



Notice of Regular City Council Meeting

Kyle City Hall, 100 W. Center St., Kyle, Texas 78640

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on June 21, 2016, at Kyle City Hall, 100 W. Center St., Kyle, Texas 78640, for the purpose of discussing the following agenda.

Posted this 17th day of June, 2016, prior to 7:00 p.m.

I. Call Meeting To Order

II. Recognition

1. Recognition of Council Member Diane Hervol for her years of service to the City of Kyle. ~ *R. Todd Webster, Mayor*

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 Resolution of the City Council of Kyle, Texas in appreciation for the contributions of citizens of African-American heritage; and declaring the month of June as "Juneteenth Celebration Month." ~ Becky Selbera and David Wilson, Council Members
- 3. Annual KAYAC Presentation. ~ Jonathan Lopez, Chair and Andy Garza, Vice Chair

V. Appointments

4. Consider nomination(s) for election of Mayor Pro Tem. ~ R. Todd Webster, Mayor

VI. Consent Agenda

5. Plum Creek Phase 1, Section 6B-2 - Final Plat (FP-16-005) 2.319 acres; 24 Lots Located south of Hellman and east of FM 2770, north of Plum Creek Section 6A. ~ Howard Koontz, Director of Planning and Community Development

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

6. ACC Hays Campus Phase 2A, Parking Lot - Site Plan (SD-16-009) 3 acres; Parking Lot Located at 1200 Kohler's Crossing. ~ Howard J. Koontz, Director of Planning and Community Development

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

7. Vacate the subdivision plat for Wood Ridge Subdivision recorded in Hays County, Texas, Volume 1 Page 271. ~ Howard J. Koontz, Director of Planning and Community Development

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

- 8. Authorize the City Manager to present a City owned service handgun issued and assigned to Sergeant Larry Honeycutt as a memento upon his retirement after more than 37 years of law enforcement service and to purchase an identical replacement handgun for the Police Department with funds contributed from non-City sources for this purpose. ~ *Jeff Barnet, Chief of Police*
- 9. Approve a Resolution authorizing the negotiation of an agreement with LJA ENGINEERING, INC., Austin, Texas, to provide consulting services for the road and drainage improvements needed at Windy Hill Road at Richmond Branch. ~ Leon Barba, P.E., City Engineer
- 10. Approve a professional services agreement with SIERRA & SPEARS, PLLC, San Antonio, Texas, with two 1-year renewal options to provide prosecutor services for the City's Municipal Court for \$2,500.00 per month plus miscellaneous expenses. ~ *Perwez A. Moheet, CPA, Director of Finance*
- 11. Approve a professional services agreement with DEAN ACTUARIES, LLC, Dallas, Texas with two renewal options at a cost of \$5,800.00 per fiscal year to provide actuarial valuation services for the City's Other Post-Employment Benefits Program (OPEB) for Fiscal Year ending September 30, 2016. ~ Perwez A. Moheet, CPA, Director of Finance

VII. Consider and Possible Action

- 12. Authorize award and execution of a Purchase Order to GUERRA UNDERGROUND, LLC, Austin, Texas, lowest and most responsible bidder, in an amount not to exceed \$443,940.00 (Base Bid) for the Tenorio Addition Wastewater System Rehabilitation Project, Phase One B. ~ Leon Barba, P.E., City Engineer
- 13. (First Reading) Approve an Ordinance amending the City's Approved Budget for

Fiscal Year 2015-16 by increasing total appropriations for expenditures by \$104,400.00; General Fund by \$77,400.00 and the Hotel Occupancy Tax Fund by \$27,000.00 and decreasing fund balance by the same amounts in the respective City Funds. ~ Perwez A. Moheet, CPA, Director of Finance

14. Approve a grant award in the amount of \$3,138.06 under the City's Downtown Revitalization Grant Program to LIVE MASONIC LODGE, 107 W. Center Street, Kyle, Texas. ~ Brian Ziegler, Chair of Economic Development & Tourism Board

VIII. City Manager's Report

15. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *James R. Earp, Assistant City Manager*

IX. Executive Session

- 16. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.
 - 1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
 - Potential Incentive for Development
 - Proposed Ballot Language
 - 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - 3. Personnel matters pursuant to Section 551.074.
 - 4. Economic Development negotiations pursuant to Section 551.087.
 - Potential Incentive for Development
- 17. Take action on items discussed in Executive Session.

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."



Recognition of Diane Hervol

Meeting Date: 6/21/2016 Date time:7:00 PM

	~ R. Todd Webster, Mayor	service to the City of Kyk
Other Information:		
Legal Notes:		
Budget Information:		

ATTACHMENTS: Description

No Attachments Available



Juneteenth Celebration Month Resolution

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation:	A Resolution of the City Council of Kyle, Texas in appreciation for the contributions of
	citizens of African-American heritage; and declaring the month of June as "Juneteenth

Celebration Month." ~ Becky Selbera and David Wilson, Council Members

Other Information:	
Legal Notes:	
Budget Information:	

ATTACHMENTS:

Description

☐ Juneteenth Celebration Month Resolution

RESOLUTION NO. 1023

A RESOLUTION OF THE CITY COUNCIL OF KYLE, TEXAS IN APPRECIATION FOR THE CONTRIBUTIONS OF CITIZENS OF AFRICAN-AMERICAN HERITAGE; AND DECLARING THE MONTH OF JUNE AS "JUNETEENTH CELEBRATION MONTH"

WHEREAS, The City of Kyle takes pride in its African-American heritage, which represents the full spectrum of history from enslaved people of the 1800's to those who have served with distinction in more recent times in city leadership positions; and

WHEREAS, The City of Kyle commemorates the founding of the Sledge Chapel Baptist Church in 1886 by Reverend Dilwortham as the only surviving African American Church in Kyle with a long and significant history; and

WHEREAS, The City of Kyle appreciates the many significant contributions made to the city by civic-minded individuals such as Mattie Broadfoot, the first African-American Councilwoman, James Adkins, the first African-American Mayor, and Esther Hicks, the first African-American Planning and Zoning Commissioner, most recently, Ray Bryant, an African-American City Councilman and Planning and Zoning Commissioner, currently with Dexter Ellison, current Planning and Zoning Commissioner; and

WHEREAS, In the words of Reverend Martin Luther King Jr., "We are not makers of history. We are made by history"; and

WHEREAS, Juneteenth, also known as Juneteenth Independence Day or Freedom Day, is a holiday that commemorates the announcement of the abolition of slavery in Texas in June 1865. This occurred more than two and a half years after the Emancipation Proclamation was issued by President Abraham Lincoln. Upon the reading of General Order #3 by General Granger, our ancestors, released from the tyranny of enslavement, celebrated jubilantly, establishing America's second Independence Day Celebration and the oldest African American holiday observance.

THEREFORE, be it resolved by the City of Kyle, that the month of June should be celebrated as

"Juneteenth Celebration Month"

in recognition of "Freedom Day" and in appreciation of the many achievements of Kyle's civic minded participants of African American heritage.

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.

This resolution shall take effect from and after the date of its passage as authorized by the Charter of the City of Kyle, Texas.

SIGNED AND ENTERED THIS 21st DAY OF June, 2016.

ATTEST:		
	R. Todd Webster, Mayor	
Jennifer A. Vetrano, City Secretary		



2016 KAYAC Presentation

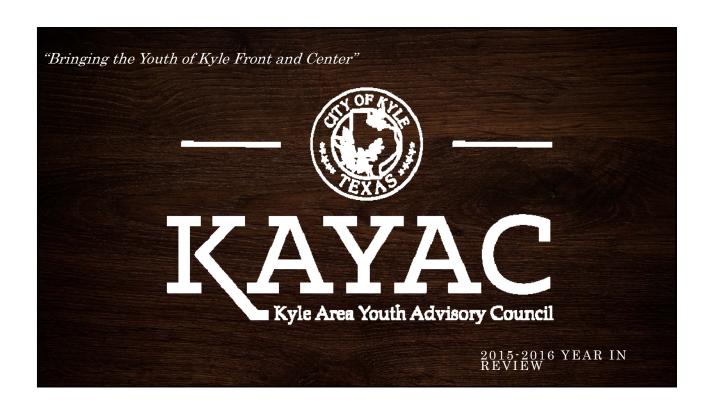
Meeting Date: 6/21/2016 Date time:7:00 PM

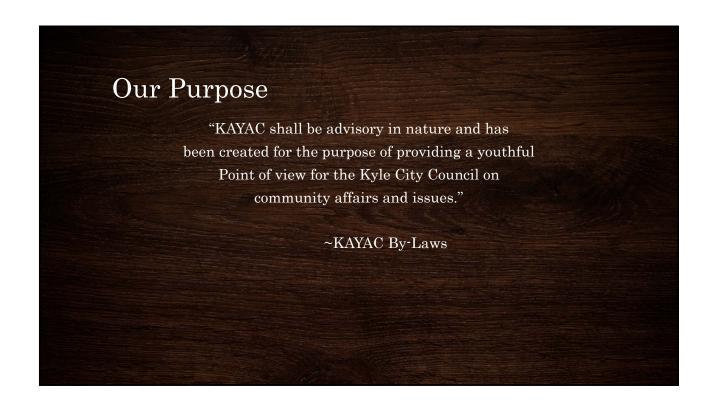
Subject/Recommendation:	Annual KAYAC	Presentation.	~ Jonathan Lopez,	Chair and	Andy Garza,	Vice Chair
Other Information:						
Legal Notes:						
Budget Information:						

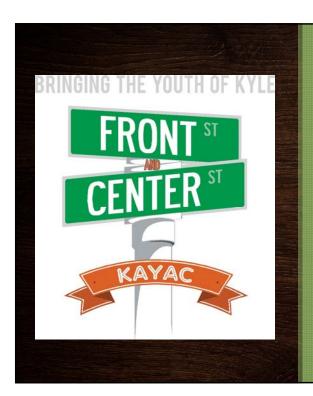
ATTACHMENTS:

Description

La KAYAC End of Year Presentation 2016







Motto:

"Bringing the youth of Kyle Front and Center"

Vision Statement:

KAYAC strives to incorporate the youths' voice and presence within the community and with City matters. We continue to promote community, service, cooperation and awareness among the youth of Kyle while elevating interest and involvement in City matters

Mission Statement:

KAYAC's mission is to provide the means for direction representation of the youth view-points, to incite collaborative communication between peers, and to promote community involvement among the youth.

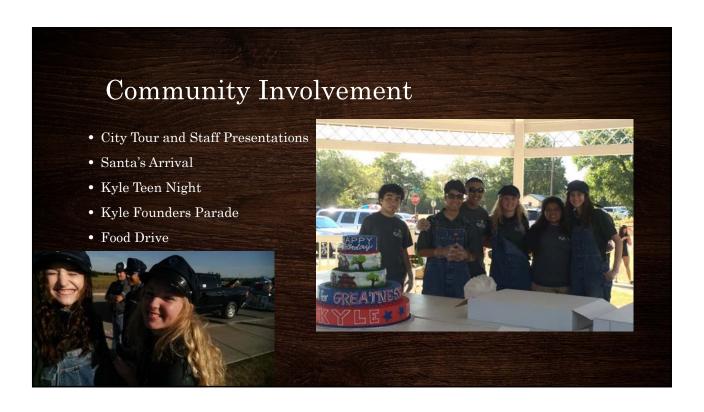


**KAYAC Leadership 2015-2016 **Jonathan Lopez - CHAIR **Andy Garza - VICE CHAIR, CITY COUNCIL LIAISON, & TREASURER **Melysa Alvarez - SECRETARY

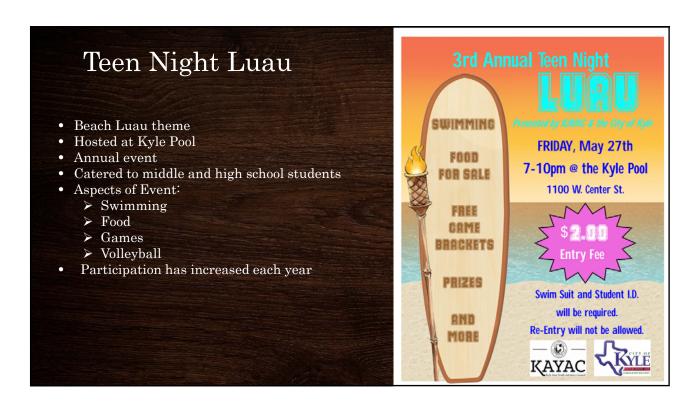
		on Assignments	
Admin:	Finance:	Parks and Recreation:	
- Robert Brown	- Jonathan Lopez	- Hanna Malott and	
D '11'		Luke Jackson	
Building:	Information Technology:	73	
- Nathaniel Garcia	- Meghan Murphy	Planning: - Alex Moore	
City Engineer:	Library:		
- Dalton Tristan	- Lila Ramos	Police Department:	
		- Jonathan Lopez	
Communications:	Municipal Court:		
- Alexus Dennen	- Melysa Alvarez	Public Works:	
		- Aiden O'Keefe	
Economic Development:			
- Andy Garza			

Meetings • Meetings every two weeks • Youth run, By-Laws • Open Meetings Act Compliant • Discussion on City Council Items • Reports on Department Liaison meetings • Subcommittee meetings to work on various projects











Other Accomplishments > Raised funds from Santa's Arrival, Teen Night, Easter Eggtravaganza > Community and Student Awareness > Revision of By-Laws

Annual Kyle Teen Night Luau Continue to Expand Representation Capstone Project Volunteer regularly Voter Education, Food Bank, City Departments, etc. Continue department liaisons Continuing to take leadership roles in the community and among peers Continue to build team Interview new applicants for KAYAC

New Leadership 2016-2017 Chair: Luke Jackson Vice Chair: Aiden O'Keefe Secretary: Lila Ramos City Council Liaison: Megan Murphy





Mayor Pro Tem Appointment

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation:	Consider nomination(s) for election of Mayor Pro Tem. $\sim R$.	Todd Webster, Mayor
Other Information:		
Legal Notes:		
Budget Information:		

ATTACHMENTS:

Description

No Attachments Available



Plum Creek Phase 1 Section 6B-2 - Final Plat

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: Plum Creek Phase 1, Section 6B-2 - Final Plat (FP-16-005) 2.319 acres; 24 Lots Located

south of Hellman and east of FM 2770, north of Plum Creek Section 6A. ~ Howard

Koontz, Director of Planning and Community Development

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

Other Information: Please see attachments.

Legal Notes: N/A

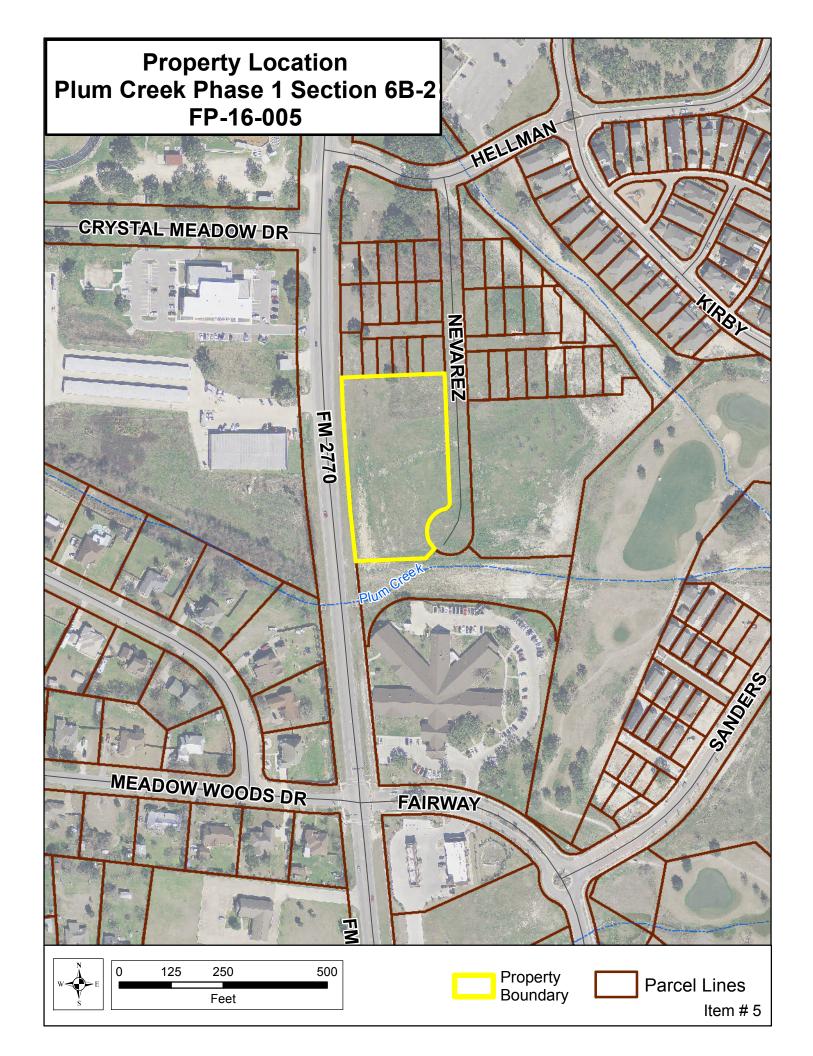
Budget Information: N/A

ATTACHMENTS:

Description

☐ Project Location Map

D Plat



PLUM CREEK PHASE I, SECTION 6B-2

STATE OF TEXAS COUNTY OF TRAVIS KNOW ALL MEN BY THESE PRESENTS, THAT WE, PC OPERATING PARTNERS, LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 610 WEST 5TH STREET, SUITE 601, AUSTIN, TEXAS 78701, BEING THE OWNER OF THAT CERTAIN 2.319 ACRE TRACT OF LAND IN THE HENRY LOLLAR SURVEY NO. 19, A-290, HAYS COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 14.575 ACRE TRACT OF LAND DESIGNATED AS TRACT NINE, AND DESCRIBED IN THE DEED TO PC OPERATING PARTNERS, LTD. OF RECORD IN VOLUME 5233, PAGE 198, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; DO HEREBY SUBDIVIDE SAID 2.319 ACRES AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE PLUM CREEK PHASE 1, SECTION 6B-2 SUBDIVISION TO THE CITY OF KYLE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER PUBLIC RIGHT OF WAY AND DRAINS, EASEMENTS (EXCLUDING LANDSCAPE AREA WITHIN EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED. WHEREOF THE SAID PC OPERATING PARTNERS, LTD., OWNER, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, PCOP GP, LLC, THEREUNTO DULY AUTHORIZED, GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS MEMBER/MANAGER, BENCHMARK LAND & EXPLORATION, INC. PC OPERATING PARTNERS, LTD., A TEXAS LIMITED PARTNERSHIP BY: PCOP GP, LLC, GENERAL PARTNER A TEXAS LIMITED LIABILITY COMPANY BY: BENCHMARK LAND & EXPLORATION, INC., A MEMBER/MANAGER A TEXAS CORPORATION MYRA J. GOEPP. VICE PRESIDENT STATE OF TEXAS COUNTY OF TRAVIS BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, MYRA J. GOEPP, VICE PRESIDENT OF BENCHMARK LAND & EXPLORATION, INC., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF_____, 20__, NOTARY PUBLIC STATE OF TEXAS COUNTY OF HAYS KNOW ALL MEN BY THESE PRESENTS: THAT, LIZ Q. GONZALEZ, CLERK OF HAYS COUNTY COURT DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDS OFFICE ON THE _____ DAY OF _____, 20__, A.D., IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET _____, PAGE(S) _____ WITNESS MY HAND AND SEAL OF COUNTY CLERK OF SAID COUNTY ON THIS THE _____ DAY OF _____, 20__, A.D. FILED FOR RECORD AT ______ O'CLOCK __.M. THIS THE _____ DAY OF _____, 20__, A.D. LIZ Q. GONZALEZ COUNTY CLERK HAYS COUNTY, TEXAS I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING COMMISSION OF THE CITY OF KYLE HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH THE COMMISSION'S APPROVAL IS REQUIRED. CHAIRPERSON THIS PLAT (PLUM CREEK PHASE 1, SECTION 6B-2) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COMMISSION. DATED THIS _____, 20__. SECRETARY THIS PLAT (PLUM CREEK PHASE 1, SECTION 6B-2) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL. DATED THIS _____, 20__. SECRETARY STATE OF TEXAS COUNTY OF TRAVIS I THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PLAT AND ALL PLANS AND SPECIFICATIONS WHICH ARE INCLUDED WITH THE PLAT ARE, TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPLETE AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY ORDINANCES, CODES, PLANS, AND RELEVANT STATE STANDARDS.

ALAN D. RHAMES, P.E.

TBPE FIRM NO. F-43 AXIOM ENGINEERS INC.

AUSTIN, TEXAS 78750

512-506-9335

JOHN D. BARNARD

AUSTIN, TEXAS 78746 512-327-1180

DATE_____ INITIAL____

NO. 5749 — STATE OF TEXAS BOWMAN CONSULTING GROUP, LTD.

I, JOHN D. BARNARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL ON—THE—GROUND SURVEY

MADE UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF

REGISTERED PROFESSIONAL ENGINEER

REGISTERED PROFESSIONAL LAND SURVEYOR

1120 CAPITAL OF TEXAS HWY, BUILDING 3, SUITE 220

NO. 72089 - STATE OF TEXAS

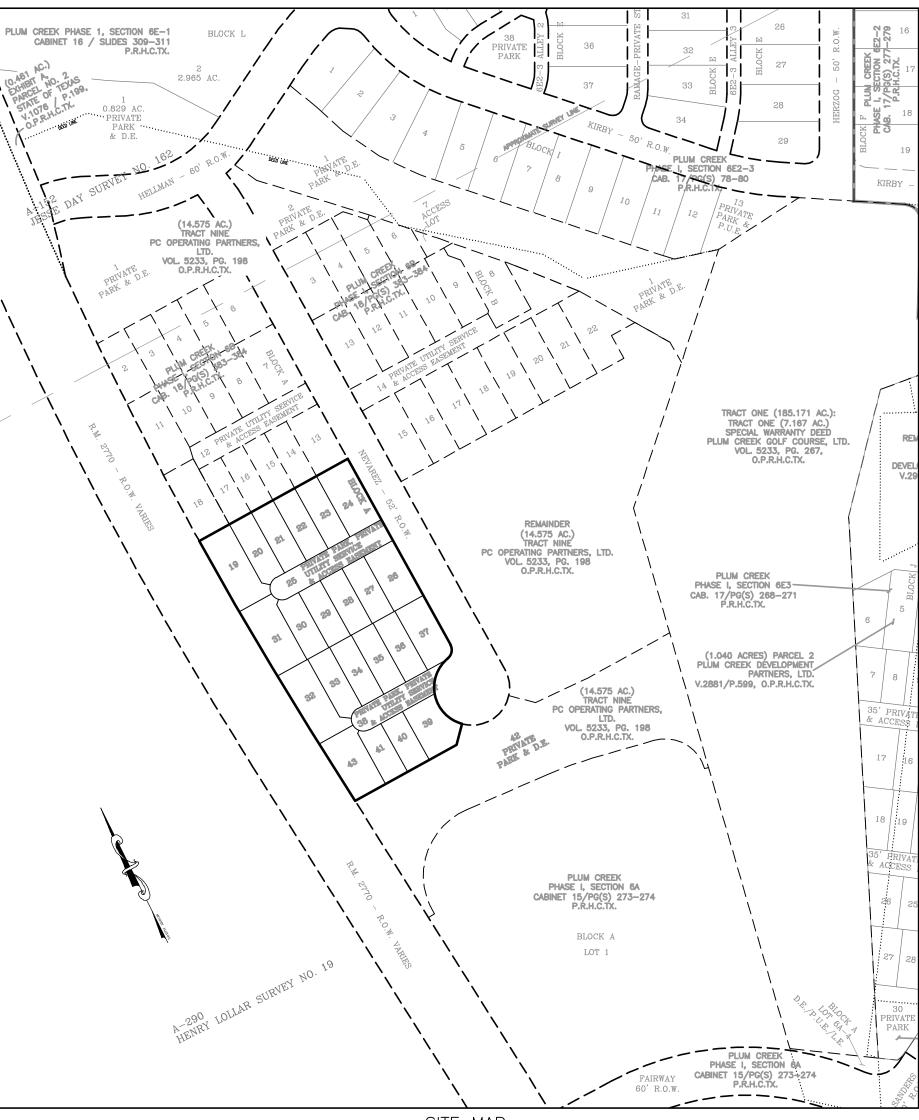
13276 RESEARCH BLVD., ST. 208

PLUM CREEK BB-2 6B (BP2-3)
PLUM CREEK 6B-2 6B (BP2-3)
FUND CREEK 6B-2 6B (BP2-3)
FOR THE STITE (BB A)

FOR THE

LOCATION MAP

NOT TO SCALE



SITE MAP
NOT TO SCALE

FLOOD NOTE:

A PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE I, SECTION 6B-2) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAP FOR HAYS COUNTY TEXAS (UNINCORPORATED AREA) COMMUNITY-PANEL NUMBER 48209C 0270 F, EFFECTIVE DATE: SEPTEMBER 2, 2005, AS MODIFIED BY APPROVED CLOMR CASE NO. 07-06-0898R, DATED MARCH 25, 2008.

FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-6_SEC-6B\PLATS\6B\
PLUM-6B-2 FINAL PLAT.DWG

DATE: 11-19-15 DRAWN BY: G.T., E.N. CREW: CAF, MK

SCALE: N.T.S. CHECKED BY: J.D.B. FB #:

JOB #: 5549 DRAWING #: PLUM-6B-2-PLAT PLAN #: 1156

PCDP, LTD. REVIEW & APPROVAL DATE_______ INITIAL______

Boyman C O N S U L T I N G

Bowman Consulting Group, Ltd.

1120 Capital of Texas Hwy, Building 3, Suite 220, Austin, Texas 78746

Phone: (512) 327-1180 Fax: (512) 327-4062

www.bowmanconsulting.com © Bowman Consulting Group, Ltd.

TBPE Firm No. F-14309 | TBPLS Firm No. 101206-00

SHEET 1 OF 3 <u>FINAL PLAT</u> PLUM CREEK

PHASE I - SECTION 6B-2

HAYS COUNTY, TEXAS

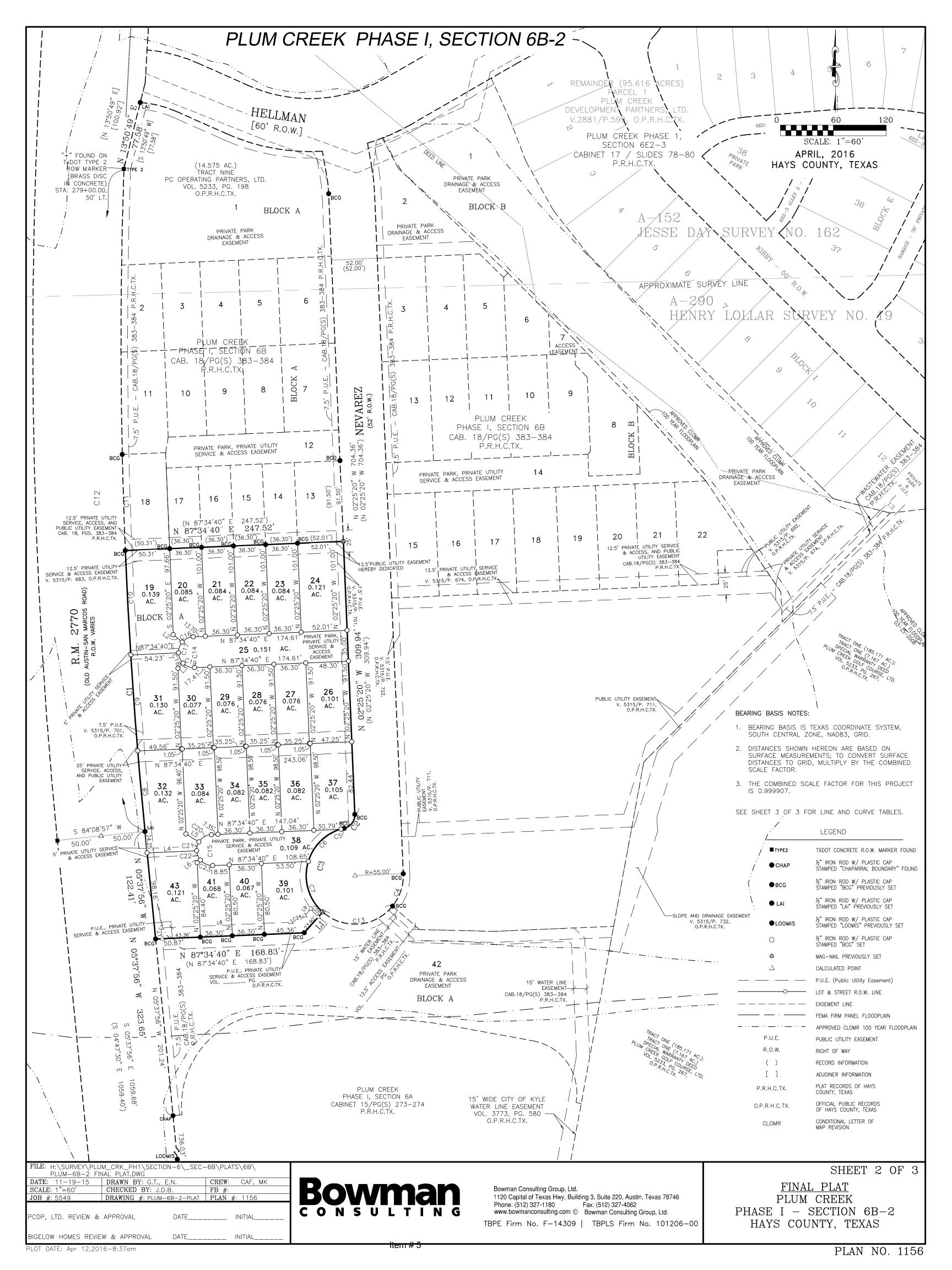
BIGELOW HOMES REVIEW & APPROVAL PLOT DATE: Apr 12,2016-8:29am

STATE OF TEXAS

MY KNOWLEDGE.

COUNTY OF TRAVIS

PLAN NO. 1156



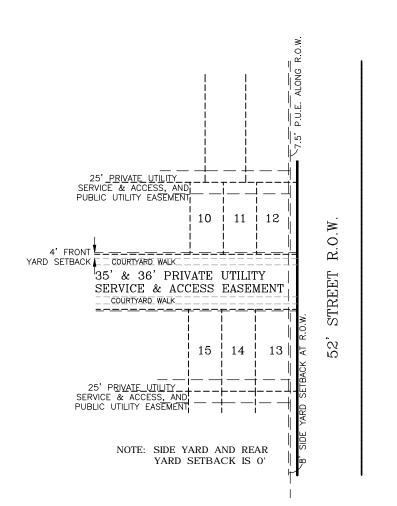
PLUM CREEK PHASE I, SECTION 6B-2

LINE TABLE			
LINE #	BEARING	DISTANCE	
L1	S 41°33'15" W	31.40'	
(L1)	(N 41°33'15" E)	(31.40')	
L2	N 50°24'41" W	13.25'	
L3	S 45°34'01" W	8.25	
L4	N 87°34'40" E	56.31'	
L5	S 58°19'11" E	17.46'	
L6	S 49°38′12″ W	4.62'	
L7	N 05°37'56" W	12.52'	
L8	N 87°34'40" E	147.15	
L9	N 41°33′15" E	10.29'	

	CURVE TABLE				
CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE	
C1	5679.58	319.45'	N 04°00'35" W	319.41'	
(C1)	(5679.58')	(319.45')	(S 04°00'35" E)	(319.41')	
C2	15.50'	21.58'	S 37°28'16" W	19.88'	
C3	55.00'	120.77	S 14°27'34" W	97.93'	
(C3)	(55.00')	(120.77')	(N 14°27'34" E)	(97.93')	
C4	55.00'	39.58'	N 18°13'17" E	38.73'	
(C4)	(55.00')	(39.58')	(S 18°13'17" W)	(38.73')	
C5	55.00'	3.79'	S 75°23'18" W	3.79'	
C6	55.00'	54.11'	S 45°13'38" W	51.95'	
C7	55.00'	62.86'	S 15°42'06" E	59.50'	
C8	5679.58'	91.89'	N 05°09'27" W	91.89'	
C9	5679.58'	109.05'	N 04°08'38" W	109.05	
C10	5679.58'	118.51'	N 02°59'46" W	118.51'	
C11	5679.58	109.01	N 01°50′55" W	109.01	
(C11)	(5679.58')	(109.01')	(N 01°50′55" W)	(109.01')	
C12	5679.58'	752.18'	N 01°49'37" W	751.63'	
(C12)	(5679.58')	(752.18')	(S 01°49'37" E)	(751.63')	
C13	55.00'	89.00'	S 85°11'44" W	79.60'	
(C13)	(55.00')	(89.00')	(S 85°11'44" W)	(79.60')	
C14	17.50'	54.98'	S 02°25'20" E	35.00'	
C15	17.50'	54.98'	S 02°25'20" E	35.00'	
C16	17.50'	14.30'	S 64°10'06" W	13.91'	
C17	17.50'	13.19'	S 19°10'06" W	12.88'	
C18	17.50'	13.19'	S 24°00'47" E	12.88'	
C19	17.50'	14.30'	S 69°00'47" E	13.91'	
C20	17.50'	17.07	S 59°37′44″ W	16.40'	
C21	17.50'	10.42'	S 14°37′44″ W	10.26	
C22	17.50'	11.59	S 21°23′34″ E	11.38	
C23	17.50'	15.90'	S 66°23′34" E	15.36'	
C24	22.50'	18.07'	N 64°33'57" E	17.59'	
C25	62.50'	12.58	S 42°40'39" E	12.56'	

NOTES:

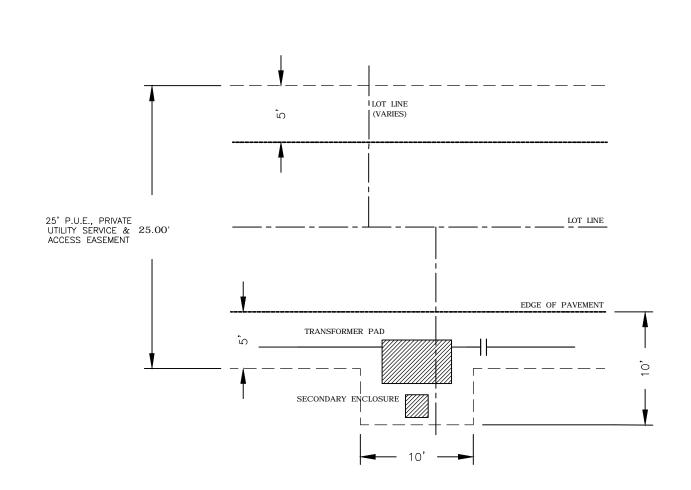
- 1. TOTAL ACREAGE: 2.319 ACRES.
- 2. TOTAL NUMBER OF LOTS: 24 RESIDENTIAL: 22 EASEMENT & PARK: 2
- 3. PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. ORDINANCE 311, PLUM CREEK SUBDIVISION ORDINANCE 308, & ORDINANCE 690.
- 4. ALL UTILITIES WITHIN THE SUBDIVISION WILL BE UNDERGROUND.
- 5. ALL PRIVATE STREETS, ALLEYS, PEDESTRIAN RIGHT-OF-WAYS, PARK/DRAINAGE EASEMENT LOTS, ACCESS EASEMENTS, AND ALL LANDSCAPE EASEMENT AREAS SHOWN ON THIS PLAT SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA) OR ASSIGNS. IT SHALL BE THE HOA'S RESPONSIBILITY FOR KEEPING SAID RIGHT-OF-WAYS, LOTS AND LANDSCAPE EASEMENT AREAS NEATLY CUT, FREE OF DEBRIS AND FREE OF ALL NUISANCE TREE/BRUSH RE-GROWTH.
- 6. PUBLIC UTILITY EASEMENTS ARE HEREBY DEDICATED AS SHOWN HEREON.
- 7. A 7.5 FOOT PUBLIC UTILITY EASEMENT ADJACENT TO AND PARALLEL WITH ALL PUBLIC STREETS IS HEREBY DEDICATED.
- 8. ACCESS TO ALL PRIVATE RIGHT-OF-WAYS HEREON IS GRANTED TO CITY OF KYLE FOR THE PURPOSE OF ACCESSING AND MAINTAINING CITY OWNED FACILITIES CONTAINED THEREIN.
- 9. THE LOT UTILITY SERVICE EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED TO THE OWNERS OF THE ADJOINING RESIDENTIAL LOTS WHOSE WATER AND/OR SEWER SERVICE LINES ARE IN SAID EASEMENTS.
- 10. PRIVATE UTILITY SERVICE LINES MAY CROSS ADJOINING LOTS WITHIN THE PUBLIC UTILITY EASEMENTS SHOWN HEREON.
- 11. ALL FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF TWELVE (12) INCHES ABOVE THE ADJACENT GRADE.
- 12. HOME BUILDER IS RESPONSIBLE FOR INSTALLING SIDEWALK IN COURTYARD AND ALONG FRONTAGE OF ALL PRIVATE OR PUBLIC STREETS. DEVELOPER IS RESPONSIBLE FOR SIDEWALK ALONG PARK STREET FRONTAGE (LOTS 25 AND 38, BLOCK A).



TYPICAL BUILDING SETBACK EASEMENT DETAIL

NOT TO SCALE

DATE_____ INITIAL_



TYPICAL PUE TRANSFORMER
PAD DETAIL (25' PUE, PRIVATE
UTILITY SERVICE & ACCESS EASEMENT)

NOT TO SCALE

		M_CRK_PH1\SECTION-6_SEC-	-6B\PLATS\6B\
	PLUM-6B-2 FINDATE: 11-19-15	DRAWN BY: G.T., E.N.	CREW: CAF, MK
	SCALE: N.T.S.	CHECKED BY: J.D.B.	FB #:
	JOB #: 5549	DRAWING #: PLUM-6B-2-PLAT	PLAN #: 1156
	PCDP, LTD. REVIEW &	APPROVAL DATE	INITIAL

BIGELOW HOMES REVIEW & APPROVAL

PLOT DATE: Apr 12,2016-8:29am

Boyman CONSULTING

Bowman Consulting Group, Ltd.

1120 Capital of Texas Hwy, Building 3, Suite 220, Austin, Texas 78746

Phone: (512) 327-1180 Fax: (512) 327-4062

www.bowmanconsulting.com © Bowman Consulting Group, Ltd.

TBPE Firm No. F-14309 | TBPLS Firm No. 101206-00

SHEET 3 OF 3

FINAL PLAT
PLUM CREEK
PHASE I - SECTION 6B-2
HAYS COUNTY, TEXAS



ACC Hays Campus Phase 2A, Parking Lot

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: ACC Hays Campus Phase 2A, Parking Lot - Site Plan (SD-16-009) 3 acres; Parking Lot

Located at 1200 Kohler's Crossing. ~ Howard J. Koontz, Director of Planning and

Community Development

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

Other Information: Please see attachments

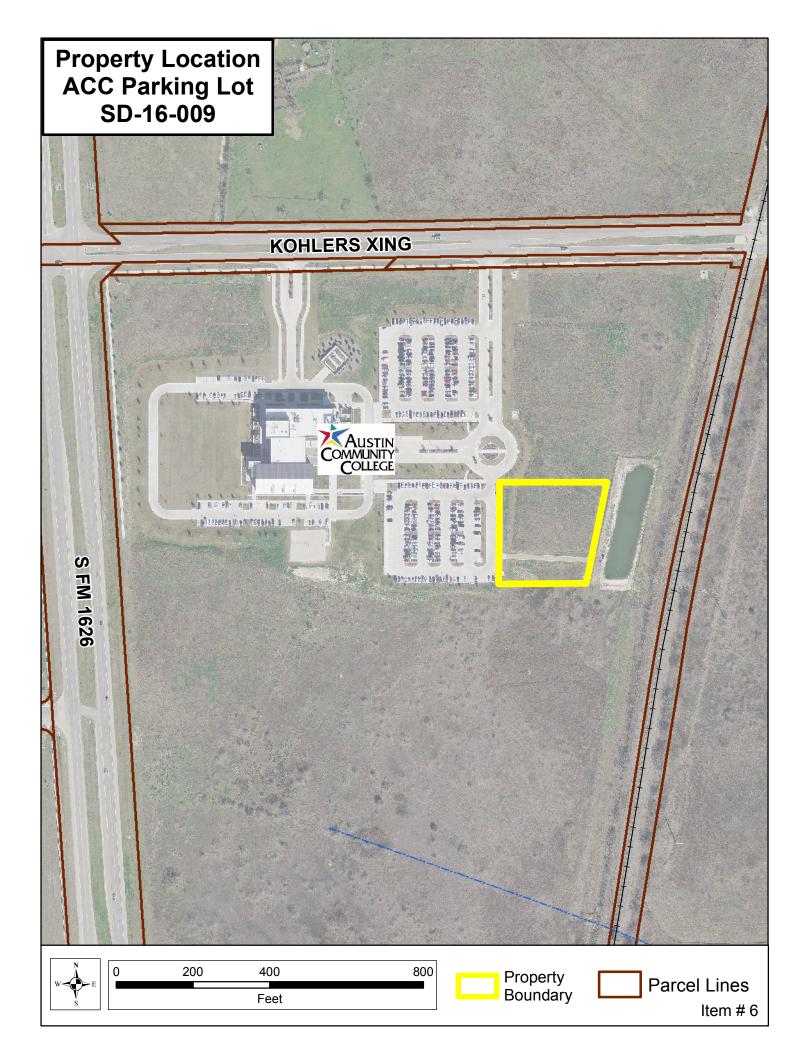
Legal Notes: N/A

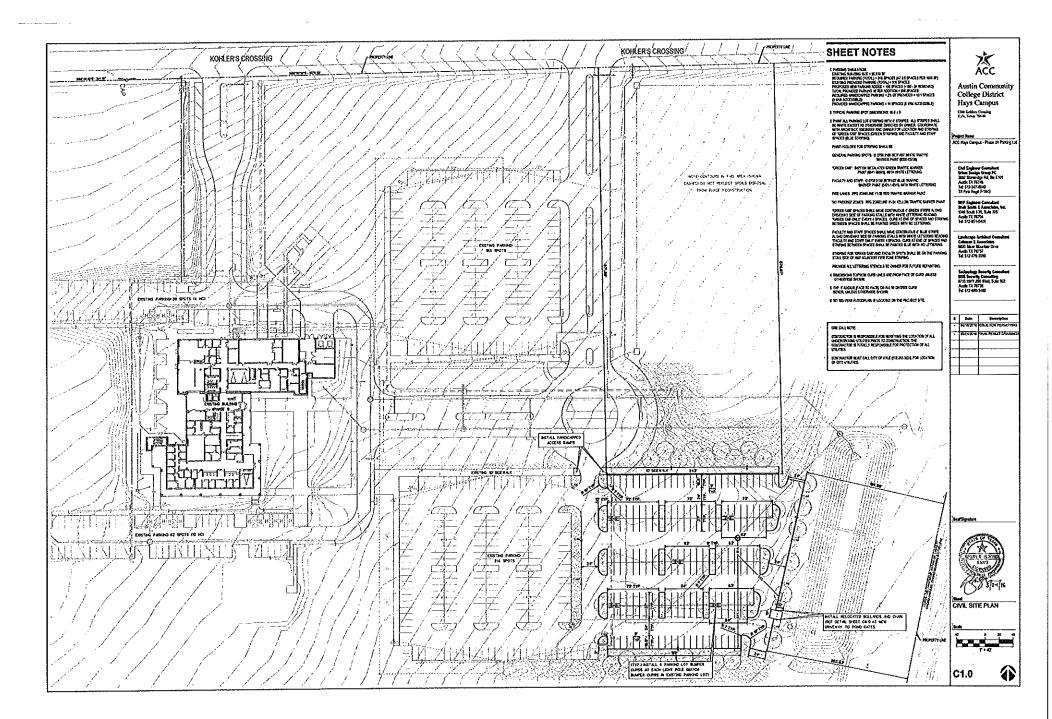
Budget Information: N/A

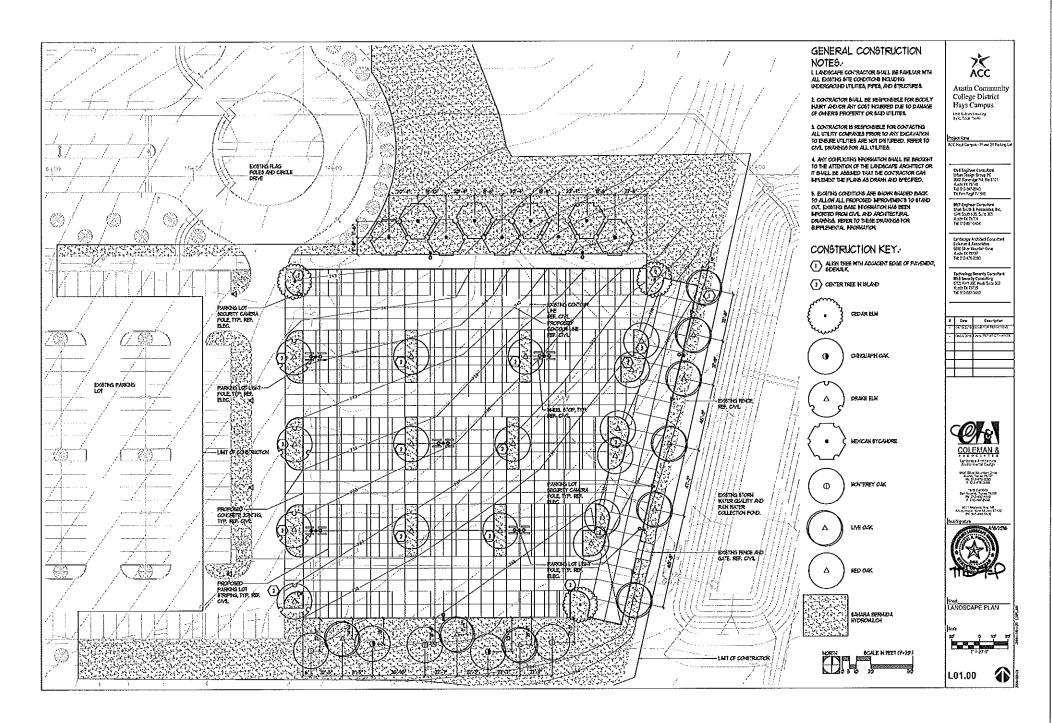
ATTACHMENTS:

Description

- ☐ Project Location Map
- ☐ Site Plan _ Landscape Plan









Vacation of Wood Ridge Subdivision

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: Vacate the subdivision plat for Wood Ridge Subdivision recorded in Hays County, Texas, Volume 1 Page 271. ~ Howard J. Koontz, Director of Planning and Community Development

> Planning and Zoning Commission voted 5-0 to recommend approval of the plat vacation.

Other Information:

The subject of this section is a 47.52 acre tract of land along the north side of Bunton Road between the I-35 northbound frontage road and Goforth Road. The owners of the property divided off 26.96 acres prior to its incorporation into the city limits of Kyle in 2002, reserving areas for residential home lots and an interior street network. The final plat was recorded by hays County, per the legal requirements at that time.

Subsequent minor divisions have occurred to convey rights of way to both Hays County and the City of Kyle, but the property has never been developed with any land disturbance, infrastructure, nor homes. Now the owner seeks to vacate the previous action that established the lots and street network. The Hays County Commissioner's Court approved the vacation of the prior plat, and once approved by the City of Kyle, the lot will be restored to its previous, single lot configuration, minus the rights of way that have already been conveyed.

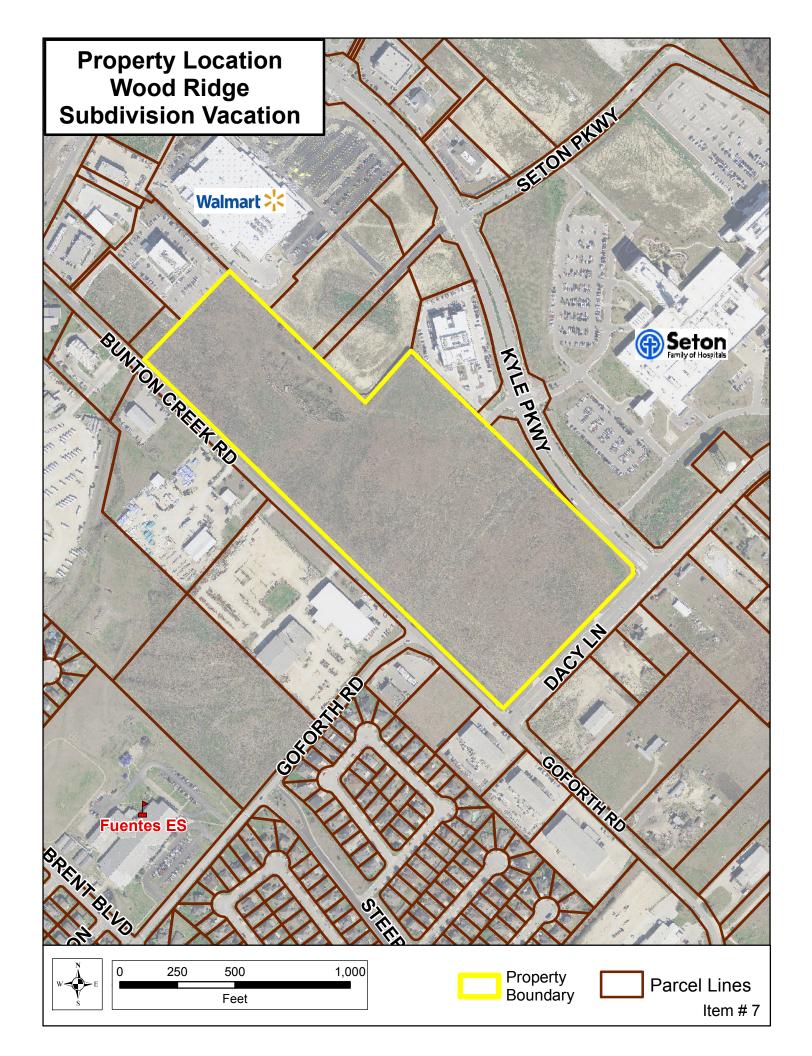
Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Location Map
- D Applicant's Request Letter
- D Plat Vacation Document



May <u>10</u>, 2016

Ms. Debbie A. Guerra City of Kyle, Planning Department 100 W. Center Street Kyle, Texas 78640

Re: Application for Vacation of Wood Ridge Subdivision Plat

Dear Ms. Guerra:

We are owners of all of the lots in the Wood Ridge Subdivision and respectfully request that the City of Kyle's vacate the Wood Ridge Subdivision plat, of record at Volume 1, Page 271, Plat Records of Hays County, Texas ("Wood Ridge Subdivision"). Enclosed please find an executed Vacation of Plat instrument for the Wood Ridge Subdivision, Hays County, Texas.

The Wood Ridge Subdivision presently dedicates three strips of land to Hays County, Texas for use of public right way. The dedicated streets have not been constructed. Hays County Commissioners Court has approved the vacation and abandonment of the Wood Ridge Subdivision plat.

This application for vacation of the Wood Ridge Subdivision is being made in support of the proposed sale and conveyance of a 1.902 acre tract of land to the City of Kyle. We have executed a purchase and sale agreement with City of Kyle for the 1.902 acre tract out of the Wood Ridge Subdivision to the City for an extension of Goforth Road. We also previously conveyed an adjacent 1.791 acre tract of land to the City for similar purposes.

The existing street right of ways dedicated to Hays County overlap with portions of the 1.902 acre tract to be conveyed to the City of Kyle and the previously conveyed 1.791 acre tract. The proposed vacation of the Wood Ridge Subdivision plat will therefore remove these conflicting interests and allow the city's acquisition of the roadway right of way to proceed.

We hereby authorize City of Kyle employees to visit and inspect the property for purposes of reviewing and consideration of this application. We also authorize and designate the following individual to act as our agent in processing this application:

Name Don S. Franke
Address P. O. Box 815, Kyle, TX 78640
Address 206 W. Center St., Kyle, TX 78640

Phone: (512) 738-1450 Fax: (512) 268-0101 Email: df206@verizon.net

Please direct all correspondence and communications concerning this application to our designated agent.

Sincerely,

	GAWLS, Ltd., a Texas limited partnership
Evelyn B. Franke	By: GAWLS Management, LLC, a Texas limited liability company, as it general partner Stacy Gregg Vaughn, Manager
CR Two Investments, Ltd, a Texas limited partnership	MKK Associates, L.P., a Texas limited partnership, acting
By: CR Two Management, LLC, a Texas limited liability company, as it general partner	By: MKK Management, LLC, a Texas limited liability company, as its general partner
Mor J. Mor. Robin G. Robinson, Manager	May S. Kinsala, Manager
The 2005 Irrevocable Trust for Family of Audrey E. Oswalt	
By: Evelyn E. Dicholson, as Co-Trustee By Alas Sucara Suc	
Clifton Oswalt, as Co-Trustee	

VACATION OF SUBDIVISION PLAT

VACATION OF WOOD RIDGE SUBDIVISOIN RECORDED AT VOLUME 1, PAGE 271 PLAT RECORDS OF HAYS COUNTY, TEXAS

WHEREAS, Alton Franke, Trustee, being owner of 47.52 acres of land out of the John Jones Survey and the John M. Green Survey #21 in Hays County, Texas, did subdivide 26.96 acres of land out of the 47.52 acre tract to be known as Wood Ridge, and, after obtaining acceptance and approval of said Subdivision Plat by the Commissioners Court of Hays County, Texas did file the Plat for record at Volume 1, Page 271, Deed Records, Hays County, Texas and

WHEREAS, Evelyn B. Franke; Gawls, Ltd.; CR Two Investments, Ltd.; MKK Associated, L.P.; and The 2005 Irrevocable Trust for the Family of Audrey E. Oswalt (collectively referred to "Franke Trust Successors"), gained ownership of all lots within Wood Ridge, Hays County, Texas, and

WHEREAS, concurrent with this instrument, the Franke Trustee Successors have entered into an agreement to a convey a 1.902 acre tract of land for purposes of a public roadway from the Wood Ridge Subdivision to City of Kyle by Deed; and

WHEREAS, Franke Trust Successors have previously conveyed by deed a 1.791 acre tract of land for purposes of a public roadway from the Wood Ridge Subdivision to City of Kyle by Deed; and

WHEREAS, the Wood Ridge Subdivision dedicates three strips of land to Hays County, Texas as a public street right of way and which overlap with the property to be conveyed to the City of Kyle, Texas ("City"); and

WHEREAS, Franke Trustee Successors and the City have requested that Commissioners Court of Hays County, Texas abandon and vacate the streets dedicated to Hays County in the Wood Ridge Subdivision plat pursuant to Section 251.051 of the Texas Transportation Code; and

WHEREAS, Franke Trustee Successors, being the owner of all lots within the Wood Ridge Subdivision, now desire to vacate the remainder of the Wood Ridge Subdivision Plat in its entirety so as to destroy the force and effect of the recording of such Subdivision Plat; and

NOW, THEREFORE, pursuant to Section 212.013 of the Texas Local Government Code and Section 41-57 of the Code of Ordinances of City of Kyle, Texas, the Franke Trustee Successors do by these presents hereby declare that:

- 1. The above recitals are true and correct; and
- 2. The remainder of Lot 1 through 48 of Wood Ridge Subdivision, and recorded at Volume 1, Page 271, of the Plat Records of Hays County, Texas is vacated and canceled.

3. This Vacation of Subdivision may be executed in multiple counterparts, each of which shall be declared an original.

The county clerk shall write legibly on the Wood Ridge Subdivision plat the word "vacated" and shall enter on the plat a reference to the volume and page at which this instrument is recorded.

EXECUTED AND EFFECTIVE AS OF THE DATE OF THE LAST SIGNATURE ACKNOWLEDGED.

	GAWLS, Ltd., a Texas limited partnership
Evelyn ByFranke	By: GAWLS Management, LLC, a Texas limited liability company, as it general partner Stacy Gregg Vaughn, Manager
CR Two Investments, Ltd, a Texas limited partnership	MKK Associates, L.P., a Texas limited partnership, acting
By: CR Two Management, LLC, a Texas limited liability company, as it general partner	By: MKK Management, LLC, a Texas limited liability company, as its general partner
Robin G. Robinson, Manager	Mary H. Kinsala Mary G. Kinsala, Manager
The 2005 Irrevocable Trust for Family of Audrey E. Oswalt	
By: Evelyn E. Nicholson, as Co-Trustee By: A Sea D	
Clifton Oswalt, as Co-Trustee	

ACKNOWLEDGMENTS ON NEXT PAGE

STATE OF TEXAS)	
COUNTY OF Heyp)	
This instrument was acknowl B. Franke.	edged bef	Fore me on May 10 , 2016, by Evelyn
BETH BISETT My Commission Expires June 30, 2016		Beth Bisett Notary Public, State of Texas My commission expires: 6/30/16
STATE OF TEXAS)	
COUNTY OF HAYS)	
This instrument was acknowl Robinson, Manager of CR Two Mana behalf of CR Two Investments, Ltd, a	igement, I	Fore me on MAY 6764, 2016, by Robin G. LLC, a Texas limited liability company general partner, on mited partnership.
ALFONSO MENDOZA JA NOTANY PUBLIC STATE OF TEXAS INY COMM. EXP. 12/30/2019 NOTANY ID 18618037-6		Notary Public, State of Texas My commission expires: 12/30/19
STATE OF TEXAS)	
COUNTY OF Hay)	
This instrument was acknowl Nicholson as Co-Trustee of the 2005 capacity on behalf of said trust. Josh Jarratt Notary Public, State of Texas Expires: 08/18/2019	edged bef Irrevocab	Fore me on
STATE OF TEXAS)	
COUNTY OF HAYS)	
This instrument was acknowl Oswalt as Co-Trustee of the 2005 Irre on behalf of said trust.	edged bef evocable T	rust for Family of Audrey E. Oswalt, in his stated capacity () MPINNEGENE
CODY PINNEGAR Notary Public STATE OF TEXAS My Comm. Exp. 06-20-2018		Notary Public, State of Texas My commission expires: 010 70 18

STATE OF TEXAS)
COUNTY OF HAYS)
This instrument was acknow Vaughn, in her capacity as Manager the general partner of GAWLS, Ltd. same for the purposes and considera Josh Jarratt Notary Public, State of Texas Expires: 08/18/2019	Aledged before me on
STATE OF TEXAS) .
COUNTY OF HUS)
This instrument was acknow Kinsala, in her capacity as Manager general partner of MKK Associates,	vledged before me on April 29, 2016, by Mary G. of MKK Management LLC, a Texas limited liability company, the L.P., a Texas limited partnership. L.P., a Texas limited partnership. LOW PINNEGAR
CODY PINNEGAR Notary Public STATE OF TEXAS My Comm. Exp. 06-20-2018	Notary Public, State of Texas My commission expires: (170) 18

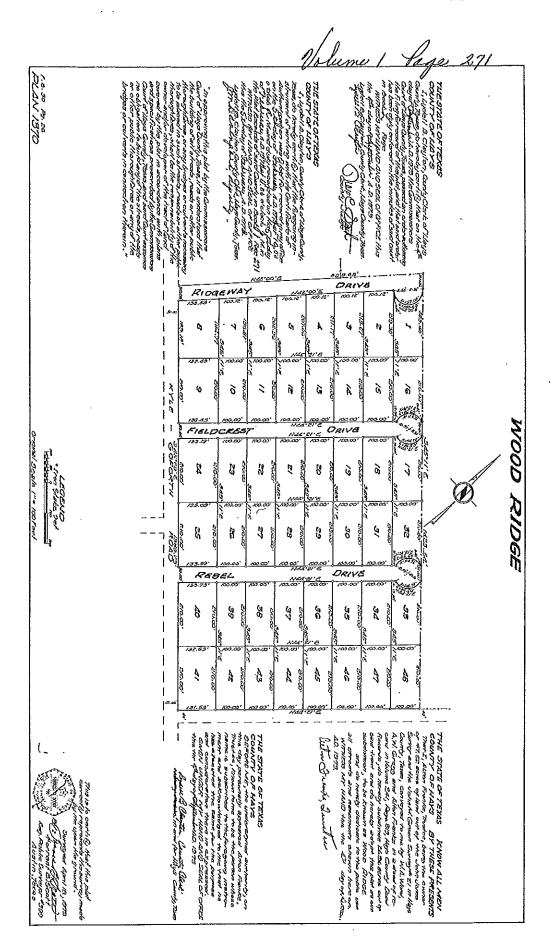
APPROVAL OF VACATION OF SUBDIVISION PLAT

BE IT KNOWN, that on the 2016.	e day of _ respectively, the J	, 2016, and the day of Planning and Zoning Commission and the City
Council of the City of Kyle	e, Texas, did appro	ve the vacation of Lot 1 through 48 of that certain
		ots 1 - 48, along Bunton Creek Road, and recorded s of said Hays County, Texas, upon application
therefore by all of the owner		
EXECUTED, this	day of	, 2016.
		·
Oladana a Colambia e	77 !	Manage City of Walls Transport
Chairperson of Planning & Commission of City of Kyl	_	Mayor, City of Kyle, Texas
STATE OF TEXAS)	
COUNTY OF HAYS)	
BEFORE ME, the underside	ened authority a N	otary Public in and for the State of Texas, on this
day personally appeared	•	known to be the person whose
	e foregoing instru	ment as Chairman of the Planning and Zoning
•	• •	e acknowledged to me that s/he executed the same essed and in the capacity therein stated.
for the purpose and conside	action thoront expre	and in the depletty therein stated.
GIVEN UNDER MY F , 2016.	HAND AND SEA	AL OF OFFICE, THIS DAY OF
-		
		Printed name:
SEAL		Notary Public in and for the State of
		Texas
		My commission expires:

STATE (OF TEXAS	S)								
COUNT	Y OF HAY	/S)								
day perso	onally appo g instrume	eared ' nt as N	Γodd We ∕Iayor of	bster k the Ci	nown to ty of Ky	be thate, T	blic in and te person w exas, and h erein expre	hose na ne ackno	me is subsowledged to	cribed to me tha	the t he
GIVEN	UNDER , 201		HAND	AND	SEAL	OF	OFFICE,	THIS		DAY	OF
	SEA	L				No	nted name: otary Public xas		for the Stat	e of	
						M	y commissi	on expir	es:	_	

APPROVAL OF VACATION OF SUBDIVISION PLAT

BE IT KNOWN, that of Court of Hays County, unanimously approve the (Ridgeway Drive, Field through 48, Wood Ridge County, Texas.	Texas, did purs ne abandonment a I Crest Drive, ar	uant to C and vacati ad Rebel	Chapter 251 of ion of certain p Drive) located	the Texas Transportation latted but non-existing road in Precinct 1 and out of	on Code oadways of Lot 1
EXECUTED, this	day of _			_, 2016.	
			Bert Cobb, N	M.D., County Judge	
STATE OF TEXAS)				
COUNTY OF HAYS)				
BEFORE ME, the under day personally appeared the foregoing instrument that s/he executed the capacity therein stated.	I Bert Cobb, M.I nt as County Jud	D., known ge of Hay	n to be the pers ys County, Tex	on whose name is subscas, and he acknowledge	ribed to d to me
GIVEN UNDER MY , 2016.	HAND AND	SEAL	OF OFFICE,	, THIS DA	AY OF
SEAL			Printed name Notary Publi Texas	e: c in and for the State of	<u>—</u>
			My commiss	ion expires:	





CITY OF KYLE, TEXAS

Authorization to Present Police Department Issued Firearm for Sgt. Honeycutt

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: Authorize the City Manager to present a City owned service handgun issued and assigned to Sergeant Larry Honeycutt as a memento upon his retirement after more than 37 years of law enforcement service and to purchase an identical replacement handgun for the Police Department with funds contributed from non-City sources for this purpose. ~ Jeff Barnet, Chief of Police

Other Information:

Legal Notes:

Budget Information: A Fiscal Note is not required.

ATTACHMENTS:

Description

D Memo from Chief Barnett



KYLE POLICE DEPARTMENTMemorandum

Date: June 16, 2016

To: Scott Sellers, City Manager

Cc: James Earp, Assistant City Manager

Perwez Moheet, Director of Finance

From: Jeff Barnett, Chief of Police

Re: Agenda Item

As you know, Sergeant Larry Honeycutt retired on May 31, 2016 with more than 3 decades of law enforcement service in the State of Texas with nearly 10 of those years being at the Kyle Police Department.

A tradition in law enforcement is to present the retiring officer with his duty-issued handgun. City employees took up a voluntary collection to purchase Sgt. Honeycutt's handgun and present it to him as a symbol of our appreciation.

We are asking that these funds be placed into the Police Department's operating budget so that a replacement purchase can be made immediately. If approved, these funds cover the entire cost to the City and there will be be no loss of property or value. The cost of the replacement handgun is \$429.00, all of which is already collected through donations.

Thank you.



CITY OF KYLE, TEXAS

Professional Engineering Services for the Windy Hill Road Improvements at Richmond Branch

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: Approve a Resolution authorizing the negotiation of an agreement with LJA ENGINEERING, INC., Austin, Texas, to provide consulting services for the road and drainage improvements needed at Windy Hill Road at Richmond Branch. ~ Leon Barba, P.E., City Engineer

Other Information:

A Request for Qualifications (RFQ) was issued on April 29, 2016 seeking qualified consultant services for the road and drainage improvements needed at Windy Hill Road at Richmond Branch caused by flooding events in October 2015.

Seven (7) submittals were received in response to the RFQ prior to the May 26, 2016 (10:00 a.m.) deadline.

Staff has evaluated the proposals and based on their review, staff is recommending the firm of LJA Engineering, Inc. for City Council approval to provide the engineering services for the proposed improvements.

A contract will be negotiated with the selected firm and it will be brought back to City Council for approval.

A Fiscal Note will be prepared for the actual contract amount.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Request for Qualifications
- D Windy Hill Scores
- D Resolution



City of Kyle, Texas

Request for Statement of Interest and Qualifications

for the

Windy Hill Road Improvements at Richmond Branch

"K15-16.3"

REQUEST FOR QUALIFICATIONS (RFQ)

Five (5) complete bound copies and one (1) electronic copy (CD or flash drive) of the qualifications are required. Qualifications are to be delivered by 10:00 a.m., May 26, 2016 to:

Leon Barba, P.E. City Engineer City of Kyle City Hall 100 W. Center St. Kyle, TX 78640

The complete submittals shall be enclosed in an envelope and plainly marked on the outside of the envelope or on any carrier's envelope:

Professional Engineering Services for the Windy Hill Road Improvements at Richmond Branch Kyle, Texas "K15-16.3"

A pre-submission conference will be held in the Falcon Room at the City of Kyle City Hall, 100 W. Center St., Kyle, Texas at 11:00 a.m. on Thursday, May 12, 2016.

Qualification specifications may be secured from the City of Kyle (City) website or the office of the City Engineer, City Hall, at 100 W. Center St., Kyle, Texas 78640 or via phone (512) 262-3958.

The City reserves the right to negotiate with any and all persons or firms. The City also reserves the right to reject any or all submittals, or to accept any submittal deemed most advantageous, or to waive any irregularities or informalities in the submittal received, and to revise the process schedule as circumstances arise.

Leon Barba, P.E. City Engineer

Publish: Wednesday, May 4, 2016

Wednesday, May 11, 2016

TERMS AND CONDITIONS

Submission of Bid

Five (5) complete bound copies and one (1) electronic authenticated copy (CD or flash drive) of the qualifications are required.

The complete submittals shall be enclosed in an envelope and plainly marked on the outside of the envelope or on any carrier's envelope:

Professional Engineering Services for the Windy Hill Road Improvements at Richmond Branch Kyle, Texas "K15-16.3"

Deadline

Qualifications are to be delivered by 10:00 a.m., Thursday, May 26, 2016 to:

Leon Barba, P.E. City Engineer City of Kyle City Hall 100 W. Center St. Kyle, TX 78640

Qualifications delivered after the deadline will not be accepted.

Addenda

To submit written technical questions concerning the RFQ, you may contact:

Leon Barba, P.E. City Engineer City of Kyle City Hall 100 W. Center St. Kyle, TX 78640 or by email at lbarba@cityofkyle.com

The submission date for questions, clarifications, or request for general information will be 5:00 pm, May 20, 2016. Any requests received after this date will be returned and not addressed. Note that all questions, clarifications, or request for general information are to be in writing via email or other mail carrier to the City Engineer.

Any interpretation, correction or change of the RFQ will be made by written ADDENDUM. Changes or corrections will be issued by the City Engineer. Addenda will be issued as expeditiously as possible. It will be the responsibility of all respondents to contact the City prior to submitting a response to the RFQ to ascertain if

any addenda have been issued, and to obtain any and/or all addenda, execute them, and return addenda with the response to the RFQ. Addenda may also be posted on the City's website.

Proposals

Firms shall provide all information simply and economically as required by this RFQ. Failure to provide this information may result in rejection of the proposal. Qualifications shall provide a straightforward, concise description of the respondent's ability to meet the requirements. Emphasis shall be on quality, completeness, clarity of content, responsiveness to the requirements, and understanding of City's needs. The City requests the submittal be limited to ten (10) sheets front and back (20 sides), excluding resumes and cover letter/transmittal letter.

MINIMUM STANDARDS FOR RESPONSIBLE PROSPECTIVE FIRM

PERSONS AND FIRMS PRACTICING ENGINEERING SERVICES IN THE STATE OF TEXAS MUST POSSESS A PROPER REGISTRATION/LICENSE IN ACCORDANCE WITH TEXAS LAWS.

1. GENERAL REQUIREMENTS

The City of Kyle seeks a qualified engineering firm to provide services related to the Windy Hill Road Improvements at Richmond Branch project. The purpose of this request is to identify a firm qualified to design transportation improvements and prepare various engineering documents, which may include: plans, specifications and estimates; design schematics and exhibits; right-of-way documents; surveys; traffic control plans; drainage reports and drawings accompanied by hydrology and hydraulic modeling; and possibly Flood Plain modeling; water quality and environmental clearance documents; and other related documents as directed by the City. The submittals received in response to this request will be utilized by the City to select an engineering firm for the road and drainage improvements needed at Windy Hill Road at Richmond Branch.

TECHNICAL EXPERTISE

The City of Kyle has identified a project to improve the drainage capacity along Windy Hill Road at Richmond Branch. The existing three lane facility at Richmond Branch will be fully reconstructed to the same three lane facility with improved shoulders, from Indian Paint Brush to Purple Martin Avenue. Ditches will be reshaped and the drainage capacity at Richmond Branch will be increased by reshaping the channel and increasing the structure capacity to convey a ten year frequency. Structure railing will be provided and provisions for pedestrians will be considered. Construction will occur under traffic conditions. Anticipated services (tasks) to be performed include, but are not limited to, conducting appropriate environmental analyses; public participation; surveying; schematic and exhibit preparation; preparation of right-of-way documents; right of way acquisition; utility coordination; traffic control plans; drainage design; geotechnical engineering; structural engineering; development of plans, specifications and estimates, and construction phase services. In addition, the firm selected under this request will be expected to coordinate with the following entities as required:

Federal Emergency Management Agency (FEMA)

Any and all other relevant agencies.

Preference will be given to the firm which has demonstrated capabilities in successfully completing projects of similar scope and complexity and routinely exceed expectations in terms of work product quality and project delivery.

POSSIBLE SCOPE OF SERVICES REQUESTED

- A. PS&E will be prepared using Texas Department of Transportation (TxDOT) standard specifications and bid items.
- B. Compliance with federal, state and local regulations related to this type of project.
- C. Compliance with the U.S. Department of Justice ADA Standards for Accessible Design publication.
- D. Preparation of any status reports, submittals and documentation required by the owner and FEMA.

- E. Determination of required adjustment, removal or relocation of utilities which may interfere with proposed construction and notification of Owner prior to completion of design.
- F. Professional management services including establishment of a records keeping system; coordination of all activities among the Engineer and the City; processing financial draws for contract and reporting; and preparation of close-out report.
- G. Design professional must be capable of production plans on a computer aided design and drafting (CADD) system that meets the requirements of TxDOT.
- H. Right of Way acquisition and negotiation services.
- I. Any other activities considered as standard architectural and engineering services.

ADDITIONAL INFORMATION

A preliminary layout of proposed project limits and plan information for previous work performed on Windy Hill Road is available on the City's Website.

RFQ SCHEDULE

The City anticipates the following schedule associated with this RFQ:

 Issue RFQ
 04/29/2016

 Pre-submission Conference
 05/12/2016 (11:00 am)

 Deadline for questions/clarifications
 05/20/2016 (5:00 pm)

 Submittals
 05/26/2016 (10:00 am)

 City Council Approval
 06/07/2016

SELECTION PROCESS

City staff will analyze and evaluate the submittals. Firms shall completely respond to all components of this RFQ or firm will not be considered. Interviews may be conducted as deemed necessary by City staff.

By submitting a response to this RFQ, firm accepts the evaluation process as outlined in the following section and acknowledges and accepts the determination of the "most qualified" firm may require subjective judgments by the City.

REQUIREMENTS FOR SUBMITTAL

The submittal shall be limited to ten (10) sheets front and back (20 sides), excluding resumes and excluding cover letter/transmittal letter.

Respondents shall carefully read the information in the following evaluation criteria and submit a complete submittal to all questions in this RFQ as formatted below:

Item 1: Qualifications and Availability (10%):

- a) Provide the following information:
 - Legal name of firm.
 - Location of office conducting the work.
 - Contact persons.
 - Date of firm formation.
 - Legal business description (Individual, Corporation, Joint Venture, etc.).
- b) Provide a statement on the availability and commitment of the firm, its principal(s) and assigned professionals to undertake the project, reporting responsibilities and how the firm will interface with the City. Bi-weekly meetings may be required.
- c) Provide a statement of interest for the project including a narrative and unique qualifications as they pertain to this project.

Item 2: Proposed Staff (30%):

- a) Organizational chart for personnel who may work on this project including licensure information.
- b) Names and roles of key personnel proposed to work on this project and their primary office location.
- c) Include resumes for all key personnel and indicate any individuals who have had previous experience on similar projects.
- d) Provide staffing size by area of expertise.
- e) Provide current workload of prime firm.
- f) Provide staff availability to perform services.

Item 3: Project Experience (40%):

- a) Provide an overview and brief history of the firm.
- b) Provide verifiable examples of at least three (3) similar projects completed in the last five (5) years by the principal and subconsultants, including:
 - Project name and location.
 - Name of Project Manager.
 - Services provided.
 - Description of the project. Date of completion or project status.
 - Client name and contact person.
 - History of accomplishing services within established time and budget.
 - Project photos are encouraged.

Item 4: Project Approach (20%):

- a) Explain how the firm will design the project.
- b) Describe any potential issues when receiving the assignment and the firm's approach to address those issues.
- c) Identify project leadership, reporting responsibilities and how the firm will interface with the City.
- d) Describe any opportunities to help expedite the project through either design or construction methods.

2. RESPONSE INSTRUCTIONS

The submittal must follow the format established within this RFQ. Adherence to these rules will ensure a fair and objective analysis of all proposals. Failure to complete any portion of this request may result in rejection of a proposal.

3. CONTACT WITH AGENCY EMPLOYEES

To ensure a fair and objective evaluation of all proposals, firms are required to submit all inquiries to the project contact noted in this RFQ.

4. COSTS OF PREPARATION AND SUBMISSION

Each firm shall bear responsibility for all costs incurred in order to prepare and submit their response to this RFQ.

5. PROPOSAL REVIEW

All applicable information will be subject to public disclosure in accordance with the Freedom of Information Act, at award of contract, cancellation of this RFQ, or within 180 days, whichever occurs first.

6. PRESENTATIONS

Firms may be required to make presentations and/or provide written clarifications of their responses at the request of the City.

Windy Hill Summary - Final Scores v2

Windy Hill Road Improvements at Richmond Branch Evaluation Summary

Date of Evaluation:

): 06/09/16

					Weighted Score			
Consideration Items	Weighting	Freese and Nichols	M & S Engineering	LAN	Dannenbaum	LJA	HDR	Costello
Qualifications and Availibility	10%	8.40	8.40	7.40	00.9	8.00	7.70	7.60
Proposed Staff	30%	25.20	24.60	25.00	23.60	25.80	25.40	22.80
Project Experience	40%	35.40	33.40	34.00	33.60	35.20	36.00	32.40
Project Approach	20%	16.30	17.20	17.80	14.20	19.00	18.20	16.60
Total:	100%	95.30	83.60	84.20	77.40	88.00	87.30	79.40
Ranking:		8	5	4	7	_	2	9

RESOLUTION N	Ο.
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A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH LJA ENGINEERING, INC., AUSTIN, TEXAS, TO PROVIDE CONSULTING SERVICES TO SERVICES PROVIDE FOR THE ROAD ANDDRAINAGE IMPROVEMENTS NEEDED AT WINDY HILL ROAD AT RICHMOND BRANCH; MAKING **FINDINGS** OF FACT; **AND** PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Kyle requested qualifications from professional engineering firms to provide the necessary services required for improving the drainage capacity and repairing the existing roadway and related appurtenances using Texas Department of Transportation standard specifications; and,

WHEREAS, the City desires to obtain professional design services from LJA Engineering, Inc.; and,

WHEREAS, LJA Engineering, Inc., is qualified and capable of performing the professional engineering services proposed herein and is willing to enter into an Agreement with the City of Kyle to perform such services;

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

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

- Section 2. <u>Authorization</u>. The mayor is hereby authorized to execute a professional services agreement with LJA Engineering, Inc. for the road and drainage improvements at Windy Hill Road at Richmond Branch.
- Section 3. <u>Effective Date</u>. This Resolution shall take effect from and after the date of its passage as authorized by the Charter of the City of Kyle, Texas.
- Section 4. <u>Open Meetings</u>. It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

PASSED AND APPROVED this	_ day of June, 2016.
THE CITY OF KYLE, TEXAS	ATTEST:
R. Todd Webster, Mayor	Jennifer Vetrano, City Secretary



CITY OF KYLE, TEXAS

Approve Agreement for Prosecutor Services

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: Approve a professional services agreement with SIERRA & SPEARS, PLLC, San Antonio, Texas, with two 1-year renewal options to provide prosecutor services for the City's Municipal Court for \$2,500.00 per month plus miscellaneous expenses. ~ Perwez A. Moheet, CPA, Director of Finance

Other Information:

On May 6, 2016, the City of Kyle issued Request for Proposal (RFP) No. 2016-03-PM to solicit proposals from qualified attorneys and law firms interested in providing prosecutor services for the City's Municipal Court.

The RFP closed on May 23, 2016 and the City received proposals from the following firms:

- 1. Davidson Troilo Ream & Garza, PC
- 2. McKamie Krueger, LLP
- 3. Sierra & Spears, PLLC

The three proposals were evaluated and scored by City staff using the following evaluation criteria:

- 1. Completeness of proposal
- 2. Understanding of City's work/services requested
- 3. Firm's related experience
- 4. Assigned personnel's experience
- 5. Availability of firm's personnel
- 6. Professional fees

The following documents are attached to provide complete details for scope of services requested, qualification requirements, and selection criteria:

- 1. Public notice published for RFP
- 2. RFP No. 2016-03-PM
- 3. Evaluation score tabulation
- 4. Fiscal note

City staff recommends approval of this professional services agreement with SIERRA & SPEARS, PLLC., to provide prosecutor services for the City's Municipal Court.

Legal Notes:

Budget Information: A Fiscal Note is attached.

ATTACHMENTS:

Description

- D Public Notice
- RFP No. 2016-03-PM
- Evaluation Score Tabulation Sheet
- ☐ Fiscal Note



NOTICE OF REQUEST FOR PROPOSALS RFP NO. 2016-03-PM

PROSECUTION SERVICES FOR MUNICIPAL COURT

The City of Kyle will accept proposals from qualified attorneys and law firms for Prosecution Services for Municipal Court until 2:00 p.m., on May 23, 2016, in the City's Financial Services Department. Proposals received after this time will not be considered.

A complete copy of the Request for Proposal (RFP) No. 2016-03-PM for Prosecution Services for Municipal Court is available on the City of Kyle website and can be downloaded at:

http://www.cityofkyle.com/finance/rfp-prosecution-services-municipal-court

Perwez A. Moheet, CPA Director of Finance City of Kyle, Texas

May 6, 2016



CITY OF KYLE, TEXAS REQUEST FOR PROPOSALS (RFP)

RFP NO. 2016-03-PM

PROSECUTION SERVICES FOR MUNICIPAL COURT

PROPOSAL DUE DATE: MAY 23, 2016 AT 2:00 P.M. (CST)

ISSUED BY:

City of Kyle, Texas Financial Services Department



NOTICE OF REQUEST FOR PROPOSALS RFP NO. 2016-03-PM

PROSECUTION SERVICES FOR MUNICIPAL COURT

The City of Kyle will accept sealed Proposals for Prosecution Services for Municipal Court until 2:00 P.M., May 23, 2016, in the City's Financial Services Department. Proposals received after this time will not be considered.

Proposals will be acknowledged on May 24, 2016 at 8:00 A.M. <u>Attendance is not required.</u> All interested persons are invited to attend the acknowledgement at the City of Kyle, Financial Services Department's Conference Room, Kyle City Hall, 100 W. Center Street, Kyle, Texas.

Please mark on the outside of the envelope and on any carrier's envelope: "RFP No. 2016-03-PM Court Prosecution Services", and send to the attention of Mr. Perwez A. Moheet, CPA, Director of Finance, 100 W. Center Street, Kyle, Texas 78640 (physical location) or P.O. Box 40, Kyle, Texas, 78640 (mailing address).

The City of Kyle will not be responsible in the event that the U.S. Postal Service or any other courier system fails to deliver the sealed proposals to the City of Kyle by the given deadline above. Facsimile of Proposals will not be accepted.

The City of Kyle reserves the right to reject any or all responses and to waive irregularities contained therein and to accept any response deemed most advantageous to the City of Kyle.

Perwez A. Moheet, CPA Director of Finance City of Kyle, Texas



ETHICS STATEMENT (Complete and Return this Form with Response)

The undersigned firm, by signing and executing this RFP, certifies and represents to the City of Kyle that the firm has not offered, conferred or agreed to confer any pecuniary benefit, as defined by 1.07 (a) (6) of the Texas Penal Code, or any other thing of value as consideration for the receipt of information or any special treatment of advantage relating to this RFP; the firm also certifies and represents that the firm has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this RFP, the firm certifies and represents that firm has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of the City of Kyle concerning this RFP on the basis of any consideration not authorized by law; the firm also certifies and represents that firm has not received any information not available to other firms so as to give the undersigned a preferential advantage with respect to this RFP; the firm further certifies and represents that firm has not violated any state, federal, or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that firm will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value of any officer, trustee, agent or employee of the City of Kyle in return for the person having exercised their person's official discretion, power or duty with respect to this RFP; the firm certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent, or employee of the City of Kyle in connection with information regarding this RFP, the submission of this RFP, the award of this RFP or the performance, delivery or sale pursuant to this RFP.

THE FIRM SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY OF KYLE, ALL OF ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, ACTIONS, SUITS, DEMANDS, PROCEEDING, COSTS, DAMAGES AND LIABILITIES ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM ANY ACTS OR OMISSIONS OF FIRM OR ANY AGENT OR EMPLOYEE OF FIRM IN THE EXECUTION OR PERFORMANCE OF THIS RFP.

I have read all of the specifications and general RFP requirements and do hereby certify that all items submitted meet specifications.

FIRM:		
OFFICER NAME:		
OFFICER SIGNATURE:		
ADDRESS:		
CITY:		
STATE:	ZIP CODE:	
TELEPHONE:	TELEFAX:	
FEDERAL ID#:	AND/OR SOCIAL SECURITY #:	
	DEVIATIONS FROM SPECIFICATIONS IF ANY:	



CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

(Complete and Return this Form with Response)

Name of Entity:_____

	rospective participant certifies to the best of their knowledge and belief that they, ncipals in the firm, and the firm:
1.	Are not presently debarred, suspended, proposed for debarment, and or declared ineligible from providing water and wastewater impact fee study, any associated engineering services, and or voluntarily surrendered their license to provide such related services in the State of Texas and or the United States of America.
2.	Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from conducting any business and or financial transactions by any department or agency of Federal, State, and or local government.
3.	Have not been convicted of, had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
4.	Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, Local) with commission of any of the offenses enumerated in item 3 above of the certification; and
5.	Have not within a ten (10) year period preceding this RFP had one or more public transactions (Federal, State, Local) terminated for cause or default.
this profalse s years,	erstand that a false statement on this certification may be grounds for rejection of roposal or termination of the award. In addition, under 18 USC Section 1001, a tatement may result in a fine up to a \$10,000.00 or imprisonment for up to five (5) or both.
Name	and Title of Authorized Representative (Typed)
Signat	ure of Authorized Representative Date
□ I aı	m unable to certify to the above statements. My explanation is attached.

Page 4 of 15 RFP No. 2016-03-PM

PROSECUTION SERVICES FOR MUNICIPAL COURT (RFP 2016-03-PM)

A. DESCRIPTION OF THE CITY

The City of Kyle is a political subdivision and municipal corporation of the State of Texas (the "State"), duly organized and existing under the laws of the State including the City's Home Rule Charter, initially adopted by the voters in the year 2000.

The City operates as a Home Rule City under a Council-Manager form of government with a City Council comprised of the Mayor and six Council Members. The City Manager is the chief executive officer for the City of Kyle. The City covers approximately nineteen square miles and has an estimated population of 34,000 in 2015.

Kyle is a thriving community having easy access to major highways and roadways including Interstate Highway 35. Kyle is strategically located eight miles north of San Marcos, twenty miles south of Austin and sixty miles north of San Antonio. Kyle is the second largest city in Hays County and enjoys a south central location convenient to most major population and employment centers in Texas.

B. THE CITY COUNCIL

The governing body of the City, the City Council, is comprised of a Mayor and six Council Members each elected for a term of three years. The Mayor and Council Members for Place 1, 3, and 5 are elected from the City at-large. Council Members for Place 2, 4, and 6 are elected from single member districts. The current members of the City Council are:

Mayor: R. Todd Webster

Mayor Pro Tem: David Wilson, District 4

Council Members: Diane Hervol, District 1

Becky Selbera, District 2 Shane Arabie, District 3 Damon Fogley, District 5 Daphne Tenorio, District 6

C. CITY OF KYLE MUNICIPAL COURT

The Municipal Court is responsible for the adjudication of Class C Misdemeanor violations (within the incorporated city limits) provided by State Law and City Ordinances.

The City of Kyle Municipal Court administers approximately 6,000 cases annually. These cases primarily consist of moving violations and a small number of cases



Page 5 of 15 RFP No. 2016-03-PM

pertaining to code and juvenile violations. Of these cases, approximately 42 percent will result in arrest warrants to be issued. Of the persons with an outstanding City of Kyle warrant, approximately 35 percent are Kyle residents, 64% reside outside Kyle city limits but within the State of Texas, and the remaining 1 percent reside out of State.

The City's Municipal Court is currently presided over by a Municipal Court Judge who is selected and appointed by the City Council. A Court Administrator and two Court Clerks manage the administrative functions of the Municipal Court.

The Municipal Court proceedings are held each week on Wednesdays from 9:00 a.m., to 4:00 p.m., except on holidays observed by the City of Kyle.

The administrative offices of the Municipal Court are open from 8:00 a.m., to 5:00 p.m., Monday through Friday except on holidays observed by the City of Kyle.

D. REQUEST FOR PROPOSAL (RFP)

The City of Kyle, Texas, hereinafter referred to as "the City", is requesting proposals from qualified attorneys and law firms interested in providing prosecution services for the Municipal court which includes Class C misdemeanor and violation of municipal code.

By submitting proposal in response to this RFP, all responding individual attorneys or law firms will be deemed to agree to the service provisions contained herein. This RFP and the proposal submitted will be incorporated into and form the basis for the professional services agreement.

E. PROPOSAL SUBMISSION PROCESS, DUE DATE, AND REQUIRED DOCUMENTS

One (1) original and two (2) copies of the response, including all required forms and applicable supporting documentation, are required. The original must be clearly marked "ORIGINAL".

Proposals are due no later than May 23, 2016 by 2:00 p.m., Central Standard Time. The responses must be bound and sealed when submitted. The response material must be addressed and delivered to:

Mr. Perwez A. Moheet, CPA Director of Finance City of Kyle

Physical Address
100 West Center Street, Kyle, Texas 78640

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



The outside of the sealed envelope or container must state:

RFP NO. 2016-03-PM - COURT PROSECUTION SERVICES

Responses received after the above date and time submission deadline will be rejected. Timely proposals will be opened on the date specified in the RFP. All proposals that have been submitted shall be open to public inspection after the contract is awarded, except for trade secrets and confidential information contained in the proposals marked "confidential" by the proper responding party.

F. CLARIFICATION OF REQUIREMENTS

All requests for additional information or clarification concerning this Request for Proposals must be submitted, in writing, no later than 10:00 a.m., on May 12, 2016 and shall be emailed to Mr. Perwez Moheet, CPA, Director, Financial Services Department at pmoheet@cityofkyle.com.

It is the intent and purpose of the City that this RFP permits competitive proposals. It is the Offeror's responsibility to advise the Director, Financial Services Department, City of Kyle, if any language, requirements, etc., or any combinations thereof, inadvertently restricts or limits the requirements stated in this RFP to a single source.

G. PROCESS TIMELINE & KEY DATES

May 6, 2016: RFP Issued
May 23, 2016: Proposals Due
June 21, 2016: Contract Award
June 28, 2016: Contract Execution
July 1, 2016: Contract Start

H. CANCELLATION

The City reserves the right to terminate the contract if the successful Offeror does not perform under the contract to the City's satisfaction.

The City of Kyle is a home-rule municipal corporation operated and funded on an October 1 to September 30 basis; accordingly, the City reserves the right to terminate, without liability to the City, any contract (or renewal option) for which funding is not available.



I. SCOPE OF SERVICES REQUIRED

The City of Kyle, Texas, hereinafter referred to as "the City", is requesting proposals from qualified attorneys and law firms interested in providing Class C misdemeanor prosecution services.

The City requests that qualified firms submitting proposals in response to this solicitation ensure their proposal clearly reflect demonstrated experience in providing the following services:

- 1. City's primary representative before the Municipal Court as the City Prosecutor during bench or jury trial, pre-trial, and administrative hearing dockets.
- 2. Responsible for prosecuting Class C misdemeanor cases and violation of municipal ordinances (code violations).
- 3. Conducts legal research and prepares complaints and jury charges.
- 4. Works with Municipal Court staff and police department personnel.
- 5. Must be available before the Municipal Court on every 1st and 3rd Wednesday, from 9:00 a.m., to 4:00 p.m., except on holidays observed by the City of Kyle.

J. COMPENSATION

The City of Kyle will engage the services of a qualified attorney and law firms interested in providing Class C misdemeanor prosecution services based on either an hourly rate (without retainer) or a fixed (flat) fee compensation.

The proposal must provide two compensation options:

- Option 1: A fixed (flat) fee amount to be charged per month by the proposing attorney or law firm to provide all Class C misdemeanor prosecution services before the Municipal Court for the City of Kyle.
- Option 2: Hourly rate (without retainer) for all work associated in providing all Class C misdemeanor prosecution services before the Municipal Court for the City of Kyle.

K. QUALIFICATIONS OF OFFEROR

By submitting a proposal, the Offeror certifies that they are duly qualified, capable, and otherwise bondable business entity that is not in receivership or contemplates same, nor has filed for bankruptcy. The Offeror must not be indebted to the City and shall not owe any back taxes to the City. The Offeror warrants that they are familiar with all laws, regulations, and customs applicable to the type of professional services required herein.



L. EXCEPTIONS

Any exceptions to the requirements stated herein must be stated, in writing, in the Offeror's response. Explanation must be made for each item for which exception is taken, giving in detail the extent of the exception, and the reason for which it is taken, in order for consideration to be given to the proposal.

M. PROPOSAL FORMAT

The proposer must include the following items in their proposal and discuss each in complete detail:

- A Transmittal Letter from an authorized representative of the responding firm that
 has the authority to bind the firm by entering into a formal agreement for the
 Municipal Court Prosecution Services for Class C misdemeanors and municipal
 code violations.
- 2. Discuss understanding of the scope of work being requested by the City of Kyle under this solicitation.
- 3. Discuss in detail how the responding firm will complete the scope of work and related services.
- 4. Provide resume of firm's personnel that will be assigned to perform tasks and services to provide Municipal Court Prosecution Services for all Class C misdemeanors and municipal code violations for the City of Kyle.
- 5. Provide detailed explanation of the responding attorney's or law firm's accessibility and availability to Municipal Court staff.
- 6. Provide two compensation options: (Option 1) a fixed (flat) fee amount to be charged monthly by the proposing attorney or law firm and (Option 2) an hourly rate (without retainer) to provide Municipal Court Prosecution Services for all Class C misdemeanors and municipal code violations for the City of Kyle.

N. SELECTION AND AWARD PROCESS

All proposals received by the City of Kyle in response to this RFP will be reviewed by an evaluation team, which may include senior management representatives, a financial officer, and/or an independent consultant.

- 1. Selection will be based on the evaluation factors described in this RFP.
- 2. The evaluation team will recommend a qualified firm to the Kyle City Council. The City Council will make the final selection based on the evaluation team's recommendation and whether the qualified Offeror's proposal is determined to be the most advantageous to the City.
- 3. No individual City employee or any City Department has the authority to legally and/or financially commit the City to any contract or agreement for goods or services.

Page 9 of 15



O. EVALUATION FACTORS

The City will evaluate all proposals received under this solicitation using but not limited to the following factors:

- 1. Completeness of proposal submitted
- 2. Understanding of the scope of work and services required
- 3. Individual attorney's or law firm's experience and of its assigned personnel
- 4. Availability and accessibility
- 5. Compensation

P. RIGHT OF THE CITY TO REQUEST FURTHER DOCUMENTATION

The City reserves the right to request additional documentation that it deems appropriate and necessary for the review and award process during both the initial proposal review process and the negotiation phase.

Q. RIGHT OF THE CITY TO CANCEL REQUEST FOR PROPOSALS, ELECT NOT TO AWARD, REJECT PROPOSALS, AND WAIVE INFORMALITIES OR IRREGULARITIES

The City expressly reserves the right to cancel this RFP at any time, to elect not to award any or all of the contracts cited in this RFP, to reject any or all proposals, to waive any informality or irregularity in any proposal received, and to be the sole judge of the merits of the respective proposals received.

R. EQUAL OPPORTUNITY IN CITY BUSINESS CONTRACTING

Race, religion, sex, color, ethnicity, and national origin will not be used as criteria in the City's business contracting practices. Every effort will be made to ensure that all persons regardless of race, religion, sex, color, ethnicity and national origin have equal access to contracts and other business opportunities with the City.

S. EXAMINATION OF DOCUMENTS AND REQUIREMENTS

Each Offeror shall carefully examine all RFP documents and thoroughly familiarize itself with all requirements prior to submitting a proposal to ensure that the proposal meets the intent and requirements of this RFP.

Before submitting a proposal, each Offeror shall be responsible for making all investigations and examinations that are necessary to ascertain conditions and requirements affecting the requirements of this RFP. Failure to make such investigations and examinations shall not relieve the Offeror from obligation to comply, in every detail, with all provisions and requirements of the Request for Proposal.



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T. PROPOSAL COPIES

OFFEROR MUST SUBMIT AN ORIGINAL AND TWO (2) COPIES OF THE SEALED PROPOSAL PRIOR TO THE DUE DATE/TIME DEADLINE AT THE FOLLOWING ADDRESS:

Mr. Perwez A. Moheet, CPA Director of Finance City of Kyle P.O. Box 40 Kyle, Texas 78640

FAILURE TO SUBMIT THE ADDITIONAL COPIES MAY RESULT IN THE PROPOSAL BEING DECLARED NON-RESPONSIVE. The original must be clearly marked "ORIGINAL".

All proposals, responses, inquiries, or correspondence relating to or in reference to this RFP, and all electronic media, reports, charts, and other documentation submitted by Offerors shall become the property of the City of Kyle, Texas when received.

U. PROPOSAL PREPARATION COSTS

Issuance of this RFP does not commit the City of Kyle, Texas, in any way, to pay any costs incurred in the preparation and submission of a proposal. The issuance of this RFP does not obligate the City of Kyle, Texas to enter into contract for any services or equipment. All costs related to the preparation and submission of a proposal shall be paid by the Offeror.

V. TRADE SECRETS, CONFIDENTIAL INFORMATION AND THE TEXAS PUBLIC INFORMATION ACT

If you consider any portion of your proposal to be privileged or confidential by statute or judicial decision, including trade secrets and commercial or financial information, clearly identify those portions.

Proposals will be opened in a manner that avoids disclosure of the contents to competing Offerors and keeps the proposals secret during negotiations. All proposals are open for public inspection after the contract is awarded, but trade secrets and confidential information in the proposals are not open for inspection.

The City of Kyle, Texas will honor your notations of trade secrets and confidential information and decline to release such information initially, but please note that the final determination of whether a particular portion of your proposal is in fact a trade secret or commercial or financial information that may be withheld from public inspection will be made by the Texas Attorney General or a court of competent jurisdiction. In the event a public information request is received for a portion of your proposal that you have



marked as being confidential information, you will be notified of such request and you will be required to justify your legal position in writing to the Texas Attorney General pursuant to Section 552.305 of the Government Code. In the event that it is determined by opinion or order of the Texas Attorney General or a court of competent jurisdiction that such information is in fact not privileged and confidential under Section 552.110 of the Government Code and Section 252.049 of the Local Government Code, then such information will be made available to the requester.

Marking your entire proposal CONFIDENTIAL/PROPRIETARY is not in conformance with the Texas Open Records Act.

W. CONFLICT OF INTEREST

The Offeror shall not offer or accept gifts or anything of value nor enter into any business arrangement with any employee, official or agent of the City of Kyle, Texas.

By signing and submitting the Proposal, the Offeror certifies and represents to the City the Offeror has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value for the receipt of special treatment, advantage, information, recipient's decision, opinion, recommendation, vote or any other exercise of discretion concerning this Request for Proposal.

X. ANTI-LOBBYING PROVISION

During the period between proposal submission date and the contract award, Offerors, including their agents and representatives, shall not discuss or promote their proposal with any member of the Kyle City Council or City Staff except in the course of City-sponsored inquiries, briefings, interviews, or presentations, unless requested by the City.

This provision is not meant to preclude Offerors from discussing other matters with City Council members or City Staff. This policy is intended to create a level playing field for all potential Offerors, assure that contract decisions are made in public, and to protect the integrity of the RFP process. Violation of this provision may result in rejection of the Offeror's proposal.

Y. AUTHORIZATION TO BIND SUBMITTER OF PROPOSAL

Proposals must show name and address of Offeror. The original proposal must be manually signed by an officer of the company having the authority to bind the submitter to its provisions. Person signing proposal must show title or AUTHORITY TO BIND THEIR FIRM IN A CONTRACT. Failure to manually sign proposal will disqualify the proposal from being accepted by the City of Kyle, Texas.



Z. TERM APPLIED INTERCHANGEABLY

The term offeror, proposer, contractor, firm, consultant, or responder are interchangeably used throughout this RFP document to mean the same qualified entity submitting a proposal in response to this solicitation.



ABOUT THIS DOCUMENT

This document is a Request for Proposal (RFP). It differs from an Invitation to Bid in that the City of Kyle, Texas is seeking a solution, as described in the RFP, not a bid/quotation meeting firm specifications for the lowest price. As such, the lowest price proposal will not guarantee an award recommendation. Sealed proposals will be evaluated based upon criteria formulated around the most important features of a product or service, of which quality, testing, references, availability or capability, may be overriding factors, and price may not be determinative in the issuance of a contract or award.

The proposal evaluation criteria should be viewed as standards that measure how well an Offeror's approach meets the desired requirements and needs of the City of Kyle, Texas. Those criteria that will be used and considered in evaluation for award are set forth in this document. The City will thoroughly review all proposals received. The City will also utilize its best judgment when determining whether to schedule a pre-proposal conference (before proposals are accepted), or meetings with Offerors (after receipt of all proposals).

A Purchase Order/Contract may be awarded to a qualified Offeror submitting the best proposal. The City reserves the right to select, and subsequently recommend for an award, the proposed service which best meets its required needs, quality levels, and budget constraints.

The final selection and award of a contract can only be authorized by the City Council of the City of Kyle, Texas.



APPENDIX A

CITY OF KYLE CONTRACTOR INSURANCE REQUIREMENTS

Contractors providing goods, materials and services for the City of Kyle, Texas shall, during the term of the contract with the City or any renewal or extension thereof, provide and maintain the types and amounts of insurance set forth herein.

<u>Insurance Company Qualification</u>: All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.

<u>Certificate of insurance</u>: A certificate of insurance evidencing the required insurance shall be submitted by the successful Offeror prior to contract execution. If the contract is renewed or extended by the City a certificate of insurance shall also be provided to the City prior to the date the contract is renewed or extended. All coverage amounts listed shall be in United States dollars.

Type of Contract

Type and Amount of Insurance

Professional Services

General Liability insurance for Personal Injury (including death) and Property Damage with a minimum of \$1 million per occurrence and \$2 million aggregate, including Advertising Injury, Products Coverage.

Professional Liability Insurance with a minimum of \$1 million per occurrence and \$2 million aggregate.

Workers Compensation insurance as required by state law.

The Offeror shall notify the City in the event of any change in coverage and shall give such notices not less than 30 days prior the change, which notice must be accompanied by a replacement CERTIFICATE OF INSURANCE. All copies of the Certificates of Insurance shall reference the project name or RFP number for which the insurance is being supplied.

All notices shall be given to the City at the following address:

Mr. Perwez A. Moheet, CPA Director of Finance City of Kyle P.O. Box 40 Kyle, Texas 78640





City of Kyle, Texas Score Tabulation Sheet PROSECUTOR SERVICES FOR MUNICIPAL COURT RFP No. 2016-03-PM

Scored By: Review Panel		Evaluation Factors & Maximum Points Allowed							
		Completeness of Proposal	Understanding Work/Services	Firm's Related Experience	Assigned Personnel's Experience	Firm & Staff's Availability & Accessibility	Compensation Fee Charged	Total Points	% of Total
	Name of Firm Responding	(10 Points)	(10 Points)	(20 Points)	(20 Points)	(20 Points)	(20 Points)	(100 Points)	Points
1.	Davidson Troilo Ream & Garza, PC	8.3	8.7	18.7	17.0	18.7	14.7	86.0	86.0%
2.	McKamie Krueger, LLP	8.3	8.7	18.3	13.7	18.7	12.7	80.3	80.3%
3.	Sierra & Spears, PLLC	9.0	9.0	17.7	18.7	18.7	18.7	91.7	91.7%

City of Kyle, Texas FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:

June 21, 2016

CONTACT CITY DEPARTMENT:

Financial Services Department

CONTACT CITY STAFF:

Perwez A. Moheet, CPA, Director

SUBJECT:

Approve a professional services agreement with SIERRA & SPEARS, PLLC, San Antonio, Texas, with two 1-year renewal options to provide prosecutor services for the City's Municipal Court for \$2,500.00 per month plus miscellaneous expenses.

CURRENT YEAR FISCAL IMPACT:

This agreement for prosecutor services for the City's Municipal Court will require expenditure of funds from the Fiscal Year 2015-16 approved budget of the Financial Services Department as follows:

1. City Department: Financial Services Department

2. Project Name: Prosecutor Services

3. Budget/Accounting Code(s): 110-125-55111

4. Funding Source: General Fund

5. Current Appropriation: \$ 45,000.006. Unencumbered Balance: \$ 25,215.00

7. Amount of This Action: \$ (7,500.00) For July-Sep 2016

8. Remaining Balance: \$ 17,715.00

FUNDING SOURCE OF THIS ACTION:

The funding for this professional service agreement will be provided from the Fiscal Year 2015-16 approved budget of the Financial Services Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

Perwez A. Moheet, CPA

Date

Director of Finance



CITY OF KYLE, TEXAS

Approve Agreement for Actuarial Valuation Services

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: Approve a professional services agreement with DEAN ACTUARIES, LLC, Dallas, Texas with two renewal options at a cost of \$5,800.00 per fiscal year to provide actuarial valuation services for the City's Other Post-Employment Benefits Program (OPEB) for Fiscal Year ending September 30, 2016. ~ Perwez A. Moheet, CPA, Director of Finance

Other Information:

The City of Kyle, as a matter of adopted policy, offers health insurance coverage to retirees who were hired prior to April 1, 2009 and who retired after completing twenty-five (25) years or more of continuous service as a full-time employee. These types of benefit provided by an employer to its retirees (other than pension plans) is commonly referred to as an Other Post-Employment Benefits (OPEB) plan.

REQUIREMENTS FOR ACTUARIAL VALUATIONS

The Governmental Accounting Standards Board (GASB), the authoritative body that is responsible for establishing standards by prescribing accounting and financial reporting requirements for all state and local governmental entities, issued Standards 43 and 45 outlining specific accounting and financial reporting requirements for Other Post-Employment Benefits (OPEB) offered by governmental entities.

These standards require that expenses associated with retiree health benefits be accrued over the working lifetime of employees rather than expenses on a "pay-as-you-go" basis as retirees incur claims. GASB requires that all government entities conduct actuarial valuations every two to three years depending on the entity's size.

OTHER POST-EMPLOYMENT BENEFITS OFFERED BY THE CITY

The City of Kyle offers health insurance coverage for its retirees who have completed twenty-five (25) years or more of continuous service as a full-time employee. In 2009, the City amended its health insurance coverage benefits plan and as a result, three groups of employees for purposes of eligibility were established with different benefit coverage. The three employee groups are as follows:

Group 1 Retirees:

All former full-time employees, who have retired from the City after twenty-five (25) years or more of continuous service as an officer or employee of the City. All current full-time employees who have completed five (5) or more years of continuous service as a full-time employee of the City of Kyle by 4-1-2009 and complete a total of twenty-five (25) years or more of continuous service as an officer or employee of the City.

For Group 1 retirees, the City pays 100% of the cost of providing health insurance coverage which is to be at the same level as all other regular employees. The City also pays 100% of the cost of providing dental and vision coverage for this group of retirees until they reach the age of 65. This benefit is for the retired City employee only and not for their spouse or family.

Under Group 1, the City currently has one retiree receiving benefits and potentially sixteen (16) current employees who could be eligible to receive benefits if they complete 25 years of continuous service.

Group 2 Retirees:

All current full-time employees who have completed less than five (5) of continuous service as a full-time employee of the City of Kyle by 4-1-2009 and complete a total of twenty-five (25) years or more of continuous service as an officer or employee of the City.

For Group 2 retirees, the City pays a maximum of \$300.00 per month towards the cost of providing health insurance coverage which is to be at the same level as all other regular employees. The \$300.00 per month amount was set in April 2009 (base year) and is to be adjusted annually each October 1st based on the change in consumer price index (CPI) during the preceding 12-month period April though March. This benefit is for the retired City employee only and not for their spouse or family.

The City does not provide dental and vision coverage at its cost to retirees in Group 2.

Under Group 2, the City currently does not have any retirees receiving benefits. There are potentially forty one (41) current employees who could be eligible to receive health insurance coverage benefits if they complete 25 years of continuous service.

Group 3 Retirees:

Any full-time employee hired after 4-1-2009 and subsequently completes twenty-five (25) years or more of continuous service as an employee of the City.

Currently there are one hundered thirteen (113) full-time employees who were hired after April 1, 2009. The City, under the amended plan, does not offer health insurance coverage to retirees in Group 3.

FINANCIAL REPORTING & DISCLOSURE REQUIREMENTS FOR OPEB Employers that participate in OPER plans are required to measure and disclose an arr

Employers that participate in OPEB plans are required to measure and disclose an amount for annual OPEB cost including the following:

- 1. Annual Required Contributions (ARC). This is the employer's annual required contribution to the plan.
- 2. Net OPEB Obligation (NOO). This is the difference between the required annual contribution and the entity's actual contribution.
- 3. Actuarial Accrued Liability (AAL). This is the liability amount already accrued for past service as determined by actuarial cost method.
- 4. Unfunded Actuarial Accrued Liability. This is the amount of actuarial accrued liability that is in excess of assets reserved for OPEB.
- 5. Historical Trend for three (3) Valuations.

SOLICITATION PROCESS FOLLOWED BY CITY STAFF

On May 20, 2016, the City issued a Request for Proposal (RFP) No. 2016-04-PM soliciting proposals from firms providing actuarial services to perform the City's actuarial valuation of Other Post-Employment Benefits Plan as of Fiscal Year ending September 30, 2016.

A total of four (4) proposals were received from the following firms in response to the Request for Proposals issued by the City of Kyle:

- Dean Actuaries, LLC
- Foster & Foster

- Gabriel Roeder Smith & Company
- Howard Nyhart Company, Inc.

The proposals were evaluated and scored by City staff using the following criteria:

- 1. Completeness of proposal
- 2. Understanding of scope of services required
- 3. Valuation approach & methodology
- 4. Assigned personnel's experience
- 5. Experience with valuations of OPEB of Texas municipal governments
- 6. Fee/Cost

The following documents are attached to provide complete and detailed information:

- 1. RFP Notice
- 2. RFP No. 2016-04-PM for Actuarial Valuation Services
- 3. Scoring Matrix
- 4. City Ordinance No. 281-4, Establishing Retiree Health Benefits
- 5. City Ordinance No. 564, Amending Retiree Health Benefits
- 6. Fiscal Note

STAFF RECOMMENDATION

City staff recommends approval of a professional services agreement with Dean Actuaries, LLC, to provide actuarial valuation services for the City's Other Post-Employment Benefits Program (OPEB) for Fiscal Year ending September 30, 2016.

Legal Notes:

Budget Information: A Fiscal Note is attached.

ATTACHMENTS:

Description

- □ Notice of RFP
- □ RFP
- □ Ordinance 281-4
- ☐ Ordinance 564
- ☐ Fiscal Note



NOTICE OF REQUEST FOR PROPOSALS RFP NO. 2016-04-PM

ACTUARIAL VALUATION SERVICES FOR OTHER POST-EMPLOYMENT BENEFITS (OPEB)

The City of Kyle will accept proposals from qualified firms for Actuarial Valuation Services for Other Post-Employment Benefits (OPEB) until 10:00 a.m., on June 6, 2016, in the City's Financial Services Department. Proposals received after this time will not be considered.

A complete copy of the Request for Proposal (RFP) No. 2016-04-PM for Actuarial Valuation Services for Other Post-Employment Benefits (OPEB) is available on the City of Kyle website and can be downloaded at:

http://www.cityofkyle.com/finance/rfp-acturial-valuation-services-other-post-employment-benefits-opeb

Perwez A. Moheet, CPA Director of Finance City of Kyle, Texas

May 20, 2016



CITY OF KYLE, TEXAS

REQUEST FOR PROPOSALS (RFP)

RFP NO. 2016-04-PM ACTUARIAL VALUATION SERVICES FOR OTHER POST-EMPLOYMENT BENEFITS (OPEB)

> DUE DATE: JUNE 6, 2016 AT 10:00 A.M. (CST)

ISSUED BY: FINANCIAL SERVICES DEPARTMENT



NOTICE OF REQUEST FOR PROPOSALS RFP NO. 2016-04-PM

ACTUARIAL SERVICES FOR VALUATION OF OTHER POST-EMPLOYMENT BENEFITS (OPEB)

The City of Kyle will accept sealed Proposals for Actuarial Services for Valuation of Post-Employment Benefits (OPEB) until 10:00 A.M., June 6, 2016, in the City's Financial Services Department. Proposals received after this time will not be considered.

Proposals will be acknowledged on June 7, 2016 at 8:00 A.M. <u>Attendance is not required</u>. All interested persons are invited to attend the acknowledgement at the City of Kyle, Financial Services Department's Conference Room, Kyle City Hall, 100 W. Center Street, Kyle, Texas.

Please mark on the outside of the envelope and on any carrier's envelope: "RFP No. 2016-04-PM for Actuarial Valuation Services", and send to the attention of Mr. Perwez A. Moheet, CPA, Director of Finance, 100 W. Center Street, Kyle, Texas 78640 (physical location) or P.O. Box 40, Kyle, Texas, 78640 (mailing address).

The City of Kyle will not be responsible in the event that the U.S. Postal Service or any other courier system fails to deliver the sealed proposals to the City of Kyle by the given deadline above. <u>Facsimile of Proposals</u> will not be accepted.

The City of Kyle reserves the right to reject any or all responses and to waive irregularities contained therein and to accept any response deemed most advantageous to the City of Kyle.

Perwez A. Moheet, CPA Director of Finance City of Kyle, Texas



ETHICS STATEMENT (Complete and Return this Form with Response)

The undersigned firm, by signing and executing this RFP, certifies and represents to the City of Kyle that the firm has not offered, conferred or agreed to confer any pecuniary benefit, as defined by 1.07 (a) (6) of the Texas Penal Code, or any other thing of value as consideration for the receipt of information or any special treatment of advantage relating to this RFP; the firm also certifies and represents that the firm has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this RFP, the firm certifies and represents that firm has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of the City of Kyle concerning this RFP on the basis of any consideration not authorized by law; the firm also certifies and represents that firm has not received any information not available to other firms so as to give the undersigned a preferential advantage with respect to this RFP; the firm further certifies and represents that firm has not violated any state, federal, or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that firm will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value of any officer, trustee, agent or employee of the City of Kyle in return for the person having exercised their person's official discretion, power or duty with respect to this RFP; the firm certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent, or employee of the City of Kyle in connection with information regarding this RFP, the submission of this RFP, the award of this RFP or the performance, delivery or sale pursuant to this RFP.

THE FIRM SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY OF KYLE, ALL OF ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, ACTIONS, SUITS, DEMANDS, PROCEEDING, COSTS, DAMAGES AND LIABILITIES ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM ANY ACTS OR OMISSIONS OF FIRM OR ANY AGENT OR EMPLOYEE OF FIRM IN THE EXECUTION OR PERFORMANCE OF THIS RFP.

I have read all of the specifications and general RFP requirements and do hereby certify that all items submitted meet specifications.

NAME OF FIRM:			 :
OFFICER'S NAME:			_
OFFICER'S SIGNATURE:			_
ADDRESS:			
CITY:	STATE:	ZIP CODE:	_
TELEPHONE:	TELEI	FAX:	_
FEDERAL ID#:	AND/OR SOC	CIAL SECURITY #:	_
DEVIA	TIONS FROM SPECIFIC	CATIONS IF ANY:	



CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

(Complete and Return this Form with Response)

Name of	of Entity:
	ospective participant certifies to the best of their knowledge and belief that they, acipals in the firm, and the firm:
1.	Are not presently debarred, suspended, proposed for debarment, declared ineligible from practicing public accountancy, and or voluntarily surrendered their license to practice public accountancy in the State of Texas and or the United States of America.
	Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from conducting any business and or financial transactions by any department or agency of Federal, State, and or local government.
3.	Have not been convicted of, had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
	Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, Local) with commission of any of the offenses enumerated in item 3 above of the certification; and
	Have not within a five year period preceding this RFP had one or more public transactions (Federal, State, Local) terminated for cause or default.
this pro	stand that a false statement on this certification may be grounds for rejection of oposal or termination of the award. In addition, under 18 USC Section 1001, a attement may result in a fine up to a \$10,000.00 or imprisonment for up to five (5) or both.
Name a	and Title of Authorized Representative (Typed)
Signatu	re of Authorized Representative Date
□ I an	n unable to certify to the above statements. My explanation is attached.



A. REQUEST FOR PROPOSAL (RFP)

The City of Kyle, Texas, hereinafter also referred to as "the City" is requesting proposals from qualified and experienced firms interested in providing actuarial valuation services for the City's Other Post-Employment Benefits (OPEB) program.

B. DESCRIPTION OF THE CITY

The City of Kyle is a political subdivision and municipal corporation of the State of Texas (the "State"), duly organized and existing under the laws of the State including the City's Home Rule Charter, initially adopted by the voters in the year 2000.

The City operates as a Home Rule City under a Council-Manager form of government with a City Council comprised of the Mayor and six Council Members. The City Manager is the chief executive officer for the City of Kyle. The City covers approximately nineteen square miles and has an estimated population of 34,000 in 2016.

Kyle is a thriving community having easy access to major highway and roadways including Interstate Highway 35. Kyle is strategically located eight miles north of San Marcos, twenty miles south of Austin and sixty miles north of San Antonio. Kyle is the second largest city in Hays County and enjoys a south central location convenient to most major population and employment centers in Texas.

C. THE CITY COUNCIL

The governing body of the City, the City Council, is composed of a Mayor and six Council Members each elected for a term of three years. The Mayor and Council Members for Place 1, 3, and 5 are elected from the City at-large. Council Members for Place 2, 4, and 6 are elected from single member districts. The current members of the City Council are:

Mayor:

R. Todd Webster

Mayor Pro Tem:

David Wilson, Place/District 4

Council Members:

Diane Hervol, Place/District 1 Becky Selbera, Place/District 2 Shane Arabie, Place/District 3 Damon Fogley, Place/District 5 Daphne Tenorio, Place/District 6

D. THE CITY OF KYLE ORGANIZATION

The City of Kyle provides all general municipal services within the City limits through the following City Departments:

1. Office of the City Manager

2. Building Inspection (Permits, Code Enforcement)



- 3. City Attorney
- 4. City Secretary
- 5. Communications (Public Information)
- 6. Economic Development
- 7. Emergency Medical Services (Contracted)
- 8. Engineering Services
- 9. Financial Services (Budget & Accounting, Utility Billing, and Municipal Court)
- 10. Fire Protection (Emergency Services District #5)
- 11. Human Resources
- 12. Information Technology
- 13. Parks & Recreation
- 14. Planning & Zoning
- 15. Police
- 16. Public Library
- 17. Public Works (Water, Wastewater, Street Maintenance)
- 18. Solid Waste & Recycling Services (Contracted)

The approved budget for Fiscal Year 2015-16 totals \$80.1 million for all funds and includes 206.5 authorized full time equivalent positions. A copy of the City of Kyle's approved budget for Fiscal Year 2015-16 and other financial reports are available on the City's website at:

www.cityofkyle.com/finance

E. CLARIFICATION OF REQUIREMENTS

All requests for additional information or clarification concerning this Request for Proposals must be submitted, in writing, no later than 10:00 a.m. on May 26, 2016 and shall be emailed to Mr. Perwez Moheet, CPA, Director, Financial Services Department at pmoheet@cityofkyle.com.

It is the intent and purpose of the City that this RFP permits competitive proposals. It is the Offeror's responsibility to advise the Director, Financial Services Department, City of Kyle, if any language, requirements, etc., or any combinations thereof, inadvertently restricts or limits the requirements stated in this RFP to a single source.

F. PROCESS TIMELINE & KEY DATES

The following timetable has been <u>tentatively</u> established to issue this Request for Proposal, for the review and evaluation of proposals received, and for the selection of a firm by the City Council.

Key Dates Project Milestone

May 20, 2016 RFP posted on the City's website and distributed to prospective

firms or firms that had made a request previously



June 6, 2016	Responses due by 10:00 A.M. in the Financial Services Department
June 7, 2016	Proposals acknowledged
June 15, 2016	Proposal evaluations finalized
June 21, 2016	City Council's selection of firm and award of contract
June 28, 2016	Contract Execution
September 30, 2016	Report issued by the selected firm on the results of the actuarial valuation and related disclosures due to the Director of Finance

G. OTHER POST-EMPLOYMENT BENEFITS OFFERED BY THE CITY

The City of Kyle offers health insurance coverage for its retirees who have completed twenty-five (25) years or more of continuous service as a full-time employee. In 2009, the City amended its health insurance coverage benefits plan and as a result, three groups of employees for purposes of eligibility were established with different benefit coverage.

The three groups are as follows:

Group 1 Retirees:

All full-time employees who had completed five (5) or more years of continuous service as a full-time employee of the City of Kyle on 4-1-2009 and retire after completing a total of twenty-five (25) years or more of continuous service as an officer or employee of the City.

For Group 1 retirees, the City pays 100% of the cost of providing health insurance coverage which is to be at the same level as all other regular employees. The City also pays 100% of the cost of providing dental and vision coverage for this group of retirees until they reach the age of 65. This benefit is for the retired City employee only and not for their spouse or family.

Under Group 1, the City currently has one retiree receiving benefits and potentially sixteen (16) current employees who could be eligible to receive benefits if they complete 25 years of continuous service.

Group 2 Retirees:

All current full-time employees who had completed less than five (5) of continuous service as a full-time employee of the City of Kyle by 4-1-2009 and retire after completing a total of twenty-five (25) years or more of continuous service as an officer or employee of the City.

For Group 2 retirees, the City pays a maximum of \$300.00 per month towards the cost of providing health insurance coverage which is to be at the same level as all other regular employees. The \$300.00 per month amount was set in April 2009 (base year) and is to be



adjusted annually each October 1st based on the change in consumer price index (CPI) during the preceding 12-month period April though March. This benefit is for the retired City employee only and not for their spouse or family.

The City does not provide dental and vision coverage at its cost to retirees in Group 2.

Under Group 2, the City currently does not have any retirees receiving benefits. There are potentially forty one (41) current employees who could be eligible to receive health insurance coverage benefits if they complete 25 years of continuous service.

Group 3 Retirees:

Any full-time employee hired after 4-1-2009 is not entitled to health insurance coverage paid for by the City after retirement.

Currently there are one hundred thirteen (113) full-time employees who were hired after April 1, 2009.

H. IMPLEMENTATION OF GASB STATEMENT NO. 45

Effective October 1, 2012, the City adopted the accounting guidance contained in Governmental Accounting Standards Board (GASB) Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions.

The adoption of this standard requires the City to adhere to the parameters for the measurement and financial reporting of the related other postemployment benefits. In compliance with the requirements of GASB Statement No. 45, the City established an irrevocable trust to account for plan assets.

I. SCOPE OF SERVICES

The City of Kyle, Texas, is requesting proposals from qualified firms interested in providing actuarial services to the City for the valuation of Other Post-Employment Benefits (OPEB) offered by the City.

The primary objectives for this actuarial valuation include:

- 1. Ensure compliance with the reporting requirements of the Governmental Accounting Standards Board (GASB) Statement No. 45.
- 2. Determine OPEB related valuation information as of fiscal year ending September 30, 2015.
- 3. Prepare all required schedules, tables, and footnotes for inclusion in the City's Comprehensive Annual Financial Report (CAFR).
- 4. Issue final report with all schedules, tables, and footnotes in full compliance with the requirements of GASB 45.



J. PROJECT PLAN

In addition to the required information to be included in the proposal, the respondent's proposal must include a project plan for the actuarial services engagement to be performed under this RFP for the valuation of other post-employment benefits. The project plan should include, at a minimum, the following:

- 1. Approach and methodology for the valuation
- 2. Approach and methodology to include compliance with GASB standard 45
- 3. Data requirements from the City
- 4. Identification of project plan milestones
- 5. Schedule for project completion and issuance of report
- 6. Valuation report elements to include:
 - a. Actuarial present value of total projected benefits
 - b. Actuarial accrued liability
 - c. OPEB assets
 - d. Unfunded actuarial accrued liability
 - e. Normal cost
 - f. Annual required contribution as a dollar amount and as a percentage of payroll
 - g. Annual OPEB cost
 - h. Net OPEB obligation
 - i. Summary of data used for the valuation
 - j. Summary of actuarial methods and assumptions

K. COMPLIANCE WITH REQUIREMENTS OF GASB STATEMENT 45

The City of Kyle expects the selected firm to complete the actuarial valuation and to issue the resulting report in full compliance with GASB standard 45.

L. PROJECT COMPLETION REQUIREMENT

The City of Kyle anticipates that the selected firm will be able to complete the actuarial valuation of other post-employment benefits and to issue final report within ninety (90) days of the contract award.

M. PROJECT COST/PROFESSIONAL FEES

The proposal must provide an all-inclusive maximum not-to-exceed fee amount for the actuarial valuation services requested under this solicitation (RFP).

N. QUALIFICATIONS OF OFFEROR

By submitting a proposal, the Offeror certifies that they are duly qualified, capable, and otherwise bondable business entity that is not in receivership or contemplates same, nor has filed for bankruptcy. The Offeror must not be indebted to the City and shall not owe any back taxes to the City. The Offeror warrants that they are familiar with all laws, regulations, and customs applicable to the type of business services required herein.



O. PROPOSAL FORMAT

The proposer must include the following items in their proposal and discuss each in complete detail:

- 1. A Transmittal Letter from an authorized representative of the responding firm that has the authority to bind the firm by entering into a formal agreement for depository banking services.
- 2. Completed forms for Ethics Statement and Certification Regarding Disbarment, Suspension & Other Responsibility Matters.
- 3. Provide a brief summary of the Firm's qualifications.
- 4. Discuss understanding of the scope of work being requested by the City of Kyle under this solicitation.
- 5. Approach & Methodology: Discuss in detail how the responding firm will perform all of the required actuarial valuation services listed in this solicitation. Describe in detail how your firm will approach the GASB 45 study, clearly showing the firm's understanding of the objectives and requirements of the project scope.
- 6. Work Plan: Provide a work plan and timeline for the project including when information is needed from the City, results will be presented, and the final report issued.
- 7. Provide a list of the types of information and data that will be required of the City including the timeframe.
- 8. Provide any requested project plan, sample reports, and procedures as requested under applicable sections of this solicitation.
- 9. Identify the personnel that will be assigned to the project, their credentials, and their experience. Specifically, provide the name and resume of supervising actuary who will be assigned to the engagement and in the performance of the agreement with the City for valuation services.
- 10. Provide names and resumes of other actuaries and personnel who will have key role in the engagement.
- 11. Project Cost/Professional Fees: Clearly state the all-inclusive not-to-exceed fee amount that will be charged by the firm for the actuarial valuation services requested by the City of Kyle under this solicitation. It is important to note that the City is not interested in receiving any other fee structure. A proposal that fails to provide an all-inclusive not-to-exceed fee amount shall be deemed as unresponsive to the City's solicitation and rejected from any further consideration.
- 12. References: Provide at least five references of public agencies and or local governments in Texas for which the Firm has completed similar engagement within the last three years.
- 13. Reference must include contact information, nature of services performed, date completed, and the role of the firm.



14. Complete and include Internal Revenue Service Form W-9, Request for Taxpayer Identification Number and Certification.

P. EVALUATION CRITERIA

The City staff's recommendation to the City Council will be based on the proposal determined to offer the best value to the City of Kyle. The evaluation of the proposals will be made based on, but not limited to, the following criteria, in no particular order of priority or rating. These factors will be applied to all eligible, responsive firms in comparing the proposals received and selecting the actuarial services firm.

The City of Kyle reserves the right to require oral presentations by any or all firms. In the event of oral presentations, a second matrix will be developed based on the selection criteria. A contract award may be made without oral presentation and or discussion with firms after RFP responses are received by the City of Kyle. Therefore, RFP responses should be submitted on the most favorable terms.

All costs directly or indirectly related to preparation of a response or oral presentation, if any, required to supplement and or clarify an item in the RFP shall be the sole responsibility of the responding firm.

The City of Kyle will use the following criteria in selecting the best qualified firm:

- 1. Qualifications and experience with similar OPEB projects for public agencies and local governments.
- 2. Prior experience in performing actuarial valuations for OPEB projects for municipal governments in Texas.
- 3. Proposing Firm's approach to the examination and the work plan for accomplishing the scope of services required in the RFP.
- 4. Compliance with GASB Statement No. 45.
- 5. Availability of trained personnel and technical resources to complete the project scope of services within timeframe anticipated.
- 6. The all inclusive not-to-exceed fee amount proposed for the actuarial valuation services requested by the City of Kyle.
- 7. Completeness of the proposal submitted.

Q. PROPOSAL SUBMISSION REQUIREMENTS

The City of Kyle is requesting one (1) original and two (2) copies of the proposals including any attachments. Proposals should be enclosed in an envelope and clearly marked on the outside of the envelope or any carrier's envelope: "RFP No. 2016-04-PM ACTUARIAL VALUATION SERVICES", to be mailed, sent by overnight courier, or hand delivered to the attention of:



Mr. Perwez A. Moheet, CPA
Director of Finance
City of Kyle
100 W. Center Street, Kyle Texas 78640 (Physical Location)
P.O. Box 40, Kyle, Texas 78640 (Mailing Address)

Proposals will be accepted only until 10:00 A.M., June 6, 2016.

NO PROPOSALS WILL BE ACCEPTED AFTER 10:00 A.M. ON JUNE 6, 2016, THE SUBMISSION DEADLINE.

Proposals will be acknowledged at 8:00 a.m., on June 7, 2016, in the Financial Services Department's Conference Room in City Hall located at 100 W. Center Street, Kyle, Texas 78640. Attendance by representatives of prospective firms is not required.

The City of Kyle is subject to the Texas Open Records Act. However, certain types of information may be exempt from disclosure under the Act. Firms submitting information which they deem confidential or proprietary must clearly mark and identify such information page by page. The City of Kyle will, to the extent allowed by applicable law, protect such information from disclosure. The final decision as to what information must be disclosed under the Open Records Act lies with the Texas Attorney General.

Response to any questions, if appropriate, will be issued in the form of an addendum and posted on the City's website at:

http://www.cityofkyle.com/rfps

All proposals, responses, inquiries, or correspondence relating to or in reference to this RFP, and all electronic media, reports, charts, and other documentation submitted by Offeror shall become the property of the City of Kyle, Texas when received.

R. AUTHORIZATION TO BIND SUBMITTER OF PROPOSAL

Proposal must show name and address of Offeror. The original proposal must be manually signed by an officer of the company having the authority to bind the submitter to its provisions. Person signing proposal must show title or AUTHORITY TO BIND THEIR FIRM IN A CONTRACT. Failure to manually sign proposal will disqualify the proposal from being accepted by the City of Kyle, Texas.

S. SELECTION AND AWARD PROCESS

All proposals received by the City of Kyle in response to this RFP will be reviewed by an evaluation team, which may include senior management representatives, a financial officer, and/or an independent consultant.

1. Selection will be based on the evaluation factors described in this RFP.



- 2. The evaluation team will recommend a qualified firm to the Kyle City Council. The City Council will make the final selection of the firm based on the evaluation team's recommendation and whether the qualified Offeror's proposal is determined to be the most advantageous to the City.
- 3. No individual City employee or any City Department has the authority to legally and/or financially commit the City to any contract or agreement for goods or services.

T. PROPOSAL PREPARATION COSTS

Issuance of this RFP does not commit the City of Kyle, Texas, in any way, to pay any costs incurred in the preparation and submission of a proposal. The issuance of this RFP does not obligate the City of Kyle, Texas to enter into contract for any services or equipment. All costs related to the preparation and submission of a proposal shall be paid by the Offeror.

U. RIGHTS RESERVED BY THE CITY OF KYLE

- 1. If only one or no proposal is received by "submission date", the City has the right to accept, reject, re-solicit, accept and or extend the RFP by up to an additional two (2) weeks from original submission date.
- 2. The right to reject any or all proposals and to make award as they may appear to be advantageous to the City of Kyle.
- 3. The City of Kyle reserves the right to request additional information or to meet with representatives from responding firms to discuss points in the RFP before and after submission, any and all of which may be used in forming a recommendation.
- 4. The City of Kyle reserves the right to reject any and all proposals received, and to accept the proposal it considers in its best interest based upon the requirements and descriptions outlined in this RFP.
- 5. The City expressly reserves the right to cancel this RFP at any time, to elect not to award any or all of the contracts cited in this RFP, to reject any or all proposals, to waive any informality or irregularity in any proposal received, and to be the sole judge of the merits of the respective proposals received.
- 6. Any interpretation, correction, or change to the RFP will be made by ADDENDUM. Changes or corrections to this RFP will be issued by the City of Kyle's Financial Services Department and posted on the City's website.
- 7. Addendum, if issued, will also be posted on the City's website. It is the responsibility of the responding firms to determine whether all addendum have been reviewed and addressed in the proposal.

V. EQUAL OPPORTUNITY IN CITY BUSINESS CONTRACTING

Race, religion, sex, color, ethnicity, and national origin will not be used as criteria in the City's business contracting practices. Every effort will be made to ensure that all persons



regardless of race, religion, sex, color, ethnicity and national origin have equal access to contracts and other business opportunities with the City.

W. EXAMINATION OF DOCUMENTS AND REQUIREMENTS

Each Offeror shall carefully examine all RFP documents and thoroughly familiarize itself with all requirements prior to submitting a proposal to ensure that the proposal meets the intent and requirements of this RFP.

Before submitting a proposal, each Offeror shall be responsible for making all investigations and examinations that are necessary to ascertain conditions and requirements affecting the requirements of this RFP. Failure to make such investigations and examinations shall not relieve the Offeror from obligation to comply, in every detail, with all provisions and requirements of the Request for Proposal.

X. CONFLICT OF INTEREST

The Offeror shall not offer or accept gifts or anything of value nor enter into any business arrangement with any employee, official or agent of the City of Kyle, Texas.

By signing and submitting the Proposal, the Offeror certifies and represents to the City the Offeror has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value for the receipt of special treatment, advantage, information, recipient's decision, opinion, recommendation, vote or any other exercise of discretion concerning this Request for Proposal.

Y. ANTI-LOBBYING PROVISION

During the period between when the RFP is issued (released/posted) by the City and the contract award, Offeror, including their agents and representatives, shall not discuss or promote their proposal with any member of the Kyle City Council or City Staff except in the course of City-sponsored inquiries, briefings, interviews, or presentations, unless requested by the City.

This provision is not meant to preclude Offeror from discussing other matters with City Council members or City Staff. This policy is intended to create a level playing field for all potential Offeror, ensure that contract decisions are made in public, and to protect the integrity of the RFP process. Violation of this provision may result in rejection of the Offeror's proposal.

Z. TERM APPLIED INTERCHANGEABLY

The term offeror, proposer, contractor, firm, consultant, or responder are interchangeably used throughout this RFP document to mean the same qualified entity submitting a proposal in response to this solicitation.



APPENDIX A

CITY OF KYLE CONTRACTOR INSURANCE REQUIREMENTS

Contractors providing goods, materials and services for the City of Kyle, Texas shall, during the term of the contract with the City or any renewal or extension thereof, provide and maintain the types and amounts of insurance set forth herein. All insurance and certificate(s) of insurance shall contain the following provisions:

- 1. Name the City, its officers, agents and employees as additional insured as to all applicable coverage with the exception of workers compensation insurance.
- 2. Provide for at least thirty (30) days prior written notice to the City for cancellation, non-renewal, or material change of the insurance.
- 3. Provide for a waiver of subrogation against the City for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance.

<u>Insurance Company Qualification</u>: All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.

<u>Certificate of insurance</u>: A certificate of insurance evidencing the required insurance shall be submitted by the successful Offeror prior to contract execution. If the contract is renewed or extended by the City a certificate of insurance shall also be provided to the City prior to the date the contract is renewed or extended. All coverage amounts listed shall be in United States dollars.

Type of Contract

Type and Amount of Insurance

Professional Services

General Liability insurance for Personal Injury (including death) and Property Damage with a minimum of \$1 million per occurrence and \$2 million aggregate, including Advertising Injury, Products Coverage.

Professional Liability Insurance with a minimum of \$1 million per occurrence and \$2 million aggregate.

Workers Compensation insurance as required by state law.



Notices

The Offeror shall notify the City in the event of any change in coverage and shall give such notices not less than 30 days prior the change, which notice must be accompanied by a replacement CERTIFICATE OF INSURANCE. All copies of the Certificates of Insurance shall reference the project name or RFP number for which the insurance is being supplied.

All notices shall be given to the City at the following address:

Mr. Perwez A. Moheet, CPA Director of Finance City of Kyle P.O. Box 40 Kyle, Texas 78640



APPENDIX B

FORM W-9: REQUEST FOR TAXPAYER IDENTIFICATION NUMBER



Form W-9

(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.						
2e 2	2 Business name/disregarded entity name, if different from above						
Print or type See Specific Instructions on page	3 Check appropriate box for federal tax classification; check only one of the following seven boxes: Individual/sole proprietor or C Corporation S Corporation Partnership single-member LLC Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnersh	☐ Trust/estati	te certai	emptions in entities, ctions on pt payee	not ind page 3)	ividual: :	only to s; see
Print or type	Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the tax classification of the single-member owner.		OI	ption fron (if any)	n FATCA	A repor	ting
Pri	Other (see instructions) ▶		(Applies	to accounts	maintained	outside t	he U.S.)
pecific	5 Address (number, street, and apt. or suite no.)	Requester's na	me and add	dress (opt	ional)		
See S	6 City, state, and ZIP code						
	7 List account number(s) here (optional)				_		
-	rt I Taxpayer Identification Number (TIN)						
back resid	r your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avo cup withholding. For individuals, this is generally your social security number (SSN). However, for lent alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other	ra 📗	l security r	number	_		
	ies, it is your employer identification number (EIN). If you do not have a number, see <i>How to get</i> on page 3.	a LL or					
Note	e. If the account is in more than one name, see the instructions for line 1 and the chart on page 4	for Emplo	oyer identif	fication n	umber		
guid	elines on whose number to enter.	1 //14/5/20] -				
	rt II Certification						
	er penalties of perjury, I certify that:						
1. T	he number shown on this form is my correct taxpayer identification number (or I am waiting for a	number to b	e issued t	o me); a	nd		
S	am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) ervice (IRS) that I am subject to backup withholding as a result of a failure to report all interest o o longer subject to backup withholding; and	I have not be r dividends, o	en notified or (c) the If	d by the RS has n	Interna otified	I Reve me th	enue at I am
3. 1	am a U.S. citizen or other U.S. person (defined below); and						
4. Th	ne FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting	is correct.					
beca inter gene	ification instructions. You must cross out item 2 above if you have been notified by the IRS that use you have failed to report all interest and dividends on your tax return. For real estate transact est paid, acquisition or abandonment of secured property, cancellation of debt, contributions to erally, payments other than interest and dividends, you are not required to sign the certification, luctions on page 3.	ctions, item 2 an individual	does not retiremen	apply. F	or mor	tgage (IRA),	and

General Instructions

Signature of

U.S. person ▶

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

Sign

Here

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)

Date ▶

• Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

- 1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- 2. Certify that you are not subject to backup withholding, or
- 3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- 4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Form W-9 (Rev. 12-2014) Page **2**

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- · An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- · An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301,7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

- 1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
- 2. The treaty article addressing the income.
- 3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
- 4. The type and amount of income that qualifies for the exemption from tax.
- 5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

- 1. You do not furnish your TIN to the requester,
- You do not certify your TIN when required (see the Part II instructions on page 3 for details).

- 3. The IRS tells the requester that you furnished an incorrect TIN,
- 4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
- 5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see Special rules for partnerships above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See Exemption from FATCA reporting code on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; do not leave this line blank. The name should match the name on your tax return.

- If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.
- a. Individual. Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

- b. Sole proprietor or single-member LLC. Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.
- c. Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation. Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.
- d. Other entities. Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2
- e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Form W-9 (Rev. 12-2014)

line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2-The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
 - 5-A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8-A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
 - 10-A common trust fund operated by a bank under section 584(a)
 - 11-A financial institution
- $12\!-\!A$ middleman known in the investment community as a nominee or custodian
 - 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for	THEN the payment is exempt for
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

- A-An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)
 - B-The United States or any of its agencies or instrumentalities
- C-A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)
- E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)
- F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state
 - G—A real estate investment trust
- H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940
 - I-A common trust fund as defined in section 584(a)
 - J-A bank as defined in section 581
 - K-A broker
 - L-A trust exempt from tax under section 664 or described in section 4947(a)(1)
 - M-A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

l ine 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see How to get a TIN below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1.4. or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see Exempt payee code earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

- 1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.
- 2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.
- 3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.
- 4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).
- 5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
Individual Two or more individuals (joint account)	The individual The actual owner of the account or, if combined funds, the first individual on the account'
Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee' The actual owner'
Sole proprietorship or disregarded entity owned by an individual	The owner ³
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i) (A))	The grantor*
For this type of account:	Give name and EIN of:
Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity⁴
Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
Association, club, religious, charitable, educational, or other tax- exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i) (B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

- ³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.
- List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see Special rules for partnerships on page 2.
- *Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- · Protect your SSN,
- · Ensure your employer is protecting your SSN, and
- · Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to *phishing@irs.gov*. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: *spam@uce.gov* or contact them at *www.ftc.gov/idtheft* or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

² Circle the minor's name and furnish the minor's SSN.

ORDINANCE NO. 281-4

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING SECTION 13, ORDINANCE NO. 281, AS AMENDED, THE CITY PERSONNEL POLICY, TO PROVIDE HEALTH BENEFITS FOR EMPLOYEES AND CERTAIN RETIREES; AND PROVIDING FOR RELATED MATTERS.

Whereas, it is in the public interest to encourage City employees to be and remain long-term employees of the City and to provide reasonable incentives to accomplish such purpose;

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

- Section 1. Amendment of Personnel Policy. The Personnel Policy of the City, Ordinance No. 281, as amended, is hereby amended by amending paragraph (h)(1) of Section 13 to read as follows:
- (h) The following policies, rules, regulations and practices are applicable to health insurance benefits for employees:
 - (1) Health and Life Insurance. A group life and health plan will be available to current regular full-time employees, and former regular full-time employees who retired from the City after twenty-five (25) years or more of continuous service as an officer or employee of the City; provided that the City Council shall from time to time in the annual budget set a ceiling/limit on the amount the City will contribute to such insurance coverage. This benefit becomes effective for current regular full-time employees one month after employment, and, upon retirement, continues in effect for employees who retire after 25 years or more of continuous service with the City. Health insurance for the dependent(s) of an employee or retiree may be made available at the employee's or the retiree's expense.
- Section 2. <u>Limited Amendment</u>. Except as specifically amended and provided in Section 1 above, each and every term, provision and condition of the Personnel Policy, as amended, shall be and remain in full force and effect.
- <u>Section</u> 3. <u>Effective Date</u>. This ordinance shall take effect immediately upon its final passage, adoption and signature on the date hereinafter set forth.
- Section 4. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public

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

PASSED AND APPROVED on this the ______, day of March______, 1997.

CITY OF KYLE, TEXAS

Attest:

Minerva Falcon, City Secretary

ORDINANCE NO.564

AN ORDINANCE AMENDING THE AUTHORIZATION OF THE OFFERING OF HEALTH BENEFITS COVERAGE TO CITY OF KYLE RETIREES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The City of Kyle, Texas ("Employer") desires to provide health benefits coverage to its retirees;

WHEREAS, TML Intergovernmental Employee Benefits Pool is a health risk pool established pursuant to Texas Local Government Code Chapter 172, Texas Government Code Chapter 791, and the Texas Trust Code to provide health benefits coverage for employees and retirees and dependents of employees and retirees, of Texas political subdivisions under an Interlocal agreement;

WHEREAS, the *Employer* is currently offering health benefits coverage through the TML Intergovernmental Employee Benefits Pool pursuant to Interlocal agreement and Chapter 172 of the Texas Local Government Code, both of which would allow the extension of benefits to retirees of the *Employer*;

WHEREAS, the *Employer* desires to provide health benefits coverage to its retirees through the TML Intergovernmental Employee Benefits Pool and that the cost for such coverage be paid for *by the individual retiree and the Employer* as specified in Attachments A and B.

WHEREAS, the *Employer* desires to select a plan of benefits for its retirees to be provided by the TML Intergovernmental Employee Benefits Pool; and

WHEREAS, providing retiree coverage under the TML Intergovernmental Employee Benefits Pool Interlocal Agreement in the manner provided in the Ordinance is in the best interest of the *Employer*, its retirees, and the public generally;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE THAT:

SECTION 1: The foregoing recitals are incorporated into this ORDINANCE as findings of fact.

SECTION 2: The *Employer* hereby elects to provide health benefits coverage to its retirees through TML Intergovernmental Employee Benefits Pool under the Pool's Interlocal Agreement.

SECTION 3: The Employer hereby adopts the following definitions of "retiree" for purposes of this ORDINANCE:

A. Group 1 Retirees- All former full-time employees, who have retired from the City after twenty-five (25) years or more of continuous service as an officer or employee of the City. (This includes all currently retired employees receiving benefits.) All current full-time employees, who have completed (5) five or more years of continuous of service as a full-time employee of the City of Kyle by 4-1-2009 and complete a total of twenty-five (25) years or more of continuous service as an officer or employee of the City.

- B. Group 2 Retirees- All current full-time employees, who have completed less than (five) 5 years of continuous of service as a full-time employee of the City of Kyle by 4-1-2009 and complete a total of twenty-five (25) years or more of continuous service as an officer or employee of the City.
- C. <u>Group 3 Retirees</u>- Any full-time employee hired after 4-1-2009 and subsequently completes twenty-five (25) continuous years of service as a full-time employee of the City of Kyle.

SECTION 4: The Interlocal Agreement in effect between the Employer and the TML Intergovernmental Employee Benefits Pool provides that the Board of Trustees may adopt rules and regulations. The rules and regulations of the TML Intergovernmental Employee Benefits Pool allow the participating member entity to provide retiree medical coverage at the same contribution as charged to active employees, to select a contribution level which is an elevated percentage (150%, 160%, etc. which may change from time to time) of the active employee contribution or to offer over age 65 retirees a Medicare Supplement. For retirees that fall into one of the groups listed above, the Employer elects provide a contribution level which is an elevated percentage (150%, 160%, etc. which may change from time to time) of the active employee contribution. The contribution shall be in the form of percentages of total cost or a fixed dollar amount that may be applied towards the costs of medical coverage for each retiree Group as specified and defined in **Attachment A-1** to this Ordinance, for as long as the TML Intergovernmental Employee Benefits Pool offers this rate structure for retiree medical coverage. The difference between the total cost of the benefit minus Employer's contribution if any shall be borne by the retiree.

SECTION 5: The Employer shall adopt on an annual basis any additional or alternative retiree benefit plans to be provided through TML Intergovernmental Employee Benefits Pool. For all retirees the Employer elects to contribute percentages of total cost or fixed dollar amounts towards the costs of other paid benefit coverages for each retiree Group as specified and defined in **Attachment B-1** to this Ordinance, for as long as the TML Intergovernmental Employee Benefits Pool offers this rate structure for retirees and the City adopts each specific additional or alternative benefit plan. The difference between the total cost of the benefit minus Employer's contribution shall be borne by the retiree.

SECTION 6: This ORDINANCE will only apply to individuals retiring after its effective date or to employees, which retired under a previous ORDINANCE. For individuals retiring after the effective date of this ORDINANCE to qualify they must enroll for this coverage within thirty (30) days of their retirement.

SECTION 7: This ORDINANCE may be repealed or modified at any time, but will remain in effect for any employee retiring while it is in effect.

SECTION 8: All existing City of Kyle ORDINANCES in conflict with the provisions of this ORDINANCE are repealed to the extent of the conflict.

SECTION 9: It is hereby officially found and determined that the meeting at which this ORDINANCE was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 10: This ORDINANCE shall be effective 4-1-2009.

PASSED AND APPROVED this 17th day of March , 2009.

Miguel Gonzalez, Mayor

ATTEST:

Amelia Sanchez, City Secretary

Attachment A-1

	Retiree Groups	The same Medical Plans offered to Active Employees	% Paid or	\$ Amount Paid	The Medical Plan Adopted for employees and their dependents	% Paid by Employer or	\$ Amount Paid by Employer
Currently Retired + those with > 5 yrs service	Group 1	X	100%		Х	0%	
Current employees with <5 years of service	Group 2	Х		\$300/mo.*			
Employees hired after 4- 1-2009.	Group 3			\$00/mo.			

^{*} Beginning in 2010, the flat dollar amount for Group #2 employees will be increased annually each October 1st based on the change in CPI from the immediately preceding 12 month period April through March.

Attachment B- 1 Applies to Retirees Under Age 65

Listed Benefits Cease when Retiree reaches Age 65

		Dental plan II	Dental Plan III	Vision Plan A	Vision Plan B	Retiree Life	% of Premium Paid by Employer or	\$ Amount Paid by Employer
Currently Retired + those with > 5 yrs service	Group 1	Х	Х	X	Х	X	100%	
Current employees with <5 years of service	Group 2							
Employees hired after 4-1- 2009.	Group 3							



To: Tom Mattis, City Manager

From: Charles Cunningham, Director of Finance CC: Sandra Duran, Director of Human Services

Date: March 8, 2009

Re: Amendment to Retiree Benefit Package

This memo transmits the Ordinance amending the provision of benefits to retirees that has been

This memo transmits the Ordinance amending the provision of benefits to retirees that has been approved by the City Council after the first reading.

Changes included combining Groups 1 and 2 into Group 1 where all current employees with 10 or more years of continuous service with the City will be entitled to benefits currently enjoyed by the lone retiree in the system. That is payment of 100% of the medical Plan benefit costs for retirees for as long as they want or need it.

Group 2 which includes all other current employees would be eligible to receive payment of \$300 per month against the cost of their medical plan premiums upon retirement with the retiree being required to pay the balance.

Group 3 would consist of all employees hired after April 1, 2009. They would not be eligible for any benefit paid for by the City for their Medical Plan if they choose to continue it after retirement.

The first chart on the following page (Exhibit 1) simply graphs the expected increase in the number of retirees over the next 50 years. It begins with one current retiree and again based on actual ages and length of service of existing employees plots out the growth in the number of employees in Group 1 and Group 2 and the total for both groups.

Exhibit 1

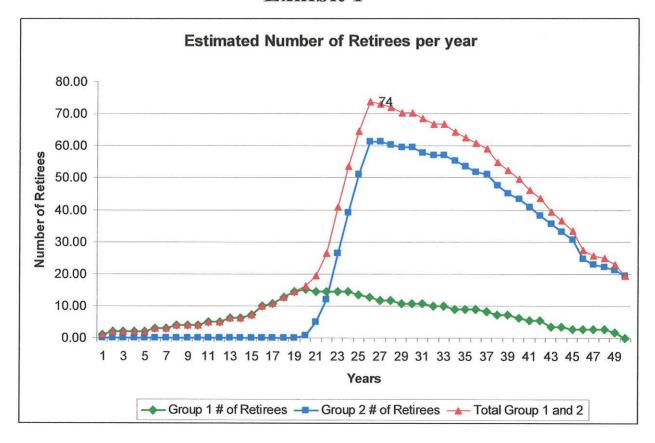
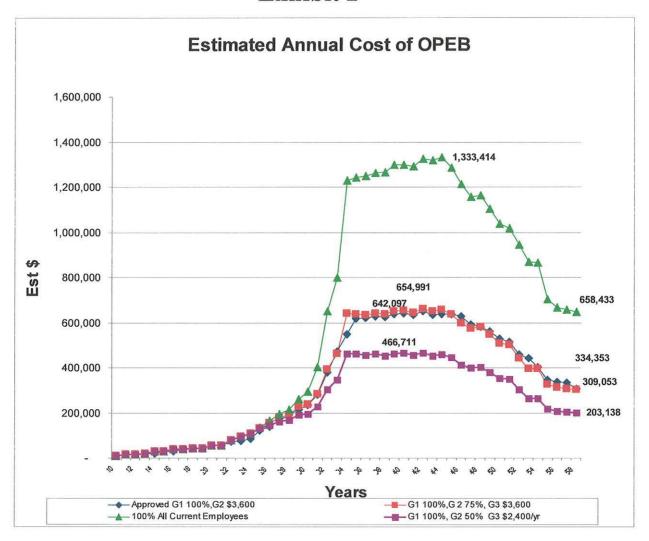


Exhibit 2 on the next page, shows the expected impact if the cost of premiums rose at an average rate of 2.5% over the next 50 years under four different plans, previously considered. The approved plan represented by the blue line corresponds fairly closely with the first alternate shown in previous reports. It shows the annual costs peaking at around \$642,00 per year in approximately 2040. Under this plan, the reserve amount required would be approximately \$74,000 annually.

Exhibit 2



Using an actuarial method to determine the annual amount to be set aside under each of the four possibilities, the following table shows the reserve requirement for each scenario..

Annual contribution

to reserve fund for OPEB

Recommended - \$54,102 Alternate 1 - \$74,228 **Approved -** \$74,707 Alternate 2- \$140,690

City of Kyle, Texas FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: CONTACT CITY DEPARTMENT:

CONTACT CITY STAFF:

June 21, 2016 Financial Services

Perwez A. Moheet, CPA

Director of Finance

SUBJECT:

Approve a professional services agreement with DEAN ACTUARIES, LLC., of Dallas, Texas, at a cost of \$5,800.00 per fiscal year with two renewal options to provide actuarial valuation services for the City of Kyle's Post-Employment Benefits (OPEB) through Fiscal Year ending September 30, 2016.

CURRENT YEAR FISCAL IMPACT:

The fee paid under this professional services agreement with DEAN ACTUARIES, LLC., will require expenditure of funds from the Financial Services Department's approved operating budget for Fiscal Year 2015-16 as follows:

1. City Department: Financial Services

2. Project Name: OPEB Actuarial Valuation Services

3. Budget/Accounting Code(s): 110-121-551174. Funding Source: General Fund

5. Current Appropriation: \$ 12,000.006. Unencumbered Balance: \$ 7,939.00

7. Amount of This Action: \$ (5,800.00)
8. Remaining Balance: \$ 2,139.00

FUNDING SOURCE OF THIS ACTION:

The funding for this professional services agreement to provide actuarial valuation services for the City of Kyle's Other Post-Employment Benefits (OPEB) through Fiscal Year ending September 30, 2016 will be provided from the FY 2015-16 approved budget of the Financial Services Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

Perwez A. Moheet, CPA

Date

Director of Finance



CITY OF KYLE, TEXAS

Tenorio Addition Wastewater System Rehabilitation, Phase One B

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: Authorize award and execution of a Purchase Order to GUERRA UNDERGROUND, LLC, Austin, Texas, lowest and most responsible bidder, in an amount not to exceed \$443,940.00 (Base Bid) for the Tenorio Addition Wastewater System Rehabilitation Project, Phase One B. ~ Leon Barba, P.E., City Engineer

Other Information:

Three bids were received and opened on June 2, 2016 for the Tenorio Addition Wastewater System Rehabilitation Phase One B project. The proposed 8" PVC wastewater line will connect to the existing Phase One A line located just west of Zapata St. on Center St. The main line will continue west along Center St. and terminate approximately 150' from the intersection of Center St. and Old Stagecoach Road.

Guerra Underground, LLC submitted the lowest Base bid of \$443,940.00. The Supplemental Bid is not recommended for award at this time since we have not been able to secure an easement from the owner. In the event an easement is granted, a recommendation to move forward with the Supplemental Bid may be brought back to City Council for approval later.

Reference checks have been positive and the recommendation is to award this contract.

Legal Notes: N/A

Budget Information: A Fiscal Note is attached.

ATTACHMENTS:

Description

- D Recommendatioon of Award - Tenorio Addition Phase One B
- D Fiscal Note

NEPTUNE - WILKINSON ASSOCIATES, INC. Consulting Engineers

TBPE Firm# F-359

4010 Manchaca Road Austin, Texas 78704 (512) 462-3373 (FAX) 462-3469

June 8, 2016

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

Re:

Tenorio Addition Wastewater System Rehabilitation, Phase One B

NWA# 4862

Dear Mr. Barba:

Public bids were received June 2, 2016 from three bidders for the referenced project and a tabulation of the bids received is enclosed. The bids have been reviewed and minor arithmetic corrections made. The tabulation includes the Base Bid Schedule and the Supplemental Bid Schedule (Line "L" Extension).

The low bid is from Guerra Underground, LLC. of Austin which specializes in water and sewer rehabilitation projects. The owner, Arturo Guerra, has 25 years experience in utility construction projects. Guerra Underground, LLC., organized in 2012, has begun in 2016 bidding projects as a prime contractor. Inquiries with contractors and owners' representatives resulted in uniformly good reports of quality of work, knowledge, experience and responsiveness. We know of no reason to deny award of this project to Guerra Underground, LLC. and recommend award to the low bidder in the amount of \$443,940.00 for the Base Bid Schedule contingent upon the provision of performance and payment bonds and proof of insurance.

The work in the Supplemental Bid Schedule is not recommended for award at this time since the property owner at the location of this work has not agreed to grant an easement. If this easement is granted, Supplemental Bid Schedule - Line "L" Extension could be added by contract change order in the amount of \$28,287.00.

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

Sincerely.

John A. Bartle

John A. Bartle, P.E.

Enclosure JAB:jm

ec: Harper Wilder, Director of Public Works

BID TABULATION

CITY OF KYLE									DATE:	DATE: June 2 2018
TENORIO ADDITION WASTEWATER SYSTEM REHABILITATION, PHASE ONE B	LITATI	ON, PHASE	ONE B						TIME	2:00 P.M.
			Guerra Underground, LLC	nd, LLC	MA Smith Contracting Co Inc. JKB Construction Company	id Co Inc.	JKB Construction	on Company		
			5114 Balcones Woods #307-425	#307-425	15308 Ginger Street		P.O. Box 1001			
			Austin, TX 78759		Austin, TX 78728		l۷	78642		
			(512) 454-4450		(512) 990-7640		{ L			
		PLAN	TINO		UNIT		TINU		LIND	
ITEM DESCRIPTION	TIND	QUANTITY	PRICE	cost	PRICE	COST	PRICE	COST	PRICE	COST
1. Mobilization	ST	1	45.000.00		25.000.00		47 000 00			
	ട്ട	_	5,500.00		9,000.00		3,000.00	The second secon		
	S	_	9,000.00		4,600.00		12,000.00			
4. 8" SDR-26 PVC Gravity Wastewater Line										
0-8' depth	LF	1,244	46.00		45.00		164.00			
8-10' depth	1Ε	1,153	49.00		48.00		182.00			
10-12' depth	LF.	233	53.00		52.00		221.00			
- 1	Ц	0	80.00		00.09		246.00			
	ΕĄ	10	5,410.00		00.008,6		6,600.00			
6. Extra Depth Manhole over 8'	ΥF	5	438.00		450.00		465.00			
	ΕĀ	_	876.00		1,000.00		1,820.00			
8. Trench Safety System										
5-10' depth	ᆚ	2,347	3.00		1.00		2.35			
10-15' depth	Ā	233	3.00		2.00		2.35			
New 6" Short Side Single Service Connection	Ð	19	1,168.00		1,700.00		1,800.00			
10. New 6" Long Side Single Service Connection	Ð	4,	1,567.00		1,750.00		3,000.00			
11. New 6" Short Side Double Service Connection	Ā	-	1,558.00		2,150.00		2,200.00			
12. New 6" Long Side Double Service Connection	ΕĀ	2	1,853.00		2,500.00		3,400.00			
13. 4" PVC Yard Line, Schedule 40	Щ	2.022	31.00		35.00	_	75.00	· VA. days a second	-	
14. Gravity Line Connection to Existing Manhole	ΕĀ	7	187.00		1,400.00		5,640.00			
15. Asphalt Road Repair	느	2525	28.00		28.00		30.00			
16. Concrete Repair	LF	38	55.00		50.00		180.00			
17. Abandon or Remove Existing Manhole including										
plugging old lines with concrete within each manhole,										
filling old manhole, salvaging and providing existing										
case iron ring and cover to Owner	ΕĀ	4	1,525.00		4,500.00		3,140.00			
18. Silt Fence	۳,	1,062	2.00		3.00		2.85			
19. Rock Berm	٣	0	50.00		50.00		25.00			

Page 1 of 2

BID TABULATION

The second secon	-									
CITY OF KYLE									DATE: Jur	DATE: June 2, 2016
TENORIO ADDITION WASTEWATER SYSTEM REHABILITATION, PHASE ONE	II A II	ON, PHASE	ONE						TIME:	2:00 P.M.
			Guerra Unde	Guerra Underground, LLC	MA Smith Cor	MA Smith Contracting Co., Inc. JKB Construction Company	JKB Construct	ion Company		
			5114 Balcones	5114 Balcones Woods #307-425	15308 Ginger Street	Street	P.O. Box 1001			
			Austin, TX 78759	8759	Austin, TX 78728	1728	Liberty Hill, TX	78642		
			(512) 454-4450	0.	(512) 990-7640	01	(512) 260-2600	1		
		PLAN	TIND		TIND		LIND		TINU	
ITEM DESCRIPTION	FIND	QUANTITY	PRICE	COST	PRICE	COST	PRICE	COST	PRICE	COST
TOTAL AMOUNT BASE BID SCHEDULE				\$ 443.940.00		\$ 497.409.00		02 88 67 5		
(Sum of Items 1 through 19)										
			SIIDDI EMENTAL	ENTAL BID SCHEDILIE II INE "I " EXTENSION	1 INE "! " EYT	HIGHT				
1. 8" SDR-26 PVC Gravity Wastewater Line		3			1					
0-8' depth	4	128	53.00		45.00		182.00			
8-10' depth	LF	95	57.00		48.00		221.00			
2. 4' I.D. Concrete Manhole, 0-8' deep with precast base	LF	Ļ	4,675.00		9,800.00		6,600.00			
3. DEDUCT Main Line Cleanout with cast iron boot and										
	<u>"</u>	(1)	876.00		1,000.00		1,820.00			
4. Trench Safety System, 5-10' depth	EA	223	3.00		1.00		2.35			
	ΕA	4	1,368.00		1,700.00		1,800.00			
6. New 6" Long Side Single Service Connection	EA	-	1,781.00		1,750.00		3,000,00			
7. DEDUCT New 6" Long Side Double Service										
- 1	EA	(£)	1,678.00		2,500.00		34,00			
8. 4" PVC Yard Line, Schedule 40	느	195	31.00		35.00		75.00		! !	
TOTAL AMOUNT SUPPLEMENT BID SCHEDULE				\$ 28,287.00		\$ 32,218.00	*	\$ 74,386.05	The saw where the same same same same same same same sam	
(Sum of Items 1 through 8)									10 BY	
THE STATE OF COLUMN TAXABLE ST					1				6/5	10 S
CALENDAR DATS TO COMPLETE			120 Days		120 Days		Not Stated		N N	K
TOTAL AMOUNT BID				\$ 472,227.00		\$ 529,627.00	*	\$ 1.024,255.75 *	ANA NHO	Sec. Com
(Sum of Base Bid & Supplemental Schedule)									The state of the s	-
* Arithmetic Correction									46266	49
									CENSE!	1
I, John A. Bartle, P.E. do hereby certify the above tabulation is a true and correct listing of each bid received on the named project.	n is a tr	rue and corre	ect listing of ea	ch bid received or	the named proj	ect.			6-3-16 88 CONAL	

Page 2 o

City of Kyle, Texas FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:

CONTACT CITY DEPARTMENT:

CONTACT CITY STAFF:

June 21, 2016

Engineering Services

Leon Barba, P.E., City Engineer

SUBJECT:

Authorize award and execution of a Purchase Order to GUERRA UNDERGROUND, LLC, Austin, Texas, lowest and most responsible bidder, in an amount not to exceed \$443,940.00 (Base Bid) for the Tenorio Addition Wastewater System Rehabilitation Project, Phase 1B.

CURRENT YEAR FISCAL IMPACT

This Purchase Order for construction of the Tenorio Addition Wastewater System Rehabilitation Phase 1B Project will require expenditure of funds from the 2008 Certificate of Obligations Fund as follows:

1. City Department:

Engineering Services

2. Project Name:

Tenorio Addition WW Rehab Phase 1B

3. Funding Source:

2008 Certificate of Obligations Fund

4. Budget/Accounting Code(s):

184-665-57211

5. Total Appropriations:

\$ 475,000.00

6. Unencumbered Balance:

\$ 475,000.00

7. Amount of This Action:

\$(443,940.00)

8. Remaining Balance:

\$ 31,060.00

FUNDING SOURCE OF THIS ACTION:

The funding for this wastewater construction project will require expenditure of funds from the 2008 Certificate of Obligations Bond Fund. The City Council's approval of this item will also authorize staff to appropriate and apply funds in the same amount from the 2008 Certificate of Obligations Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

Perwez A. Moheet, CPA

Director of Finance

Date*



Budget Amendment No. 4 for FY 2015-16: Total \$104,400.00

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: (First Reading) Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2015-16 by increasing total appropriations for expenditures by \$104,400.00; General Fund by \$77,400.00 and the Hotel Occupancy Tax Fund by \$27,000.00 and decreasing fund balance by the same amounts in the respective City Funds. ~ Perwez A. Moheet, CPA, Director of Finance

Other Information:

Legal Notes:

This Budget Amendment No. 4 for Fiscal Year 2015-16 totaling \$104,400.00 will provide funding for the following items:

- \$36,400.00 in the General Fund for consulting contract award to Gateway Planning Group, Inc., authorized by City Council to provide sustainable development initiative in Kyle in partnership with three other entities; Hays County, City of San Marcos, and the Greater San Marcos Partnership. It is anticipated that the three entities may contribute \$5,000.00 each to reimburse the City of Kyle for this consulting contract expenditure.
- \$41,000.00 in the General Fund for the Kyle Field Day Special Event scheduled in September 2016 to cover various program expenditures planned in Fiscal Year 2015-16. It is estimated that up to \$32,500.00 may be collected in event revenue from registration fees, vendor sponsorship, and sales.
- \$27,000.00 in the Hotel Occupancy Tax Fund for the Kyle Hogwash Special Event scheduled in October 2016 to cover various program expenditures planned in Fiscal Year 2015-16. It is estimated that up to \$23,250.00 may be collected in event revenue from vendor sponsorship, booth registrations, and sales.

The following documents are attached to provide complete information and details:

- 1. Council approval of agreement with Gateway Planning Group for sustainable development initiative in Kyle.
- 2. Copy of agreement with Gateway Planning Group
- 3. Cost estimates for special events; Kyle Field Day and Kyle Hogwash
- 4. Fiscal Note

.		
Budget Information:		

ATTACHMENTS:

Description

- Ordinance Budget Amendment No. 4
- ☐ Council Approval: Gateway Planning Group
- ☐ Agreement Gateway Planning Group
- Cost Estimates Special Events
- ☐ Fiscal Note

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING ORDINANCE NO. 869 ADOPTED ON SEPTEMBER 8, 2015, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016, BY INCREASING THE TOTAL AMOUNT OF APPROPRIATIONS FOR EXPENDITURES BY \$104,400.00; GENERAL FUND BY \$77,400.00 AND HOTEL OCCUPANCY TAX FUND BY \$27,000.00; DECREASING THE FUND BALANCE BY THE SAME AMOUNTS IN THE RESPECTIVE FUNDS: **PROVIDING FOR** REPEAL OF **CONFLICTING** ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLIC NOTICE PURSUANT TO THE TEXAS OPEN MEETINGS ACT; ESTABLISHING AN EFFECTIVE DATE; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO.

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

Section 1. Amendment to Current Budget. That the appropriations for the Fiscal year beginning October 1, 2015 and ending September 30, 2016, for the support of the general government of the City of Kyle, Texas, is hereby AMENDED for said term by increasing the amount of appropriations for expenditures by \$104,400.00, General Fund by \$77,400.00 and the Hotel Occupancy Tax Fund by \$27,000.00, and decreasing the Fund Balance by the same amount in the two respective City Funds in order to provide funding for the following expenditure items:

- (A) \$36,400.00 for consulting contract award to Gateway Planning Group, Inc., to provide sustainable development initiative in Kyle in partnership with Hays County, City of San Marcos, and the Greater San Marcos Partnership.
- (B) \$41,000.00 for the Kyle Field Day Special Event scheduled in September 2016 to cover various program expenditures planned in Fiscal Year 2015-16.
- (C) \$27,000.00 for the Kyle Hogwash Special Event scheduled in October 2016 to cover various program expenditures planned in Fiscal Year 2015-16.

Section 2. <u>Approval of Amendment.</u> This amendment is hereby approved in all aspects and adopted as an amendment to the City budget for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016.

Section 3. <u>Conflict.</u> Any and all ordinances, and parts thereof, that are in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4. <u>Severability.</u> If any section, subsection, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 5. 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, Ch. 551, Local Gov't Code.

Section 6. <u>Effective Date.</u> This Ordinance shall be in full force and take effect from and after the date of its final passage and publication as required by law.

PASSED AND APPROVED on First Reading the day of,	2016.
PASSED AND ADOPTED on Second Reading the day of	, 2016.
THE CITY OF KYLE, TEXAS	
By: R. Todd Webster, Mayor	
ATTEST:	
Jennifer Vetrano, City Secretary	



Sustainable Development Initiative

Meeting Date: 2/16/2016 Date time:7:00 PM

Subject/Recommendation: Consider and approve partnership with Gateway Planning/Catalyst Commercial team for Sustainable Development Initiative in Kyle. ~ J. Scott Sellers, City Manager

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

Memo to Council

MEMORANDUM

To: Mayor and City Council

From: Scott Sellers

Re: Kyle Sustainable Development Initiative

Date: February 4, 2016

The Gateway Planning/Catalyst Team is proposing to partner with the City to craft and execute a strategy for sustainable growth. The work effort will emphasize the following outcomes:

- Leveraging development projects with local and regional economic development opportunities
- Relating specific development projects to one another in order to secure sustainable development patterns, enduring neighborhoods, positive tax base and incentives for developments to stretch the market
- Aligning development outcomes with the broader goals of the community, creating an opportunity to update the comprehensive plan to reflect resonance rather than conflict between the development community and residents

Harnessing Regional Opportunities

As we discussed with the Development Community, Kyle is on a steep growth curve with several significant projects in the advanced planning stages. Additional activity includes the next phase and

maturation of Plum Creek, the emergence of several other large master-planned communities, demand for significant infrastructure investments, and associated annexations pending. To ensure long term financial health, meaningful economic development opportunity, and enduring community character, development should not be implemented ad hoc. Rather, it should be related within a city-wide "business plan" in order to place Kyle's fiscal future on a course of sustainable investment and reinvestment.



The virtuous circle to the right graphically describes how targeted and contextually designed infrastructure—combined with effective activation of neighborhoods and commercial centers—will drive sustainable tax base, which in turn provides more resources for lifecycle reinvestment of the infrastructure if captured through a policy of targeted value capture and incentives.

Item # 15

We are at an inflection point in Kyle's history. In order to maximize community priorities, execute public-private partnerships, justify incentives and take advantage of one of the more robust regional economies in the world, development must be executed in a framework rather than ad hoc through patchwork. In this context, Gateway Planning and Catalyst Commercial have developed a detailed work program to execute this strategy.

A partnership with Kyle's landowners and developers provides an opportunity for Kyle to advance this strategy. The City wants to do so in an effective and comprehensive way, believing that the development community agrees based on the meeting held before the end of the year. As was discussed with the developers, private sector support financially as an investment shared across the various land interests would be necessary to do the work effectively.

Funding Approach

The Gateway/Catalyst Team has developed a detailed scope of work to be funded by the developers. When we receive sufficient commitments for that funding the larger scope will move forward. In the meantime, we want to secure the services of the Gateway/Catalyst Team to advance opportunities with some key properties and developments.

Those services will be reimbursed by the specific developers engaged for these short-term efforts. Accordingly, we need to provide a mechanism for engagement of Gateway and Catalyst now to provide services for the near term opportunities to elevate development potential of some of the key locations now under discussion. To initiate this work, we recommend that City Staff contract with Gateway Planning so that we can begin work immediately. The specifics of the work would be negotiated with the developers through task orders subject to the City's goals.

Item # 15

Page 2

CITY COUNCIL MEETING MINUTES
February 16, 2016 – Page 8
Kyle City Hall

that it hasn't been determined. Mayor Pro Tem Wilson asked where in the process this item would be, and Mr. Sellers responded that if the Council is for it, then it will start the process for installation of hardware. Council Member Fogley asked whether there is a time frame on the contract. Mr. Harzewski stated that if the City of Kyle terminates the agreement, Vigilant will delete the data. There are no termination terms, the city can cancel at any time. Council Member Tenorio stated that it is too invasive for her.

Council Member Tenorio moved to rescind the Vigilant Solutions Memorandum of Understanding. Council Member Arabie seconded the motion. Motion carried 6-1 with Mayor Pro Tem Wilson dissenting.

 Consider and approve partnership with Gateway Planning/Catalyst Commercial team for Sustainable Development Initiative in Kyle. ~ J. Scott Sellers, City Manager
 Item No. 15 Attachments

Mayor Webster placed Item No. 15 on the table for discussion. Mr. Sellers presented the item. Jason Claunch of Catalyst Commercial and Scott Polikov of Gateway Planning were called to speak. Mr. Polikov stated that most developers don't have an incentive to look beyond their property lines. This organization wants to meet with developers and property owners to understand where everyone is at moving forward.

Council Member Arabie moved to approve a partnership with Gateway Planning/Catalyst Commercial team for Sustainable Development Initiative in Kyle. Council Member Hervol seconded the motion. All votes aye; motion carried 7-0.

16. (First Reading) An Ordinance of the City of Kyle, Texas, amending the City of Kyle, TX Code of Ordinances; amending Chapter 41, Article V. Sec. 41-141. Utility Easements, to require certain utility considerations for gated communities; providing for repeal of conflicting ordinances; providing for an effective date and open meetings clauses; and providing for related matters. ~ James R. Earp, Assistant City Manager

Item No. 16 Attachments

Mayor Webster placed Item No. 16 on the table for discussion. Mr. Earp presented the item. Council Member Hervol asked for clarification on who would be responsible for repairing an easement that the city digs up. Mr. Earp stated that we would put it back to soil level grade, but the entity that owns the road would be responsible for anything above that. Mayor Webster asked if this is common for easements. Mr. Earp stated that it is common for easements, but is the difference between it being a public roadway and a non-public roadway.

Council Member Tenorio moved to approve on First Reading an Ordinance of the City of Kyle, Texas, amending the City of Kyle, TX Code of Ordinances; amending Chapter 41, Article V. Sec. 41-141. Utility Easements, to require certain utility considerations for gated communities; providing for repeal of conflicting ordinances; providing for an effective date and open meetings clauses; and providing for related matters. Council Member Fogley seconded the motion. Motion carried 6-1 with Council Member Arabie dissenting.



PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (the "Agreement") is entered into as of the effective date (the "Effective Date"), by and between GATEWAY PLANNING GROUP, INC. ("Contractor"), located at 3100 McKinnon Street, 7th Floor, Dallas Texas 75201, and the CITY OF KYLE, TEXAS ("Client"), located at 100 W Center St, Kyle, TX 78640 Attn: Scott Seller's, City Manager

- 1. <u>ENGAGEMENT</u>. Client hereby retains Contractor and Contractor hereby accepts engagement from Client to provide services for IH35 planning in the tasks delineated on **Schedule "I"**, attached hereto (the "Services").
- 2. COMPENSATION. Client shall pay Contractor a fixed fee of \$33,075.00 plus any additional approved hourly charges based on the tasks set forth in Schedule "I", plus up to \$ 3,308.00 for reimbursable expenses as set forth in the attached schedule, including, without limitation, travel, lodging, reprographics, facilities rental, workshop supplies, and plotting. Contractor shall invoice client on a monthly basis pursuant to a percentage completion of the tasks delineated in Schedule "I", along with reimbursable expenses incurred to date. All invoices shall be due upon presentation and payable within thirty (30) days. Any local, state or federal taxes applicable to any of the services provided by Contractor shall be added to the amount due. All additional services undertaken by Contractor and authorized by Client shall be compensated at the rate of \$350.00 per hour for principals, \$275.00 per hour for senior planners, \$175.00 per hour for planners, and \$125.00 per hour for professional support staff, unless other arrangements are made by mutual agreement. Contractor may sub-contract any portion of the Services set forth on Schedule "1"; provided, however, any increase in fees or compensation due to the use of such subcontracted services shall be approved in writing and by Client.
- 3. <u>PROFESSIONAL STANDARDS</u>. Contractor shall be responsible, to the high level of competency presently maintained by other practicing professionals in the same type of work in Client's community, for the professional and technical soundness, accuracy, and adequacy of the work furnished under this Agreement.
- 4. TERMINATION. Either Client or Contractor may terminate this Agreement by giving 30 days written notice to the other party. In such event, Client shall forthwith pay Contractor in full for all work previously authorized and performed prior to the effective date of termination. If no notice of termination is given, relationships and obligations created by this Agreement shall be terminated upon completion of all applicable requirements of this Agreement.
- ACCESS TO RECORDS and WORKPRODUCT. Contractor agrees that Client shall, until expiration of one (I) year after final payment by Client to Contractor, have access to and the right to

- examine and photocopy directly pertinent documents, papers and records of Contractor involving transactions relating to this Agreement. Upon forty-eight (48) hours notice, Contractor shall give Client access during normal working hours to all necessary facilities and shall be provided adequate and appropriate work space in order to conduct audits in compliance with the provisions of this section. Contractor at all times shall retain coownership of all final work product resulting from this Agreement and may utilize it for any purposes including, without limitation, marketing. Contractor shall retain sole ownership of source files, digital files, drafts and working documents for all work product. Contractor and Client shall co-own final work products. If Contractor displays contractor's logo or copyright designation on any draft or final workproduct provided to Client, Client shall continue to utilize and display on the workproduct that logo or copyright designation if the workproduct is reproduced, used, disseminated or displayed publicly or disseminated to any third party unless other arrangements have been made by mutual agreement. Contractor reserves the right to enforce its copyright through all legal means including common law, statutory and equitable remedies.
- 6. <u>INSURANCE</u>. During the term of this Agreement and for two (2) years thereafter, Contractor shall keep in force General Liability and Professional Liability Insurance coverage up to \$1,000,000.00 per occurrence and \$1,000,000.00 in aggregate total coverage, respectively.
- 7. ENTIRE AGREEMENT/ MODIFICATION. This Agreement, including Schedule "1", attached, is the entire agreement between the parties and supersedes all prior negotiations, agreements and understanding relating to the subject matter of this Agreement. This Agreement may only be modified or amended in writing. Email communication constitutes a writing if intended by both parties to be a writing under this paragraph.
- 8. <u>ASSIGNMENT</u>. Client understands that it may not assign this Agreement or its rights hereunder, or delegate any or all of its duties under this Agreement without written authorization from Contractor. Except for the use of sub-contractors to perform services, Contractor understands that it may not assign this Agreement or its rights hereunder, without written authorization from Client.



- 9. LEGAL EXPENSES. In the event that legal action is taken by either party to enforce any rights or remedies under this Agreement, it is hereby agreed that the successful or prevailing party shall be entitled to receive any costs, disbursements and reasonable attorney's fees.
- 10. SEVERABILITY. In the event that any one or more of the provisions contained in this Agreement shall be held invalid, illegal or unenforceable in any respect, this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein, and the enforceability of the remaining provisions contained herein shall not be impaired thereby.
- 11. BINDING EFFECT. The parties to this Agreement further agree that the promises, covenants, and conditions herein shall be binding upon the parties to this Agreement, their heirs, assigns, successors, administrators, and representatives forever.

12. <u>n/a</u>

- 13. LIMITATION OF LIABILITY. Contractor's liability for any cause or combination of causes is, in the aggregate, limited to an amount no greater than the fee paid to Contractor hereunder or available insurance coverage delineated herein, whichever is greater.
- 14. GOVERNING LAW. It is understood and agreed by the parties that this Agreement shall be governed by and enforced in accordance with the laws of the State of Texas.
- 15. NO PREJUDICE. Contractor and its subconsultants shall not be barred from representing or providing services to the private sector for additional services during or after the termination of this contract for any engagements related to this work.
- 16. Contractor is not providing legal services nor engineering services in anyway; accordingly, legal or engineering review of the Contractor's work may be necessary.

IN WITNESS WHEREOF, this Agreement was executed by the parties as of the Effective Date.

GATEWAY PLANNING GROUP, INC.

By:

(Authorized signature)

Scott Polikov

Its:

President

KYLE, TEXAS

- City Manager

Date: S-17-16 (Client Authorized signature)

Date: April 4, 2016



Schedule "I"

Gateway Planning Group, Inc. shall undertake the tasks and provide the deliverables as follows:

Task	
Scope	Totals
1. Sketch Level Program and Site Analysis	
1.1 Interview landowner team to understand proposed business plan, site constraints, investment goals/constraints, development needs, and vision, and undertake interviews of key stakeholders regarding adjacent projects to understand validity and market potential to understand impact on subject property, culminating with sketch options for highest and best use development (Deliverable: concept plan)	\$ 9,700
2. Scenario Refinement and Development AgmtChp. 380 Inputs	
2.1 Refine a concept based on worksession (Additional refinements hourly) and prepare inputs for potential development agreement and Chapter 380 agreement	\$ 10,800
2.1 Calibrate existing merchandising plan and market understanding from Catalyst work for EDC to develop a list of potential uses categorically that align with site and market factors	\$ 5,375
2.2 Coordinate site options and potential uses assumptions in simple pro forma to test scenarios based upon market timing and consistency with public/private goals in context of development potential in the broader area of the interchange for both Kyle and San Marcos (Deliverable: memorandum)	\$ 7,200
3. Item 3 Entitlement Support	
Support development of design standards, incentive structure, infrastructure coordination in PGI's entitlement process	Hourly
Total Labor (not including ordinary out of pocket expenses or hourly)	\$ 33,075

KYLE FIELD DAY

<u>Revenue</u>				
Team Registration	600 @ \$35/ea.	\$21,000		
Expo Booths	20 booths @ \$100	\$2,000		
Food Truck	4 @ \$250	\$1,000		
Beer Garden	500p/2 @ \$5ea	\$5,000		
Sponsorship	Presenting, Energy Drink etc.	\$2,000		
Koozie Sales	500 @ \$3/ea.	\$1,500		
Total		\$32,500		

<u>Expenses</u>	
Game Equipment	\$5,583
Marketing & Promo	\$7,000
T-Shirts	\$6,000
Staff (incl. Police)	\$5,380
Wristbands	\$35
Entertainment	\$7,150
Beer Garden	\$4,000
Movie	\$500
Koozies	\$200
Printing	\$400
Operations	\$4,650
Total	\$40,898

KYLE HOGWASH

HOGWASH

	<u>Revenue</u>	
Sponsorship		\$1,900
Vendor Booths		\$3,950
Presenting Sponsor		\$3,000
Misc Sponsors		\$1,000
Parking		\$1,000
Carnival		\$3,000
Beer Garden		\$5,000
Cookoff		\$4,400
Total		\$23,250

<u>Expen</u>	i <u>ses</u>
Staffing	\$4,821
Cookoff	\$4,290
Activities	\$1,820
Cooking Stage	\$880
Marketing & Promotion	\$8,000
Entertainment	\$10,850
Operations	\$6,158
Shuttle	\$700
Total	\$37,519

Total Budget Amendment for Hogwash: \$26,828

Total Budget Amendment for Kyle Field Day: \$40,898

Total Budget Amendment

\$67,726

City of Kyle, Texas FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: CONTACT CITY DEPARTMENT: CONTACT CITY STAFF: June 21, 2016
Financial Services
Perwez A. Moheet, CPA
Director of Finance

SUBJECT:

Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2015-16 (Budget Amendment No. 4) by increasing total appropriations for expenditures by \$104,400.00; General Fund by \$77,400.00 and the Hotel Occupancy Tax Fund by \$27,000.00 and decreasing fund balance by the same amounts in the respective City Funds.

CURRENT YEAR FISCAL IMPACT:

This budget amendment will increase appropriations for expenditures by \$260,100.00 in the General Fund as follows:

1. Funding Source: General Fund

2. Available Fund Balance: \$8,337,082.29 (as of 6-16-2016, changes daily)

3. Funding Source: Hotel Occupancy Tax Fund

4. Available Fund Balance: \$53,048.86 (as of 6-16-2016, changes daily)

FUNDING SOURCE OF THIS ACTION:

The funding for this budget amendment in the amount of \$104,400.00 will be provided from the Fund Balance of the City's following Funds:

 1. General Fund
 \$ 77,400.00

 2. Hotel Occupancy Tax Fund
 27,000.00

 3. TOTAL:
 \$104,400.00

ADDITIONAL INFORMATION/COUNCIL ACTION:

If approved by City Council, this will be Budget Amendment No. 4 for FY 2015-16 to increase appropriations for expenditures by \$104,400.00 and decreasing the fund balance in the by the same amounts in the respective City Funds.

To date, budget amendments as approved by City Council for Fiscal Year 2015-16 totals \$398,947.02 for the following items:

 On January 5, 2016, City Council approved Budget Amendment No. 1 for Fiscal Year 2015-16 by increasing appropriations for expenditures by \$79,497.02 in order

- to complete storm related repairs to various parks and decreasing fund balance by the same amount in the City's Park Development Fund.
- On March 15, 2016, City Council approved Budget Amendment No. 2 for Fiscal Year 2015-16 by increasing total appropriations for expenditures by \$59,350.00; a total of \$9,350.00 to replace the fire detection and alarm system in City Hall and \$50,000.00 for a pilot program for public transportation services in Kyle.
- On April 5, 2016, City Council approved Budget Amendment No. 3 for Fiscal Year 2015-16 by increasing total appropriations for expenditures by \$260,100.00 to provide additional contribution to the San Marcos-Hays County EMS, Inc., for the provision of emergency medical services within the City of Kyle for the remaining six months of the fiscal year.

Perwez A. Moheet, CPA

Director of Finance



Approval of Downtown Revitalization Grant application submitted by Live Oak Masonic Lodge

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: Approve a grant award in the amount of \$3,138.06 under the City's Downtown Revitalization Gra

Program to LIVE MASONIC LODGE, 107 W. Center Street, Kyle, Texas. ~ Brian Ziegler, Cha

of Economic Development & Tourism Board

Other Information:

Legal Notes:

Budget Information: A Fiscal Note is attached.

ATTACHMENTS:

Description

- Grant Memo for Council- Live Oak Masonic Lodge
- ☐ Masonic Lodge application for Grant
- ☐ Fiscal Note

MEMO

To: City Council

From: Brian Ziegler, Chair of Economic Development & Tourism Board (ED&T)

Date: June 15, 2016

Re: Economic Development & Tourism Board Recommendation regarding Downtown Revitalization

Grant Application

The ED&T board reviewed a grant application submitted by Live Oak Masonic Lodge at the June 8, 2016 meeting and has made the following recommendation to City Council:

Discussion and possible recommendation for Kyle City Council regarding Downtown Revitalization Grant application submitted by Live Oak Masonic Lodge, 107 W. Center St, Kyle, TX, in the amount of

\$3138.06.

Unanimous recommendation to Kyle City Council to approve the grant application submitted by Live Oak Masonic Lodge, 107 W. Center St. for exterior improvements not to exceed \$3138.06 contingent upon working with city staff to meet the guidleines.

Applicants must complete the *Kyle Downtown Business Revitalization Program* application form and submit it to the Economic Development Department at 100 West Center Street. Decisions regarding the grant applications are the sole discretion of the City of Kyle, and will usually be formally considered at the first City Council meeting, following review/recommendation by the City of Kyle ED&T Committee. The deadline for the ED&T Committee agenda is one week prior to the meeting, which is held on the second Thursday of each month. It is mandatory that the applicant be present at the appropriate ED&T Committee meeting and City Council meeting to answer any questions.

CITY OF KYLE ECONOMIC DEVELOPMENT DOWNTOWN BUSINESS REVITALIZATION PROGRAM

GRANT APPLICATION
Part A: (Please type or print requested information)
Business Name: <u>Live Oak Masonic Lodg-e</u>
Type or Nature of Business: Non- Profit
Property Owner: Live Oak Lodge
Mailing Address: 107 W. Center St
City/State/Zip: Kyle Texas 78640
Address of Property (if different from above):
Contact Person: Steven (ook
Telephone: 512 - 262. 8012
Email: 1963 Buick special Com
Project Manager/Contractor: Tulio Trevino
Telephone: 512 -820 -0246
Email:
Requested Amount:
Matching Funds Amount: \$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
Total Projects Costs (please attach detailed cost summary): 2 0 1500
Source for Matching Funds: Bank account (Lodge)
Estimated Timetable for Completion Project Start Date: 7-1-2016 Project Completion Date: 8-1-2016
Goals of Program Addressed:

To 0	nhana	and	se pai R		on bids/estimates): +5;dC
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W. C.C.	nter s	Street	tule.		
		•	J		
•••	••••••		***************************************		
		ess. I understand that			hat I have the legal authority the right to use grant projec

(Decisions regarding awarding Grants are at the sole discretion of the City of Kyle).

015 902 123 Tax ID#

Please submit application to: Department of Economic Development City of Kyle 100 West Center Street Kyle, TX 78640 Kyle-ED@cityofkyle.com

(If grant applicant is not property owner, please include the following)

PROPERTY OWNER AUTHORIZATION MUST BE OBTAINED, IF APPLICANT IS NOT THE PROPERTY OWNER:

In consideration and acceptance of the grant application above, I hereby release the City of Kyle, and certify that I have the legal authority to execute this release on behalf of the above address. I understand that the City of Kyle and program staff have the right to use grant projects and photographs for marketing and promotion purposes.

authorization for <u>Construction</u>	property at 1		_, _
in this grant application.	[]		
Signature, Property Owner		<u>5-70 - 20</u> Today's Date	16

Attach separate sheet with "Designated Downtown Area, City of Kyle"

City of Kyle Economic Development

DOWNTOWN BUSINESS REVITALIZATION PROGRAM

If you are starting, relocating, or own a small business within the designated downtown Kyle area (see attached map), the City of Kyle has some great news! We have developed an assistance program for small businesses that have a capital investment of under \$1 million. The program provides matching grants to businesses for various capital improvements to existing building or properties within the designated downtown areas.

The Goals of this program are:

- To improve the attractiveness and utility of commercial buildings or property, in the designated downtown area.
- To promote the economic vitality of the designated downtown area.
- To support and promote start-up efforts of new and/or developing businesses within the designated downtown area.
- To promote the restoration and continued maintenance of historic commercial buildings in the designated downtown area.

CAPITAL IMPROVEMENTS

If you are a business owner and your facility exterior is in need of a good sprucing up...this is the program for you! Projects such as repairing walls, replacing windows or a new coat of paint go a long way towards making your establishment a more inviting place to visit. It will also add to the overall appearance and perception of the business community. This program provides a matching grant with a maximum of \$25,000.

PROPERTY IMPROVEMENTS

If your business gets a citation for safety and/or code violations, this program can help get your property back in compliance! With a correction plan approved by the city's Building Official, you may qualify for a matching grant for repairs with a maximum grant award of \$25,000.

The matching funds for approved projects will be distributed on a reimbursement basis upon submission of paid third-party invoices including proof of canceled checks to the Economic Development Department at the City of Kyle, delivered to 100 W. Center St or via email to Kyle ED@cityofkyle.com Invoices submitted must reflect work approved in the submitted application. The applicant's match must be cash; no in-kind services will be accepted. Businesses within the designated downtown area in the City of Kyle are eligible to apply and may only receive one form of assistance per year. The program will be available during the fiscal year (October 1 to September 30) on a first come - first serve basis.

Applications will be accepted by the Economic Development Department at the City Administration Office and will be reviewed for recommendation by the City of Kyle Economic Development & Tourism Committee (ED&T). Upon recommendation of the ED&T Committee, applications will go before City Council for consideration and action.

Decisions regarding awards are within the sole discretion of the City of Kyle and may not be appealed. The City reserves the right to amend the program guidelines at anytime. Applications can be picked up at the City Administrative Offices, 100 West Center Street or are available to download at www.KyleED.com and are <a href="https://duc.nom/d

meeting, which is held the second Thursday of each month.

Department of Economic Development City of Kyle 100 West Center Street Kyle, Texas 78640 (512) 262-3926 Email: Kyle-ED@cityofkyle.com

CITY OF KYLE ECONOMIC DEVELOPMENT DOWNTOWN BUSINESS REVITALIZATION PROGRAM

OVERVIEW

This program is intended to promote the economic vitality of existing buildings and property within designated downtown areas in the city of Kyle, by providing matching grants for eligible projects designed to improve the buildings and infrastructure for businesses in the designated downtown area. Eligible projects may receive up to \$25,000 reimbursement in the form of matching grant.

GOALS OF THE PROGRAM:

- To improve the attractiveness and utility of commercial buildings or property in the designated downtown area To promote the economic vitality of the designated downtown.
- To support and promote start-up efforts of new and/or developing businesses within the designated downtown area.
- To promote restoration and continued maintenance of historic commercial buildings in the designated downtown area.

POTENTIAL GRANT AWARDS & REQUIRED MATCHING FUNDS:

Maximum grant awards and required matching funds for eligible projects are as follows:

- \$3,001 to \$5,000 25% Matching Cash Investment
- \$5,001 to \$10,000 30% Matching Cash Investment
- \$10,001 to \$15,000 40% Matching Cash Investment
- \$15,001 to \$25,000 50% Matching Cash Investment

GRANT CRITERIA:

Grants will be awarded for permanent capital improvements to commercial buildings or property, within the designated downtown area in the city of Kyle, subject to the following conditions:

- 1) The project must satisfy at least two (2) of the stated "Goals of the Program".
- 2) Eligible improvements to buildings are restricted to <u>exterior elements</u> of the structure (e.g., facades, awnings or canopies, lighting, etc.) visible by the general public.
- 3) Eligible improvements must be consistent with all applicable design guidelines and procedures required by the City of Kyle, including but not limited to, Section 66 "Conditional Use Overlay Districts" of the City Zoning Ordinance No.438.
- 4) Eligible improvements to property adjacent to commercial buildings or to other commercial property located within the designated area <u>must be visible by the general public</u>. Such improvements (e.g., lighting, street furniture, landscaping, sidewalks, etc.) must be deemed appropriate by the City.
- 5) Required applicant matching <u>funds must represent documented cash investment</u> in project; in-kind contributions will not be considered in meeting required matching investment.
- 6) Construction projects that are the subject matter of grants awarded under this program must be fully <u>completed</u> and invoiced within ninety (90) days of approval of said grant; City Council, at their sole discretion, may grant an extension of this time limitation for compelling reasons.
- 7) Invoices and proof of payment (in the form of cancelled check) are to be submitted to the Economic Development Department at the City of Kyle within sixty (60) days of job completion.

7-&-G's Construction, LLC.

Subcontractor Disable Veterian Owned

DATE June 13, 2016

Quotation

Quotation # 61303

Customer ID

300 Blossum Valley Stream

Buda, Tx. 78610

Phone: 512-820-0246 Fax: 512-312-9902

Quotation valid until:

June 23, 2016

Prepared by:

Bill To:

Name

Steve Cook

Company Name

Street Address

City, ST ZIP Code

P. O. Box 1331 Kyle, Tx. 78640

Phone

512-703-0451

Live Oak Lodge 304

Comments or special instructions:

Description		AMOUNT
Power wash building, sand blast all maonry, fill in all cracks in masonry	\$	700.00
Remove and add new oning to front of building		4,000.00
Remove and replace salon and lodge doors.		1,500.00
Uniflex coating on roof		2,300.00
	<u> </u>	
TOTAL	\$	8,500.00

If you have any questions concerning this quotation, contact Julio Trevino, 512-820-0246,

jbtrevino512@aol.co

THANK YOU FOR YOUR BUSINESS!

City of Kyle, Texas FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:

June 21, 2016

CONTACT CITY DEPARTMENT:

Economic Development

CONTACT CITY STAFF:

Diana Torres, Director

SUBJECT:

Approve a grant in the amount of \$3,138.06 under the City's Downtown Revitalization Grant Program to LIVE OAK MASONIC LODGE, 107 W. Center Street, Kyle, Texas.

CURRENT YEAR FISCAL IMPACT:

The grant funding in the amount of \$3,138.06 will be provided from the Downtown Revitalization Program and will require expenditure of funds from the Fiscal Year 2015-16 approved budget of the Economic Development Department as follows:

1. City Department: Economic Development Department

2. Project Name: Downtown Revitalization Grant Program

3. Funding Source: General Fund

4. Budget/Accounting Code(s): 110-119-58113

5. Current Appropriation: \$ 96,800.00

6. Unencumbered Balance: \$ 3,138.06

7. Amount of This Action: \$ (3,138.06)

8. Remaining Balance: 0.00

FUNDING SOURCE OF THIS ACTION:

The funding for this grant under the City's Downtown Revitalization Program will be provided from the Fiscal Year 2015-16 approved budget of the Economic Development Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

Director of Finance



City Manager's Report

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: Update on various capital improvement projects, road projects, building program, and/or

general operational activities where no action is required. ~ James R. Earp, Assistant City

Manager

Other Information: See attached.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

No Attachments Available



Convene-Executive Session

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation: Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.

- 1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
 - Potential Incentive for Development
 - Proposed Ballot Language
- 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
- 3. Personnel matters pursuant to Section 551.074.
- 4. Economic Development negotiations pursuant to Section 551.087.
 - Potential Incentive for Development

Other Information:	
Legal Notes:	
Budget Information:	

ATTACHMENTS:

Description

No Attachments Available



Reconvene

Meeting Date: 6/21/2016 Date time:7:00 PM

Subject/Recommendation:	Take action on items discussed in Executive Session.
Other Information:	
Legal Notes:	
Budget Information:	

ATTACHMENTS:

Description

No Attachments Available