acres



 Property Location

 Parcel Lines



CITY OF KYLE, TEXAS

Scott Felder Homes Annexation

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* An ordinance of the City of Kyle, Texas, providing for the extension of the City's municipal boundaries by the annexation of approximately 135.78 acre tract (Scott Felder Homes, Annexation), all of which are lying within the City's extraterritorial jurisdiction and to incorporate such property into the City of Kyle. ~ *Howard J. Koontz, Director of Planning and Community Development*

Other Information: N/A

Legal Notes: N/A

Budget Information: N/A

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

Attachments / click to download

 [Ordinance with Exhibits A, B & C](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, PROVIDING FOR THE EXTENSION OF THE CITY'S MUNICIPAL BOUNDARIES BY THE ANNEXATION OF APPROXIMATELY A 135.78 ACRE TRACT (SCOTT FELDER HOMES. ANNEXATION) ALL OF WHICH ARE LYING WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION AND TO INCORPORATE SUCH PROPERTY INTO THE CITY OF KYLE; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas, (herein the "City") is a home rule municipality authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City; and

WHEREAS, Section 43.052 (h) of the Local Government Code authorizes a municipality to annex territory if petitioned by the property owner; and

WHEREAS, the property owner (herein the "Petitioner"), being the owner of a certain 135.78 acre tract, more or less, of property located within Hays County, Texas, and being more particularly described in Exhibit "A" and shown in Exhibit "B", has petitioned the City for annexation of said tract into the city limits; and

WHEREAS, the property is adjacent and contiguous to the present city limits and within the City's extraterritorial jurisdiction; and

WHEREAS, the City Council heard and has decided to grant the owner's request that the City annex said property; and

WHEREAS, two separate public hearings were conducted on August 18, 2015 and September 1, 2015, prior to consideration of this Ordinance in accordance with §43.063 of the *Tex. Loc. Gov't. Code*; and

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings; and

WHEREAS, the Petitioner has agreed and consented to the negotiated municipal service plan and the annexation of the property by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted; and

WHEREAS, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "C".

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the “Annexed Property”), is hereby annexed into the corporate limits of the City of Kyle:

All that certain tract or parcel of land being 135.78 acres of land, more or less, located in Hays County, Texas, and being more particularly described in Exhibit “A” and shown in Exhibit “B”, attached hereto and incorporated herein for all purposes.

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit “C”.

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “C”, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City.

SECTION 6. That the Annexed Property shall be temporarily zoned Agricultural District “A” as provided in the City Zoning Ordinance, as amended, until permanent zoning is established through the City’s zoning process.

SECTION 7. That the Annexed Property shall be assigned to Council District No. 4.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading the _____ day of _____, 2015.

FINALLY PASSED AND APPROVED on Second Reading this ____ day of _____, 2015.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

R. Todd Webster, Mayor

EXHIBIT "A"

Property Description: +/- 135.78 acre tract

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

1 of 4

DESCRIPTION OF A 132.59 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC. IN FEBRUARY 2015, LOCATED IN THE JOHN PHARASS SURVEY, ABSTRACT NUMBER 361, HAYS COUNTY, TEXAS, SAID 132.59 ACRE TRACT BEING A REMAINDER OF A CALLED 135.78 ACRE TRACT OF LAND DESCRIBED IN VOLUME 254, PAGE 848, REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS, SAID 132.59 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found in the north right-of-way line of Cypress Road (right-of-way varies) for the most southerly southeast corner of said 135.78 acre tract, same being the most southerly corner of the herein described 132.59 acre tract of land, for the **POINT OF BEGINNING**;

THENCE with the north right-of-way line of Cypress Road, same being the south line of said 135.78 acre tract, N66°47'41"W, a distance of 464.63 feet to a ½ inch iron rod with "Delta Survey" cap set for the southeast corner of a 4.78 acre tract of land described in Volume 4719, Page 166, Official Public Records, Hays County, Texas;

THENCE leaving the north right-of-way line of Cypress Road, with the east, north and west lines of said 4.78 acre tract, same being south lines of said 135.78 acre tract the following three (3) courses and distances:

1. N18°25'46"E a distance of 218.68 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. N76°35'41"W a distance of 683.33 feet, to a ½ inch iron rod with "Delta Survey" cap set, and
3. S45°04'19"W a distance of 426.01 feet, to a 20 inch Live Oak found for the southwest corner of the said 4.78 acre tract, same being a south corner of the said 135.78 acre tract, and also being in the north line of an undefined tract of land (no record ownership or deed reference found);

THENCE with the north lines of said undefined tract, same being the south lines of said 135.78 acre tract the following five (5) courses and distances:

1. S59°45'22"W a distance of 97.79 feet, to a nail found in a 29 inch Live Oak,
2. S47°28'53"W a distance of 371.25 feet, to a ½ inch iron rod found,
3. S52°39'52"W a distance of 14.33 feet, to a ½ inch iron rod found,
4. S59°09'02"W a distance of 164.78 feet, to a ½ inch iron rod found, and
5. S67°49'19"W a distance of 74.92 feet, to a ½ inch iron rod with "Delta Survey" cap set in the north ROW line of said Cypress Road, same being a south line of said 135.78 acre tract;

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

2 of 4

THENCE with the north ROW lines of said Cypress Road, same being the south lines of said 135.78 acre tract the following nine (9) courses and distances:

1. N70°08'41"W a distance of 96.94 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. N64°30'41"W a distance of 79.56 feet, to a ½ inch iron pipe found,
3. N49°42'54"W a distance of 145.14 feet, to a ½ inch iron rod with "Delta Survey" cap set,
4. N47°57'54"W a distance of 437.25 feet, to a ½ inch iron rod with "Delta Survey" cap set,
5. N16°49'54"W a distance of 516.28 feet, to a ½ inch iron rod with "Delta Survey" cap set,
6. N35°14'54"W a distance of 48.31 feet, to a ½ inch iron rod with "Delta Survey" cap set,
7. N56°57'54"W a distance of 49.88 feet, to a ½ inch iron rod found,
8. N80°26'19"W a distance of 476.41 feet, to a ½ inch iron rod found, and
9. N41°17'19"W a distance of 155.64 feet, to a ½ inch iron rod with "Delta Survey" cap set in the east line of that 195.14 acre tract described in a deed to The State of Texas Permanent School Fund, and recorded in Volume 2965, Page 484, Official Public Records, Hays County, Texas, same being the west line of the said 135.78 acre tract;

THENCE with the east line of said 195.14 acre tract, same being the west lines of said 135.78 acre tract the following six (6) courses and distances:

1. N48°29'30"E a distance of 1587.53 feet, to a ½ inch iron rod found,
2. N48°25'30"E a distance of 428.87 feet, to a ½ inch iron rod with "VICKERY" cap found,
3. N25°26'19"E a distance of 39.38 feet, to a mag nail in fence post found,
4. S49°05'26"E a distance of 34.30 feet, to a mag nail in fence post found,
5. N48°35'06"E a distance of 1583.28 feet, to a mag nail in fence post found, and
6. S61°06'30"E a distance of 48.98 feet, to a ½ inch iron rod found in the west ROW line of County Road 136 (Old Stagecoach Road) (ROW varies), same being the northeast corner of said 135.78 acre tract;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract, S16°45'08"E a distance of 258.55 feet, to a ½ inch iron rod with "Delta Survey" cap set for the northeast corner of that 1.00 acre tract described in a deed to Clifton L. Oswalt and recorded in Volume 398 Page 265, Real Property Records of Hays County, Texas;

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

3 of 4

THENCE leaving said ROW and with the north and west lines of said 1.00 acre Oswalt tract, and the west and south lines of that 0.12 acre tract described in a deed to Clifton L. Oswalt and recorded in Volume 592 Page 807, Real Property Records of Hays County, Texas, the following three (3) courses and distances:

1. S73°14'47"W a distance of 350.00 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. S16°45'09"E a distance of 139.46 feet, to a ½ inch iron rod with "Delta Survey" cap set, and
3. N73°14'49"E a distance of 347.70 feet, to a ½ inch iron rod with "Delta Survey" cap set in the west ROW line of said Old Stagecoach Road;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract, S08°02'02"E a distance of 955.72 feet, to an iron rod with "BYRN" cap found for the northeast corner of that 0.615 acre tract conveyed to Martha Prado and recorded in Volume 2257 Page 881, Official Public Records, Hays County, Texas and last described in Volume 729 Page 644, Real Property Records, Hays County, Texas;

THENCE with the perimeter of said 0.615 acre Prado tract and a 1.86 acre tract described in a deed to Audrey Oswalt and recorded in Volume 398 Page 261, Real Property Records, Hays County Texas the following six (6) courses and distances:

1. S81°40'28"W a distance of 232.43 feet, to a ½ inch iron rod with "Delta Survey" cap set
2. S02°39'28"E a distance of 101.12 feet, to a calculated point for the west common corner of the said Prado and Oswalt tract,
3. S03°12'57"E a distance of 30.41 feet, to a calculated point,
4. S02°06'24"E a distance of 47.02 feet, to a fence post found,
5. S02°47'36"E a distance of 157.50 feet, to a ½ inch iron rod found, and
6. N87°19'33"E a distance of 203.13 feet, to a ½ inch iron rod found for the southeast corner of said Oswalt tract, same being in the west ROW line of said Old Stagecoach Road;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract the following four (4) courses and distances:

1. S16°08'07"W a distance of 474.58 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. S11°17'39"E a distance of 40.97 feet, to a ½ inch iron rod found,
3. S18°34'03"E a distance of 1287.66 feet, to a ½ inch iron road found, and

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

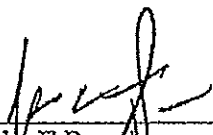
4 of 4

4. S56°24'24"W a distance of 10.77 feet, to the POINT OF BEGINNING and containing 132.59 acres, more or less.

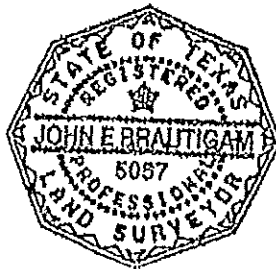
BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 83/HARN

I, John E Brautigam, hereby certify that the forgoing description represents an on-the-ground survey performed under my direct supervision during February 2015, and is true and correct to the best of my knowledge and belief.

Date: 02-16-15



John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas



Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745
TBPLS Firm No. 10004700

2.598 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

1 of 3

DESCRIPTION OF A 2.598 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC. IN JANUARY 2015, LOCATED IN THE JOHN PHARASS SURVEY, ABSTRACT NUMBER 361, HAYS COUNTY, TEXAS, SAID 2.598 ACRE TRACT BEING A PORTION OF A CALLED 135.78 ACRE TRACT OF LAND DESCRIBED IN VOLUME 254, PAGE 848, REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS, SAID 2.598 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found in the north right-of-way line of Cypress Road (right-of-way varies) for the most southerly southeast corner of said 135.78 acre tract, same being the most southerly corner of the herein described 2.598 acre tract of land, for the **POINT OF BEGINNING**;

THENCE with the north right-of-way line of Cypress Road, same being the south line of said 135.78 acre tract, N66°47'41"W, a distance of 464.63 feet to a ½ inch iron rod with "Delta Survey" cap set for the southeast corner of a 4.78 acre tract of land described in Volume 4719, Page 166, Official Public Records, Hays County, Texas;

THENCE leaving the north right-of-way line of Cypress Road, with the east line of said 4.78 acre tract, same being a west line of said 135.78 acre tract, N18°25'46"E, a distance of 218.68 feet to a ½ inch iron rod with "Delta Survey" cap set for the northeast corner of said 4.78 acre tract, same being a corner in the south line of said 135.78 acre tract;

THENCE leaving said 4.78 acre tract, and crossing said 135.78 acre tract, the following two (2) courses and distances:

1. N08°13'19"E, a distance of 28.01 feet to a ½ inch iron rod with "Delta Survey" cap set; and,
2. N71°25'57"E, a distance of 212.70 feet to a ½ inch iron rod with "Delta Survey" cap set in the west right-of-way line of County Road 136 (Old Stagecoach Road) (right-of-way varies), same being the east line of said 135.78 acre tract;

2.598 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

2 of 3

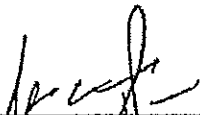
THENCE with the west right-of-way line of County Road 136, same being the east line of said 135.78 acre tract, S18°34'03"E, a distance of 506.39 feet to a ½ inch iron rod found in the north right-of-way line of Cypress Road;

THENCE leaving the west right-of-way line of County Road 136, with the north right-of-way line of Cypress Road, S56°24'24"W, a distance of 10.77 feet to the POINT OF BEGINNING and containing 2.598 acres of land, more or less.

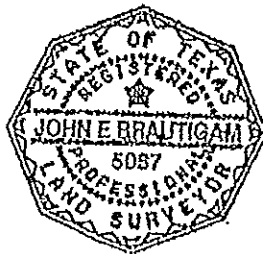
BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 83/HARN

I, John E Brautigam, hereby certify that the forgoing description represents an on-the-ground survey performed under my direct supervision during January 2015, and is true and correct to the best of my knowledge and belief.

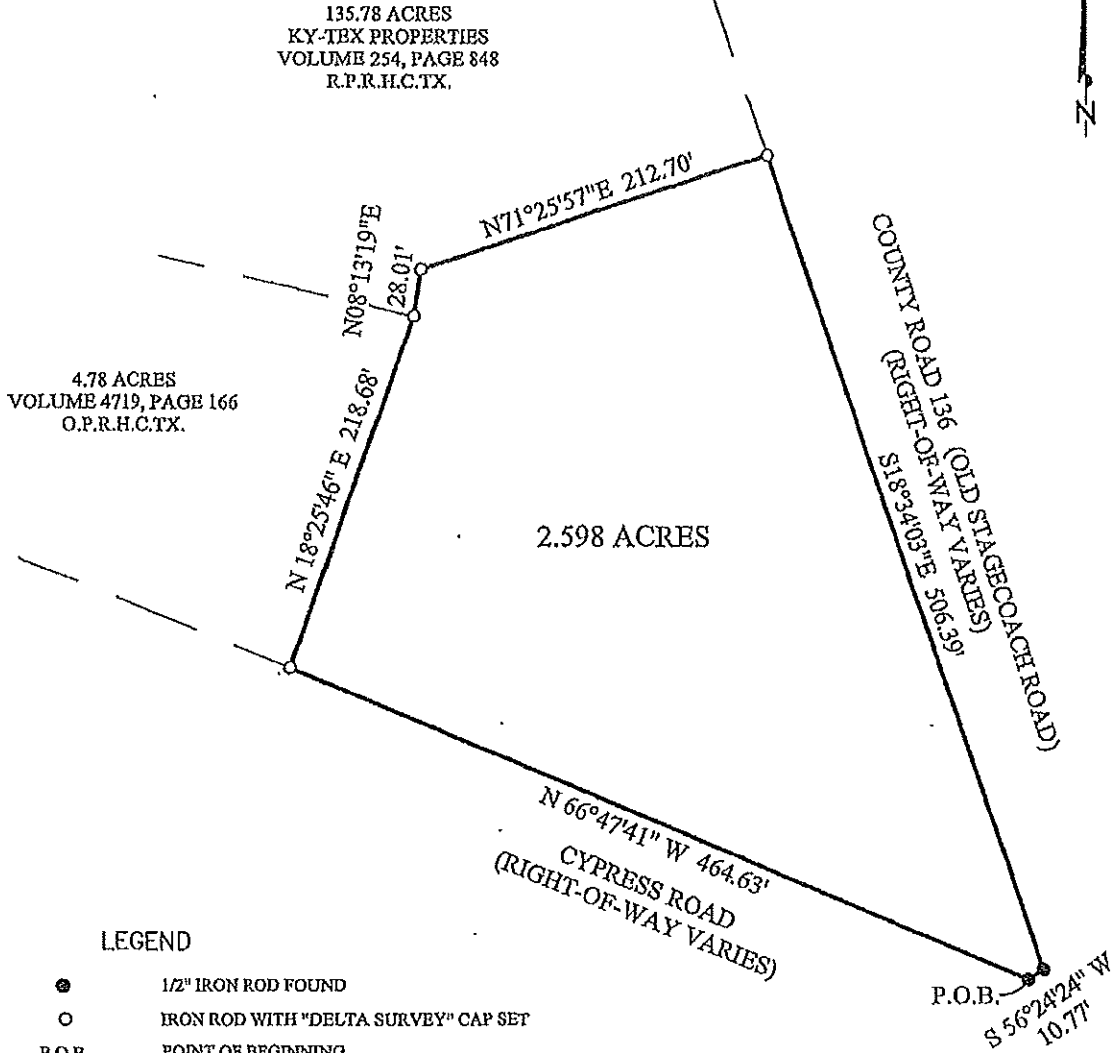
Date: 01-22-15



John E Brautigam
Registered Professional Land Surveyor
No. 5057 - State of Texas



Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745
TBPLS Firm No. 10004700



LEGEND

- 1/2" IRON ROD FOUND
- IRON ROD WITH "DELTA SURVEY" CAP SET
- P.O.B. POINT OF BEGINNING
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- R.P.R.H.C.TX. REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS



GRAPHIC SCALE
 1" = 100'

BEARING BASIS:
 TEXAS STATE PLANE COORDINATE SYSTEM,
 TEXAS CENTRAL ZONE, NAD 83/HARN

* SKETCH TO ACCOMPANY FIELD NOTES *
 -ALL POINTS CALCULATED UNLESS OTHERWISE NOTED-

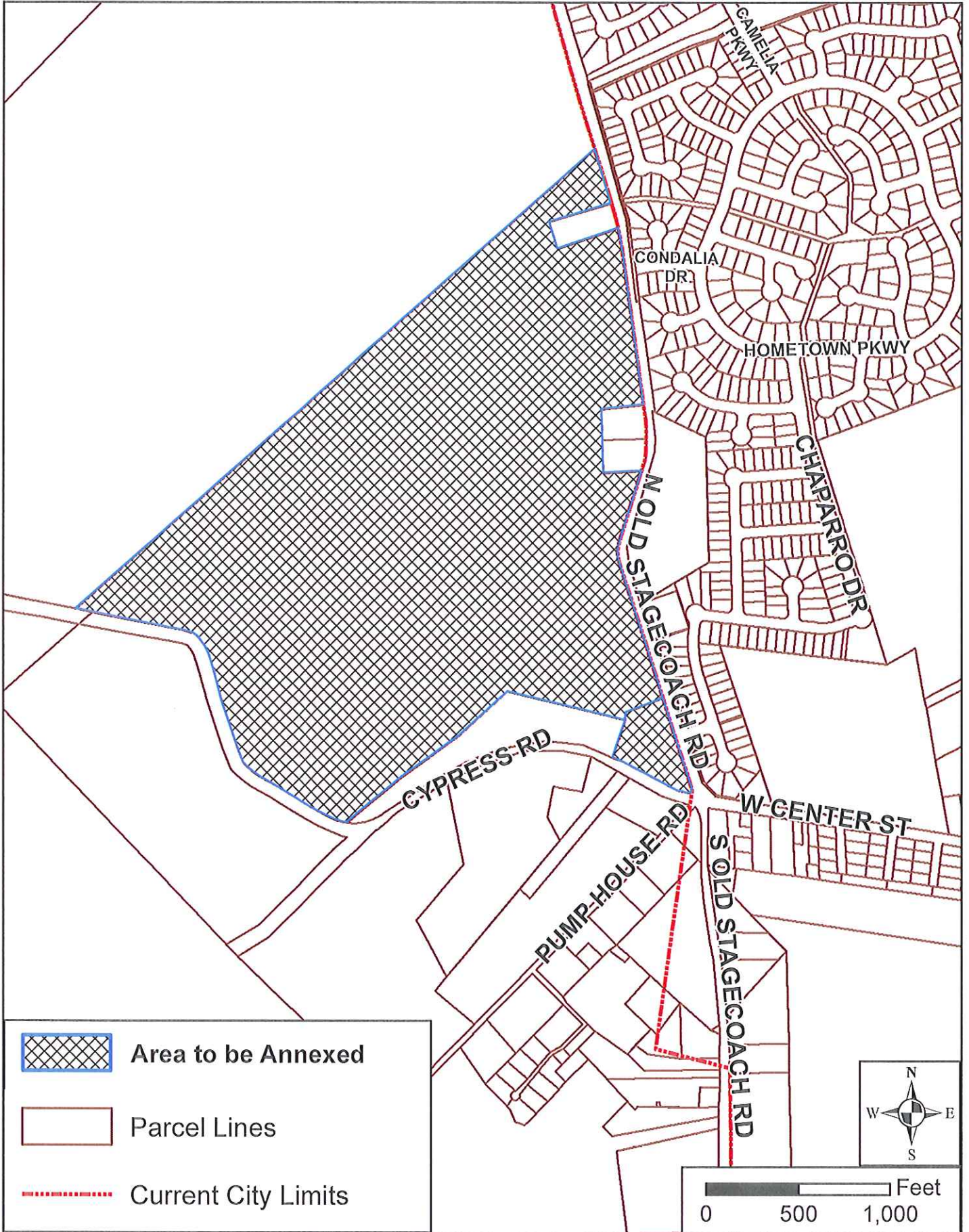
Delta Survey Group Inc.

8213 BRODIE LANE STE 102 AUSTIN, TEXAS 78745
 OFFICE: 512.282.5200 FAX: 512.282.5230
 WWW.DELTASURVEYGROUP.COM
 TBPLS FIRM NO. 10004700

QUAD HAYS CO
 PROJECT VISION 360
 DWG. COMMERCIAL

EXHIBIT "B"

Property Description – Map: +/- 135.78 acre tract



Area to be Annexed



Parcel Lines



Current City Limits

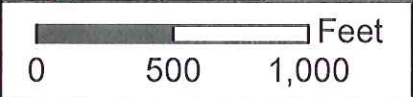


EXHIBIT "C"

NEGOTIATED MUNICIPAL SERVICES PLAN FOR PROPERTY TO BE ANNEXED TO THE CITY OF KYLE

WHEREAS, the City of Kyle, Texas (the "City") intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the "subject property" or "the Property");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, the owner of the subject property and the City have negotiated the terms of municipal services to be provided to the Property;

WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the City agrees to provide the following services for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the personnel serving the area and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

- E. Maintenance of parks and playgrounds within the City.
- F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.
- G. Maintenance of other City facilities, buildings and service.
- H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned Agricultural District "A" with the intent to rezone the Property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the Property at future times in response to requests submitted by the landowners or requested by city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the Property, the plans and schedule for the development of the Property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the Property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the Property, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the Property, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the Property's owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the Property as required in City ordinances. Upon acceptance of the water lines within the Property and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the Property, or applicable portions thereof, by the utility holding a wastewater CCN for the Property, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the Property, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual

policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on public streets within the Property that are finally accepted by the City. The maintenance of such public streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

(B) Routine maintenance as presently performed by the City; and

(C) The Owner has specifically agreed that maintenance services will be of little benefit and will not be required or needed on the Property, prior to the Owner, its grantees, successors and assigns completing the construction and dedication of streets to the City.

(ii) Following installation of the roadways, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain the public streets, roadways and rights-of-way within the boundaries of the Property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the Property abut existing roadways. The subject property owner agrees that no City improvements are required on such roadways to service the Property. If the owner develops the Property so as to impact abutting roadways pursuant to the City's subdivision regulation, the owner agrees to comply with such ordinances.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the Property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situate properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject property are as set forth in Exhibit "A" that is attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "B".



CITY OF KYLE, TEXAS

Meeting Date: 9/15/2015
Date time: 7:00 PM

Scott Felder - Zoning

Subject/Recommendation:

(First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 129.915 acres of land from Agriculture "AG" to Single Family Residential 2 "R-1-2" and approximately 2.681 acres from Agriculture "AG" to Retail Service District "RS", on property located at the northwest corner of N. Old Stagecoach Road and Cypress Road, in Hays County, Texas. (Scott Felder Homes, LLC, Z-15-008). ~
Howard J. Koontz, Director of Planning and Community Development

Planning and Zoning Commission voted 5-0 to recommend approval of the request.

• PUBLIC HEARING

Other Information:

Scott Felder Homes makes this request to assign zoning for 132.59 acres of land, a triangular parcel located on the northwest corner of North Old Stagecoach Road, Center Street and Cypress Road. The property is directly adjacent to the city's corporate limits, located to the east, across North Old Stagecoach Road. In August of this year, the City Council began the process to annex the property, and that procedure --prescribed by state law-- should be complete no later than October 7.

In conjunction with the annexation, Scott Felder Homes will require zoning assignments consistent with their approved development agreement. That agreement, previously ratified by this Council, lays out plans to develop 339 single family homes in multiple phases, and a 2.6-acre retail and service parcel, which is intended to serve the immediate needs of the adjacent residents.

All provisions for storm water and waste water have been reviewed and approved for the project. Street layout and connections have also been reviewed and approved. The development density and bulk standards have been agreed upon via the development agreement, which is attached to the application packet.

At their regular September 8th business meeting, the Planning Commission voted unanimously to recommend approval of the application, as presented.

Cover Memo

Legal Notes: N/A

Budget Information: N/A

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

Attachments / click to download

 [Ordinance with Exhibits A & B](#)

 [Project Location Map](#)

 [Application Packet](#)

 [Staff Memo](#)



CITY OF KYLE

Community Development Department



MEMORANDUM

To: Kyle Mayor & City Council

From: Howard Koontz, Community Development Director

Date: 09/15/2015

Subject: A request by Scott Felder Homes to assign zoning to approximately 129.9 acres, from Agriculture "AG" to Single Family Residential 2 "R-1-2", and approximately 2.7 acres, from Agriculture "AG" to Retail Service District "R/S".

Scott Felder Homes makes this request to assign zoning for 132.59 acres of land, a triangular parcel located on the northwest corner of North Old Stagecoach Road, Center Street and Cypress Road. The property is directly adjacent to the city's corporate limits, located to the east, across North Old Stagecoach Road. In August of this year, the City Council began the process to annex the property, and that procedure --prescribed by state law-- should be complete no later than October 7.

In conjunction with the annexation, Scott Felder Homes will require zoning assignments consistent with their approved development agreement. That agreement, previously ratified by this Council, lays out plans to develop 339 single family homes in multiple phases, and a 2.6-acre retail and service parcel, which is intended to serve the immediate needs of the adjacent residents.

All provisions for storm water and waste water have been reviewed and approved for the project. Street layout and connections have also been reviewed and approved. The development density and bulk standards have been agreed upon via the development agreement, which is attached to the application packet.

At their regular September 8th business meeting, the Planning Commission voted unanimously to recommend approval of the application, as presented.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 129.915 ACRES OF LAND FROM AGRICULTURE "AG" TO SINGLE FAMILY RESIDENTIAL 2 "R-1-2" AND APPROXIMATELY 2.681 ACRES FROM AGRICULTURE "AG" TO RETAIL SERVICE DISTRICT "RS", ON PROPERTY LOCATED AT THE NORTH WEST CORNER OF N. OLD STAGECOACH ROAD AT CYPRESS ROAD, IN HAYS COUNTY, TEXAS. (SCOTT FELDER HOMES, LLC. Z-15-008); 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 assign original zoning to approximately 129.915 acres from Agriculture "AG" to Single Family Residential 2 "R-1-2" and approximately 2.681 acres from Agriculture "AG" to Retail Service District "RS", on property located at the north west corner of N. Old Stagecoach Road at Cypress Road, 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 _____, 2015, 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 _____, 2015, 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 _____, 2015.

R. Todd Webster, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

DESCRIPTION OF A 132.59 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC. IN FEBRUARY 2015, LOCATED IN THE JOHN PHARASS SURVEY, ABSTRACT NUMBER 361, HAYS COUNTY, TEXAS, SAID 132.59 ACRE TRACT BEING A REMAINDER OF A CALLED 135.78 ACRE TRACT OF LAND DESCRIBED IN VOLUME 254, PAGE 848, REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS, SAID 132.59 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found in the north right-of-way line of Cypress Road (right-of-way varies) for the most southerly southeast corner of said 135.78 acre tract, same being the most southerly corner of the herein described 132.59 acre tract of land, for the **POINT OF BEGINNING**;

THENCE with the north right-of-way line of Cypress Road, same being the south line of said 135.78 acre tract, N66°47'41"W, a distance of 464.63 feet to a ½ inch iron rod with "Delta Survey" cap set for the southeast corner of a 4.78 acre tract of land described in Volume 4719, Page 166, Official Public Records, Hays County, Texas;

THENCE leaving the north right-of-way line of Cypress Road, with the east, north and west lines of said 4.78 acre tract, same being south lines of said 135.78 acre tract the following three (3) courses and distances:

1. N18°25'46"E a distance of 218.68 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. N76°35'41"W a distance of 683.33 feet, to a ½ inch iron rod with "Delta Survey" cap set, and
3. S45°04'19"W a distance of 426.01 feet, to a 20 inch Live Oak found for the southwest corner of the said 4.78 acre tract, same being a south corner of the said 135.78 acre tract, and also being in the north line of an undefined tract of land (no record ownership or deed reference found);

THENCE with the north lines of said undefined tract, same being the south lines of said 135.78 acre tract the following five (5) courses and distances:

1. S59°45'22"W a distance of 97.79 feet, to a nail found in a 29 inch Live Oak,
2. S47°28'53"W a distance of 371.25 feet, to a ½ inch iron rod found,
3. S52°39'52"W a distance of 14.33 feet, to a ½ inch iron rod found,
4. S59°09'02"W a distance of 164.78 feet, to a ½ inch iron rod found, and
5. S67°49'19"W a distance of 74.92 feet, to a ½ inch iron rod with "Delta Survey" cap set in the north ROW line of said Cypress Road, same being a south line of said 135.78 acre tract;

THENCE with the north ROW lines of said Cypress Road, same being the south lines of said 135.78 acre tract the following nine (9) courses and distances:

1. N70°08'41"W a distance of 96.94 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. N64°30'41"W a distance of 79.56 feet, to a ½ inch iron pipe found,
3. N49°42'54"W a distance of 145.14 feet, to a ½ inch iron rod with "Delta Survey" cap set,
4. N47°57'54"W a distance of 437.25 feet, to a ½ inch iron rod with "Delta Survey" cap set,
5. N16°49'54"W a distance of 516.28 feet, to a ½ inch iron rod with "Delta Survey" cap set,
6. N35°14'54"W a distance of 48.31 feet, to a ½ inch iron rod with "Delta Survey" cap set,
7. N56°57'54"W a distance of 49.88 feet, to a ½ inch iron rod found,
8. N80°26'19"W a distance of 476.41 feet, to a ½ inch iron rod found, and
9. N41°17'19"W a distance of 155.64 feet, to a ½ inch iron rod with "Delta Survey" cap set in the east line of that 195.14 acre tract described in a deed to The State of Texas Permanent School Fund, and recorded in Volume 2965, Page 484, Official Public Records, Hays County, Texas, same being the west line of the said 135.78 acre tract;

THENCE with the east line of said 195.14 acre tract, same being the west lines of said 135.78 acre tract the following six (6) courses and distances:

1. N48°29'30"E a distance of 1587.53 feet, to a ½ inch iron rod found,
2. N48°25'30"E a distance of 428.87 feet, to a ½ inch iron rod with "VICKERY" cap found,
3. N25°26'19"E a distance of 39.38 feet, to a mag nail in fence post found,
4. S49°05'26"E a distance of 34.30 feet, to a mag nail in fence post found,
5. N48°35'06"E a distance of 1583.28 feet, to a mag nail in fence post found, and
6. S61°06'30"E a distance of 48.98 feet, to a ½ inch iron rod found in the west ROW line of County Road 136 (Old Stagecoach Road) (ROW varies), same being the northeast corner of said 135.78 acre tract;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract, S16°45'08"E a distance of 258.55 feet, to a ½ inch iron rod with "Delta Survey" cap set for the northeast corner of that 1.00 acre tract described in a deed to Clifton L. Oswald and recorded in Volume 398 Page 265, Real Property Records of Hays County, Texas;

THENCE leaving said ROW and with the north and west lines of said 1.00 acre Oswalt tract, and the west and south lines of that 0.12 acre tract described in a deed to Clifton L. Oswalt and recorded in Volume 592 Page 807, Real Property Records of Hays County, Texas, the following three (3) courses and distances:

1. S73°14'47"W a distance of 350.00 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. S16°45'09"E a distance of 139.46 feet, to a ½ inch iron rod with "Delta Survey" cap set, and
3. N73°14'49"E a distance of 347.70 feet, to a ½ inch iron rod with "Delta Survey" cap set in the west ROW line of said Old Stagecoach Road;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract, S08°02'02"E a distance of 955.72 feet, to an iron rod with "BYRN" cap found for the northeast corner of that 0.615 acre tract conveyed to Martha Prado and recorded in Volume 2257 Page 881, Official Public Records, Hays County, Texas and last described in Volume 729 Page 644, Real Property Records, Hays County, Texas;

THENCE with the perimeter of said 0.615 acre Prado tract and a 1.86 acre tract described in a deed to Audrey Oswalt and recorded in Volume 398 Page 261, Real Property Records, Hays County Texas the following six (6) courses and distances:

1. S81°40'28"W a distance of 232.43 feet, to a ½ inch iron rod with "Delta Survey" cap set
2. S02°39'28"E a distance of 101.12 feet, to a calculated point for the west common corner of the said Prado and Oswalt tract,
3. S03°12'57"E a distance of 30.41 feet, to a calculated point,
4. S02°06'24"E a distance of 47.02 feet, to a fence post found,
5. S02°47'36"E a distance of 157.50 feet, to a ½ inch iron rod found, and
6. N87°19'33"E a distance of 203.13 feet, to a ½ inch iron rod found for the southeast corner of said Oswalt tract, same being in the west ROW line of said Old Stagecoach Road;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract the following four (4) courses and distances:

1. S16°08'07"W a distance of 474.58 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. S11°17'39"E a distance of 40.97 feet, to a ½ inch iron rod found,
3. S18°34'03"E a distance of 1287.66 feet, to a ½ inch iron rod found, and

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS


4 of 4

4. S56°24'24"W a distance of 10.77 feet, to the **POINT OF BEGINNING** and containing 132. 59 acres, more or less.

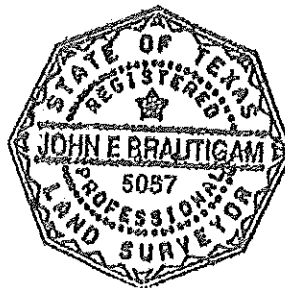
BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 83/HARN

I, John E Brautigam, hereby certify that the forgoing description represents an on-the-ground survey performed under my direct supervision during February 2015, and is true and correct to the best of my knowledge and belief.

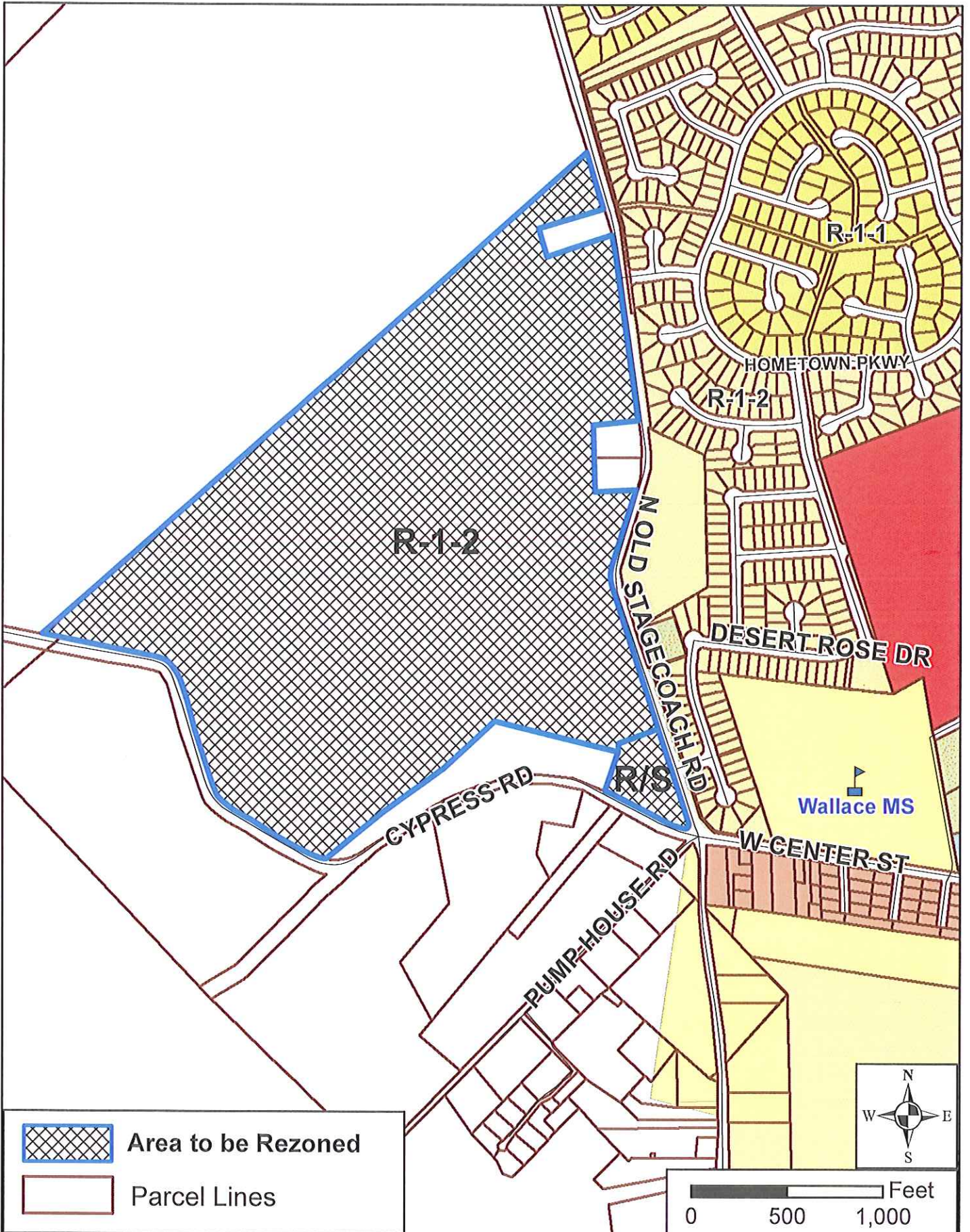
Date: 02-16-15



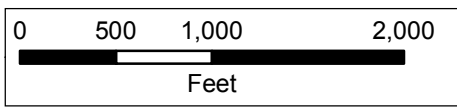
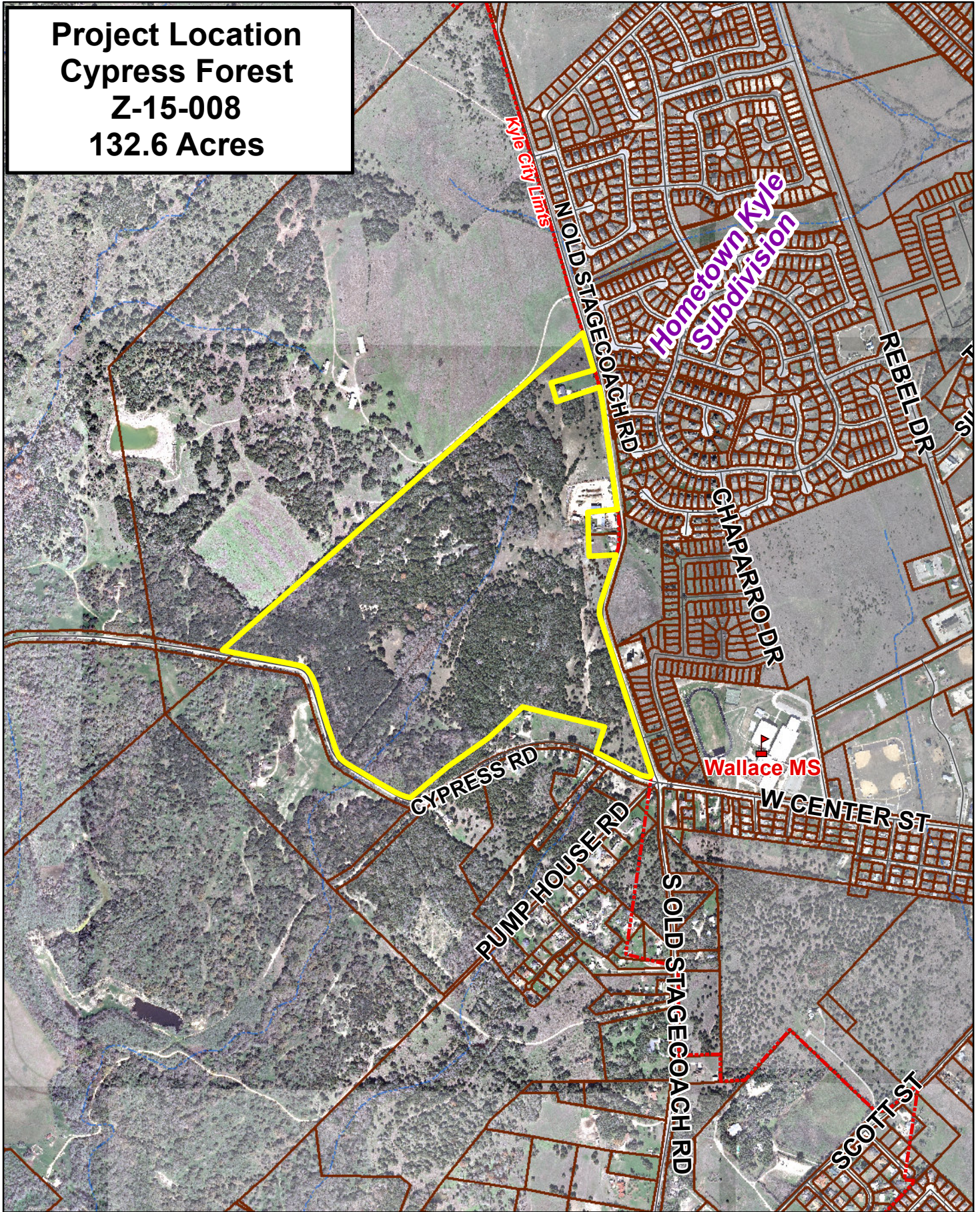
John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas



Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745
TBPLS Firm No. 10004700



Project Location
Cypress Forest
Z-15-008
132.6 Acres



 Property Location

 Parcel Lines

APPLICATION & CHECKLIST - ZONING CHANGE

Zoning: Scott Felder Homes
(Name of Owner)

5/27/15
(Submittal Date)



INSTRUCTIONS (2-15-008)

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

- 1. Completed application form with owner's original signature.
- 2. Letter explaining the reason for the request.
- 3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof.

Newspaper Publication Fee: \$190.21

Total Fee: \$ 1,048.25

- 4. A map or plat showing the area being proposed for rezoning.
- 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- 6. Certified Tax certificates: County School City
- 7. Copy of Deed showing current ownership.

*** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.

1. **Zoning Request:**
 Current Zoning Classification: N/A
 Proposed Zoning Classification: R-1-2, RS
 Proposed Use of the Property: Single Family Residential, Retail and Services
 Acreage/Sq. Ft. of Zoning Change: 132.59 ac

2. **Address and Legal Description:**
 Provide certified field notes describing the property being proposed for rezoning.
 Provide complete information on the location of the property being proposed for rezoning.
 Street Address: N Old Stagecoach Rd. at Cypress Rd.
 Subdivision Name/Lot & Block Nos.: See field notes.

Property Recording Information: Hays County
Volume/Cabinet No. 254

Page/Slide No. 848

3. **Ownership Information:**

Name of Property Owner(s): Scott Felder Homes LLC

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: 6414 River Place Blvd, Ste. 100

Austin, TX 78730

Phone Number: (512) 418-5400

Fax Number: _____

Email Number: _____

I hereby request that my property, as described above, be considered for rezoning:

Signed: [Signature]

Date: 2/26/15

4. **Agent Information:**

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Texas Engineering Solutions

Agent's Address: 5000 Bee Caves Rd., Suite 206

Austin, TX 78746

Agent's Phone Number: (512) 904-0505

Agent's Fax Number: (512) 904-0509

Agent's Mobile Number: _____

Agent's Email Number: jhagen@txengs.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: [Signature]

Date: 2/26/15

*Do Not Write Below This Line
Staff Will Complete*

Tax Certificates: County School City

Certified List of Property Owners Within 200"

All Fees Paid: Filing/Application Mail Out Costs

Attached Map of Subject Property

Accepted for Processing By: Debbie A Juwra Date: 7/14/15

Date of Public Notification in Newspaper: 8/19/15

Date of Public Hearing Before Planning and Zoning Commission: 9/8/15

Date of Public Hearing Before City Council: 9/15/15 + 10/4/15

TEXAS ENGINEERING SOLUTIONS

5000 Bee Caves Rd, Suite 206

Austin, Texas 78746

P: (512) 904-0505

F: (512) 904-0509

TBPE Firm #11206



Planning Department
City of Kyle
100 W. Center Street
Kyle, Texas 78640

March 27, 2015

RE: Letter of Intent for Rezoning; Cypress Forest Project

To whom it may concern:

On behalf of Scott Felder Homes, Texas Engineering Solutions has provided the City of Kyle's Planning Department with an application for the rezoning of one tract of land in order that it may be developed as single family residential with a small section of commercial.

The property proposed for rezoning is comprised of approximately 132.59 acres. The tract is currently undeveloped with minimal existing structures. Table One describes the existing and proposed zoning districts for the tract, along with use.

Table 1 – Zoning & Use Designations

Tract	Proposed Zoning Designation	Existing Zoning Designation	Future Land Use Designation
KY-TEX Properties R16956 (129.915 AC)	Single Family Residential 2 (R-1-2)	N/A	Single Family Residential
KY-TEX Properties R16956 (2.681 AC)	Retail/Services (RS)	N/A	Retail/Services

The proposed zoning designation is reflective of the City of Kyle's land use recommendations. The City of Kyle Zoning plan's discussion on integrating the balanced mix of residential with commercial is also reflected by the proposed zoning designation. The proposed Retail/Services (RS) zoning designation for a portion of this development complies with the plan's definition of this zoning category for commercial and retail areas that intend to serve residential areas.

If you should have any questions pertaining to this application or if you need further explanation, please feel free to call me at (512) 904-0505.

Sincerely,

A handwritten signature in blue ink, appearing to read 'James T. Hagen', is written over the 'Sincerely,' text.

James T. Hagen, P.E.
Texas Engineering Solutions
TBPE Firm #11206

STATE OF TEXAS §
 §
COUNTY OF HAYS §

**DEVELOPMENT AGREEMENT
BETWEEN CITY OF KYLE, TEXAS, AND SCOTT FELDER HOMES, LLC**

This Development Agreement (“Agreement”) is by and between the City of Kyle, Texas, a home rule city situated in Hays County, Texas (the “City”) and Scott Felder Homes, LLC (the “Developer”). The term “Parties” or “Party” means the City and the Developer collectively or singularly.

RECITALS

WHEREAS, Developer intends to purchase a parcel of real property (the “Property” or “Parcel”) in Hays County, Texas, which is more particularly described in the attached Exhibit “A”;

WHEREAS, on February 19, 2015, the City and KYTEX Properties, the owner of the Property, entered into that one certain Section 212.172 Texas Local Government Code Development Agreement recorded in Volume 5144, Page 393, Official Public Records of Hays County, Texas (“Prior Agreement”);

WHEREAS, the City is located in a rapidly growing metropolitan area for which new construction and land development can positively or negatively impact the future character and finances of the City;

WHEREAS, the City finds development agreements to promote master-planned communities are an appropriate way of establishing land use controls, providing for the construction of appropriate and necessary utility and roadway infrastructure, encouraging orderly economic growth, protecting the environment, and promoting the welfare of present and future citizens of the area;

WHEREAS, the Parties agree that the extension of centralized utilities to new development provides superior environmental protections to those available from individual water wells and septic systems;

WHEREAS, the city council has found that the development of the Property in compliance with this Agreement will serve a public purpose and benefit the economy of the City and the best interests and welfare of the public; and,

WHEREAS, for the above stated reasons Developer and the City desire to amend and restate the Prior Agreement.

NOW, THEREFORE, for and in consideration of the above stated recitals, which are made a part of this Agreement, the benefits described below, plus the mutual promises expressed herein, the sufficiency of which is hereby acknowledged by the Parties, the Parties hereby contract, covenant and agree as follows:

ARTICLE 1
PURPOSE, AUTHORITY, TERM AND BENEFITS

1.01 **Purpose.** This Agreement modifies, and amends any Prior Agreement as agreed upon herein by the Parties.

1.02 **Authority.** Authority for Developer and the City to enter into this Agreement exists under the City Charter of the City, Article III, Section 52-a of the Texas Constitution; Chapter 212, Subchapter G, Tex. Local Government Code, ("Subchapter G"), Chapter 395 of the Tex. Local Government Code; and such other statutes as may be applicable.

1.03 **Project Defined.** The Project established by the Agreement includes a master-planned residential subdivision that will include single family lots, amenity area(s) with recreational facilities, and future commercial development sites along Old Stage Coach Road. The Project, includes the subdivision of the Property, the construction of off-site and on-site utility facilities and Subdivision Infrastructure (defined below) to be dedicated and conveyed to the City, and other infrastructure adequate for the development of the Project consistent with this Agreement (the "Project"). The Project may include multiple phases for platting and construction purposes.

1.04 **Benefits.**

(a) The City desires to enter into this Agreement to provide additional control to the development standards for the Property, to allow potential purchasers of the Property to submit preliminary plan and final plat applications to the City for review, and to assess the development viability of the Property without requiring or causing the annexation of the Property except as provided for under ARTICLE 5 of this Agreement.

(b) This Agreement provides: (i) for the submittal and review of preliminary plans and final plats for the Property without submitting a request for voluntary annexation of the Property; (ii) alternative standards under certain City ordinances for the benefit of the Property but only as allowed under Section 212.172 of the Tex. Local Government Code; (iii) the City's commitment to provide water and wastewater service to Property based on the Concept Plan; and (iv) alternative standards regarding perimeter streets. The City's execution of this Agreement constitutes a valid and binding obligation of the City under State Law. Developer's execution of this Agreement constitutes a valid and binding obligation of the Developer.

1.05 **Term.** The term of this Agreement will commence on the Effective Date and continue for 180 days, unless Developer acquires title to the Property and delivers a copy of the recorded deed to the City within said 180 day period. If Developer acquires title to the Property and delivers a copy of the recorded deed to the City within said 180 days, then the term of this Agreement shall be fifteen (15) years from the Effective date ("Term"). After the first Term, this Agreement may be extended for successive five-year periods upon written agreement signed by Developer and the City.

1.06 **Control of Development.** Developer intends to develop the Property in a manner which results in enhancing the tax base of the City. Notwithstanding any provision of the Code of Ordinances or uncodified ordinances of the City (the "Code") to the contrary, the timing and

sequencing of the development of the Property will be based on market demand and conditions and will be completed as and when Developer determines it to be economically feasible.

ARTICLE 2 DEVELOPMENT STANDARDS AND REVIEW PROCEDURES

2.01 Generally. Except as provided in this Agreement, all development applications and development of the Property will comply with the Code, as if the Property were inside the corporate limits of the City. The preceding sentence controls even if the Property has not been annexed by the City. If there is any conflict between the terms of this Agreement and the Code, the specific terms of this Agreement will control.

2.02 Residential. The Parties agree that Developer shall be temporarily granted an R-1-2 zoning classification. Except as provided in this Agreement, the Property shall be subject to use and development standards as if subject to the City's R-1-2 zoning district. Notwithstanding the requirements in Chart 1 in Chapter 53 of the Code, the maximum number of fifty-five foot (55') wide single family residential lots allowed to be subdivided on the Property will be twenty-five percent (25%) of the total number of single family residential lots shown on the preliminary plan approved for the Property. For purposes of clarifying the preceding sentence, there is no limit to the number of fifty-five foot (55') wide lots that may be contained in an individual final plat so long as the cumulative total of fifty-five foot (55') wide single family residential lots contained in all recorded final plats of the Property do not exceed twenty-five percent (25%) of all single family lots shown on the approved preliminary plan. A property owners association neighborhood park, including, an amenity center and swimming pool for the residents living on the Property, is a permitted use of the Property.

2.03 Commercial. Notwithstanding Section 2.02 above, approximately 2.598 acres of the Property, as described in the attached Exhibit "B," shall be subject to use and development standards as if subject to the City's RS zoning district.

2.04 Concept Plan. Developer has submitted to the City a concept plan for the subdivision and development of the Property. A copy of the concept plan is attached hereto and incorporated herein for all purposes as Exhibit "C" (the "Concept Plan"). The Concept Plan shows five (5) phases for platting. Pursuant to Section 212.172, Tex. Local Government Code, Developer hereby confirms that the Concept Plan for the subdivision of the Property complies with the City's Subdivision Ordinance requirements for concept plans, the zoning district regulations applicable to the Property as set forth in this Agreement, and the City's Comprehensive Master Plan. The Concept Plan constitutes a development plan for the Property, as provided in Subchapter G.

Subject to the allowable uses set forth in Sections 2.02 and 2.03, a) the total allowable level of development of the Property shall be limited by the number of Living Unit Equivalents ("LUEs") as measured for water and wastewater service connections, and b) the intensity and timing of development within the Property will be determined solely by Developer; provided, however, that the intensity of development of the Property shall not exceed 370 LUEs. So long as Developer does not increase the total level of allowable development, as measured by water and wastewater service connections, Developer may amend the Concept Plan and may amend the layout of lots

and on-site infrastructure to serve the Project in compliance with this Agreement. The Concept Plan will be effective for the Term of this Agreement.

2.05 Preliminary Plan. Developer may submit to the City an application for a preliminary plan for the Property without submitting to the City a request for the annexation of the Property and without submitting a zoning application for the Property. The preliminary plan must comply with the requirements of this Agreement and generally comply with the Concept Plan and the allowable uses set forth in Sections 2.02 and 2.03. The preliminary plan may show lot layouts and street alignments different than shown in the Concept Plan so long as the total level of development, as measured by water and wastewater service connections, does not increase above 370 LUEs. Developer may request the City, including the City's Planning and Zoning Commission, to make a written determination that the preliminary plan complies with all applicable regulations; provided, however, that such determination shall not constitute the final approval of the preliminary plan. If the preliminary plan application complies with the terms of this Agreement, the City will approve the preliminary plan upon the request of Developer.

2.06 Subdivision Plats. Subdivision plats may be approved and constructed in one or more sections. Developer may submit to the City an application for a subdivision plat for a portion of the Property without submitting to the City a request for the annexation of the Property and without submitting a zoning application for the Property. Developer may submit subdivision construction plans concurrently with a subdivision plat application.

2.07 City Review and Approval. This Agreement shall govern the review and approval of preliminary plans, subdivision plats, subdivision construction plans and other approvals, variances or other municipal authorizations hereafter required or requested by Developer. In anticipation of the voluntary annexation of the Property, the City does not require Developer to submit any application to Hays County for review or approval. The City will accept and review applications for preliminary plans, final plats, subdivision construction plans and site development permits for the Property if the final plats, subdivision construction plans and site development permits for the Property comply with the requirements of this Agreement and generally comply with the Concept Plan and the allowable uses set forth herein. The City will approve applications for preliminary plans, subdivision plats and site development permits for the Property if Developer has made a request or petition for voluntary annexation pursuant to Sections 5.02(a) or (b) below, and said applications are in accordance with the requirements of this Agreement. Preliminary plans, subdivision plats, subdivision construction plans, and site development plans hereafter approved pursuant to this Agreement shall expire on the latter of the expiration of this Agreement or the date established by the Code.

2.08 Parkland Fees. A parkland fee in the amount of One Thousand Two Hundred Dollars (\$1,200.00) will be paid to the City for each dwelling unit in satisfaction of Section 41-147 of the Code. The City reserves the right to expend the funds as it deems appropriate, but Developer's preference is that the City will allocate and use all parkland fees collected with respect to the Property for improvements to Gregg-Clarke Park. Developer shall make this payment to the City based on the number of residential lots in the final plat of each developed phase before the City records said final plat.

2.09 Other Fees. Except for fees or expenses otherwise specifically provided for in this Agreement, all fees required by the Code will be paid in accordance with the Code.

2.10 Fencing. Developer shall construct and maintain, repair or replace a six foot (6') tall masonry fence adjacent to Cypress Road on residential lots abutting Cypress Road. Owner shall construct and maintain, repair or replace a six foot (6') tall decorative metal fence along Cypress Road on parkland, open space and drainage facilities. These fences will not be dedicated or conveyed to the City. Developer may assign to a property owners association the obligation to maintain, repair or replace said as required by the Code.

2.11 Additional Amenities. Developer shall provide additional amenities to the Property as follows. Such amenities shall be provided for each phase of development as it is developed. Additional amenities include:

(a) Developer shall form a property owners association as a non-profit corporation ("POA") at the completion of the first phase of development, and the POA shall require dues and be responsible for the maintenance, repair and replacement of any and all amenities, including all common spaces, made available to occupants of the Property;

(b) Street lighting in compliance with the street lighting plan attached hereto as Exhibit "E." The attached street lighting plan will not require approval by the Planning and Zoning Commission;

(c) Landscaping plan for each final plat similar in style to in other planned communities such as Plum Creek or Hometown Kyle. The landscaping plan will be subject to approval by the city engineer, which approval will not be unreasonably denied, delayed or conditioned; and

(d) Developer's compliance with the Stormwater Management Plan adopted by the City.

2.12 Impervious Cover. Notwithstanding the requirements in Chart 2 in Chapter 53 of the Code, the Maximum Lot Coverage shall not exceed 45% on each Lot for all buildings combined. There will be no separate requirements for Main Building or Accessory Buildings. For clarification purposes, a Main Building can cover up to 45% of the Lot or a Main Building plus the Accessory Building can cover up to 45% of the Lot, but in no circumstance may the combination of Main Building plus Accessory Building exceed 45% Lot Coverage. Porches and patios, whether covered or not, are not considered Buildings for Lot Coverage purposes.

2.13 Front Setback. Notwithstanding the requirements in Chart 1 in Chapter 53 of the Code, the Front Setback shall be a minimum of 20 feet for all Lots less than 65 feet wide, measured at 20 feet from the front property line. The Front Setback shall be a minimum of 30 feet for all Lots that are a minimum of 80 feet wide, measured at 30 feet from the front property line. All other Lots shall have a Front Setback of 25 feet if they are less than 130 feet in depth or a Front Setback of 30 feet if they are 130 feet deep or greater.

ARTICLE 3 PUBLIC STREETS AND SUBDIVISION INFRASTRUCTURE

3.01 Perimeter Streets. The requirements of Section 41-137(p) of the Code apply to the Project except as provided in this Section 3.01. In lieu of Section 41-137(p)(1)(b) and (2)(b)

of the Code, Developer will pay to the City the sum of \$1,545.00 for each residential lot subdivided on the Property. Developer shall make this payment to the City based on the number of residential lots in a final plat before the City records said subdivision plat.

3.02 Multi-Purpose Trail. Developer shall pay the City an amount as agreed upon by the parties equal to the cost of the design, engineering and construction of a concrete, ten foot (10') multi-purpose trail along Cypress Road adjacent to the Property ("Trail"). Developer will have no responsibility or obligation to construct, maintain, operate, repair or replace the Trail. The agreed-upon amount shall be paid by Developer no later than when construction of the second phase begins.

3.03 Subdivision Infrastructure. All streets, roads, sidewalks, drainage, water and wastewater lines and facilities and all other infrastructure within the Property will be constructed by Developer to meet Code standards and will be dedicated and conveyed to the City at no cost to the City.

3.04 Satisfactory Completion of Developer Improvements. The term "Developer Improvements" includes Subdivision Infrastructure and Utility Improvements, as defined herein. Upon completion of construction of each of Developer Improvements, Developer shall provide the City with final "record" drawings of the Developer Improvements, in both hard copy and digital (PDF or CAD, as requested by the City). Developer's engineer shall provide a certificate of completion to the City and the City shall conduct a final inspection of Developer Improvements within ten (10) business days. The City shall within ten (10) business days of conducting the final inspection provide a list of deficiencies found in the inspection so that when the deficiencies are corrected, Developer Improvements will meet the requirements for acceptance by the City for ownership, operation and maintenance. Developer shall be responsible for having those deficiencies remedied. Upon request, the City shall then re-inspect Developer Improvement within ten (10) business days, and if all deficiencies have been remedied to the City's satisfaction, the City shall furnish a Letter of Satisfactory Completion to Developer stating that Developer Improvement has been constructed in substantial compliance with the Approved Plans, meets all applicable testing requirements and otherwise complies with the requirements of the City to accept Developer Improvement for ownership, operation and maintenance.

3.05 City Acceptance of Developer Improvements:

(a) As a precondition to the City's final acceptance of a Developer Improvement, the following shall be delivered to the City: executed all bills paid affidavits, bills of sale, assignments, or other instruments of transfer reasonably requested by the City, in a form and content reasonably acceptable to the City, to evidence the City's ownership of same. Contemporaneously therewith, all bonds, warranties, guarantees, and other assurances of performance, record drawings, easements, project manuals and all other documentation related to Developer Improvement to be accepted will also be delivered to the City. Utility easements for water and wastewater lines and other utility facilities within the Property may be conveyed by plat dedication or separate agreement and must be conveyed or dedicated to the City prior to the City's acceptance of Developer Improvement.

(b) Upon the City issuing a Letter of Satisfactory Completion, Developer shall dedicate the Developer Improvement to the City. The City shall accept each such completed Developer Improvement for ownership, operation and maintenance within twenty-one (21) business days of

Developer's dedication of the Developer Improvement to the City. The City shall not unreasonably deny, delay, or condition its acceptance of such Developer Improvement.

3.06 City to Own, Operate and Maintain Developer Improvements. From and after the time of the City's final acceptance of a Developer Improvement, the City will own, operate, and maintain each Developer Improvement and shall be responsible for all costs associated with same; provided, however, decorative street lights will be maintained by Developer and then the POA. Upon the City's acceptance of all the Developer Improvements within a particular subdivision plat and the City's acceptance of water and wastewater service lines within said recorded final plat, Developer shall be allowed to connect to the accepted water and wastewater service lines in such a manner to serve lots within the recorded plat; provided that the City's applicable utility and connection fees are paid and that such connections meet the City's ordinance and technical requirements.

ARTICLE 4 WATER AND WASTEWATER SERVICE

4.01 Intent of the Parties Regarding Utility Services. As of the Effective Date, the City has sufficient water and wastewater treatment capacity to allow service connections for 370 LUEs water and wastewater service to the Property. The City represents that it has rights to sufficient raw water to meet its overall service obligations, including providing 370 LUEs of water service to the Property in accordance with the terms of this Agreement. The Parties acknowledge that the Property will build out over a number of years and that the City may decide to incrementally construct additional utility system improvements over time. Developer acknowledges that it is the City's responsibility to determine if the City's utility system needs to be expanded and how the City will expand its utility system to enable the City to meet its utility service obligations under this Agreement. Developer further acknowledges the City's desire to retain flexibility on deciding which City utility system improvements, if any, are necessary for the City to timely meet its utility service obligations under this Agreement. The City acknowledges that Developer requires certainty regarding the City's plans for meeting the City's utility service obligations under this Agreement, including, if necessary, the expansion or enhancement of the City's water and wastewater utility systems for the purpose of the City meeting its Utility Service obligations in accordance with the terms of this Agreement. The Parties acknowledge that the design engineering and construction of an operational utility improvement can require two (2) or more years.

4.02 General Conditions For Connections to the City Utility System.

(a) The Parties acknowledge that the City cannot deliver water and wastewater services to the Property unless off-site sewer improvements are completed. The developer will be required to construct a minimum 12" off-site gravity flow line generally in the path shown in the "Off-Site Sewer Force Main," as described in the attached Exhibit "D", at developers expense. City will pay the incremental difference between the cost for the gravity line and the Off-site Sewer Force Main, currently contemplated not to exceed \$500,000. The gravity line shall be constructed in accordance with state bidding requirements, City approved plans and specifications then accepted by the City. The City acknowledges, in proceeding with the construction of the off-site sewer improvements,

that Developer is relying on the City's performance of the City's obligation to timely provide 370 LUEs of water and wastewater service to the Property in accordance with the terms of this Agreement.

Upon approval of the Developer and the City of the construction bid, and prior to the Developer awarding the construction contract for the 12" gravity main, the City and the Developer will each escrow their portion of the proposed contract amount with a title company to be approved by both Parties. The Developer will present monthly pay applications from the contractor to the City and the City will have 10 days to approve or disapprove the pay application. If the pay application is disapproved, the City will provide written notification of the cause for disapproval so the Developer and contractor can revise the pay application accordingly. Once approved, the title company will be instructed to release the funds to the contractor for the approved pay application. The final release of retained funds will not occur until the City accepts the wastewater line.

(b) If the City modifies: (i) the definition of an LUE as compared to the LUE definition incorporated into this Agreement; (ii) water pressure requirements for a service connection to land within the Property; (iii) fire flow requirements for the issuance of building permits and certificates of occupancy without the installation of a sprinkler system; (iv) a Utility or Developer Improvement required for the City to provide water and wastewater service to any portion of the Property; or (v) any other aspect of water and wastewater service standards, the City shall be responsible for the timely design and construction of any additional utility facilities that would be necessary for the City to meet its water and wastewater service obligations under this Agreement, unless such modification by the City is in response to a request for more than 370 LUEs of water and wastewater service. If the modifications described in the preceding sentence are required by federal or state law or regulations, the Parties shall consult regarding a reasonable resolution to funding such modifications.

4.03 Service Commitment. Subject to the completion of the Off-Site Sewer Force Main, the City hereby commits 370 LUEs of water and wastewater service to the Property. Developer may record subdivision plats subject only to the construction of Subdivision Infrastructure for such plats and the Off-Site Sewer Force Main.

4.04 Service Connections. The City will timely provide water and wastewater service to Lots within the Project, and will connect each residential unit or structure for another permitted use to the City's water and wastewater system upon payment of applicable fees and a Certificate of Occupancy being issued for the residential unit or structure and provide water and wastewater service for the residential unit or structure on the same terms and conditions as provided to all other areas of the City.

4.05 Utility Improvement Construction Obligations.

(a) **Developer.** Developer shall be solely responsible for the engineering and construction of all water and wastewater lines and facilities within the Property and the Off-Site Sewer Force Main (collectively, the "Utility Improvements").

(b) **Developer Funding.** Developer will pay to the City a sum in an amount of one hundred twenty-five thousand dollars (\$125,000.00) for the design and engineering of the expansion of the City's 1626 water pump station improvements. Developer will pay said amount at the time the 200th residential lot is platted.

4.06 Service Units Defined. The size of a water meter required for any particular residential or non-residential structure shall be determined according to the City's applicable construction and plumbing standards in effect at the time that the building permit for that structure is approved, and the number of LUEs per meter to be accounted for hereunder shall be based on Chapter 50 ("Utilities"), Article VI, of the Code, which is incorporated into this Agreement for the limited purposes set forth in this Agreement.

4.07 Use of City Property and Easements. The City hereby consents, at no cost to Developer, to the use of any and all appropriate and available City rights-of-way, sites or easements that may be reasonably necessary to construct an Developer Improvement, or for Developer to perform its obligations under this Agreement; provided, however, that the City's consent is subject to City approval of the location of a Utility Improvement within the rights-of-way and easements and avoidance of utility facilities existing in such rights of way and easements. The City agrees to cooperate and support Owner's acquisition of necessary easements from third parties as determined by the city council.

4.08 Easement Acquisition. The Utility Improvements and related easements are necessary and required by the City for the City to provide water and wastewater service to the Property. The City further agrees that there exists a public necessity for the construction of the Utility Improvements; therefore, the City agrees to cooperate and support Developer's acquisition of necessary easements from third parties.

4.09 Use of Condemnation. The city council has found that the development of the Property in compliance with this Agreement will benefit the economy of the City and serve the best interests and welfare of the public. Therefore, if Developer determines that it may be necessary for the City to use its eminent domain powers to acquire property or an interest in property to install a Utility Improvement required by the City pursuant to this Agreement, Developer will make a request to the City to proceed with the acquisition of the easement in compliance with applicable law. The City will act on such a request within sixty (60) calendar days. If the city council makes a finding that such requested easement is necessary to accomplish a public purpose and is otherwise lawful, the city council may exercise its powers of eminent domain to attempt to acquire the requested easement. The Parties agree to work cooperatively toward allowing the initiation of construction of a Developer Improvement on an easement being acquired by the City at the earliest time lawfully permitted. Developer shall be responsible for all costs incurred for the acquisition of the easement or land necessary for the construction of Utility Improvements outside of the Property, whether by condemnation or conveyance in lieu thereof, including the City's attorney's fees, legally-required bonds, and deposits required by the City. If the city council seeks condemnation, it will use reasonable efforts to pursue such within the minimum time allowed under state law.

ARTICLE 5 ANNEXATION

5.01 Involuntary Annexation. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan during the term of this Agreement.

5.02 Voluntary Annexation.

(a) Developer may submit, at any time, a petition requesting the annexation of all or a portion of the Property.

(b) Developer agrees that if a preliminary plan, final plat or related development document is approved by the City, such approval will constitute and be deemed a petition for voluntary annexation by the Developer, and the Property will be subject to annexation at the discretion of the city council. Developer agrees that such annexation shall be deemed voluntary and Developer hereby consents to such annexation as though a petition for such annexation had been tendered by Developer.

(c) If the city council begins annexation proceedings pursuant to this Section 5.02, Developer acknowledges that Section 43.052, Texas Local Government Code does not apply to the City's annexation of the Property. Further, Developer agrees that a request for voluntary annexation pursuant to Section 5.02 (a) or (b) will constitute Developer's waiver of all rights Developer may have under Section 43.052, Texas Local Government Code.

5.03 Municipal Service Plan. The Parties agree to be bound and obligated to a municipal service plan ("Plan") negotiated by and between the Parties that is sufficient and adequate and hereby binds and obligates Developer, its grantees, successors, purchasers or assigns to install water, wastewater and drainage infrastructure required by this Agreement to service the Property and upon acceptance by the City, the City shall be obligated from such dedication and acceptance to maintain the infrastructure and to provide services. The Plan will be used as the municipal service plan when the City annexes the Property. The City intends to annex the Property within ninety (90) days after the date of the first reading on the ordinance annexing the Property, if such annexation is approved and adopted by the city council. If the Plan conflicts with this Agreement, this Agreement controls.

5.04 Land Use Upon Annexation. On the effective date of the annexation of the Property, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered for the uses and development standards set forth in this Agreement. Developer may make application for the zoning of the Property at any time but not later than thirty (30) days after the effective date of the annexation. Upon the adoption of permanent zoning for the Property, the applicable City Code provisions will be subject to the terms, provisions and conditions of this Agreement.

ARTICLE 6

ASSIGNMENT OF COMMITMENTS AND OBLIGATIONS; SUCCESSORS

6.01 Assignment of Developer Rights. Developer may assign in whole or part its rights and obligations under this Agreement to persons purchasing all of the Property or a part of the Property but not to an individual purchaser of lots within a recorded final plat. In the event

Developer assigns all of its respective rights under this Agreement in conjunction with the conveyance of any unplatted portion of the Property, a written assignment of said rights must be filed of record in the Official Public Records of Hays County, Texas in order to be effective. This Agreement may be assigned by Developer without the consent of the City to any Developer-affiliated or related entity and Developer will be released from its obligations under this Agreement upon delivery of a notice of assignment to the City. Any assignment of Developer's rights and obligations hereunder to an entity that is not affiliated with or related to Developer will not release Developer of their respective obligations under this Agreement for the assigned portion of the Property until the City has approved the written assignment; provided, however, the City shall not unreasonably deny, delay, or condition its approval of the assignment.

6.02 Lot Conveyance Not an Assignment. The mere conveyance of a lot or any portion of the Property without a written assignment of the rights of Developer shall not be sufficient to constitute an assignment of the rights or obligations of Developer hereunder, unless specifically provided herein.

6.03 Agreement Binding on Assigns. This Agreement shall be binding upon the Parties, their grantees, successors, assigns, or subsequent purchaser. In the event of an assignment of fee ownership, in whole or in part, of the Property by Developer, only the grantees and assignees and then current owners of any portion of the Property so assigned shall be liable under this Agreement for any subsequent default occurring after the conveyance and affecting only the portion or portions of the Property so assigned. Any reference to Developer or City shall be deemed to and will include the successors or assigns thereof, and all the covenants and agreements in this Agreement shall bind and inure to the benefit of the respective successors and assigns thereof whether so expressed or not.

ARTICLE 7 DEFAULT AND NOTICE

7.01 Notice and Opportunity to Cure. If either Party defaults in its obligations under this Agreement, the other Party must, prior to exercising a remedy available to that Party due to the default, give written notice to the defaulting Party, specifying the nature of the alleged default and the manner in which it can be satisfactorily cured, and extend to the defaulting Party at least thirty (30) days from receipt of the notice to cure the default. If the nature of the default is such that it cannot reasonably be cured within the thirty (30) day period, the commencement of the cure within the thirty (30) day period and the diligent prosecution of the cure to completion will be deemed a cure within the cure period.

7.02 Remedies for Default. Whether in contract or tort or otherwise, Developer agrees to waive all claims to damages and other remedies, including specific or strict performance, lost profits, delay damages, or for any special incidental, liquidated or consequential loss or damage of any nature arising at any time or from any cause whatsoever; provided, however, Developer may enforce this Agreement as provided under §245.006 of the Texas Local Government Code.

7.03 Enforcement. The Parties may enforce this Agreement by any proceeding at law or equity except the City is not waiving its right to sovereign immunity nor may this paragraph

7.03 be interpreted as or otherwise construed to be a waiver. Failure of either Party to enforce this Agreement shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

7.04 Litigation. In the event of any third-party lawsuit or other claim relating to the validity of this Agreement or any actions taken by the Parties hereunder, Developer and the City intend to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution of their respective rights and obligations under this Agreement. The City's participation in the defense of such a lawsuit is expressly conditioned on budgetary appropriations for such action by the city council. The filing of any third-party lawsuit relating to this Agreement or the development of the Project will not delay, stop or otherwise affect the development of the Project or the City's processing or issuance of any approvals for the Project, unless otherwise required by a court of competent jurisdiction.

7.05 Notices. Any notice required or permitted to be delivered hereunder shall be in writing and shall be deemed received on the earlier of (i) actual receipt by mail, Federal Express or other delivery service, fax, email or hand delivery; (ii) three (3) business days after being sent by United States mail, postage prepaid, certified mail, return receipt requested, addressed to Seller or Purchaser, as the case may be, at the address stated in Section I; or (iii) one (1) business day after being sent by email.

Any notice mailed to the City shall be addressed:

City of Kyle
Attn: City Manager
100 W. Center Street
Kyle, Texas 78640

Any notice mailed to the Developer shall be addressed:

Scott Felder Homes
ATTN: Steve Krasoff, President
6414 River Place Blvd, Ste. 100
Austin Texas 78730

Any Party may change the address for notice to it by giving notice of such change in accordance with the provisions of this paragraph.

ARTICLE 8 PROPERTY AND MORTGAGEE OBLIGATIONS

8.01 Mortgagee Acceptance. Developer shall assure that any mortgage financing obtained for the Property and the Project includes a provision that obligates the mortgagee to continue this Agreement in full force and effect subject to its terms and provisions in the event of a foreclosure or other action by such mortgagee, with a good and sufficient subordination provision, and any such mortgagee shall be deemed to have taken a security interest in the Property with notice of and subject to this Agreement. Developer shall provide the City with an executed copy of a subordination agreement that is consistent with the requirements of this Agreement.

8.02 Mortgagee Protection. This Agreement will not affect the right of Developer to encumber all or any portion of the Property by mortgage, deed of trust or other instrument to secure financing for the Project, subject to the terms and provisions of Section 8.01. The City understands that a lender providing financing of the development of the Property (“Lender”) may require interpretations of or modifications to this Agreement and agrees to not unreasonably refuse to cooperate with Developer and its Lenders’ representatives in connection with any requests for interpretations or modifications so long as such modifications are not substantially inconsistent with the terms of this Agreement. The City agrees not to unreasonably condition, withhold or delay its approval of any requested interpretation or modification if the interpretation or modification is consistent with the intent and purposes of this Agreement. The City further agrees as follows:

(a) Neither entering into this Agreement, nor any breach of this Agreement, will affect any lien upon all or any portion of the Property.

(b) The City will, upon written request of a Lender given to the City by certified mail, return receipt requested, at the addresses provided in Section 7.05, provide the Lender with a copy of any written notice of default given to Developer under this Agreement within ten (10) days of the date such notice is given to Developer.

(c) Upon default by Developer under this Agreement, a Lender may, but will not be obligated to, promptly cure any default during any cure period extended to Developer, either under this Agreement or under the notice of default.

(d) Any Lender who comes into possession of any portion of the Property by foreclosure or deed in lieu of foreclosure will take such Property subject to the terms of this Agreement. No Lender will be liable for any defaults or monetary obligations of Developer arising prior to the Lender’s acquisition of title, but a Lender will not be entitled to obtain any permits or approvals with respect to that Property until all delinquent fees and other obligations of Developer under this Agreement that relate to the Property have been paid or performed.

8.03 Certificate of Compliance. Within thirty (30) days of written request by either Party given to the other Party requesting a statement of compliance with this Agreement, the other Party will execute and deliver to the requesting Party a statement certifying that:

(a) this Agreement is unmodified and in full force and effect, or if there have been modifications, that this Agreement is in full force and effect as modified and stating the date and nature of each modification;

(b) there are no current uncured defaults under this Agreement, or specifying the date and nature of each default; and

(c) any other information that may be reasonably requested. The City Manager or the Mayor will be authorized to execute any requested certificate on behalf of the City.

**ARTICLE 9
MISCELLANEOUS**

9.01 Multiple Originals. The Parties may execute this Agreement in one or more duplicate originals, each of equal dignity.

9.02 Entire Agreement. This Agreement, together with any exhibits attached hereto, constitutes the entire agreement between Parties with respect to its subject matter, and may not be amended except by a writing signed by all Parties with authority to sign and dated subsequent to the date hereof. There are no other agreements, oral or written, except as expressly set forth herein.

9.03 Recordation. A copy of this Agreement will be recorded in the Official Public Records of Hays County, Texas.

9.04 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. In the event of partial invalidity, the balance of the Agreement shall remain in full force and effect. This Agreement is performable in Hays County, Texas.

9.05 Termination or Amendment By Agreement. This Agreement may only be terminated or amended as to any or all of the Property at any time by mutual written consent of the City and Developer, or may be terminated or amended only as to a portion of the Property by the mutual written consent of the City and the Developer of only the portion of the Property affected by the amendment or termination.

9.06 No Oral or Implied Waiver. The Parties may waive any of their respective rights or conditions contained herein or any of the obligations of the other party hereunder, but unless this Agreement expressly provides that a condition, right, or obligation is deemed waived, any such waiver will be effective only if in writing and signed by the party waiving such condition, right, or obligation. The failure of either party to insist at any time upon the strict performance of any covenant or agreement in this Agreement or to exercise any right, power, or remedy contained in this Agreement will not be construed as a waiver or a relinquishment thereof for the future.

9.07 No Third-Party Beneficiary. This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a Party, unless expressly otherwise provided herein.

9.08 Effective Date. This Agreement, except Article 2 (DEVELOPMENT STANDARDS AND REVIEW PROCEDURES), 3 (PUBLIC STREETS AND SUBDIVISION INFRASTRUCTURE), 4 (WATER AND WASTEWATER SERVICE), and 5 (ANNEXATION) is legally effective and enforceable upon the execution of this Agreement by both parties. Articles 2, 3, 4 and 5 of this Agreement will become legally effective and binding on the parties only upon Developer acquiring title to the Property and Developer delivering to the City a copy of the deed recorded in the Official Public Records of Hays County, Texas that conveys title to Developer.

DEVELOPER:
Scott Felder Homes, LLC.

By: _____

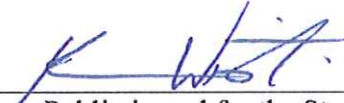


Steve Krasoff, President

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on August 12th, 2015, by Steve Krasoff, President of Scott Felder Homes, LLC, a Texas limited liability company, on behalf of said limited liability company.





Notary Public in and for the State of Texas

CITY OF KYLE, TEXAS

By: 
R. Todd Webster, Mayor

Date: July 30, 2015

ATTEST: aw


Amelia Sanchez, City Secretary

APPROVED AS TO FORM:

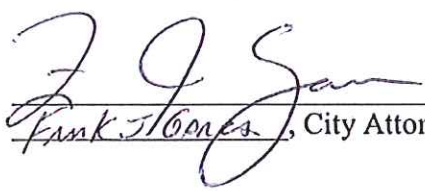

Frank J. Jones, City Attorney

EXHIBIT A
DESCRIPTION OF PROPERTY

February 18, 2015

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

1 of 4

DESCRIPTION OF A 132.59 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC. IN FEBRUARY 2015, LOCATED IN THE JOHN PHARASS SURVEY, ABSTRACT NUMBER 361, HAYS COUNTY, TEXAS, SAID 132.59 ACRE TRACT BEING A REMAINDER OF A CALLED 135.78 ACRE TRACT OF LAND DESCRIBED IN VOLUME 254, PAGE 848, REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS, SAID 132.59 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found in the north right-of-way line of Cypress Road (right-of-way varies) for the most southerly southeast corner of said 135.78 acre tract, same being the most southerly corner of the herein described 132.59 acre tract of land, for the **POINT OF BEGINNING**;

THENCE with the north right-of-way line of Cypress Road, same being the south line of said 135.78 acre tract, N66°47'41"W, a distance of 464.63 feet to a ½ inch iron rod with "Delta Survey" cap set for the southeast corner of a 4.78 acre tract of land described in Volume 4719, Page 166, Official Public Records, Hays County, Texas;

THENCE leaving the north right-of-way line of Cypress Road, with the east, north and west lines of said 4.78 acre tract, same being south lines of said 135.78 acre tract the following three (3) courses and distances:

1. N18°25'46"E a distance of 218.68 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. N76°35'41"W a distance of 683.33 feet, to a ½ inch iron rod with "Delta Survey" cap set, and
3. S45°04'19"W a distance of 426.01 feet, to a 20 inch Live Oak found for the southwest corner of the said 4.78 acre tract, same being a south corner of the said 135.78 acre tract, and also being in the north line of an undefined tract of land (no record ownership or deed reference found);

THENCE with the north lines of said undefined tract, same being the south lines of said 135.78 acre tract the following five (5) courses and distances:

1. S59°45'22"W a distance of 97.79 feet, to a nail found in a 29 inch Live Oak,
2. S47°28'53"W a distance of 371.25 feet, to a ½ inch iron rod found,
3. S52°39'52"W a distance of 14.33 feet, to a ½ inch iron rod found,
4. S59°09'02"W a distance of 164.78 feet, to a ½ inch iron rod found, and
5. S67°49'19"W a distance of 74.92 feet, to a ½ inch iron rod with "Delta Survey" cap set in the north ROW line of said Cypress Road, same being a south line of said 135.78 acre tract;

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

2 of 4

THENCE with the north ROW lines of said Cypress Road, same being the south lines of said 135.78 acre tract the following nine (9) courses and distances:

1. N70°08'41"W a distance of 96.94 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. N64°30'41"W a distance of 79.56 feet, to a ½ inch iron pipe found,
3. N49°42'54"W a distance of 145.14 feet, to a ½ inch iron rod with "Delta Survey" cap set,
4. N47°57'54"W a distance of 437.25 feet, to a ½ inch iron rod with "Delta Survey" cap set,
5. N16°49'54"W a distance of 516.28 feet, to a ½ inch iron rod with "Delta Survey" cap set,
6. N35°14'54"W a distance of 48.31 feet, to a ½ inch iron rod with "Delta Survey" cap set,
7. N56°57'54"W a distance of 49.88 feet, to a ½ inch iron rod found,
8. N80°26'19"W a distance of 476.41 feet, to a ½ inch iron rod found, and
9. N41°17'19"W a distance of 155.64 feet, to a ½ inch iron rod with "Delta Survey" cap set in the east line of that 195.14 acre tract described in a deed to The State of Texas Permanent School Fund, and recorded in Volume 2965, Page 484, Official Public Records, Hays County, Texas, same being the west line of the said 135.78 acre tract;

THENCE with the east line of said 195.14 acre tract, same being the west lines of said 135.78 acre tract the following six (6) courses and distances:

1. N48°29'30"E a distance of 1587.53 feet, to a ½ inch iron rod found,
2. N48°25'30"E a distance of 428.87 feet, to a ½ inch iron rod with "VICKERY" cap found,
3. N25°26'19"E a distance of 39.38 feet, to a mag nail in fence post found,
4. S49°05'26"E a distance of 34.30 feet, to a mag nail in fence post found,
5. N48°35'06"E a distance of 1583.28 feet, to a mag nail in fence post found, and
6. S61°06'30"E a distance of 48.98 feet, to a ½ inch iron rod found in the west ROW line of County Road 136 (Old Stagecoach Road) (ROW varies), same being the northeast corner of said 135.78 acre tract;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract, S16°45'08"E a distance of 258.55 feet, to a ½ inch iron rod with "Delta Survey" cap set for the northeast corner of that 1.00 acre tract described in a deed to Clifton L. Oswalt and recorded in Volume 398 Page 265, Real Property Records of Hays County, Texas;

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

3 of 4

THENCE leaving said ROW and with the north and west lines of said 1.00 acre Oswalt tract, and the west and south lines of that 0.12 acre tract described in a deed to Clifton L. Oswalt and recorded in Volume 592 Page 807, Real Property Records of Hays County, Texas, the following three (3) courses and distances:

1. S73°14'47"W a distance of 350.00 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. S16°45'09"E a distance of 139.46 feet, to a ½ inch iron rod with "Delta Survey" cap set, and
3. N73°14'49"E a distance of 347.70 feet, to a ½ inch iron rod with "Delta Survey" cap set in the west ROW line of said Old Stagecoach Road;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract, S08°02'02"E a distance of 955.72 feet, to an iron rod with "BYRN" cap found for the northeast corner of that 0.615 acre tract conveyed to Martha Prado and recorded in Volume 2257 Page 881, Official Public Records, Hays County, Texas and last described in Volume 729 Page 644, Real Property Records, Hays County, Texas;

THENCE with the perimeter of said 0.615 acre Prado tract and a 1.86 acre tract described in a deed to Audrey Oswalt and recorded in Volume 398 Page 261, Real Property Records, Hays County Texas the following six (6) courses and distances:

1. S81°40'28"W a distance of 232.43 feet, to a ½ inch iron rod with "Delta Survey" cap set
2. S02°39'28"E a distance of 101.12 feet, to a calculated point for the west common corner of the said Prado and Oswalt tract,
3. S03°12'57"E a distance of 30.41 feet, to a calculated point,
4. S02°06'24"E a distance of 47.02 feet, to a fence post found,
5. S02°47'36"E a distance of 157.50 feet, to a ½ inch iron rod found, and
6. N87°19'33"E a distance of 203.13 feet, to a ½ inch iron rod found for the southeast corner of said Oswalt tract, same being in the west ROW line of said Old Stagecoach Road;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract the following four (4) courses and distances:

1. S16°08'07"W a distance of 474.58 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. S11°17'39"E a distance of 40.97 feet, to a ½ inch iron rod found,
3. S18°34'03"E a distance of 1287.66 feet, to a ½ inch iron rod found, and

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

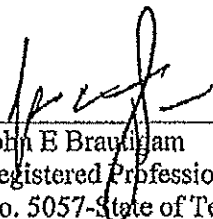
4 of 4

4. S56°24'24"W a distance of 10.77 feet, to the POINT OF BEGINNING and containing 132.59 acres, more or less.

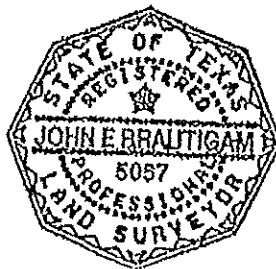
BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 83/HARN

I, John E Brautigam, hereby certify that the forgoing description represents an on-the-ground survey performed under my direct supervision during February 2015, and is true and correct to the best of my knowledge and belief.

Date: 02-16-15



John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas



Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745
TBPLS Firm No. 10004700

EXHIBIT B
DESCRIPTION OF COMMERCIAL PARCEL

2.598 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

1 of 3

DESCRIPTION OF A 2.598 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC. IN JANUARY 2015, LOCATED IN THE JOHN PHARASS SURVEY, ABSTRACT NUMBER 361, HAYS COUNTY, TEXAS, SAID 2.598 ACRE TRACT BEING A PORTION OF A CALLED 135.78 ACRE TRACT OF LAND DESCRIBED IN VOLUME 254, PAGE 848, REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS, SAID 2.598 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found in the north right-of-way line of Cypress Road (right-of-way varies) for the most southerly southeast corner of said 135.78 acre tract, same being the most southerly corner of the herein described 2.598 acre tract of land, for the **POINT OF BEGINNING**;

THENCE with the north right-of-way line of Cypress Road, same being the south line of said 135.78 acre tract, N66°47'41"W, a distance of 464.63 feet to a ½ inch iron rod with "Delta Survey" cap set for the southeast corner of a 4.78 acre tract of land described in Volume 4719, Page 166, Official Public Records, Hays County, Texas;

THENCE leaving the north right-of-way line of Cypress Road, with the east line of said 4.78 acre tract, same being a west line of said 135.78 acre tract, N18°25'46"E, a distance of 218.68 feet to a ½ inch iron rod with "Delta Survey" cap set for the northeast corner of said 4.78 acre tract, same being a corner in the south line of said 135.78 acre tract;

THENCE leaving said 4.78 acre tract, and crossing said 135.78 acre tract, the following two (2) courses and distances:

1. N08°13'19"E, a distance of 28.01 feet to a ½ inch iron rod with "Delta Survey" cap set; and,
2. N71°25'57"E, a distance of 212.70 feet to a ½ inch iron rod with "Delta Survey" cap set in the west right-of-way line of County Road 136 (Old Stagecoach Road) (right-of-way varies), same being the east line of said 135.78 acre tract;

2.598 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

2 of 3

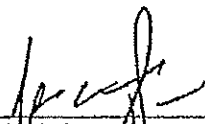
THENCE with the west right-of-way line of County Road 136, same being the east line of said 135.78 acre tract, S18°34'03"E, a distance of 506.39 feet to a ½ inch iron rod found in the north right-of-way line of Cypress Road;

THENCE leaving the west right-of-way line of County Road 136, with the north right-of-way line of Cypress Road, S56°24'24"W, a distance of 10.77 feet to the POINT OF BEGINNING and containing 2.598 acres of land, more or less.

BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 83/HARN

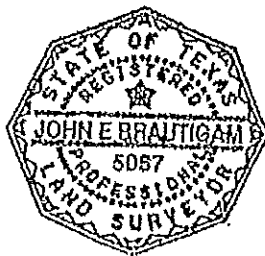
I, John E Brautigam, hereby certify that the forgoing description represents an on-the-ground survey performed under my direct supervision during January 2015, and is true and correct to the best of my knowledge and belief.

Date: 01-22-15



John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas

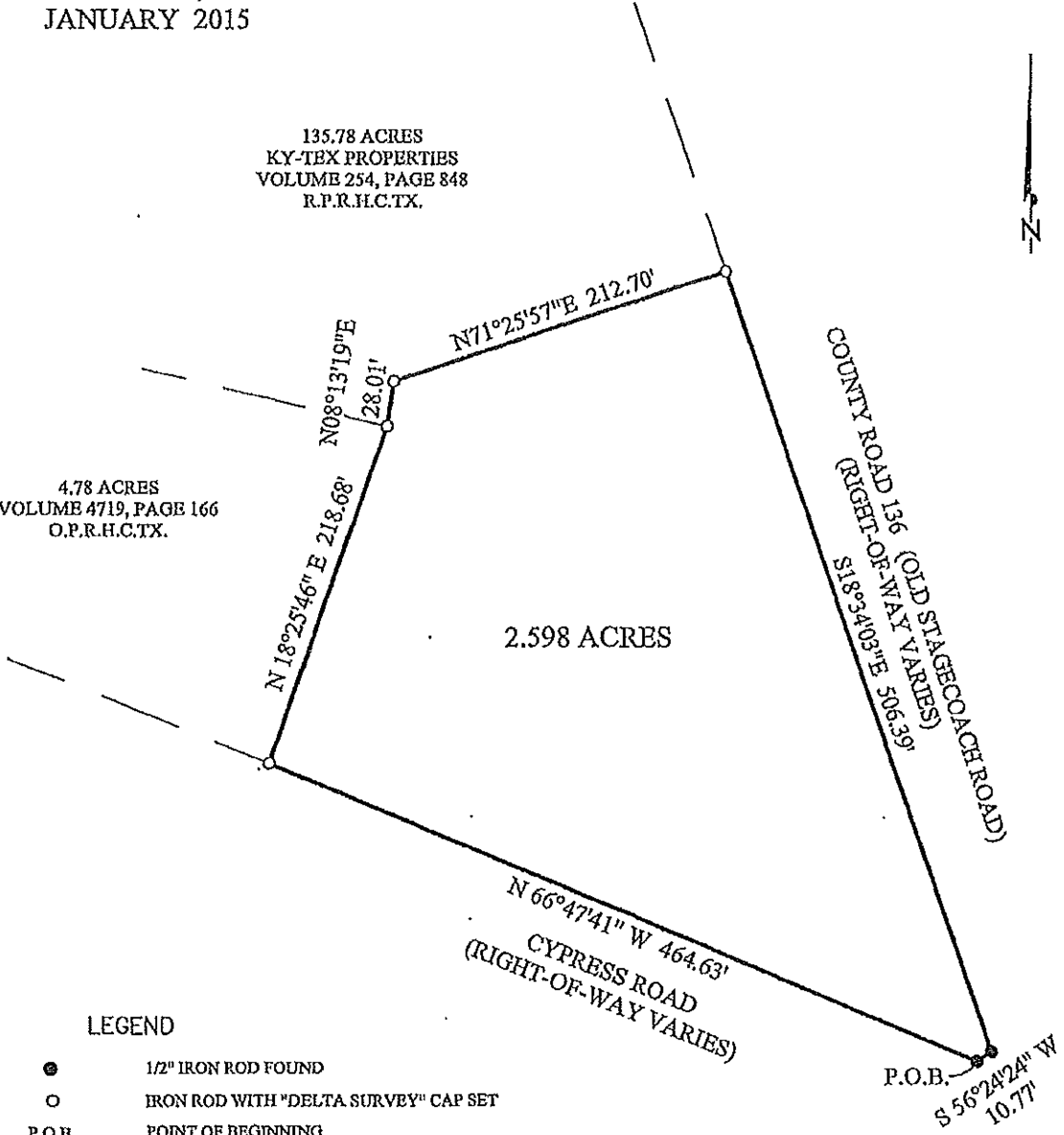
Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745
TBPLS Firm No. 10004700



135.78 ACRES
 KY-TEX PROPERTIES
 VOLUME 254, PAGE 848
 R.P.R.H.C.TX.

4.78 ACRES
 VOLUME 4719, PAGE 166
 O.P.R.H.C.TX.

2.598 ACRES



LEGEND

- 1/2" IRON ROD FOUND
- IRON ROD WITH "DELTA SURVEY" CAP SET
- P.O.B. POINT OF BEGINNING
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- R.P.R.H.C.TX. REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS



GRAPHIC SCALE
 1" = 100'

BEARING BASIS:
 TEXAS STATE PLANE COORDINATE SYSTEM,
 TEXAS CENTRAL ZONE, NAD 83/HARN

* SKETCH TO ACCOMPANY FIELD NOTES *
 -ALL POINTS CALCULATED UNLESS OTHERWISE NOTED-

Delta Survey Group Inc.

8213 BRODIE LANE STE 102 AUSTIN, TEXAS 78745
 OFFICE: 512.282.5200 FAX: 512.282.5230
 WWW.DELTASURVEYGROUP.COM
 TBPLS FIRM NO. 10004700

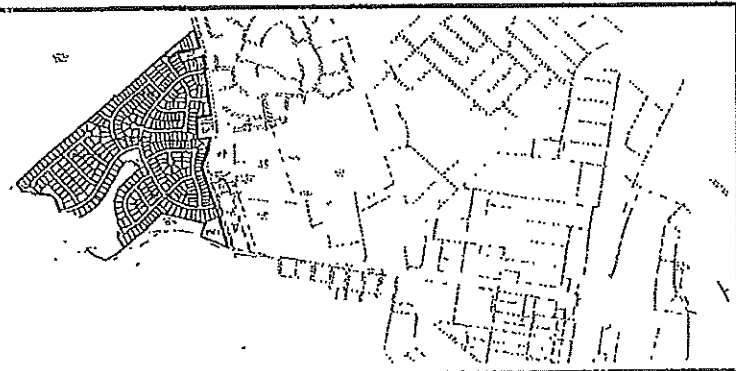
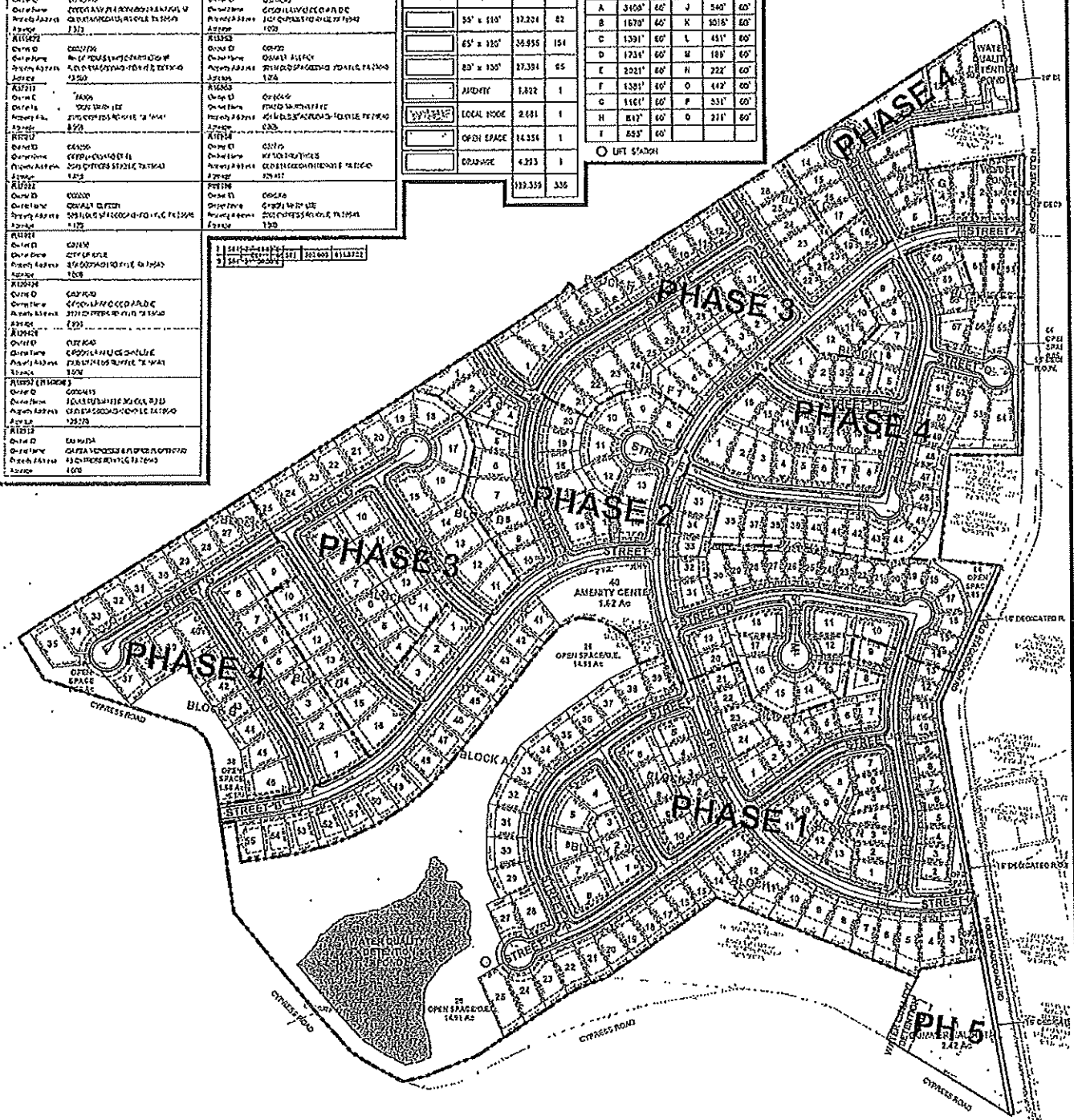
QUAD HAYS CO
 PROJECT VISION 360
 DWG. COMMERCIAL

**EXHIBIT C
CONCEPT PLAN**

<p>PHASE 1</p> <p>Owner ID: 000000 Owner Name: [REDACTED] Agency Address: [REDACTED] Agency: [REDACTED]</p> <p>PHASE 2</p> <p>Owner ID: 000000 Owner Name: [REDACTED] Agency Address: [REDACTED] Agency: [REDACTED]</p> <p>PHASE 3</p> <p>Owner ID: 000000 Owner Name: [REDACTED] Agency Address: [REDACTED] Agency: [REDACTED]</p> <p>PHASE 4</p> <p>Owner ID: 000000 Owner Name: [REDACTED] Agency Address: [REDACTED] Agency: [REDACTED]</p> <p>PHASE 5</p> <p>Owner ID: 000000 Owner Name: [REDACTED] Agency Address: [REDACTED] Agency: [REDACTED]</p>	<p>PHASE 1</p> <p>Owner ID: 000000 Owner Name: [REDACTED] Agency Address: [REDACTED] Agency: [REDACTED]</p> <p>PHASE 2</p> <p>Owner ID: 000000 Owner Name: [REDACTED] Agency Address: [REDACTED] Agency: [REDACTED]</p> <p>PHASE 3</p> <p>Owner ID: 000000 Owner Name: [REDACTED] Agency Address: [REDACTED] Agency: [REDACTED]</p> <p>PHASE 4</p> <p>Owner ID: 000000 Owner Name: [REDACTED] Agency Address: [REDACTED] Agency: [REDACTED]</p> <p>PHASE 5</p> <p>Owner ID: 000000 Owner Name: [REDACTED] Agency Address: [REDACTED] Agency: [REDACTED]</p>
---	---

COLOR	SIZE/TYPE	ACRES	COUNT	STREET	LENGTH	R/W	STREET	LENGTH	R/W
[Color]	54' x 110'	17.204	82	A	3159'	60'	J	540'	60'
[Color]	65' x 120'	26.955	154	C	1391'	60'	L	451'	60'
[Color]	80' x 130'	27.394	65	D	1734'	60'	M	181'	60'
[Color]	ADJUTANT	1.822	1	E	2321'	60'	N	222'	60'
[Color]	LOCAL Paved	2.401	1	F	1321'	60'	O	442'	60'
[Color]	OPEN SPACE	14.354	1	G	1161'	60'	P	551'	60'
[Color]	OPEN SPACE	4.253	1	H	811'	60'	Q	211'	60'
[Color]				I	551'	60'			

○ LIFT STATION



TEXAS ENGINEERING SOLUTIONS
 5500 Bee Grove Rd, Suite 200
 Austin, Texas 78745
 P: 512-604-0515
 TBP# 20, 11004

EXHIBIT C
 Conceptual Plan
 for the Residential
 Development of
 Parcel R16956

EXHIBIT D
OFF-SITE SEWER FORCE MAIN DESCRIPTION

EXHIBIT E
STREET LIGHTING PLAN

FOR STAFF REVIEW ONLY

7 Years Engineering Experience

2024-2025

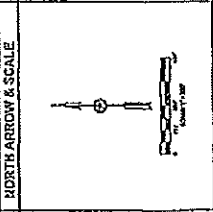
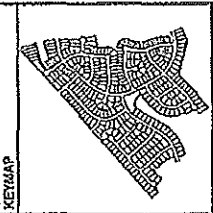
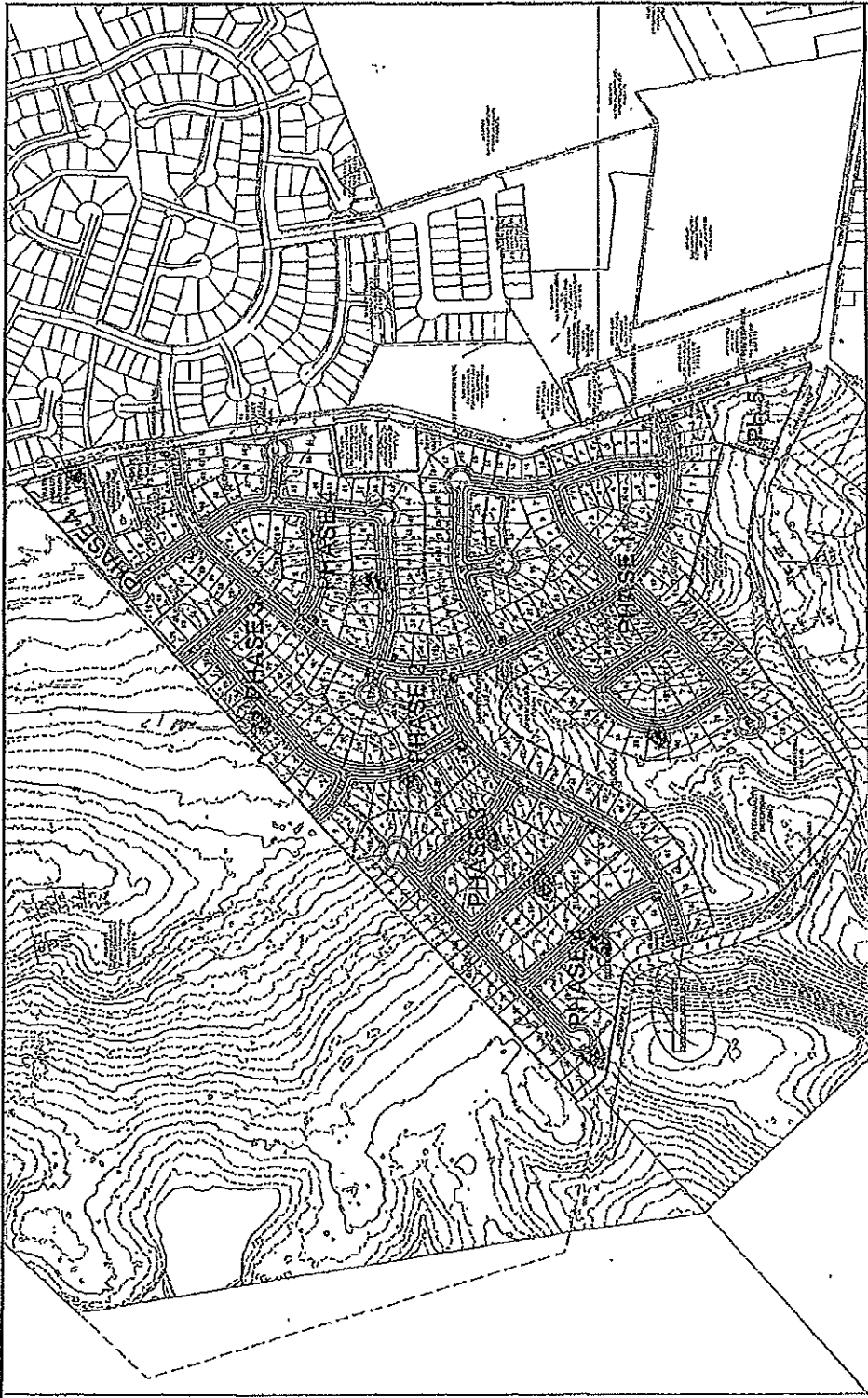
PROJECT NO. 2024-001

DATE: 10/26/2024

PROJECT: CYPRESS FOREST

PHASE: DRAFT PRELIMINARY PLAN

3 OF 10



NOTES

LEGEND

Proposed Street	Proposed Right-of-Way	Proposed Easement	Proposed Utility	Proposed Structure	Proposed Landmark
Existing Street	Existing Right-of-Way	Existing Easement	Existing Utility	Existing Structure	Existing Landmark
Proposed Stormwater	Proposed Sewer	Proposed Water	Proposed Gas	Proposed Electric	Proposed Fiber Optic
Proposed Stormwater	Proposed Sewer	Proposed Water	Proposed Gas	Proposed Electric	Proposed Fiber Optic

INFORMATION TABLE

PHASE	# OF BLOCKS	# OF LOTS (SF)	# OF LOTS (SQ)	LOT AREA (SQ)	R.O.W. AREA (SQ)	PHASE AREA (AC)	STREET LENGTH (LD)
1	7	22	3	242	258	423	49518
2	5	71	1	262	428	2125	46229
3	5	21	2	212	414	2228	62818
4	7	32	2	264	333	2220	31782

TAX CERTIFICATE

Luanne Caraway Tax Assessor-Collector, Hays County

712 S. Stagecoach Trail
 San Marcos, TX 78666
 Ph: 512-393-5545 Fax: 512-393-5517

This certificate includes tax years up to 2014

Entities to which this certificate applies:

RSP - Special Road Dist
 FHA - Hays Co ESD #5

SHA - Hays Consolidated ISD
 GHA - Hays County
 ACCD - AUSTIN COMMUNITY COLLEGE DISTRICT

Property Information

Property ID : 10-0361-0051-00000-2
 Quick-Ref ID : R16956

Value Information

OLD STAGECOACH RD KYLE, TX 78640	Land HS	:	\$0.00
	Land NHS	:	\$23,790.00
	Imp HS	:	\$0.00
	Imp NHS	:	\$0.00
A0361 JOHN PHARASS SURVEY, ACRES 125.427 (2.64 AC @ MKT)	Ag Mkt	:	\$1,106,570.00
	Ag Use	:	\$8,940.00
	Tim Mkt	:	\$0.00
	Tim Use	:	\$0.00
	HS Cap Adj	:	\$0.00
	Assessed	:	\$32,730.00

Owner Information

Owner ID : O27710

 KY-TEX PROPERTIES
 1259 N OLD STAGECOACH RD
 KYLE, TX 78640-9428

 Ownership: 100.00%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
SHA	2014	503.29	0.00	0.00	0.00	0.00
RSP	2014	14.34	0.00	0.00	0.00	0.00
GHA	2014	139.17	0.00	0.00	0.00	0.00
FHA	2014	32.73	0.00	0.00	0.00	0.00
ACCD	2014	30.83	0.00	0.00	0.00	0.00

Total for current bills if paid by 3/31/2015 : \$0.00
Total due on all bills 3/31/2015 : \$0.00
 2014 taxes paid for entity SHA \$503.29
 2014 taxes paid for entity RSP \$14.34
 2014 taxes paid for entity GHA \$139.17
 2014 taxes paid for entity FHA \$32.73
 2014 taxes paid for entity ACCD \$30.83
2014 Total Taxes Paid : \$720.36
Date of Last Payment : 10/29/14

If applicable, the above-described property is receiving special valuation based on its use. Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document.
 This certificate does not clear abuse of granted exemptions as defined in Section 11.43, Paragraph (i) of the Texas Property Tax Code.

Stanelene Vanell

Signature of Authorized Officer of the Tax Office

Date of Issue : 03/31/2015
 Requestor : KY-TEX PROPERTIES
 Receipt : DS-2015-041335
 Fee Paid : \$10.00
 Payer : TEXAS ENGINEERING SOLUTIONS

TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County
712 S. Stagecoach Trail
San Marcos, TX 78666
Ph: 512-393-5545 Fax: 512-393-5517



Receipt Number: DS-2015-041335

Payor: TEXAS ENGINEERING SOLUTIONS ()
5000 BEE CAVE RD
AUSTIN TX 78746

Owner: KY-TEX PROPERTIES (O27710)
1259 N OLD STAGECOACH RD
KYLE, TX 78640-9428

Quick Ref ID: R16956
Owner: KY-TEX PROPERTIES (O27710) - 100%
Owner Address: 1259 N OLD STAGECOACH RD
KYLE, TX 78640-9428

Property: 10-0361-0051-00000-2
Legal Description: A0361 JOHN PHARASS SURVEY,
ACRES 125.427 (2.64 AC @ MKT)
Situs Address: OLD STAGECOACH RD KYLE, TX
78640

Schedule	Charge	Payment Amount
Tax Certificate	10.00	10.00
	Total Payment Amount	10.00
	Cash Tendered	10.00
	Total Tendered	10.00
	Remaining Balance Due, including other fees, as of 3/31/2015	0.00

Date Paid: 03/31/2015
Effective Date: 03/31/2015
Station/Till: starlene/Starlene's Till
Cashier: Starlene

Account Summary



Luanne Caraway Tax Assessor-Collector, Hays County
 712 S. Stagecoach Trail
 San Marcos, TX 78666
 Ph: 512-393-5545 Fax: 512-393-5517

Visit us at www.hayscountytax.com

Property: 10-0361-0051-00000-2
 Quick Ref ID: R16956
 Owner: KY-TEX PROPERTIES
 Situs Address: OLD STAGECOACH RD KYLE, TX 78640
 Legal Description: A0361 JOHN PHARASS SURVEY, ACRES 125.427 (2.64 AC @ MKT)

KY-TEX PROPERTIES
 1259 N OLD STAGECOACH RD
 KYLE, TX 78640-9428

Assessment Values
 LAND HS: 0
 LAND NHS: 23,790 Exemptions: AG
 IMP HS: 0
 IMP NHS: 0
 AG MKT VALUE: 1,106,570
 AG USE VALUE: 8,940

Tax Bill (Effective Date: 03/31/2015)		Balance Due if Paid By March 31, 2015:					0.00
Bill	Levy	Levy Balance	P & I	Collection Penalty	Date Paid	Amt Paid	Balance
2014							
AUSTIN COMMUNITY COLLEGE DISTRICT	30.83	0.00	0.00	0.00	10/29/2014	30.83	0.00
Hays Co ESD #5	32.73	0.00	0.00	0.00	10/29/2014	32.73	0.00
Hays Consolidated ISD	503.29	0.00	0.00	0.00	10/29/2014	503.29	0.00
Hays County	139.17	0.00	0.00	0.00	10/29/2014	139.17	0.00
Special Road Dist	14.34	0.00	0.00	0.00	10/29/2014	14.34	0.00
Totals	720.36	0.00	0.00	0.00		720.36	0.00
Totals	720.36	0.00	0.00	0.00		720.36	0.00
Balance Due if Paid By March 31, 2015:							0.00

Vol. 254 848
 STATE OF TEXAS X
 COUNTY OF HAYS X KNOW ALL MEN BY THESE PRESENTS;

7967 /
 That we, Franklin Jordan of the County of Tom, Green and State of Texas, and Arthur C. Jordan of the County of Dallas and State of Texas, for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable considerations to us in hand paid by Ky-Tex Properties, Inc., a Texas Corporation with office and place of business in Kyle, Texas, the receipt whereof is hereby acknowledged and confessed and for which no lien, express or implied, is retained, and the further consideration of the assumption by the said Ky-Tex Properties, Inc., effected by the acceptance of this conveyance, of all ad valorem taxes levied and assessed for the year of 1972 against the premises conveyed hereby, have granted, sold and conveyed, and by these presents do grant, sell and convey, unto the said Ky-Tex Properties, Inc., subject to said taxes and the hereinafter mentioned easement, all of that certain real property lying and being situated in Hays County, Texas,

to-wit:

TRACE ONE

135.78 acres of land, 109.78 acres being a portion of the John Pharass Survey #13, Abstract #361, and 26.00 acres being a portion of the Samuel Pharass Survey #14, Abstract #360, in Hays County, Texas, said 135.78 acre tract being a portion of that 67½ acre tract designated as First Tract and a portion of a 206½ acre tract designated as Second Tract, as conveyed in a deed from Bernard Kuhn, et ux, to Franklin Jordan and wife, Bernice T. Jordan, as recorded in Volume 202, Page 412, Hays County Deed Records, and a one half interest in said tracts as conveyed in a deed from Franklin Jordan and wife, Bernice T. Jordan, to Arthur C. Jordan as recorded in Volume 223, Page 574, Hays County Deed Records, as surveyed for Franklin Jordan and Arthur C. Jordan by Forrest B. Scott, Registered Public Surveyor, Austin, Texas, said 135.78 acres of land being described more particularly by metes and bounds as follows:

BEGINNING at an iron stake at corner of fence for the Southwest corner of that 206½ acre tract of land designated as Second Tract in a deed from Bernard Kuhn, et ux, to Franklin Jordan and wife, Bernice T. Jordan, as recorded in Volume 202, Page 412, Hays County Deed Records;

THENCE with the Northwest line of the said 206½ acre Second Tract, as found fenced and used upon the ground, courses numbering 1-6 inclusive, as follows: (1) N. 50° 32' E. 1588.94 feet to an iron stake;
 (2) N. 50° 33' E. 420.55 feet to an iron stake;
 (3) N. 27° 18' E. 50.08 feet to an iron stake;
 (4) S. 41° 53' E. 40.20 feet to an iron stake;
 (5) N. 50° 32' E. 1572.07 feet to an iron stake;
 (6) N. 52° 07' E. 21.98 feet to an iron stake;

THENCE S. 48° 29' E. 46.62 feet to an iron stake in the West line of the Old San Marcos-Austin Road;

THENCE with the West lines of the Old San Marcos-Austin Road, as fenced and used upon the ground, courses numbering 1-6, inclusive as follows:
 (1) S. 14° 41' E. 382.58 feet to an iron stake;
 (2) S. 6° 00' E. 1097.20 feet to an iron stake;
 (3) S. 2° 01' W. 136.75 feet to an iron stake;

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- (4) S. 18° 01' W. 577.80 feet to an iron stake;
- (5) S. 9° 24' E. 40.97 feet to an iron stake;
- (6) S. 16° 30' E. 1287.26 feet to an iron stake;

THENCE S. 58° 27' W. 11.41 feet to an iron stake in the Northeast line of West Center Street;

THENCE with the Northeast line of West Center Street, as found fenced and used upon the ground, N. 64° 44' W. 468.06 feet to an iron stake found;

THENCE with a fence, N. 21° 09' E. 218.92 feet to an iron stake found at corner of fence;

THENCE continuing with a fence, N. 74° 32' W. 682.19 feet to an iron stake at corner of fence;

THENCE continuing with the meanders of a fence, courses numbering 1-8 inclusive, as follows:

- (1) S. 47° 08' W. 427.34 feet to an iron stake;
- (2) S. 61° 35' W. 97.82 feet to a 60d nail in a 28 inch Live Oak tree;
- (3) S. 49° 40' W. 370.90 feet to an iron stake;
- (4) S. 53° 29' W. 14.52 feet to an iron stake;
- (5) S. 61° 13' W. 166.97 feet to an iron stake;
- (6) S. 69° 49' W. 74.91 feet to an iron stake;
- (7) N. 68° 09' W. 96.92 feet to an iron stake;
- (8) N. 62° 31' W. 79.55 feet to an iron stake found in the Northeast line of the Kyle-Nance Road;

THENCE with the Northeast lines of the Kyle-Nance Road, as fenced and used upon the ground, courses numbering 1-6 inclusive, as follows:

- (1) N. 47° 40' W. 145.23 feet to an iron stake found;
- (2) N. 45° 55' W. 437.52 feet to an iron stake found;
- (3) N. 14° 47' W. 516.59 feet to an iron stake found;
- (4) N. 33° 12' W. 48.34 feet to an iron stake found;
- (5) N. 54° 55' W. 49.91 feet to an iron stake found;
- (6) N. 78° 24' W. 477.09 feet to an iron stake at corner of fence;

THENCE continuing with said fence, N. 39° 15' W. 155.86 feet to the PLACE OF BEGINNING, containing 135.78 acres of land, surveyed November 3, 1972.

TRACT TWO

7.38 acres of land being a portion of the John Pharass Survey #13, Abstract #361, in Hays County, Texas, said 7.38 acre tract being a portion of that 67½ acre tract designated as First Tract and a portion of a 206½ acre tract designated as Second Tract, as conveyed in a deed from Bernard Kuhn, et ux, to Franklin Jordan and wife, Bernice T. Jordan, as recorded in Volume 202, Page 412, Hays County Deed Records, and a one half interest in said tracts as conveyed in a deed from Franklin Jordan and wife, Bernice T. Jordan, to Arthur C. Jordan as recorded in Volume 223, Page 574, Hays County Deed Records, as surveyed for Franklin Jordan and Arthur C. Jordan by Forrest B. Scott, Registered Public Surveyor, Austin, Texas. Said 7.38 acres of land being described more particularly by metes and bounds as follows:

BEGINNING at an iron stake for the Southwest corner of the herein described tract, and from said beginning iron stake an iron stake at the Southeast corner of that 135.78 acre tract this day surveyed for Franklin Jordan and Arthur C. Jordan bears S. 13° 43' E. 1040.31;

THENCE with the East line of the Old San Marcos-Austin Road, courses numbering 1-6 inclusive, as follows:

- (1) N. 16° 11' W. 173.46 feet to an iron stake;
- (2) N. 12° 44' W. 68.37 feet to an iron stake;
- (3) N. 6° 32' W. 50.48 feet to an iron stake;
- (4) N. 5° 53' E. 52.18 feet to an iron stake;
- (5) N. 18° 00' E. 562.54 feet to an iron stake;
- (6) N. 4° 54' W. 163.07 feet to an iron stake found at the Northwest corner of the herein described tract;

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THENCE with a fence, S. 62° 37' E. 327.30 feet to an iron stake at corner of fence;

THENCE continuing with said fence, S. 0° 25' W. 677.33 feet to an iron stake at corner of fence;

THENCE continuing with said fence, S. 61° 45' W. 433.59 feet to the PLACE OF BEGINNING, containing 7.38 acres of land, surveyed November 3, 1972.

This conveyance is made subject to that electric power line easement in favor of the Pedernales Electric Cooperative, Inc., dated September 11, 1938, and of record in Volume 121, page 309, Hays County Deed Records.

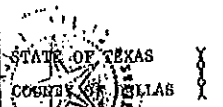
TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Ky-Tex Properties, Inc., its successors and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend, all and singular the said premises unto the said Ky-Tex Properties, Inc., its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the hereinabove mentioned taxes and easement.

Witness our hands on this the 17th day of November, 1972.



Franklin Jordan
Arthur C. Jordan

BEFORE ME, the undersigned authority, on this day personally appeared Franklin Jordan, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed. GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17th day of November, 1972.



Notary Public in and for Dallas County, Texas

BEFORE ME, the undersigned authority, on this day personally appeared Arthur C. Jordan, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed. GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 16th day of November, 1972.

Notary Public in and for Dallas County, Texas

THE STATE OF TEXAS
COUNTY OF HAYS
L. L. CLAYTON, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of writing with its Certificate of Authentication, was filed for record in my office on this 17th day of November, A.D. 1972, at 11:00 o'clock A.M., and duly recorded on the 254th day of November, A.D. 1972, at 9:10 o'clock A.M., in the Deed Records, Book Number 254, Page 850. In witness whereof, I have hereunto set my hand and the seal of the County Court of Hays County, Texas, the date last above written.



CITY OF KYLE, TEXAS

Traffic warrant - Waterleaf Subdivision

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: Traffic warrant in the Waterleaf subdivision requested by Damon Fogley, Councilmember. ~ *Jeff Barnett, Chief of Police*

Other Information:

Legal Notes:

Budget Information:

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

Attachments / click to download



CITY OF KYLE, TEXAS

City Council Forum

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: Discussion regarding online city council forum. ~ *Damon Fogley, City Council Member*

Other Information:

Legal Notes:

Budget Information:

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

Attachments / click to download



CITY OF KYLE, TEXAS

City Managers Report

Meeting Date: 9/15/2015
Date time: 7:00 PM

Subject/Recommendation: Update on various capital improvement projects, road projects, building program, and/or general operational activities. ~ *J. Scott Sellers, City Manager*

- Board and Commission Vacancies.
- Marketplace Ground Breaking Ceremony
- Reminder, Tuesday, October 6th meeting moved to Wednesday, October 7th.

Other Information:

Legal Notes:

Budget Information:

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