

# CITY OF KYLE

## Notice of Regular City Council Meeting



<https://www.cityofkyle.com/kyletv/kyle-10-live> OR Spectrum10 OR Call In: US: +1(800)3368975 Meeting ID: 743 645 1934

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on April 7, 2020, at <https://www.cityofkyle.com/kyletv/kyle-10-live> OR Spectrum10 OR Call In: US: +1(800)3368975 Meeting ID: 743 645 1934, for the purpose of discussing the following agenda.

### VIDEO

Originally posted this 2nd day of April, 2020, prior to 9:00 p.m.

Updated this 4th day of April, 2020, prior to 10:30 a.m.

---

### **I. Call Meeting to Order**

### **II. Approval of Minutes**

1. City Council Meeting Minutes - October 15, 2019. ~ *Jennifer Vetrano, City Secretary*
2. City Council Special Meeting Minutes - November 4, 2019. ~ *Jennifer Vetrano, City Secretary*
3. City Council Meeting Minutes - November 4, 2019. ~ *Jennifer Vetrano, City Secretary*
4. City Council Special Meeting Minutes - November 18, 2019. ~ *Jennifer Vetrano, City Secretary*

### **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.

5. This meeting will be held by teleconference. Any citizen wanting to make a comment should dial in to US: +1(800) 336-8975 Meeting ID: 743 645 1934 to register for citizen comments. Those wishing to speak are encouraged to call in 15 minutes before the meeting begins at the number provided above.

#### **IV. Appointments**

6. Appoint nominee for position on City of Kyle Ethics Commission. ~ *Michael Tobias, Council Member*
  - Nancy Fahy

#### **V. Presentation**

7. Task force update on Police Headquarters Construction. ~ *Jeff Barnett, Chief of Police*
8. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

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

9. A Resolution of the City Council of the City of Kyle, Texas accepting the Bunton Creek Reserve Phase 2 Subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
10. Approve a resolution authorizing the Mayor to execute separate agreements with three firms to provide geotechnical and construction materials and forensic engineering testing. Contracting will be for an approximate two (2) year period with an option to renew the contract at the end of the contract period for the same time frame and dollar amount, estimated at \$75,000 per firm per year, for a total of \$450,000.00. The three firms are: MLA GEOTECHNICAL, Austin, Texas; ARIAS GEOPROFESSIONALS, INC, Austin, Texas; RABA KISTNER, INC., Austin, Texas. ~ *Leon Barba, P.E., City Engineer*
11. Approve Sage Plum Creek - Site Plan (SD-19-0052) 9.049 acres; 1 lot for property located at 1075 Vaughn. ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 6-0 to approve the Site Plan.*
12. Approve the Dedication of a Right-of-Way from Plum Creek Development Partners, LTD. ~ *Leon Barba, P.E., City Engineer*
13. Resolution of the City of Kyle Denying Texas Gas Service Company's Requested Rate Increase; Requiring the Company to reimburse the City's reasonable ratemaking expenses; Finding that the meeting at which this resolution is passed is open to the public as required by law; Requiring Notice of this Resolution to the Company and the City's legal counsel. ~ *Jerry Hendrix, Chief*



*of Staff*

14. Consider approval of a Development Agreement with Intermandeco GP, LLC.  
~ *James R. Earp, Assistant City Manager*
15. Approve a Resolution of the City of Kyle, Texas, amending, replacing, and adding provisions of the City Personnel Policy to exempt compensatory time balance limit; and providing for related matters. ~ *Sandra Duran, Director of Human Resources*
16. *(Second Reading)* An Ordinance of the City of Kyle, Texas Extending a Disaster Declaration for the City of Kyle and Providing for a Penalty and Enforcement.  
~ *Travis Mitchell, Mayor*
17. Adoption of the TIRZ Strategic Plan. ~ *J. Scott Sellers, City Manager*

## **VII. Public Hearings**

18. Conduct a Public Hearing on the City's plan to issue Combination Tax and Revenue Certificates of Obligation in a principal amount not to exceed \$33,955,000 to pay for the design and construction of the wastewater treatment plant expansion and associated sewer system infrastructure improvements, payment of professional services and for costs of bond issuance. ~ *Perwez A. Moheet, CPA, Director of Finance*

*This meeting will be held by teleconference. Any citizen wanting to make a comment during this public hearing should dial in to US: +1(800) 336-8975 Meeting ID: 743 645 1934 to register for the public hearing. Those wishing to speak are encouraged to call in 15 minutes before the meeting begins at the number provided above.*

## **VIII. Consider and Possible Action**

19. *(First and Final Reading)* Approve an Ordinance authorizing the issuance of City of Kyle, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020, in a principal amount not to exceed \$33,955,000.00 to pay for the City's wastewater treatment plant expansion and associated costs; authorizing the sale thereof; and enacting provisions incident and related to the issuance of said bonds. ~ *Perwez A. Moheet, CPA, Director of Finance*
20. Approve a Resolution to document the City's intent to reimburse for all costs incurred in association with the wastewater treatment plant expansion project from proceeds of tax-exempt bonds to be issued at a future date. ~ *Perwez A. Moheet, CPA, Director of Finance*
21. Review and acceptance of the City's Comprehensive Annual Financial Report (CAFR) and the Independent Auditor's Report for the fiscal year ended September 30, 2019. ~ *Perwez A. Moheet, CPA, Director of Finance*
22. Presentation of the 2019 Annual Racial Profiling Report. ~ *Jeff Barnett, Chief of*

*Police*

23. Recommendation regarding Old Stagecoach Road Tree. ~ *David Vaughn, ArborVaughan Consult, LLC*
24. (*First Reading*) An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.023 acres of land from Retail Service District 'RS' to Telecommunication/Utility 'T/U' for property located at 23100 IH-35, in Hays County, Texas. (Deersa, LLC. - Z-20-0054) ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 6-0 to recommend approval of the request.*

- Public Hearing

25. Consider a request to waive the 7.5-foot front Public Utility Easements, as required by Chapter 41, Exhibit A, Section 12 (D)(1), for Final Plat, Plum Creek Uptown 1A (SUB-19-0098). ~ *Howard J. Koontz, Director of Planning and Community Development*
26. Consider a request to waive the 5-foot Municipal Utility Easements, as required by Section 41-141 (a), for Kyle Towne Center, Replat of Lot 1A, Block A (SUB-20-0105). ~ *Howard J. Koontz, Director of Planning and Community Development*
27. (*Second Reading*) An Ordinance of the City of Kyle, Texas, amending Section 53-930 (3), 53-933 (b)(d)(e), and Section 53-934 (d)(e) of Chapter 53 "Zoning", of the City of Kyle Code of Ordinances, by editing Neighborhood Design, Garage Requirements and Design (as described herein). ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission had no objections to the proposed changes.*

28. (*First Reading*) An Ordinance amending Article IX, Chapter 50, Stormwater Regulations to include restrictions upon the unnecessary distribution of printed materials. ~ *Kathy Roecker, Stormwater Management Plan Administrator and Aaron McInnes, Management Intern*
29. Discussion and possible action regarding Hays Street. ~ *Robert Rizo, Council Member*
30. Transportation and Economic Resilience Planning Study. ~ *Dex Ellison, Council Member*
31. Discussion and possible action regarding Center Street Crosswalks. ~ *Dex Ellison, Council Member*

32. *(First Reading)* An Ordinance requiring a landlord to provide a notice of proposed eviction prior to a notice to vacate as a result of the COVID-19 pandemic; creating an offense and penalty; and declaring an emergency. ~ *Dex Ellison, Council Member*
33. *(First Reading)* An Ordinance providing for the closure of day cares and enacting occupancy limits and sanitation measures for gas stations and gas station customers; declaring an emergency, and providing for related matters. ~ *Travis Mitchell, Mayor*

## **IX. City Manager's Report**

34. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*
  - Charter Review Commission
  - Kyle Community Survey
  - COVID-19/Coronavirus Update

## **X. Executive Session**

35. 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.
    - Old Stagecoach Road
    - Pipeline Ordinance
    - 104 S. Burleson Street Property
    - County Line Water CCN
    - FM-150/Anthem Water Facilities Construction Agreement
    - Plum Creek License Agreement
  2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
    - Wastewater Easement Acquisition
  3. Personnel matters pursuant to Section 551.074.
  4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
    - Project Just Peachy
    - Project Indigo
    - Project Ultra Pink
36. Take action on items discussed in Executive Session.

## **XI. Adjourn**

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

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



# CITY OF KYLE, TEXAS

2019 1015 Minutes

Meeting Date: 4/7/2020

Date time:7:00 PM

**Subject/Recommendation:** City Council Meeting Minutes - October 15, 2019. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- ☐ 2019 1015 DRAFT Minutes

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on October 15, 2019 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Cynthia Bentley
Mayor Pro Tem Dex Ellison	Marlene Silcocks
Council Member Tracy Scheel	Mark Trahan
Council Member Robert Rizo	Lisa Trahan
Council Member Alex Villalobos	Macey Trahan
Council Member Daphne Tenorio	Julie Snyder
Scott Sellers, City Manager	Steve Swindell
James Earp, Assistant City Manager	Sandra O'Neal
Paige Saenz, City Attorney	Sandra Gonzales
Jerry Hendrix, Chief of Staff	Jackie Keller
Kim Hilsenbeck, Communications Manager	Mark Baker
Jennifer Vetrano, City Secretary	Rick Hanna
Leon Barba, City Engineer	Tracy Gerrish
Perwez Moheet, Finance Director	Terry Mitchell
Adrian Gooden, IT Technician	Steven Spears
Kerry Urbanowicz, PAR Director	Brian Ziegler
Howard Koontz, Community Dev Director	Josh Paselk
Jeff Barnett, Chief of Police	Graham Moore
Pedro Hernandez, Police Captain	Jason Biemer
Tim Griffith, Police Sergeant	
James Plant, Police Officer	
Philip Cleary, Police Officer	
Kelly Sheridan, Victims Svcs Coordinator	
Harper Wilder, Director of Public Works	
Brian Lillibridge, Asst Director of Public Works	
Scott Egbert, Div. Mgr. Street Operations	

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tenorio. A quorum was present. Council Member Koch was absent.

### **II. Approval of Minutes**

1. City Council Meeting Minutes - July 2, 2019. ~ *Jennifer Vetrano, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Tenorio moved to approve the minutes of the July 2, 2019 Council Meeting. Council Member Villalobos seconded the motion. All votes aye; motion carried 6-0.

### III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:01 p.m.

Cynthia Bentley, President of Pillow of Peace Bringing Awareness to Domestic Violence was called to speak as registered regarding Item No. 1. She chose to speak during the proclamation.

Marlene Silcocks was called to speak as registered regarding Item No. 16. Her home is being threatened by other homes being built behind her. Her concerns include animals in the field, oak trees along Rebel Road and said she would like to see them preserved. She mentioned that there is a flood plain and she is concerned about the drainage; she asked, if the runoff would go towards her or go the other direction. Ms. Silcocks continued that she is concerned about the fencing, whether it will be substantial, and will it look nice. She recommends solid cedar fencing. She is concerned about two-story homes being built behind her. She stated that she is emotional because she enjoys the view of the sunsets, which will go away.

Mark Trahan was called to speak as registered. He spoke about zoning that is being requested to change on Rebel Drive. He thanked Council for their service. Mr. Trahan lives on Mather behind the area where the zoning may be changing. He has lived here for five years, after moving from Houston. His father works in real estate, and he spoke about Cypress Forest, 6 Creeks, and watching as this development goes up and there isn't enough infrastructure. Mr. Trahan continued that there will come to be more grocery stores, restaurants, and gas stations. His concerns include the speed at which things are moving and the pace at which the city can keep up with that much growth. He thinks that there are enough homes going up right now and the city needs time to adjust and consider the needs of the community.

Lisa Trahan was called to speak as registered in opposition of Item No. 16. She stated that she too is emotional. She spoke about the birds that she and her daughters have been feeding for some time. She spoke about her children caring for them and observing them, she listed the various bird species that live there. Ms. Trahan stated that her children will confront the real problems of over-development. She spoke about the children learning to protect and preserve the earth.

Macey Trahan was called to speak as registered in opposition of Item No. 16. She spoke about the development cutting down the trees, and that there are cows there.

Julie Snyder, CEO of the Kyle Chamber of Commerce was called to speak. She invited everyone to the State of the City Address and stated she will speak about Agenda Item No. 18 later.

Steve Swindell was called to speak but stated he would participate during Item No. 18.

Sandra O'Neal was called to speak. She spoke on behalf of the HOA Board for Brooks Crossing. She stated she has spoken with the Blackburn Group and all her neighbors on the green belt. Her back porch faces the green belt. She stated that the developer, KB, who built her home stated no one would build behind her because it is a flood plain. She stated there is a lot of green space in the Blackburn plan. She stated she and the residents prefer no big box stores for their residential area. Ms. O'Neal asked Council to consider residents in the area and congestion, being lit up, and concrete. She stated that for every tree Blackburn removes, they will replace it. She prefers rezoning residential.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:12 p.m.

#### **IV. Presentation**

2. Domestic Violence Awareness Month Mayoral Proclamation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 2 for discussion and presented the proclamation. Cynthia Bentley thanked the Council for allowing her to speak tonight. She spoke about her organization, Pillow of Peace, the growth of their program, and their partnership with the Kyle Police Department, Hays High School, the Kyle Fire Department, and Walmart. She spoke about the recipients of those pillows including Hays-Caldwell Women's Center. Sandra Gonzales with Hays-Caldwell Women's Center spoke about domestic violence and thanked Council and law enforcement for their support. No action was taken.

3. CIP/Road Projects Update. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item No. 3 for discussion. Mr. Barba presented the item. No action was taken.

#### **V. Appointments**

4. Consider appointment of Brian Lillibridge, Assistant Director, Public Works Department, to the Alliance Regional Water Authority Board of Directors. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 4.

Council Member Tenorio moved to approve the appointment of Brian Lillibridge, Assistant Director, Public Works Department, to the Alliance Regional Water Authority Board of Directors. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0.

5. Appoint TIRZ Board Chair. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 5.

Mayor Mitchell moved to approve the appointment of Commissioner Ingalsbe to TIRZ Board Chair. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

6. Consideration of nomination for appointment to the Board of Appeals to fill a vacancy. ~ *Howard J. Koontz, Director of Planning and Community Development*

- Cody DeSalvo

Mayor Mitchell brought forward Item No. 6 for discussion. Mr. Koontz presented the item.

Council Member Tenorio moved to approve the appointment of Cody DeSalvo to the Board of Appeals to fill a vacancy. Mayor Pro Tem Ellison seconded the motion. All votes aye; motion carried 6-0.



## VI. Consent Agenda

Mayor Mitchell asked if there were any items to be pulled from the Consent Agenda. Council Member Tenorio requested to pull Item No. 13, and Mayor Pro Tem Ellison requested to pull Item No. 10. Mayor Mitchell brought forward Item Nos. 7, 8, 9, 11, and 12.

7. A Resolution of the City Council of the City of Kyle, Texas accepting the Crosswinds Phase Two subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
8. Approve Amendment No. 2 to Task Order No. 1 to HDR ENGINEERING, INC., Austin, Texas, in the amount of \$310,300.00 for a total contract amount not to exceed \$459,314.00 to provide final design plans, bidding services and construction services for the Plum Creek Phase 3 wastewater improvements and reclaimed waterline. ~ *Leon Barba, P.E., City Engineer*
9. Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, LP, Austin, Texas, in an amount not to exceed \$222,500.00 to deliver, develop, construct and install a playground, creek crossing and trails in the Plum Creek Parkland, Waterleaf and Bunton Creek Reserve ~ *Kerry Urbanowicz, Director of Parks and Recreation*
11. Approve a development agreement with Walton Texas, LP related to Kyle Estates East. ~ *James R. Earp, Assistant City Manager*
12. Asset Forfeiture Inter-Local Agreement with Hays County District Attorney. ~ *Jeff Barnett, Chief of Police*

Council Member Tenorio moved to approve Consent Agenda Item Nos. 7, 8, 9, 11, and 12. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0.

10. [Postponed 9/17/2019] Consider and possible action to send a letter to Hays County Commissioners in Support of the Dacy Lane Road Improvements. ~ *Daphne Tenorio, Council Member*

Mayor Mitchell brought forward Item No. 10 for discussion and gave the floor to Mayor Pro Tem Ellison.

Mayor Pro Tem Ellison moved to approve Agenda Item No. 10. Council Member Tenorio seconded the motion.

There was discussion on the motion. Mayor Mitchell stated that both Commissioners Jones and Ingalsbe, whose precinct this is, have made improving Dacy Lane a top priority. He stated this letter is in the best possible spirit to provide support and is in no way intended to represent dissatisfaction of the allocated 2016 Bond funds or County funding in general. He continued that he is very thankful for the partnership to improve Dacy Lane and wishes projects went along faster. Mayor Mitchell stated that hopefully the letter will be received in the right spirit.

All votes aye; motion carried 6-0.

13. Lease Agreement with Employee (WWTP). ~ *James R. Earp, Assistant City Manager*

Mayor Mitchell brought forward Item No. 13 for discussion and gave the floor to Council Member Tenorio. She wanted to verify with the City Attorney that it is legal. She stated that she does not want us as a city to receive the backlash. City Attorney Saenz stated that she has seen other cities use similar agreements, and she checked state law and the Charter and finds it to be acceptable.

Council Member Tenorio moved to approve Agenda Item No. 13. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0.

**VII. Consider and Possible Action**

14. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 4.207 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1450 E. RR 150, in Hays County, Texas. (Sheerghar Investment, Inc., A Texas Corporation - Z-19-0046) ~ *Howard J. Koontz, Director of Planning and Community Development*

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

- Public Hearing

Mayor Mitchell brought forward Item No. 14 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 7:42 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 7:42 p.m.

Council Member Tenorio moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 4.207 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1450 E. RR 150, in Hays County, Texas. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0.

15. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning of approximately 14.36 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located within the 3400 Block of Kyle Crossing, in Hays County, Texas. (Sterling/Babcock & Brown, LP - Z-19-0047) ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 5-0 to recommend denial.*

- Public Hearing

Mayor Mitchell brought forward Item No. 15 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 7:45 p.m.

Jackie Keller spoke about feeling the blasting from Texas Lehigh in Amberwood. She believes the apartments would be affected. She asked Council to consider that Smile Direct will have an average salary of \$40,000 and those people would not be able to afford these apartments. She asked for low income apartments as well.

With no one else wishing to speak, Mayor Mitchell left the public hearing open at 7:47 p.m. Council discussion continued. Council Member Tenorio asked about whether tax credits were being requested. Mr. Koontz stated not at this time.

Mayor Mitchell moved to recess Item No. 15 until November 4, 2019 City Council meeting. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

16. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 47.3 acres of land from Retail Service District 'RS' to Single Family Residential-3 'R-1-3' for property located within the 1200-1600 block of Rebel Drive, in Hays County, Texas. (D&L Brooks Investments, LLC - Z-19-0048) ~ *Howard J. Koontz, Director of Planning and Community Development*

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

- Public Hearing

Mayor Mitchell brought forward Item No. 16 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 7:51 p.m.

Marlene Silcocks stated that she does not want this area to be commercial. She stated Kyle needs to address water needs. She asked where the traffic 262 cars were going to go. Ms. Silcocks mentioned concerns on Rebel Road which is already stressed. She addressed Mr. Barba saying, that in two years she looks for Rebel Road to be on the agenda to tear it up and rebuild it. She asked whether the developer would be responsible with all the construction vehicles. She mentioned the light pollution policy in Buda and San Marcos, and the effect on bird migration. Ms. Silcocks said that she wished the developer would listen to the residents' concerns. She spoke about drainage, certain percentage when the full amount would go that way, addressing Howard J. Koontz. Ms. Silcocks continued that progress is not always rooftops, blacktops and cement, but is working with the community to keep it preserved. She stated that Kyle is losing its green space. She stated Kyle started as a bedroom community and is becoming more and more. Ms. Silcocks stated that as far as grocery stores and restaurants that she still goes to San Marcos and Austin to eat.

Tracy Gerrish, a resident of Brooks Crossing, stated that her backyard is against the greenbelt. She said her husband and she would prefer residential because it will keep some of the grass to absorb more of the runoff. She is a teacher at Barton and is concerned about students walking to school if the area becomes commercial. Ms. Gerrish stated that if there is to be development, she would rather see residential. She spoke about the October floods and backups. Ms. Gerrish requested the Council to consider the infrastructure being built up in the area.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 7:57 p.m.

Council Member Tenorio moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 47.3 acres of land from Retail Service District 'RS' to Single Family Residential-3 'R-1-3' for property located within the 1200-1600 block of Rebel Drive, in Hays County, Texas. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Villalobos said to clarify regarding the development there and to appeal to the citizens in that particular area of development, that FM 150 was a state highway. He spoke about the restrictions and changes to the state highway and mentioned that there would be realignment near FM 150 at some point that could possibly create more opportunities for control. He said after hearing concerns, he felt Commercial usage being a better option. He mentioned they had the right to build under that zoning and mentioned the zoning took place some time ago. He said when looking at it more critically concerning building homes in the area, it satisfies concerns brought forward of less traffic, security, lighting, being considerably less in area. He mentioned requirements concerning Green spaces in the development area and talked about preservation by doing our best effort to preserve some of that nature. Mr. Koontz spoke about the green spaces and challenges. He said some areas would be unbuildable due to flood plains and would have more open areas than typical one family detached subdivision. He mentioned conditional approvals that will come and approval for the design. Council Member Villalobos mentioned there being time for discussion for cultivating what type of structures would be there in the future. He also mentioned safety concerns saying, walking in a safe manner on that road meant needing good sidewalks; slower speed limits; and traffic control devices. Council Member Villalobos said it may not be the best but the best we can offer at this in the current position and time. He spoke about owning and developing property and understood concerns. He discussed developer and property owner rights. Council Member Rizo has flood concerns and said they haven't fully addressed flooding in that area. He spoke about the two hundred-year floods back to back. Mr. Koontz stated that he has not seen engineered drawings yet. At this point they do not have permission to develop for residential, so it is in the concept phase. He spoke about regulations and requirements, mentioning the state requirement to build to the 100-year standards and especially for the people downstream. Council Member Scheel spoke and said she understood the engineering and with the development that it would help with the drainage of that area. She asked Mr. Sellers about the Parkland Dedication whether the City can tell them we want green space there, or money for Gregg Clarke Park. Mr. Sellers stated that that goes before the Park Board, and the short answer is yes, it is negotiable. He mentioned they intend to leave as much green space as possible. Mayor Mitchell spoke about the proposed green space with regard to the project and said he wanted to be clear. He asked Mr. Koontz if there were any site plans or configuration in regard to green space other than the area that was undevelopable by flood plains. Mr. Koontz has seen concept plan, pencil sketch of how many homes to justify the cost, they have a number of how many homes are expected. Mr. Koontz stated the question tonight is "can they?" Mayor Mitchell stated the site plan potentially contemplates a lot of green space and parks. He spoke about R-1-3, subdivisions and maximum number of properties, and the creativity concerning subdivision land use. Mr. Koontz stated they have some protections in place and he mentioned style guide neighborhood designs, design of individual structure themselves, limited cul-de-sacs, sidewalks, park spaces and double duty stormwater management areas. He spoke about the weather in Kyle and the area being dry and flat on average of 360 days a year and areas catching storm water useable for passive recreation.

He said the conditional use had to go before the Planning and Zoning Commission for conditional use approval. He said the more of those criteria in the list they can meet, the greater likelihood subdivision plat will be approved. He mentioned Residential uses equal to west, east and south, wedge between with commercial businesses. Mayor Mitchell asked about the flood plain on this property and how much of it was consumed by undevelopable flood plains. Mr. Koontz stated it was in the high teens to 20%. He spoke about a low area depression from lowest southwest most corner of lot to the interstate. Mr. Koontz said there was a low area in the Southwest corner of lot moving Southeasterly direction in somewhat of a wishbone and said primarily the more flood plain you are looking for lesser numbers, the more it expands over it. He mentioned the 100 year more toward the southern third of the site. Mayor Mitchell asked Howard J. Koontz about having correspondence regarding gauging interest in community commercial. Howard J. Koontz said not formal, mentioned having a pre-submittal meet prior to requesting zoning and what was around it. They are residential builders. He discussed developer utilizing the Commercial on 2770 and 150 and commercial south of them. Mayor Mitchell asked Howard J. Koontz if he had conversations installing R-1-2 opposed to R-1-3. Howard J. Koontz said not specifically. He mentioned individual density with R-1-3 than R-1-2, undevelopable land, Overall density equal to what surrounds. Council Member Tenorio asked whether this will be the first subdivision we approve that will fall under the Texas HB 2439 law regarding new standards for building materials, products and methods of construction. Howard J. Koontz cannot answer with certainty, will have to get back. Council Member Tenorio wants to make sure it fits with the neighborhoods that are already there. She stated she wanted to make sure the products fit within the communities. Council Member Tenorio stressed that she did not want to see the community built at a lower grade of housing, now allowed by state legislation. She was concerned how it could impact neighborhoods that surround. Wants to see what we can do to ensure continuity between the neighborhoods. Council Member Villalobos spoke and questioned if there had been discussion on how to implement. Howard J. Koontz mentioned incentive zoning trading through statutes, narrow lots and discussed legalities concerning incentives for quality homes. Council Member Tenorio asked that City Attorney Paige Saenz confirm whether council was within legal limits of laws concerning the discussion. Council Member Villalobos stated that this is the forum to discuss this. Council Member Tenorio wanted everyone to know that it is legal for council to discuss this.

The Developer, Mark Baker said he was with SEC Planning and the land planner on the project then he introduced Rick Hanna with Blackburn Group. Mr. Baker mentioned that he wants to clear the air and said they will not be building lesser quality homes. He spoke about getting enough yield to justify the price of the property. Mr. Baker mentioned, 50- and 60-foot lots, same and larger as what they are adjacent to, price points elevate beyond what is around them. Mr. Baker spoke to Council regarding working around the flood plain. He mentioned open space and parks, green space, tree survey on the property, designing land plan around the trees on the property. He spoke about pulling lots to preserve Live Oaks, improvements, and land use. He said he wanted to give peace of mind as well as he can. No one ever wants undeveloped land to be developed in their backyard. He said he would be happy to answer any questions. Council Member Villalobos mentioned the Council wanting to be transparent and engage citizens in what Kyle will look like and feel like. He mentioned staged approach and giving more information rather than not enough information. City Attorney Saenz stated that a development agreement is an appropriate tool for the developer and city to allow the vision each is seeking. Mayor Mitchell

asked whether developer has contemplated reserving a couple of lots for community commercial. Mr. Baker mentioned concern for how long the land can sit vacant and looking at things from how they will be 10, 20 years from now. Mayor Mitchell asked about R-1-2. Mr. Baker said they looked at the R-1-3 because of lot sizes, when measured the area lots are 50- and 55-foot lots. R-1-3 is consistent with that. He can't remember the ultimate deciding factor but recalled dimensional or square footage constraint that lead to district. Mr. Rizo thanked him for preserving the oak trees. Council Member Scheel mentioned preserving oaks, not cedar. Mayor Mitchell stated he is torn on this. He mentioned determining what the spirit of the development is, experienced momentum facing Rebel Drive and the impact those lots are making for the small business community. He spoke about the larger commercial power center type places not allowing for small businesses to come together to affordably develop a project. He would prefer R-1-2 to achieve the highest and best use. He understands developers would rather put more houses. He said he would be more interested in R-1-2 or R-1-3 with community commercial in the front. Mayor Pro Tem Ellison spoke concerning development agreement and applicant desire. Ms. Saenz stated the development agreement can come at any time. Council Member Scheel raised the question, if Council approves R-1-3 for the entire project and later council comes to an agreement with the developer, if rezoning would be a possibility. Saenz stated council can rezone property by process. Council Member Tenorio stated that this subdivision fits within the existing communities. She reminded council a member was absent and mentioned taking time to strengthen argument and time for developer to come back later to say why or why not.

Motion carried 5-1 with Mayor Mitchell dissenting.

17. Presentation by Ned Davenport related to development in the City of Kyle ETJ. ~ *Tracy Scheel, Council Member*

Mayor Mitchell brought forward Item No. 17 for discussion. Mr. Koontz stated Davenport asked to present the item on November 4, 2019.

Council Member Scheel moved to postpone Item No. 17 until November 4, 2019. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0.

18. Consider and possible action to direct staff regarding framework and schedule for action items related to Uptown and the construction of a Police Facility. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 18. Mr. Sellers provided a presentation on Uptown and a potential shared-use facility.

Terry Mitchell, the developer provided information on the item. Steven Spears spoke about the design.

Julie Snyder spoke in favor of the continued efforts of the development of TIRZ No. 2 - Uptown. She spoke about the Chamber of Commerce's support of this project and the positive economic impact on the community. She asked Council to support and maintain forward progress.

Brian Ziegler, Chair of the Economic Development and Tourism Board for the City of Kyle, spoke about their meeting last week and the Board's overwhelming support of this project. He spoke about the project's alignment with the City's Economic Development Strategic Plan. Mr.

Ziegler continued that all facets align with the plan, specifically Goal #3 which is to support the City's economy through proactive development efforts. He spoke about meeting this goal with suitable office and flex space with efficient development patterns in conjunction with expanding businesses in Kyle. He spoke about the benefits of the TIRZ created by Council. He stated that the Board recommends simultaneous consideration by Council to provide authority to the TIRZ Board as well as develop its strategic plan in order to provide the general framework and understanding of the necessary investment required for the development. RFPs city leadership to react nimbly, best thing exploratory in nature having little or no impact on the general fund.

Steve Swindell, a member of the Chamber and owner of Ilario's, spoke about his business in retail, but his trade being in advertising and marketing. He stated that Kyle is lacking self-sustaining employment. He stated that business comes at certain times 5 - 8 or 7 - 9. He stated that he has only so many hours a day to make money and he has noticed here that the 11:00 lunch hour is not successful. He continued that the town does not have any draw. He spoke about the triple population during eat times. He stated that downtown San Marcos is flourishing, and he said this is a similar concept. He stated that it is a heck of an opportunity. He stated that everyone leaves during the day, there's no attraction here. He encouraged Council to move as quickly as it can.

Josh Paselk, a business owner in Kyle, spoke about opening a business in Plum Creek six or seven years ago. He spoke about jogging in the field that is now HEB. He applauded anyone who had anything to do with the decades long process. He stated that he is in the labor industry, and depends on local community to staff business and he competes with people doing work in Lakeway or Austin and having to use them as weekend warrior type scenario due to labor not being here. Development coming in and all he thinks is who is going to work there? He said we will work there because we won't have to drive an hour and a half to get to work. He stated that it is time to stand together as a community because if this doesn't get done with any one idea, stating it was just a starting point. He continued shoot for the stars. Fastest growing area in the nation - we got this!

Council discussion took place. Mr. Sellers provided information regarding the budget projections. Mr. Moheet provided revenue information - stated it needs to be updated. He stated at the next Council Meeting he will be placing an item to bring financial advisors for a second opinion. He will share that information with the TIRZ Board as well as the City Council.

Mayor Mitchell moved to authorize staff to bring back various action items proposed tonight, develop a checklist for what all those items will be and email to council at earliest convenience. Council Member Villalobos seconded the motion. All votes aye; motion carried 6-0.

19. Consider and possible action to direct staff to amend the TIRZ Ordinance. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 19.

Mayor Mitchell moved to direct staff to amend the TIRZ Ordinance to allow for bonding capacity and create the opportunity for economic development incentives. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

20. A Resolution approving a Resolution by the Board of Directors of the Alliance Regional Water Authority (ARWA) authorizing the issuance of Contract Revenue Bonds, Series 2019B in the amount of \$24,200,000.00 for the City of Kyle's share of capital costs in connection with the regional water supply contract project. ~ *Tracy Scheel, Council Member*

Mayor Mitchell brought forward Item No. 20 for discussion and gave the floor to Council Member Scheel. She introduced Graham Moore and welcomed Jason Biemer "home". Mr. Moore introduced Jason Biemer, Carol Palumbo and Jennifer Rudder. Mr. Moore presented the item.

Mayor Mitchell moved to approve a Resolution approving a Resolution by the Board of Directors of the Alliance Regional Water Authority (ARWA) authorizing the issuance of Contract Revenue Bonds, Series 2019B in the amount of \$24,200,000.00 for the City of Kyle's share of capital costs in connection with the regional water supply contract project. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

21. Consider and possible action on the Animal Shelter Interlocal Agreement. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell stated that Item No. 21 was to be skipped. With no objections he moved forward with the agenda. No action was taken.

22. Consider construction of a turn lane at FM 1626 and Marketplace Avenue. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 22. Mr. Wilder provided information for Council on this item.

Mayor Mitchell moved to direct staff to bring back a project scope, a timeframe plan, and estimate of corresponding cost of constructing a turn lane at FM 1626 and Marketplace Avenue. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

### **VIII. City Manager's Report**

23. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*

- Next Meeting Monday November 4 due to Election Day
- Special Meeting in November
- Founders Day Parade
- Spook the Halls
- Center Street Trick-or-Treat

Mr. Sellers mentioned that the next meeting will be Monday, November 4 due to Election Day. He stated that a Special Meeting in November will be needed to canvass the election. Meeting date set for 8:00 a.m. on Nov. 18. He spoke about the Founders Day Parade taking place this Saturday, October 19th at 10:00 a.m. He spoke about Spook the Halls, taking place through the



31st, but no staff tours. Mr. Sellers mentioned Center Street Trick-or-Treat taking place on Saturday October 26th from 1:00 - 4:00 p.m. on the City's Square.

**IX. Executive Session**

24. 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.
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074.
4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.

There was no executive session.

25. Take action on items discussed in Executive Session.

**X. ADJOURN**

Council Member Tenorio moved to adjourn. Mayor Pro Tem Ellison seconded the motion. Motion carried 5-1 with Mayor Mitchell dissenting.

With no further business to discuss, the City Council adjourned at 10:20 p.m.

---

Travis Mitchell, Mayor

Attest:

---

Jennifer A. Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## 2019 1104 Special Minutes

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** City Council Special Meeting Minutes - November 4, 2019. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- 2019 1104 DRAFT Special Minutes

## SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on November 4, 2019 at Kyle City Hall with the following persons present:

Mayor Pro Tem Dex Ellison  
Council Member Tracy Scheel  
Council Member Robert Rizo  
Council Member Alex Villalobos  
Council Member Rick Koch  
Council Member Daphne Tenorio  
James Earp, Assistant City Manager  
Paige Saenz, City Attorney  
Jerry Hendrix, Chief of Staff  
Jennifer Vetrano, City Secretary

Paul Jarvis  
Jim Nias

### **I. Call Meeting to Order**

Mayor Pro Tem Ellison called the meeting to order at 6:01 p.m. The Pledge of Allegiance was recited. Mayor Pro Tem Ellison asked the city secretary to call roll.

Present were: Mayor Pro Tem Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Koch. A quorum was present. Mayor Mitchell was absent due to illness and Council Member Tenorio was expected to arrive late. She arrived at 6:15 p.m. and entered into executive session.

### **II. Citizen Comment Period with City Council**

Mayor Pro Tem Ellison opened citizen comments at 6:02 p.m. With no one wishing to speak, Mayor Pro Tem Ellison closed citizen comments at 6:02 p.m.

### **III. Executive Session**

1. 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.
    - Sunset Ridge Lawsuit
    - Uptown RFQ Process
  2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
  3. Personnel matters pursuant to Section 551.074.
    - City Manager Contract
  4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
    - Uptown RFQ Process

Council Member Scheel read into the record, "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: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Sunset Ridge Lawsuit and Uptown RFQ Process; Personnel matters pursuant to Section 551.074 - City Manager Contract; and Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City - Uptown RFQ Process." The City Council convened into executive session at 6:04 p.m.

2. Take action on items discussed in Executive Session.

Mayor Pro Tem Ellison called the meeting back to order at 7:06 p.m. Mayor Pro Tem Ellison announced that no action took place in Executive Session, but the city council would take up the next items on this agenda.

#### **IV. Consider and Possible Action**

3. Consider and Possible Action to approve a contract with City Manager Scott Sellers. ~ *Travis Mitchell, Mayor*

Mayor Pro Tem Ellison brought forward Item No. 3 for discussion.

Council Member Scheel moved to approve a contract with City Manager Scott Sellers. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Villalobos stated that one of the items regarding the City Manager Contract was past councils and said that some of the goal sets for performance were fairly subjective. The committee recommended a 3rd party assessment, along with Council assessment, of the operational side of the city to use for performance evaluation. He mentioned the Council felt it imperative to do this to mitigate the subjectivity from the assessment based on people's opinions on goals set and those type of items. Council wants to be objective. He stated that the committee had lengthy discussions involving that and the City Manager was amenable to that. Council Member Villalobos stated the objective was to create some efficiency and to provide critical direction for an assessment, mentioning rules and traditions of assessing a City Manager. He said they felt this was best was to address and to also mitigate the political side for assessing an employee as a City Manager. Council Member Villalobos mentioned that the City is leading the way in this and expressed interest in seeing how this comes forward. Mayor Pro Tem Ellison mentioned the ad hoc committee, which Council Member Villalobos participated on, and thanked him for his participation. Mayor Pro Tem Ellison stated that he would like to add a timeline for this assessment in the motion. Council Member Tenorio stated that the 360 needs to be done asap and the final objective review needing to be completed by February 1st and provided to him by February 1st. Council Member Scheel stated she is amenable to that amendment. Council Member Tenorio asked to also add that the ad hoc committee would continue in this work. Council Member Scheel stated she is amenable to

that amendment. Council Member Tenorio mentioned appreciation for the ad hoc committee and mentioned being in support of the 360. She said, that she felt the City Manager could not direct the city without being given goals set by the Council which has never been done before, and that she was extremely proud of that. She stated that she cannot support the contract because of the dollar amount. Council Member Tenorio discussed salary, allowances, and spoke in opposition of the health reimbursement with no documentation required. She said the 9- month severance is okay. She continued to say, that the majority of Kyle does not make that much, and most must pay out of pocket. She appreciates all the work that has been done and is the best contract she has seen besides the numbers; she cannot support the contract. She does support the 360 and the guidelines by City Council. She stated that Kyle is the one that raised the amount a long time ago and other Cities are having to catch up. Council Member Scheel stated that when it comes to retirement, she does not have a problem because her company matches what she puts in. Council Member Rizo stated that it is a great contract and the ad hoc committee did a great job on it. He continued that at the TML Conferences he has heard how lucky the City is to have Mr. Sellers as its City Manager. Council Member Koch mentioned the committee came back to the council with the contract and had worked on it for about a month. They tried to keep most things the same. The committee saw that Mr. Sellers made many concessions in the negotiations of it. He continued, he felt the evaluation and assessment was going to be Huge for the City of Kyle. Council Member Villalobos stated that he can understand Council Member Tenorio's concern. He stated that they started with the same amount of his prior contract, and the other items are a longevity incentive for him to stay. He stated that paves the way for future City Managers to have incentives to want to be here. From here, he stated, the Council will have a say in the overall performance and direction for the city with the assessment coming in place He believes the City Manager sees it as a good opportunity as well, with less political influence. Mayor Pro Tem Ellison thanked the ad hoc committee for their work over the last month. He appreciates the creativity in the contract and the innovation with the severance package. He stated three years ago, it is always a subject of contention, the City Manager Contract. He mentioned the council having an opportunity to set tangible parameters and performance evaluations. He said he appreciates the work that has been done and work to be done.

Motion carried 5-1 with Council Member Tenorio dissenting.

4. Consider and Possible Action to approve a Final Settlement Agreement regarding the Sunset Ridge matter. ~ *Paige Saenz, City Attorney*

Mayor Pro Tem Ellison brought forward Item No. 4 for discussion. Ms. Saenz presented the item. Mr. Earp also provided information related to the aesthetics of this development as it relates to the settlement agreement. The developer, Jim Nias, Attorney for Sunset Ridge, spoke about the minimum number of homes with a front porch facing the street. He stated there would be front street decks and covered porches. Mr. Nias made the offer of 30 percent of homes meeting criteria. Council Member Koch stated that he was looking and hoping for 50 percent Mr. Paul Jarvis, Regional Manager, spoke stating that they would be amenable to 30 - 50 percent. Mayor Pro Tem Ellison stated that sounds like 40 percent. Mr. Jarvis agreed to 40 percent. Council Member Koch thanked them for working with the City and stated his support for the agreement with that addition.

Council Member Scheel moved to approve a Final Settlement Agreement regarding the Sunset Ridge matter with the amendment of a minimum of 40 percent of the homes will have a front porch that faces the street. Council Member Koch seconded the motion.

There was discussion on the motion. Council Member Tenorio thanked Council Member Koch for bringing this forward stating that was a great catch. She also thanked the developer for working with the city.

All votes aye; motion carried 6-0.

**V. ADJOURN**

Council Member Koch moved to adjourn. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0.

With no further business to discuss, the City Council adjourned at 7:27 p.m.

---

Travis Mitchell, Mayor

Attest:

---

Jennifer A. Vetrano, City Secretary



# CITY OF KYLE, TEXAS

2019 1104 Minutes

Meeting Date: 4/7/2020

Date time: 7:00 PM

**Subject/Recommendation:** City Council Meeting Minutes - November 4, 2019. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- ☐ 2019 1104 DRAFT Minutes

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on November 4, 2019 at Kyle City Hall with the following persons present:

Mayor Pro Tem Dex Ellison	Rebecca Chapa
Council Member Tracy Scheel	Lisa Trahan
Council Member Robert Rizo	Mark Trahan
Council Member Alex Villalobos	Macey Trahan
Council Member Rick Koch	Yvonne Cale
Council Member Daphne Tenorio	Marlene Silcocks
James Earp, Assistant City Manager	Peter Parcher
Paige Saenz, City Attorney	Diane Hervol
Jerry Hendrix, Chief of Staff	Nicole Romero-Piche
Jennifer Vetrano, City Secretary	Ash Crane
Leon Barba, City Engineer	Jo Fenety
Yvonne Gil-Vallejo, Project Manager	Daniel Campbell
Perwez Moheet, Finance Director	
Matt Dawson, IT Director	
Kerry Urbanowicz, PARD Director	
Mariana Espinoza, Incoming PARD Director	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Tim Griffith, Police Sergeant	
Harper Wilder, Director of Public Works	

### **I. Call Meeting to Order**

Mayor Pro Tem Ellison called the meeting to order at 7:35 p.m. The Pledge of Allegiance was recited. Mayor Pro Tem Ellison asked the city secretary to call roll.

Present were: Mayor Pro Tem Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, Council Member Koch, and Council Member Tenorio. A quorum was present. Mayor Mitchell was absent due to illness.

Council Member Tenorio stated that members of the audience requested Council Members use the microphones.

Mayor Pro Tem Ellison stated that he would like to take a moment of privilege to recognize any Veteran's in the audience. He thanked them for their service as well as family members of those in the service. Council Member Rizo thanked the veterans for their service and sacrifice. Council Member Villalobos stated that along with the recognition of veterans is the recognition of the families who support them, many who come back in pieces. Mr. Villalobos stated, that he honors them on a regular basis because he knows that it is because of them that he has that privilege. Council Member Tenorio spoke about the school Veterans Programs. She recommended people go to Hays CISD website and go to one of the programs.

### **II. Approval of Minutes**

1. City Council Meeting Minutes - July 16, 2019. ~ *Jennifer Vetrano, City Secretary*



2. City Council Special Meeting Minutes - July 27, 2019. ~ *Jennifer Vetrano, City Secretary*

Mayor Pro Tem Ellison brought forward the minutes for discussion.

Council Member Tenorio moved to approve the minutes of the July 16, 2019 Council Meeting and the minutes of the July 27, 2019 Special Council Meeting. Council Member Villalobos seconded the motion. All votes aye; motion carried 6-0.

**III. Citizen Comment Period with City Council**

Mayor Pro Tem Ellison opened citizen comments at 7:41 p.m.

Rebecca Chapa was called to speak as registered regarding the recent petition for recall of Mayor Mitchell. Ms. Chapa addressed council concerning three items of concern. She spoke about the date of October 15, 2019 when the D&L Brooks Investments item regarding lots on Rebel Drive was listed on the agenda. Ms. Chapa said that the Mayor acted unprofessionally concerning handling of the item. She mentioned July 16, 2019 regarding fireworks, vendor Pyro Shows where the Mayor, Council, and Coach were so fixated on wrong length of time of sixteen minutes, that they continued to blame the Parks Director when the vendor claimed error was theirs. She said Council Member Tenorio pointed out they were not where they should have been. She further read excerpts from the Pyro contract on the security area. Ms. Chapa continued that complaints were also made regarding communication about the event between the Mayor, Vendor, Parks Director and City Manager, Mr. s by Mayor Mitchell. For the July 2, 2019 meeting, concerning the downtown revitalization she gave props to everyone except Council Member Koch and Mayor Mitchell, in appreciation of their efforts. She stated that complaints were made to Council about the Mayor not being available. Ms. Chapa spoke about her family being an established family in the area, having been married over 50 years and expressed dissatisfaction over the communication and comments between Mayor Mitchell regarding her family.

Lisa Trahan was called to speak as registered regarding the 1200 to 1600 block of Rebel Drive as it relates to her residence in Plum Creek. Her family proposed solutions including retention of brush area, an easement of at least 20 feet for run off, construction of a walking trail, construction of one-story homes for privacy, and for the existing natural landscape. She spoke to the council concerning a petition circulating and mentioned everyone but one signing the petition and said the one was supportive but did not feel comfortable to sign the petition. Comments of the petitioners included leave as much green space, water runoff, environmental sustainability, save green space, prefer small business, residential only with restrictions. She mentioned Plum Creek Residents' concerns on water, and environmental preservations. Mayor Pro Tem Ellison requested she provide the information to Council and City Secretary.

Mark Trahan was called to speak as registered regarding 1200 to 1600 block of Rebel Drive as it relates to his residence in Plum Creek. He reported that the impact of green space being influential to recovery, children's higher cognitive and emotional growth and development when surrounded by trees. He said, "People in Kyle who have grown up here appreciate the beauty and charm of a small town." He spoke about the tremendous growth and the preservation of beauty and charm amongst all the changes. He mentioned he had conversations with the development company and spoke with Mr. Brooks regarding options to mediate challenges. He said the priorities of development and Mr. Brooks are not necessarily in line with residents of Plum Creek and City Council has power in their positions, power to advocate and leverage. Mr. Trahan urged Council to create development agreements. He encouraged Council to use their leverage to keep Kyle beautiful and charming.

Macey Trahan was called to speak as registered regarding 1200 to 1600 block of Rebel Drive as it relates to her residence in Plum Creek. She likes biking down the alley and enjoys the trees. She thanked Council for their time.

Yvonne Cale was called to speak as registered regarding her concerns as a citizen and spoke to council concerning a recent article printed by the Hays Free Press on October 30, 2019 referencing the article, "Recall Effort in Kyle Falls Short" in regards to Mayor Mitchell and Council Member Koch recall effort. She said the article references Mr. Peter Parcher as a person who launched a petition and gave a brief description of the outcome. In addition, the article included a statement made by Mayor Mitchell. She read the article to say, "This is not the first time I have witnessed Mr. Peter Parcher trying to deceive people, Mitchell said. He knew he was supposed to submit those signatures to the City Secretary so they could be verified, instead he posted the unverified results and shredded the original supposedly signed petitions six minutes later. I will not be taking his word for it." Ms. Cale continued to address the council with her concerns on the recall article comment printed in the paper and voicing her dissatisfaction of Mayor Mitchell's comments. She argued that the statement was made to discredit. She spoke in reference to the Chapa family and made mention that her Campaign Treasurer Mrs. Chapa, also being a part in the army of people involved in the recall. Ms. Cale spoke about the Chapa family accomplishments and community standing. She made special mention of local Armando Chapa Middle School being named after Armando Chapa who served as Middle School Principal who began his career at the school in 1974 as a Special Education Counselor. She mentioned the Chapa family being a fundamental part of Kyle whose honesty and integrity is never questioned. Ms. Cale ended with a closing quote, "If you want to go quickly, go alone, if you want to go far, go together."

Peter Parcher was called to speak, but he requested to go last. There were no objections.

Marlene Silcocks was called to speak as registered regarding the Rebel Road housing development. She spoke about the petition that 32 residents along Mather signed about their concern for the area behind homes. She mentioned the varieties of birds that live in a strip of brush there. She said that this has been her home for 19 years, and she gets emotional. She stated that her home backed up to a field and did not want to see that go away. Ms. Silcocks said the City Council makes the choice for the residents. She does not want it to be commercial and asked Council to preserve as many of the old oak trees and green space as possible. She asked Council to get in touch with the developer. She stated that the residents along the alley need to get with the developer over the land.

Diane Hervol was called to speak as registered. She spoke in appreciation for the repairs to drainage area made to Windy Hill and Ms. Hervol thanked the Council, Harper Wilder and the Public Works Department for getting the funding and improving the drainage areas. She also gave thanks for Agenda Item No. 11 addressing the Windy Hill area roads. She spoke about the extensive growth and the numerous accidents in that area. She expressed appreciation of the many residents for the items being addressed. Mayor Pro Tem Ellison expressed gratitude for the Grant being rewarded for the funding.

Nicole Romero-Piche was called to speak. She spoke about the petition and said the reasons for signing the petition were for reasons of their own. She said that there were two petitions and more signed one than the other mentioning numbers not far apart. She asked the council to keep that in mind moving forward and requested they ask citizens why they signed. She spoke about character and the reasons for coming to Kyle and stressed the appreciation of the city charm and green space. She said that investing in the City sometimes looks like putting your foot down and telling developers no. She mentioned developers not caring about green spaces, downtown, or whether

people can pay their property taxes down the road. She said decisions cannot be undone and the Council's decisions will be their legacy. She ended saying, "How many green spaces will there be? How much of Kyle will be left at your final council meeting?"

Peter Parcher was called to speak. Mr. Parcher spoke to council concerning a comment made in the paper. He stated that the Mayor by extension is the City. He said the Mayor said that he witnessed Mr. Parcher trying to deceive previously. He told the Council that he was here tonight to ask Mayor Mitchell to prove that. He reported to the Council that the Mayor also called Council Member Tenorio a liar. He mentioned that she was a Notary Public. Mr. Parcher continued that the Mayor can say what he wants about him - he doesn't care, but what he says about these people, they are here because they want to know why he said that. He mentioned public information requests in since August 8th that have not been dealt with and asked the Council to do something about it. He said he realized there is an election coming up and things may change a little bit, but it did not negate the obligation the City has. Mr. Parcher apologized to Council Member Koch for the unfavorable insinuations made regarding his family and stressed it was not his intention or his desire. He said throughout the recall Mr. Koch conducted himself publicly and as far as he was concerned, with great restraint and respected him for it.

With no one else wishing to speak, Mayor Pro Tem Ellison closed citizen comments at 8:09 p.m.

#### **IV. Presentation**

3. Presentation regarding construction of Phase 2 of the Ash Pavilion at Gregg-Clarke Park.  
~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*

*Special guest appearance by Ash Crane*

Mayor Pro Tem Ellison brought forward Item No. 3 for discussion. Mr. Urbanowicz introduced Project Manager Ash Crane, who presented the item. No action was taken.

4. *[Postponed 10/15/2019]* Presentation by Ned Davenport related to development in the city of Kyle ETJ. ~ *Tracy Scheel, Council Member*

Mayor Pro Tem Ellison brought forward Item No. 4 for discussion and gave the floor to Council Member Scheel. Ms. Scheel stated that Mr. Davenport thought the meeting was going to be on Tuesday as usual and was unable to attend. She requested this item be postponed until the November 19, 2019 meeting. No action was taken.

5. CIP/Road Projects Update. ~ *Leon Barba, P.E., City Engineer*

Mayor Pro Tem Ellison brought forward Item No. 5 for discussion. Mr. Barba presented the item. No action was taken.

#### **V. Consent Agenda**

Mayor Pro Tem Ellison asked if there were any items to be pulled from the Consent Agenda. Council Member Scheel requested to pull Item No. 6, and Mayor Pro Tem Ellison requested to pull Item No. 9. Mayor Pro Tem Ellison brought forward Item Nos. 7, 8, 10, 11, 12, 13, 14, and 15.

7. Authorize award and execution of a Purchase Order to Texas Underground Inc, Pearland, TX, in an amount not to exceed \$68,676.00, for a PipeHunter Sewer Jetting Machine through

Buyboard Purchasing Cooperative (Contract # 593-19) for the Public Works Department.  
~ *Harper Wilder, Director of Public Works*

8. Authorize award and execution of a Purchase Order to AUSTIN TURF & TRACTOR, Marble Falls, Texas, in an amount not to exceed \$22,494.95 for the purchase of one Ventrac Tractor KN-4500P Kawasaki FD851D with accessories. ~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*
10. Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, LP, Austin, Texas, in an amount not to exceed \$197,000.00, to deliver, construct and install the Phase 2 of the Ash Pavilion at Gregg-Clarke Park. ~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*
11. 11. 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*
12. Approve a Resolution authorizing the negotiation of an agreement with KU & ASSOCIATES, LLC, 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*
13. (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 4.207 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1450 E. RR 150, in Hays County, Texas. (Sheerghar Investment, Inc., A Texas Corporation - Z-19-0046) ~ *Howard J. Koontz, Director of Planning and Community Development*  
  
*Planning and Zoning Commission voted 5-0 to recommend approval.*  
  
*City Council voted 6-0 to approve on first reading.*
14. Approve a Resolution designating authorized signatories for the contractual documents and documents for requesting funds pertaining to the Texas General Land Office (TGLO) contract number 19-280-000-B779, Windy Hill Road at Richmond Branch drainage improvement project. ~ *Leon Barba, P.E., City Engineer*
15. Approve employee Code of Conduct Policy guidelines for the procurement of supplies, equipment, construction services, and professional services for the Texas General Land Office (TGLO) program, Contract No. 19-280-000-B779, Windy Hill Road at Richmond Branch drainage improvement project. ~ *Leon Barba, P.E., City Engineer*

Council Member Tenorio moved to approve Consent Agenda Item Nos. 7, 8, 10, 11, 12, 13, 14, and 15. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Tenorio stated that every item was already budgeted.

All votes aye; motion carried 6-0.

6. Authorize award and execution of Purchase Order to DELL COMPUTERS, INC., Round Rock, Texas, in an amount not to exceed \$53,495.64, for the purchase of thirty-three (33)

new patron and sixteen (16) new staff computers for the Kyle Public Library. ~ *Matt Dawson, Director of IT*

Mayor Pro Tem Ellison brought forward Item No. 6 and gave the floor to Council Member Scheel. She asked if the new computers would be replacing current computers. She asked what would become of the equipment that is being replaced. Mr. Dawson said that the items will be repurposed. Council Member Scheel asked about donating to an organization such as the women's shelter or anything similar. Matt Dawson responded he was not opposed but the current process was to repurpose within the city and was not aware of the procedures for donating to another entity. Council Member Rizo asked about the hard drives. Mr. Dawson said the firm the City used would zero out the hard drives. Council Member Villalobos asked about the procedure for utilizing for a city function and mentioned the city having an informal complete count 2020 committee internally and utilizing a couple of the computers for various activities coming up. Mr. Dawson spoke about the City's Chromebooks that are used for web browsing. Council Member Villalobos asked Matt Dawson if he could make a notation to revisit later in the programming. Mr. Earp and Mr. Dawson reported the computers were old and from when the library was opened saying some are beyond useful life, some are salvageable and the others the City could utilize.

Council Member Scheel moved to authorize award and execution of Purchase Order to Dell Computers, Inc., Round Rock, Texas, in an amount not to exceed \$53,495.64, for the purchase of thirty-three (33) new patron and sixteen (16) new staff computers for the Kyle Public Library. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

9. Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, LP, Austin, Texas, in an amount not to exceed \$34,701.00 to replace the fall zone material at the Lake Kyle Playground with artificial turf surface. ~ *Kerry Urbanowicz, Director of Parks, Recreation and Facilities*

Mayor Pro Tem Ellison brought forward Item No. 9. He stated that he pulled the item in order to publicly recognize and thank Mr. Urbanowicz for his service to the community. Mayor Pro Tem Ellison expressed appreciation and stated, "Mr. Urbanowicz, I would like to thank you for your time and service to our city, the longevity, the experience, the wisdom you have brought to our city and staff is like none other and you will be sorely missed." Mr. Rizo recognized Mr. Urbanowicz for bringing the City's public pool for places kids and families can go. He mentioned him coming forward, the Parks Department coming forward and pushing effort forward. He told Mr. Urbanowicz that our Parks Department has really thrived. Council Member Rizo stated, "Mr. Urbanowicz's fingerprint is on this city and it is going to be there forever." He further thanked him for all he gave to the Parks Department from his heart and for his time. Council Member Scheel recognized Mr. Urbanowicz, saying she has worked on the board with him for years and she enjoyed every minute of it. She said, "Your heart for this city is like no other and I just wanted to say thank you." Mayor Pro Tem Ellison reported that he could not let Mr. Urbanowicz's last council meeting go by without publicly thanking him for all he has done for us. Council Member Tenorio mentioned that some come in just to do their jobs and they go. She said, "One of the things I can truly honestly say and be very appreciative for is that you didn't just do your job, you planted seeds. Those seeds will continue to prosper because of you."

Council Member Tenorio moved to approve Agenda Item No. 9. Mayor Pro Tem Ellison seconded the motion.

There was discussion on the motion. Council Member Villalobos recognized Mr. Urbanowicz and expressed his appreciation for him and for his persistence with regards to making sure the Krug

Activity Center was renovated and continues to be beautiful for our community and a vital piece of our history. The council applauded Mr. Urbanowicz.

All votes aye; motion carried 6-0.

## VI. Consider and Possible Action

16. [Recessed on 10/15/2019] (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning of approximately 14.36 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located within the 3400 Block of Kyle Crossing, in Hays County, Texas. (Sterling/Babcock & Brown, LP - Z-19-0047) ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 5-0 to recommend denial.*

- Public Hearing (*left open on 10/15/2019*)

Mayor Pro Tem Ellison brought forward Item No. 16 for discussion. Mr. Koontz presented the item.

Mayor Pro Tem Ellison reopened the public hearing at 8:46 p.m.

Diane Hervol was called to speak as registered in opposition of the item. She requested Council to deny the requested zoning and consider something mixed use or keep it Retail Services. She does not believe that it would be the best use for the property. She mentioned that Planning & Zoning Commission denied the request. She also considers it the gateway to our city going southbound and is currently surrounded with retail services. She did not see the Economic Development & Tourism Board or Chamber in support. She mentioned the quarry being guaranteed to provide residents within the development an unsettling feeling and said she would feel it personally. Ms. Hervol said the senior management at the quarry would say the blast are within legal limits. She mentioned the quarry having a current application to expand. She said occupants of those apartments would be subjected to unsettling rumbles from the earth beneath them and mentioned Smile Direct coming in and the need for an income study for the project area.

Jo Fenety was called to speak as registered in opposition of the item. She mentioned looking at the map and everything with one exception being on the corner, is zoned Retail Services. She spoke about the regional node and the first sentence of the Comp Plan stating to increase amount of money made in that area to help the City overcome whatever costs they have. She said, "I am a gardener, one of the first things you learn is you put the right plant in the right place, and if don't, you will have a problem." She mentioned this not being the right place and was not the highest and best use concerning the property. She mentioned it needing to be something to generate more income and activity in the area. Ms. Fenety reported to the Council that the property being currently zoned Retail Services is the right zoning for that and not apartments.

With no one else wishing to speak, Mayor Pro Tem Ellison closed the public hearing at 8:52 p.m.

Mr. Koontz clarified that he was reading Agenda Item No.13 but speaking on Item No. 14. It is currently zoned R/S, not AG as he previously stated.

Daniel Campbell, the developer, spoke and gave a bit of background and mentioned the 14 acres being part of a 60-acre project that they are working on between Home Depot and Evo right of I-35 and Kyle Crossing. He reported to council saying, "Retail doesn't exist the way that it did when

the Target center was built 10 or 15 years ago, that type of project doesn't generate interest like it did before.” He discussed allowing use of the 14 acres of the property to create a more live/work/play environment where people in Kyle can walk out their front door, walk onto a park, walk to a restaurant, and let mothers-in-law stay at a hotel on-site. He mentioned things like allowing them to have a community and another place in Kyle to enjoy being in the community. Mr. Campbell said, “Although you may not understand the master plan, this is 14 acres of the total 60 that we feel this is a catalyst project and anchor to a successful mixed-use project.” He thinks is a harbinger of how projects like this should be built going forward. He continued that they have met with Texas Lehigh several times and are working on an agreement that both sides will be okay with where an exhibit to their lease would explain that a quarry is nearby, certain sounds that come from that, and buyer beware type of statement. He thinks this is a capstone unique project that he hopes to bring to Kyle.

Council Member Tenorio moved to deny an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning of approximately 14.36 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located within the 3400 Block of Kyle Crossing, in Hays County, Texas. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Villalobos mentioned understanding the idea in the discussion and trying to place a residential area to guarantee patrons to the retail services throughout that opens the door for that. He spoke about having an enormous amount of growth in other areas around Kyle where people would patron that. He suggested to be more creative on what was utilized at the keystone of the development. He made mention that Council is looking to elevate what they are trying to accomplish in Kyle and that affordable housing, price points probably don't reach that at all. He mentions the Council is looking for something creative for that area. Council Member Villalobos stated that he is not wanting to direct too much to that but that this was his vision rather than another apartment complex. He said it is not the best use, given the other variables in play. He told Mr. Campbell, “I just think you would be better suited with a different cornerstone to the retail services there, something to bring people to that area. We are starving for something a little bit different here in Kyle. I think if you did studies in the area and engaged city in populous you could find some really good ideas to help create the best use for your property so you can adjust for your bottom line. I would appreciate that.” Council Member Rizo stated he liked the idea, but said it was the wrong location for it. He mentioned attending a meeting at Texas Lehigh and further reported on elevation saying the higher you go the more you will feel it and people don't normally read whole contracts and then he stressed concern the Citizens would ask Council what they did to avoid this. Council Member Rizo said he felt the idea was great but the wrong place. Council Member Tenorio stated she has seen the damage done to these homes by the huge cracks going down their walls. Council Member Tenorio mentioned the beware clause and stated the idea that they were going to put in beware, shouldn't have to be done. She expressed concern for the nearby residents stating families should be able to know they are living in a safe home and not have to worry about objects falling off their walls. She said she cannot support that. She mentioned the space being prime retail space said she would be concerned about the costs of repairs for damage due to the blasts. She said she cannot support the zoning change. Council Member Scheel stated that she was also at the Texas Lehigh meeting where they mentioned the higher you go the more you feel it, referencing the rumbles. That concerned her. She continued that knowing the area is the port to the City for people coming south that she would love to see something more innovative for Retail Services to maximize that a bit more. She has a problem with apartments and how residents are going to feel it, even with a clause. She stated the neighborhood she lived in had a clause that you will be living next to a Wastewater Treatment Plant and every night still heard, “What is that foul smell?” She spoke of potential residents and

said they will move in and the next day feel that and ask, "What that was and what did I lease?" She said people will have to break their lease and she had a problem with that. Council Member Koch addressed Mr. Campbell, asked why he feels that it is a mixed-use project. Mr. Campbell said most people think of mixed use as things stacked on top of each other but doesn't make financial sense. He spoke of horizontal mixed use. He mentioned having an apartment project next to a retail project and said it really wasn't a retail project any longer, it would become a development. He said the most successful phase of The Domain is everything from Whole Foods down to Nordstrom. That is all single-story retail with apartments and office behind it, it's not stacked. He continued and said for some reason people think mixed use can only be vertical, but it works very well when things are next to each other and not just stacked. Mr. Koch stated that this came before him while he served on Planning & Zoning Commission. He challenged Endeavor to look at the project for the future for Kyle in the next 20 years and to hammer home on the mixed-use aspect of it. His challenge is, he said, that Endeavor has a great reputation in this area, they revamped an abandoned shopping center and it is now a thriving activity center. He doesn't want to tell them no repeatedly. Council Member Koch said he did not think it should be another Target/Ross shopping center and that the City can do more and get more out of it to create a place people in Kyle will want to go regardless if they live in the apartments there or not. He would like to see the apartment layout but realizes the zoning issues and said we are talking about the appropriateness of it. He wanted to remind Council that these apartments and their desire, much like The Domain that he believed Endeavor was a part of, is part of a greater picture of Retail Services. He said to consider what they are bringing to the table. In the planning process he heard the Planning Director talk about where to put apartment buildings and multi-family housing. He stated that one of the best places a City can put apartments is with close access to I-35 and major arteries. Mr. Koch continued that he has no problem and said he hopes they come to an agreement between them and Texas Lehigh. He mentioned Kyle having a movie theater close by and said, "If you happen to be in there when a blast goes off, it gives you an interesting 4D experience." He gets his hair cut at the homes near retail spaces by The Home Depot. He admits that it is shocking when you first experience it but that he has known that the quarry has been there for a long time. He spoke about making good choices for the community because you are certainly not going to stop Texas Lehigh from operating as a quarry. He cautioned that the Council might be pausing when it doesn't need to pause and possibly could lose a good partner in the development of this property. Mr. Koch continued that retail is changing; Council needs to change with it to get the best outcome for the City and its residents. He spoke about letting incoming residents know, that it should be at the front of any contract signed and take it one step further - anyone who signs any lease, commercial or residential should sign a notice of the quarry located nearby. Council Member Koch urged the Council to take a close hard look at who is bringing this in front of Council and their body of work and what they have to bring to Kyle. Mr. Earp stated that the City Manager has met with Texas Lehigh and has said they are neutral to the project. Mr. Koontz asked a favor, that Council Member Tenorio rescind her motion to deny and reschedule this item for the next meeting. He has an idea that may make the project more palatable. He spoke with the applicant, but he needs further discussion. Mayor Pro Tem Ellison asked Ms. Hervol that when she stated she was in favor of mixed-use, what particularly she meant? She stated that she meant horizontally (from the audience). He addressed Mr. Campbell and thanked him for the explanation of horizontal mixed-use he had provided because that was a question he had. Mayor Pro Tem Ellison appreciated Mr. Earp's input on Texas Lehigh's position. He continued that he too attended the Texas Lehigh meeting and mentioned and reported on behalf of the three Council Members who went to Lehigh. He mentioned it was reported they have 2 to 3 blasts per week, he gave analogies, and mentioned it being an active quarry and how that impacts things around them. They stated they are more than willing for someone from Texas Lehigh to come speak to the Council and Citizens for the public record. He mentioned that he did not want to go out on a limb by saying that this is causing cracks



in people's walls and placing blame. He continued and said that is not our place to say without backup information showing it's truly from blast and things like that. Mayor Pro Tem Ellison expressed concern for residents, businesses and workers concerning the matter. He was in favor of rescinding the denial to provide 2 to 3 weeks to consider a better proposal, and for Texas Lehigh to come to the meeting. Council Member Villalobos mentioned that he had spoken with the CEO of Lehigh, Mr. Neil. He said that he has been very frank about production side increasing 100 percent. Council Member Villalobos mentioned the contract continued for 200 years with production increasing. He also spoke about the location in proximity of I-35 and stressed concern in putting a residence in that close to the interstate. He stressed concern of possible burglaries and increasing call volumes and said he had seen it and taken those type of reports. He said, "When you invite for Retail Services and then put off on I-35 on top of blasting that will be there long after any of us are still here on earth with production increase, there are things there that create my decision for not supporting that." He further mentioned wanting to do what's best for the citizens and expressed his support for growth while looking out for the citizens. Mr. Earp reported Lehigh currently blasting 1 - 2 times per month.

Council Member Tenorio asked Ms. Saenz if she chose not to rescind, if the second reading had to happen? Ms. Saenz reported no, if you deny, it does not come back for a second. Mr. Koontz asked for three weeks - December 3 meeting. She rescinded her motion.

Council Member Tenorio moved to rescind the motion and to postpone the item until the first voting meeting in December. Mayor Pro Tem Ellison seconded the motion.

There was discussion on the motion. Council Member Koch thanked Council Member Tenorio for being willing to work with people who came into our town and he added, like many of the council Members on here we are looking to get the best use out of the piece of land. Council Member Rizo stated that Council is here to look out for the citizens of Kyle and bring in great development for the City of Kyle. Council Member Villalobos mentioned development for the City and creating balance concerning development. He mentioned Lehigh has been clear they are not stopping production, not going to change. Production will increase, create any other agreements that you want, will not sway or decrease production. He enjoys the honesty and frankness of it. Wants Council to recognize that this is nothing new, it will not change, for 200 years it is not going to change. Council Member Tenorio stated that she is doing this because she believes in the staff, because she wants to give the opportunity for staff to do its job. She recommended council and citizens to talk to Texas Lehigh. Urged council to do its homework. Mayor Pro Tem Ellison asked for any further comments on the motion. No further comments were discussed.

Motion carried 4-2 with Council Members Tenorio and Villalobos dissenting.

17. *[Postponed 10/15/2019]* Consider and possible action on an Interlocal Cooperation Agreement between the City of San Marcos, City of Kyle, City of Buda, and Hays County relating to the Management and Operation of the San Marcos Regional Animal Shelter. ~ *Jeff Barnett, Chief of Police*

Mayor Pro Tem Ellison brought forward Item No. 17 for discussion. Chief Barnett presented the item. Council Member Villalobos left the dais at 9:37 p.m. Mr. Earp asked the Chief to add Wednesday closing and owner surrenders.

Council Member Tenorio moved to approve an Interlocal Cooperation Agreement between the City of San Marcos, City of Kyle, City of Buda, and Hays County relating to the Management and

Operation of the San Marcos Regional Animal Shelter. Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Koch requested an amendment to the agreement so that Hays County must give 120 days' notice. Council Member Tenorio stated that all the other jurisdictions are considering this same agreement. Chief Barnett stated that City of San Marcos is considering theirs in two days. Ms. Saenz stated if no one has approved that there is time for change. Council Member Tenorio mentioned that perhaps council should postpone until other jurisdictions have approved theirs in the case that the other jurisdiction refuses. She would like to pass the motion correctly on the first try. Mr. Earp explained that what they would do is add in the cost sharing methodology portion that they would deliver, no sooner or no later than 120 days prior to the end of the fiscal year and he explained that the 120 days prior to the budget adoption would give Council an additional 30 days to pull out depending on the budget requested. The Council discussed implementing changes to Section 4.1 of the Agreement.

Council Member Tenorio amended her motion to add a 4.4 stipulation that budget costs be provided within 120 days. Mr. Earp stated that Council could do that or tack it onto the last sentence of 4.1. Council Member Tenorio stated she is comfortable with that. Council Member Scheel stated that she understands that this is an agreement between all the parties, and she asked if we could have a varying agreement between entities or if they would be the same. Ms. Saenz stated that if the other parties agree, the agreement can be signed if not, brought back.

Council Member Scheel seconded the amended motion. All votes aye; motion carried 5-0. Council Member Villalobos was absent for the vote.

Council Member Villalobos returned to the dais at approximately 10:10 p.m.

18. Consider and possible action regarding construction of a shoulder at FM 1626 and Marketplace Avenue and the possible addition of a passthrough lane at the intersection of Rebel Rd. and Silverado. ~ *Harper Wilder, Director of Public Works*

Mayor Pro Tem Ellison brought forward Item No. 18 for discussion. Mr. Wilder presented the item.

Mayor Pro Tem Ellison moved to direct staff to construct a shoulder at FM 1626 and Marketplace Avenue, and no action at this time regarding Rebel Rd. and Silverado. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0.

19. Review of the duties of Mayor and Councilmembers responsibilities under the City Charter. ~ *Daphne Tenorio, Council Member*

Mayor Pro Tem Ellison brought forward Item No. 19 for discussion and gave the floor to Council Member Tenorio.

Council Member Tenorio moved to postpone to November 19, 2019. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0.

## **VII. City Manager's Report**

20. 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*

- City Holiday in observance of Veterans Day November 11
- Special Meeting November 18 at 8:00 a.m.
- Advertising for Planning & Zoning Commission Vacancy
- KAYAC Summit January 31, 2020

Mr. Earp mentioned that Kyle will be hosting the state YAC Convention and the Youth Advisory Council from all over state coming to Kyle. He said that it would be a huge production and spoke of staff sponsors Howard Koontz and Kim Hilsenbeck. He mentioned that there would be plenty of opportunity for volunteer work and all that. He expressed appreciation for staff and expressed gratitude for the event being held in Kyle. He reminded Council regarding the City Holiday in observance of Veterans Day November 11 and the Special Meeting November 18 at 8:00 a.m.

### **VIII. Executive Session**

21. 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.
  2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
  3. Personnel matters pursuant to Section 551.074.
  4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.

There was no executive session.

22. Take action on items discussed in Executive Session.

### **IX. ADJOURN**

Council Member Tenorio moved to adjourn. Council Member Villalobos seconded the motion. All votes aye; motion carried 6-0.

With no further business to discuss, the City Council adjourned at 10:25 p.m.

---

Travis Mitchell, Mayor

Attest:

---

Jennifer A. Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## 2019 1118 Special Minutes

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** City Council Special Meeting Minutes - November 18, 2019. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- 2019 1118 DRAFT Special Minutes

## SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on November 18, 2019 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Lila Knight
Mayor Pro Tem Dex Ellison	Penny Krug
Council Member Tracy Scheel	
Council Member Robert Rizo	
Council Member Alex Villalobos	
Council Member Rick Koch	
Council Member Daphne Tenorio	
Scott Sellers, City Manager	
Jennifer Vetrano, City Secretary	
Matt Dawson, IT Director	

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 8:03 a.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, Council Member Koch, and Council Member Tenorio. A quorum was present.

### **II. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 8:04 a.m.

Lila Knight was called to speak as registered. She understands the difficulty calling the election and the restrictions involved. She wants the Council to explain to the citizenry what restrictions there are so that they would understand. She asked the Council that they do their best to make everyone aware that there is an election and opined that she did not feel they were, and this was not being done. She expressed concerns on the Ordinance that there were blanks to be filled in.

Penny Krug was called to speak. She has concerns for calling the election for January 4. She stated that the holidays are a very busy time (for early voting), and this will take away from family time. As an election worker, she said, she can refuse, but those being paid cannot.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 8:07 a.m.

### **III. Consider and Possible Action**

1. A Resolution Canvassing the Returns and Declaring the Results of the November 5, 2019 General Election of the City of Kyle, Texas. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 1 for discussion, and he read into the record:

There came to be considered the returns of the general election held on the 5th day of November, 2019, for the purpose of electing Council Members for Districts 1

and 3, and it appearing from said returns duly and legally made; that each of the candidates in said election received the following votes:

COUNCIL BY PLACE:	VOTES CAST		
	EARLY	ELECTION DAY	TOTAL
COUNCIL DISTRICT 1			
Yvonne Flores-Cale	365	512	877
Dex Ellison	433	671	1,104
COUNCIL DISTRICT 3			
Amanda L. Stark	314	479	793
Robert Rizo	493	700	1,193

It is found, determined and declared by the City Council that said election was duly called; that notice of said election was given in accordance with law, and that the said election was held in accordance with law; and that Dex Ellison was duly elected to Council District 1, and that Robert Rizo was duly elected to Council District 3. Said above named parties are hereby declared duly elected to said offices, subject to the taking of the oath of office as provided by the laws of the State of Texas.

Mayor Mitchell moved to approve a resolution canvassing the returns and declaring the results of the November 5, 2019 General Election of the City of Kyle, Texas. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

2. Accept the resignation of Daphne Tenorio, Council Member District 6. ~ *Dex Ellison, Mayor Pro Tem*

Mayor Mitchell brought forward Item No. 2 for discussion and gave the floor to Mayor Pro Tem Ellison.

Mayor Pro Tem Ellison moved to accept the resignation of Daphne Tenorio, Council Member District 6. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

3. *(First Reading)* An Ordinance of the City of Kyle, Texas, Ordering a Special Election to be held on January 4, 2020 for the election of City Council District Six to serve an unexpired term ending November, 2021; designating the main early voting place for such special election; providing for an order and notice of such special election. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 3 for discussion and presented the item. Penny Krug provided information related to the other tasks that the Elections Office is responsible for aside from the early voting and Election Day itself. Council Member Tenorio stated that she reached out to the city attorney regarding her resignation in hopes of having the special election in conjunction with the Primaries to save money, but she wasn't told about the blackout laws.

Mayor Mitchell moved to approve Agenda Item No. 3 with the following amendments: that a Special Election to shall be held on January 25, 2020 and that the polling location be established as Chapa Middle School and if, in the event that Chapa Middle School is unavailable for that date due to conflict that the early voting location shall be held at Kyle Fire Station #2 but that it is not the desire of council to have two locations, but only one. Council Member Tenorio seconded the motion.

There was discussion on the motion. Mayor Pro Tem Ellison stated that for a point of clarification, the mayor said early voting, but he thinks it should be early voting and Election Day. Mayor Mitchell clarified his motion to state that the Special Election will be held on January 25 with early voting taking place ahead of that as prescribed by state law, location Chapa Middle School, secondary location if Chapa is not available - Fire Station No. 2. Council Member Tenorio seconded his clarification of the motion.

All votes aye; motion carried 7-0.

#### **IV. ADJOURN**

Council Member Tenorio moved to adjourn. Mayor Mitchell seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 8:32 a.m.

---

Travis Mitchell, Mayor

Attest:

---

Jennifer A. Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## Ethics Commission Appointment - Seat 6

**Meeting Date: 4/7/2020**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Appoint nominee for position on City of Kyle Ethics Commission. ~ *Michael Tobias, Council Member*

- Nancy Fahy

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

No Attachments Available





# CITY OF KYLE, TEXAS

## Police Headquarters Construction Update

**Meeting Date: 4/7/2020**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Task force update on Police Headquarters Construction. ~ *Jeff Barnett, Chief of Police*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## CIP/Road Projects Update

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Acceptance of Bunton Creek Reserve Phase 2 Subdivision

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** A Resolution of the City Council of the City of Kyle, Texas accepting the Bunton Creek Reserve Phase 2 Subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law.  
~ Leon Barba, P.E., City Engineer

**Other Information:** A final walkthrough was completed on January 16, 2020. The punch list items have been completed on the project. The street, drainage and wastewater improvements have been constructed in substantial accordance with the City's requirements. Record drawings have been provided to the City.

A Maintenance Bond (The Philadelphia Indemnity Insurance Company – Bond No. PB03016800500M1) in the amount of \$454,948.92 has been provided for a period of two (2) years.

**Legal Notes:** N/A

**Budget Information:** N/A

---

### ATTACHMENTS:

#### **Description**

- Acceptance Package

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS ACCEPTING BUNTON CREEK RESERVE PHASE 2 SUBDIVISION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS** hereby accepts the public improvements and certifies completion of the improvements for the Bunton Creek Reserve Phase 2 subdivision. The current maintenance surety is hereby \$454,948.92 being thirty five percent of the total cost of required improvements, to be held for two years from this date.

**SECTION 1.** That the subdivision improvements within the Bunton Creek Reserve Phase 2 subdivision are hereby accepted for operation and maintenance.

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

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF KYLE, TEXAS

\_\_\_\_\_  
Travis Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Vetrano, City Secretary

**EXHIBIT A**

**STAFF ACCEPTANCE MEMO**




# CITY OF KYLE

---

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

Kyle, Texas 78640  
Fax (512) 262-3915

## MEMORANDUM

TO: Scott Sellers, City Manager  
FROM: Leon Barba, P.E., City Engineer   
DATE: March 9, 2020  
SUBJECT: Bunton Creek Reserve Phase 2  
Final Acceptance

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

A final walkthrough was completed on January 16, 2020. The punch list items have been completed on the project. The street, drainage, and wastewater improvements have been constructed in substantial accordance with the City's requirements. Record drawings have been provided to the City.

A Maintenance Bond (Philadelphia Indemnity Insurance Company – Bond No. PB03016800500M1) in the amount of \$454,948.92 has been provided for a period of two (2) years.

Please let me know if you need any additional information.

Xc: Harper Wilder, Department of Public Works  
Perwez Moheet, Finance Dept.  
Debbie Guerra, Planning Department



**Jamison Civil Engineering LLC**

TBPE #F-17756  
13812 Research Blvd. #B-2  
Austin, Texas 78750

**JCE**

Office: (737) 484-0880  
Fax: (737) 484-0897  
E-Mail: steve@jamisoneng.com

February 20, 2020

Mr. Leon Barba, P.E.  
City of Kyle  
100 W. Center St.  
Kyle, Texas 78640

Re: **Bunton Creek Reserve Phase 2**  
Construction Plans  
Engineer's Letter of Concurrence

Dear Mr. Barba:

I, the undersigned professional engineer in the State of Texas, or my representative, made periodic visits to the above referenced project and observed that the site grading, drainage structures, streets, water utilities and wastewater utilities were constructed in general conformance with the approved plans.

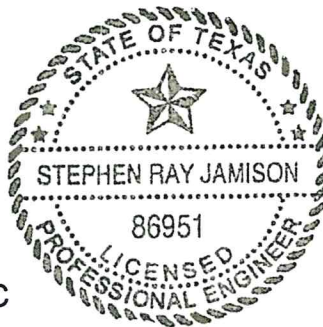
Punch list items generated during a walk-through on January 16, 2020, have also been addressed to my satisfaction.

A two-year maintenance bond in the amount of \$454,948.92, a copy of the as-built drawings and digital files will be submitted to the City of Kyle.

Sincerely,



Stephen R. Jamison, P.E.  
Jamison Civil Engineering LLC



02/20/2020

**EXHIBIT B**

MAINTENANCE BOND



# Philadelphia Indemnity Insurance Company

One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004  
877-438-7459

Bond No. PB03016800500M1

## MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we DNT Construction, LLC as Principal, and Philadelphia Indemnity Insurance Company, a corporation organized under the laws of the State of Pennsylvania, and duly authorized to do business in the State of Texas as Surety, are held and firmly bound unto City Of Kyle as Obligee, in the penal sum of Four Hundred Fifty Four Thousand Nine Hundred Forty Eight and 92/100 (454,948.92) to which payment well and truly to be made we do bind ourselves, and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal has entered into a contract with City of Kyle dated July 29<sup>th</sup>, 2019 for Bunton Creek Reserve Phase 2: Waste Water Improvements, Drainage Improvements, Street Improvements, Electric Improvements, which contract is hereinafter referred to as the "Contract."

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of Two year (s) from date of acceptance of the work performed under the Contract against all defects in workmanship and materials which would have been the responsibility under the Contract for which written notice is made to Surety during said period

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

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

SIGNED, SEALED AND DATED THIS 10th day of March, 2020.

DNT Construction, LLC  
Principal

By: \_\_\_\_\_

  
Dean Tomme, President

Philadelphia Indemnity Insurance Company

By: \_\_\_\_\_

  
Jeremy Farque, Attorney-in-Fact

**PHILADELPHIA INDEMNITY INSURANCE COMPANY**

One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004-0950

**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Tom Mulanax, Michael Whorton, David Whorton, Rachel Martinez, Pollyanna Lengel, Jeremy Farque and/or Noe Moreno of Whorton Insurance Services** its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$25,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14<sup>th</sup> of November, 2016.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

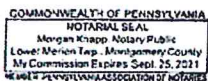
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27<sup>TH</sup> DAY OF OCTOBER, 2017.



(Seal)

Robert D. O'Leary Jr., President & CEO  
Philadelphia Indemnity Insurance Company

On this 27<sup>th</sup> day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public: Morgan Knapp  
residing at: Bala Cynwyd, PA  
My commission expires: September 25, 2021

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 27<sup>th</sup> day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 10th day of March, 20 20.



Edward Sayago, Corporate Secretary  
PHILADELPHIA INDEMNITY INSURANCE COMPANY



Jamison Civil Engineering LLC  
 13812 Research Blvd. #B-2  
 Austin, Texas 78750  
 TBPE #F-17756



Project: Bunton Creek Reserve Phase 2  
 Owner: Starlight Homes Texas, LLC  
 Location: Kyle, Hays County, Texas

**Final Cost & Quantities**

WASTEWATER IMPROVEMENTS					CONTRACT
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	8-inch SDR-26 PVC Wastewater Line (All Depths)	2755	LF	\$ 26.00	\$71,630.00
2	4' Standard Wastewater Manhole (All Depths)	9	EA	\$ 3,225.00	\$29,025.00
3	6-inch Double Wastewater Service	38	EA	\$ 1,460.00	\$55,480.00
4	6-inch Single Wastewater Service	6	EA	\$ 1,000.00	\$6,000.00
5	Adjust Wastewater Manhole to Grade	9	EA	\$ 375.00	\$3,375.00
6	Trench Safety	2755	LF	\$ 1.00	\$2,755.00
7	16" Steel Encasement Pipe	20	LF	\$ 120.00	\$2,400.00
					<b>\$170,665.00</b>

DRAINAGE IMPROVEMENTS					CONTRACT
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	Tie to Existing Junction Box	1	EA	\$ 530.00	\$530.00
2	42-inch RCP CL III STM	604	LF	\$ 125.00	\$75,500.00
3	24-inch RCP CL IV STM	442	LF	\$ 61.00	\$26,962.00
4	24-inch RCP CL III STM	1,019	LF	\$ 54.00	\$55,026.00
5	18-inch RCP CL III STM	633	LF	\$ 45.00	\$28,485.00
6	5'x5' Stormsewer Box Manhole	2	EA	\$ 3,035.00	\$6,070.00
7	6'x6' Stormsewer Box Manhole	1	EA	\$ 4,025.00	\$4,025.00
8	7'x7' Stormsewer Box Manhole	5	EA	\$ 6,190.00	\$30,950.00
9	10-foot Curb Inlets	13	EA	\$ 3,915.00	\$50,895.00
10	Concrete Rip-Rap for 42" RCP	1	EA	\$ 2,745.00	\$2,745.00
11	Rock Dissipation Area	24	SY	\$ 40.00	\$960.00
12	Trench Safety	2,698	LF	\$ 1.00	\$2,698.00
13	Detention Pond Maintenance Access	778	SY	\$ 22.00	\$17,116.00
					<b>\$301,962.00</b>

E. STREET IMPROVEMENTS					CONTRACT
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	Clear and Grub	19.8	AC	\$ 3,615.00	\$71,577.00
2	Excavation/Embankment (Includes Lots)	95,866	SY	\$ 2.75	\$263,631.50
3	2-inch HMAc	9,210	SY	\$ 11.75	\$108,217.50
4	10-inch Flexible Base Material (3' BOC)	12,223	SY	\$ 8.65	\$105,728.95
5	Subgrade Prep (3' BOC)	12,223	SY	\$ 1.95	\$23,834.85
6	6-inch Curb and Gutter	5,429	LF	\$ 15.25	\$82,792.25
7	Curb Ramp	8	EA	\$ 1,160.00	\$9,280.00
8	Sidewalks	49	SY	\$ 60.00	\$2,940.00
9	Signage and Striping	1	LS	\$ 1,475.00	\$1,475.00
10	Gas Line Crossing Slab	1	LS	\$ 17,250.00	\$17,250.00
11	Concrete Valley Gutter	1	EA	\$ 5,500.00	\$5,500.00
12	Temporary High Pressure Gas Line Crossing	1	EA	\$ 10,000.00	\$10,000.00
					<b>\$702,227.05</b>

Jamison Civil Engineering LLC  
 13812 Research Blvd. #B-2  
 Austin, Texas 78750  
 TBPE #F-17756

**JCE**

Electric Improvements (including Street Lights)					CONTRACT
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	Electric Improvements (including Street Lights)	1	LS	\$ 125,000.00	\$125,000.00

Public Improvements Total

\$1,299,854.05

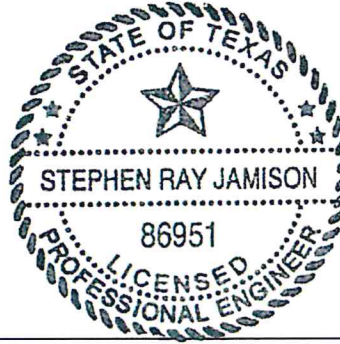
Public Improvements Total For Maintenance Bond

\$1,299,854.05

Two Year Maintenance Bond Amount (35%)

\$454,948.92

Submitted by:

03/05/2020

Stephen R. Jamison, P.E.

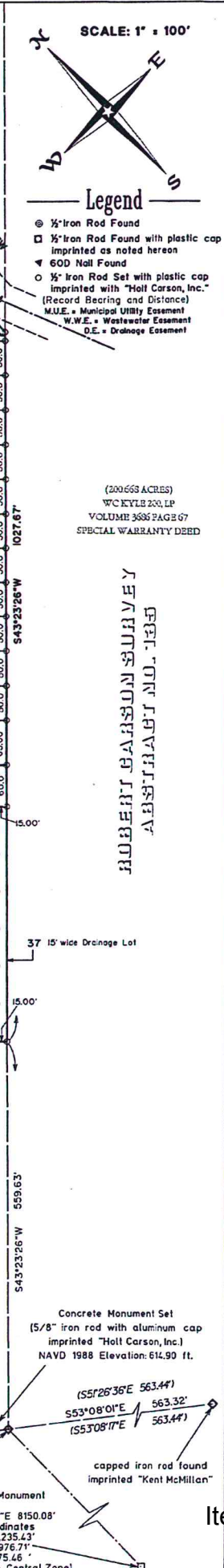
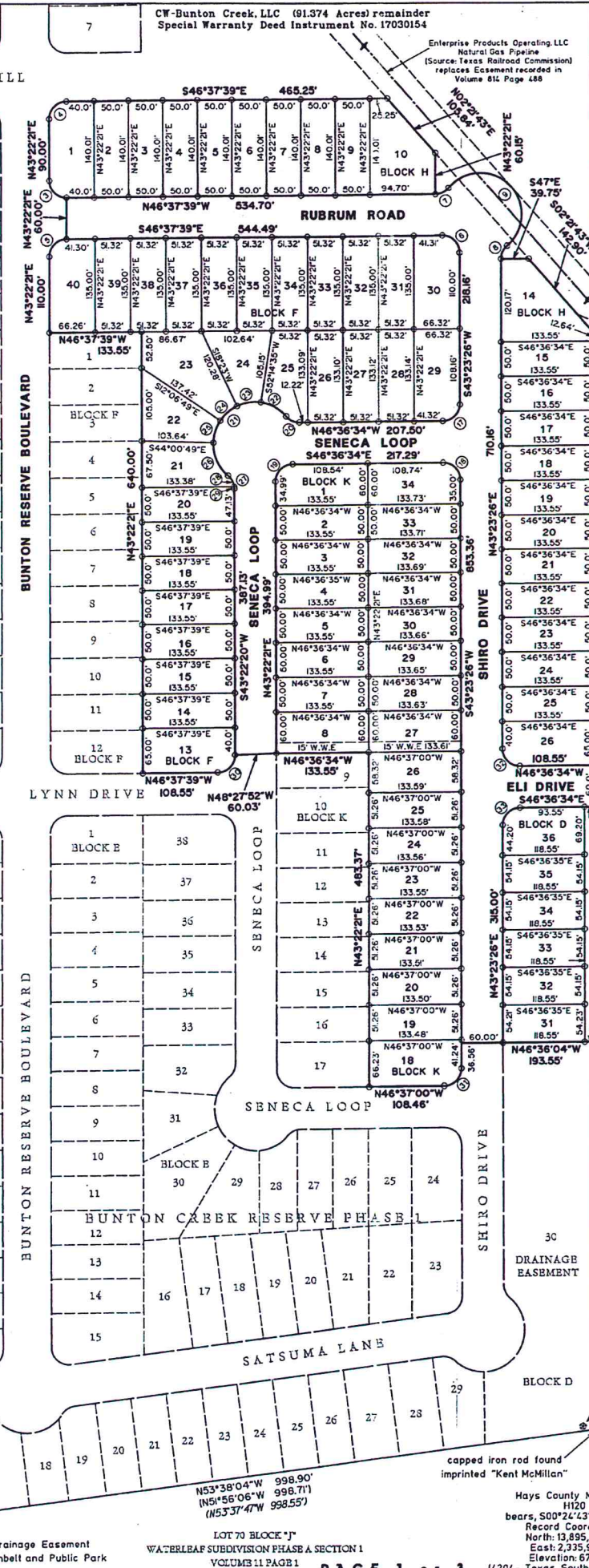
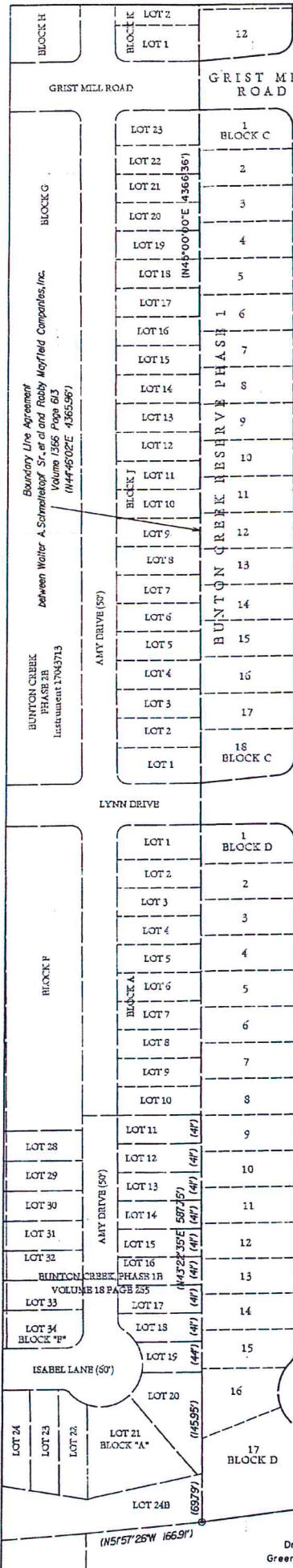
Date

Jamison Civil Engineering LLC (TBPE #F-17756)

AS TO THE ACCURACY OF THESE QUANTITIES AS STATED ABOVE. THE ENGINEER HAS NO CONTROL OVER THE COST OF LABOR, MATERIALS, EQUIPMENT, CONTRACTORS METHODS OF DETERMINING PRICES, COMPETITIVE BIDDING, OR MARKET CONDITIONS. ESTIMATE OF PROBABLE CONSTRUCTION COSTS, AS PROVIDED HEREIN, ARE APPROXIMATE, AND COMPILED ON THE BASIS OF THE ENGINEER'S EXPERIENCE AND QUALIFICATIONS WHICH REPRESENT THE ENGINEER'S JUDGMENT AS A DESIGN PROFESSIONAL FAMILIAR WITH THE CONSTRUCTION INDUSTRY. THE ENGINEER CANNOT AND DOES NOT GUARANTEE THAT THE PROPOSALS, BIDS, OR ACTUAL CONSTRUCTION COSTS WILL NOT VARY FROM THESE ESTIMATES OF PROBABLE COSTS PREPARED FOR THE OWNER OR THE INTENDED RECIPIENT OF THIS DOCUMENT.

**EXHIBIT C**  
**SUBDIVISION MAP**





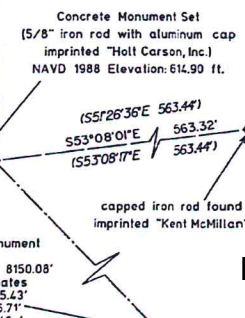
**BUNTON CREEK RESERVE PHASE 2**

Item #



(200,663 ACRES)  
 WC KYLE 200 LP  
 VOLUME 3685 PAGE 67  
 SPECIAL WARRANTY DEED

ROBERT GABSON SURVEY  
 ABSTRACT NO. 1333



Hays County Monument  
 H120  
 bears, S00°24'43"E 8150.08'  
 Record Coordinates  
 North: 13,895,235.42'  
 East: 2,335,976.71'  
 Elevation: 675.46'

CURVE DATA

①  
 $\Delta =$   
 $R =$   
 $T =$   
 $C =$   
 $A =$   
 $CB =$

②  
 $\Delta =$   
 $R =$   
 $T =$   
 $C =$   
 $A =$   
 $CB =$

③  
 $\Delta = 89^{\circ}59'59''$   
 $R = 25.00'$   
 $T = 25.00'$   
 $C = 35.36'$   
 $A = 39.27'$   
 $CB = N1^{\circ}37'39''W$

④  
 $\Delta = 90^{\circ}00'00''$   
 $R = 25.00'$   
 $T = 25.00'$   
 $C = 35.36'$   
 $A = 39.27'$   
 $CB = N88^{\circ}22'21''E$

⑤  
 $\Delta = 90^{\circ}00'01''$   
 $R = 25.00'$   
 $T = 25.00'$   
 $C = 35.36'$   
 $A = 39.27'$   
 $CB = N88^{\circ}22'21''E$

⑥  
 $\Delta = 90^{\circ}01'06''$   
 $R = 25.00'$   
 $T = 25.01'$   
 $C = 35.36'$   
 $A = 39.28'$   
 $CB = S1^{\circ}37'07''E$

⑦  
 $\Delta = 49^{\circ}40'47''$   
 $R = 25.00'$   
 $T = 11.57'$   
 $C = 21.00'$   
 $A = 21.68'$   
 $CB = N71^{\circ}28'04''W$

⑧  
 $\Delta = 49^{\circ}40'47''$   
 $R = 25.00'$   
 $T = 11.57'$   
 $C = 21.00'$   
 $A = 21.68'$   
 $CB = N68^{\circ}13'49''E$

⑨  
 $\Delta = 189^{\circ}22'40''$   
 $R = 60.00'$   
 $T = N/A$   
 $C = 119.60'$   
 $A = 198.32'$   
 $CB = N1^{\circ}37'07''W$

⑩  
 $\Delta =$   
 $R =$   
 $T =$   
 $C =$   
 $A =$   
 $CB =$

⑪  
 $\Delta =$   
 $R =$   
 $T =$   
 $C =$   
 $A =$   
 $CB =$

⑫  
 $\Delta =$   
 $R =$   
 $T =$   
 $C =$   
 $A =$   
 $CB =$

⑬  
 $\Delta =$   
 $R =$   
 $T =$   
 $C =$   
 $A =$   
 $CB =$

⑭  
 $\Delta =$   
 $R =$   
 $T =$   
 $C =$   
 $A =$   
 $CB =$

⑮  
 $\Delta =$   
 $R =$   
 $T =$   
 $C =$   
 $A =$   
 $CB =$

⑯  
 $\Delta =$   
 $R =$   
 $T =$   
 $C =$   
 $A =$   
 $CB =$

⑰  
 $\Delta = 90^{\circ}00'00''$   
 $R = 25.00'$   
 $T = 25.00'$   
 $C = 35.36'$   
 $A = 39.27'$   
 $CB = S88^{\circ}23'26''W$

⑱  
 $\Delta = 90^{\circ}00'00''$   
 $R = 25.00'$   
 $T = 25.00'$   
 $C = 35.36'$   
 $A = 39.27'$   
 $CB = S1^{\circ}36'34''E$

⑲  
 $\Delta = 90^{\circ}01'05''$   
 $R = 25.00'$   
 $T = 25.01'$   
 $C = 35.36'$   
 $A = 39.28'$   
 $CB = N88^{\circ}22'53''E$

⑳  
 $\Delta = 49^{\circ}40'47''$   
 $R = 25.00'$   
 $T = 11.57'$   
 $C = 21.00'$   
 $A = 21.68'$   
 $CB = N21^{\circ}46'11''W$

㉑  
 $\Delta = 189^{\circ}22'39''$   
 $R = 60.00'$   
 $T = N/A$   
 $C = 119.60'$   
 $A = 198.32'$   
 $CB = S88^{\circ}22'53''W$

㉒  
 $\Delta = 40^{\circ}49'38''$   
 $R = 60.00'$   
 $T = 22.27'$   
 $C = 41.76'$   
 $A = 42.65'$   
 $CB = N17^{\circ}17'34''W$

㉓  
 $\Delta = 34^{\circ}12'57''$   
 $R = 60.00'$   
 $T = 18.47'$   
 $C = 35.30'$   
 $A = 35.83'$   
 $CB = N54^{\circ}45'49''W$

㉔  
 $\Delta = 30^{\circ}41'48''$   
 $R = 60.00'$   
 $T = 16.47'$   
 $C = 31.76'$   
 $A = 32.14'$   
 $CB = N87^{\circ}13'11''W$

㉕  
 $\Delta = 32^{\circ}06'37''$   
 $R = 60.00'$   
 $T = 17.27'$   
 $C = 33.19'$   
 $A = 33.63'$   
 $CB = S61^{\circ}22'37''W$

㉖  
 $\Delta = 51^{\circ}37'43''$   
 $R = 60.00'$   
 $T = 29.02'$   
 $C = 52.25'$   
 $A = 54.06'$   
 $CB = S19^{\circ}30'27''W$

㉗  
 $\Delta = 49^{\circ}40'47''$   
 $R = 25.00'$   
 $T = 11.57'$   
 $C = 21.00'$   
 $A = 21.68'$   
 $CB = S18^{\circ}31'57''W$

㉘  
 $\Delta = 43^{\circ}04'47''$   
 $R = 25.00'$   
 $T = 9.87'$   
 $C = 18.36'$   
 $A = 16.87'$   
 $CB = S15^{\circ}13'58''W$

㉙  
 $\Delta = 6^{\circ}35'58''$   
 $R = 25.00'$   
 $T = 1.44'$   
 $C = 2.88'$   
 $A = 2.88'$   
 $CB = S40^{\circ}04'20''W$

㉚  
 $\Delta = 90^{\circ}00'01''$   
 $R = 25.00'$   
 $T = 25.00'$   
 $C = 35.36'$   
 $A = 39.27'$   
 $CB = S88^{\circ}22'21''W$

㉛  
 $\Delta = 90^{\circ}00'30''$   
 $R = 25.00'$   
 $T = 25.00'$   
 $C = 35.36'$   
 $A = 39.27'$   
 $CB = S88^{\circ}23'41''W$

㉜  
 $\Delta = 90^{\circ}00'00''$   
 $R = 25.00'$   
 $T = 25.00'$   
 $C = 35.36'$   
 $A = 39.27'$   
 $CB = N1^{\circ}36'35''W$

㉝  
 $\Delta = 90^{\circ}00'00''$   
 $R = 25.00'$   
 $T = 25.00'$   
 $C = 35.36'$   
 $A = 39.27'$   
 $CB = N88^{\circ}23'26''E$

BUNTON CREEK RESERVE PHASE 2



GENERAL NOTES:

1. ALL STREETS, DRAINAGE STRUCTURES AND PERMANENT EROSION CONTROLS SHALL BE CONSTRUCTED AND INSTALLED TO CITY OF KYLE STANDARDS.
2. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED PUBLIC WATER SUPPLY SYSTEM.
3. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED WASTEWATER DISPOSAL SYSTEM.
4. NO PORTION OF THIS SUBDIVISION IS WITHIN ZONE AE (100 YEAR FLOOD PLAIN) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL No. 48209C 0405F, DATED SEPTEMBER 2, 2005.
5. UTILITY SERVICE:
  - WATER: COUNTY LINE S.U.D.
  - WASTEWATER: CITY OF KYLE
  - ELECTRIC: PEDERNALES ELECTRIC COOPERATIVE, INC.
  - GAS: ENTEX
  - SCHOOL: HAYS COUNTY I.S.D.

6. ELEVATION BENCHMARK:
  - 3/4" IRON ROD SET WITH AN ALUMINUM CAP IN CONCRETE NEAR SOUTHEAST CORNER OF BUNTON CREEK RESERVE PHASE I, AS SHOWN HEREON.
  - ELEVATION = 614.90'

7. NO OBJECTS, INCLUDING BUILDINGS, ACCESSORY BUILDINGS, FENCING OR LANDSCAPING SHALL BE ALLOWED TO BE PLACED OR ERECTED WITHIN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF KYLE.
8. PROPERTY OWNER SHALL ALLOW ACCESS TO DRAINAGE AND UTILITY EASEMENTS FOR INSPECTION, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
9. DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE HOMEOWNER OR HIS/HER ASSIGNS.
10. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF BUNTON CREEK BOULEVARD, GRIST MILL ROAD, SENECA LOOP AND SHIRO DRIVE. THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED. WHERE THERE ARE DOUBLE FRONTAGE LOTS, SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREETS IN THE SUBDIVISION ARE CONSTRUCTED.
11. THIS SUBDIVISION IS LOCATED WITHIN THE BUNTON CREEK WATERSHED.
12. A FIFTEEN FEET (15') MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED ADJACENT TO ALL STREET RIGHTS-OF-WAY.
13. ACCESS TO CORNER LOTS IS LIMITED TO FRONT STREET ONLY.
14. ALL SIDEWALKS WILL BE CONSTRUCTED TO MEET OR EXCEED 2010 ADA STANDARDS. ALL SIDEWALKS WILL BE AT LEAST A FEET WIDE.
15. A FIVE FEET (5') WIDE MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED ALONG EACH SIDE LINE OF ALL LOTS. A TEN FEET (10') WIDE MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED ALONG THE REAR LINE OF ALL LOTS.

STATE OF TEXAS  
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS: THE OWNERS OF THE LAND SHOWN ON THIS PLAT WHOSE NAMES ARE SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, WATER COURSES, DRAINS, MUNICIPAL UTILITY EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED. I FURTHER CERTIFY THAT ALL OTHER PARTIES WHO HAVE A MORTGAGE OR LIEN INTEREST IN THE SUBDIVISION HAVE BEEN NOTIFIED AND SIGNED THIS PLAT. I FURTHER ACKNOWLEDGE THAT THE DEDICATIONS AND/OR EXACTIONS MADE HEREIN ARE PROPORTIONAL TO THE IMPACT OF THE SUBDIVISION UPON THE PUBLIC SERVICES REQUIRED IN ORDER THAT THE DEVELOPMENT WILL COMPORT WITH THE PRESENT AND FUTURE GROWTH NEEDS OF THE CITY; I, MY SUCCESSORS AND ASSIGNS HEREBY WAIVE ANY CLAIM, DAMAGE, OR CAUSE OF ACTION THAT I MAY HAVE AS A RESULT OF THE DEDICATION OR EXACTIONS MADE HEREIN.

AND DO HEREBY SUBDIVIDE THIS 17.553 ACRE TRACT OF LAND TO BE KNOWN AS  
BUNTON CREEK RESERVE PHASE 2

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE CITY OF KYLE FOR THE PUBLIC USE OF THE STREETS, EASEMENTS AND TRAILS SHOWN HEREON.

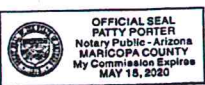
John Cork  
JOHN CORK, PRESIDENT  
CW-21 MANAGEMENT, LLC  
6555 SOUTH PRIEST DRIVE  
TEMPE, ARIZONA 85284  
MANAGER

[Signature]  
SIGNATURE OF PARTY WITH MORTGAGE OR LIEN INTEREST

STATE OF ARIZONA  
COUNTY OF Maricopa

BEFORE ME, THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED JOHN CORK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN STATED.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF August 8 2018

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
COMMISSION EXPIRES: 5/15/2020



LIENHOLDER'S ACKNOWLEDGEMENT

[Signature]  
LIENHOLDER

REVIEWED BY:  
[Signature] 9/12/18  
CITY ENGINEER

REVIEWED BY:  
[Signature] 9-13-18  
DIRECTOR OF PUBLIC WORKS

CITY OF KYLE:  
CERTIFICATE OF APPROVAL:  
APPROVED AND AUTHORIZED TO BE RECORDED ON THE 11TH DAY OF SEPTEMBER 2018 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE.

[Signature]  
CHAIRPERSON

STATE OF TEXAS  
COUNTY OF TRAVIS  
I, HOLT CARSON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS, TO PRACTICE THE PROFESSION OF SURVEYING, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN HEREON.

SURVEYED BY: [Signature] DATE: 8-08-2018  
HOLT CARSON  
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5166  
HOLT CARSON, INC.  
1904 FORTVIEW ROAD  
AUSTIN, TEXAS 78704  
FIRM REGISTRATION 10050700



STATE OF TEXAS:  
COUNTY OF TRAVIS:  
I, KURT M. PROSSNER, P.E., DO HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT. THE 100 YEAR FLOODPLAIN WILL BE CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN HEREON.

ENGINEERING BY: [Signature] DATE: 8/8/18  
KURT M. PROSSNER, P.E. 5819  
PROSSNER AND ASSOCIATES  
13377 POND SPRINGS ROAD  
AUSTIN, TEXAS 78729



THE STATE OF TEXAS  
THE COUNTY OF HAYS, Ebina H. Cardenas  
I, ~~EBINA H. CARDENAS~~ COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 6th DAY OF August A.D. 2018 AT 2:20 O'CLOCK P. M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN DOCUMENT No. 19037121

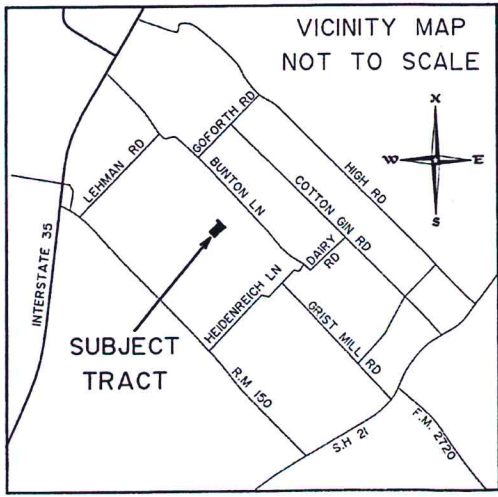
WITNESS MY HAND AND SEAL OF OFFICE, THIS THE 6th DAY OF August A.D. 2018

Ebina H. Cardenas by Jill Kitchin, Deputy  
~~EBINA H. CARDENAS~~ COUNTY CLERK  
HAYS COUNTY, TEXAS.



At the September 4, 2018 City Council Meeting a waiver was approved to allow Lot 37, Block D, to be less than the required lot width at the street, exceed a 5:1 depth to width ratio, and to be less than the minimum required lot area.

DATE: FEBRUARY 20, 2018  
TOTAL ACREAGE: 17.553  
SURVEY: ROBERT CARSON SURVEY, ABSTRACT NO. 135  
NO. OF SINGLE FAMILY LOTS: 82  
PUBLIC ACCESS, PUBLIC UTILITY,  
PARK AND AND DRAINAGE EASEMENT LOTS: 1  
NUMBER OF BLOCKS: 4  
TOTAL NUMBER OF LOTS: 83  
F.E.M.A. MAP No. 48209C 0405 F HAYS COUNTY, TEXAS DATED: SEPTEMBER 2, 2005  
PLAT DATE: FEBRUARY 20, 2018



BUNTON CREEK RESERVE PHASE 2

Item #





# CITY OF KYLE, TEXAS

## GEOTECHNICAL & CONSTRUCTION MATERIALS TESTING ROTATION LIST

**Meeting Date: 4/7/2020**

**Date time:7:00 PM**

**Subject/Recommendation:** Approve a resolution authorizing the Mayor to execute separate agreements with three firms to provide geotechnical and construction materials and forensic engineering testing. Contracting will be for an approximate two (2) year period with an option to renew the contract at the end of the contract period for the same time frame and dollar amount, estimated at \$75,000 per firm per year, for a total of \$450,000.00. The three firms are: MLA GEOTECHNICAL, Austin, Texas; ARIAS GEOPROFESSIONALS, INC, Austin, Texas; RABA KISTNER, INC., Austin, Texas. ~ *Leon Barba, P.E., City Engineer*

**Other Information:**

Six firms submitted proposals by Wednesday March 4, 2020, in response to the Request for Qualifications (RFQ) for the Geotechnical and Construction Materials Testing Service Rotation List. All six proposals were evaluated.

**Legal Notes:**

N/A

**Budget Information:**

---

**ATTACHMENTS:**

**Description**



# CITY OF KYLE, TEXAS

Sage Plum Creek - Site Plan (SD-19-0052)

Meeting Date: 4/7/2020  
Date time: 7:00 PM

**Subject/Recommendation:** Approve Sage Plum Creek - Site Plan (SD-19-0052) 9.049 acres; 1 lot for property located at 1075 Vaughn. ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 6-0 to approve the Site Plan.*

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

---

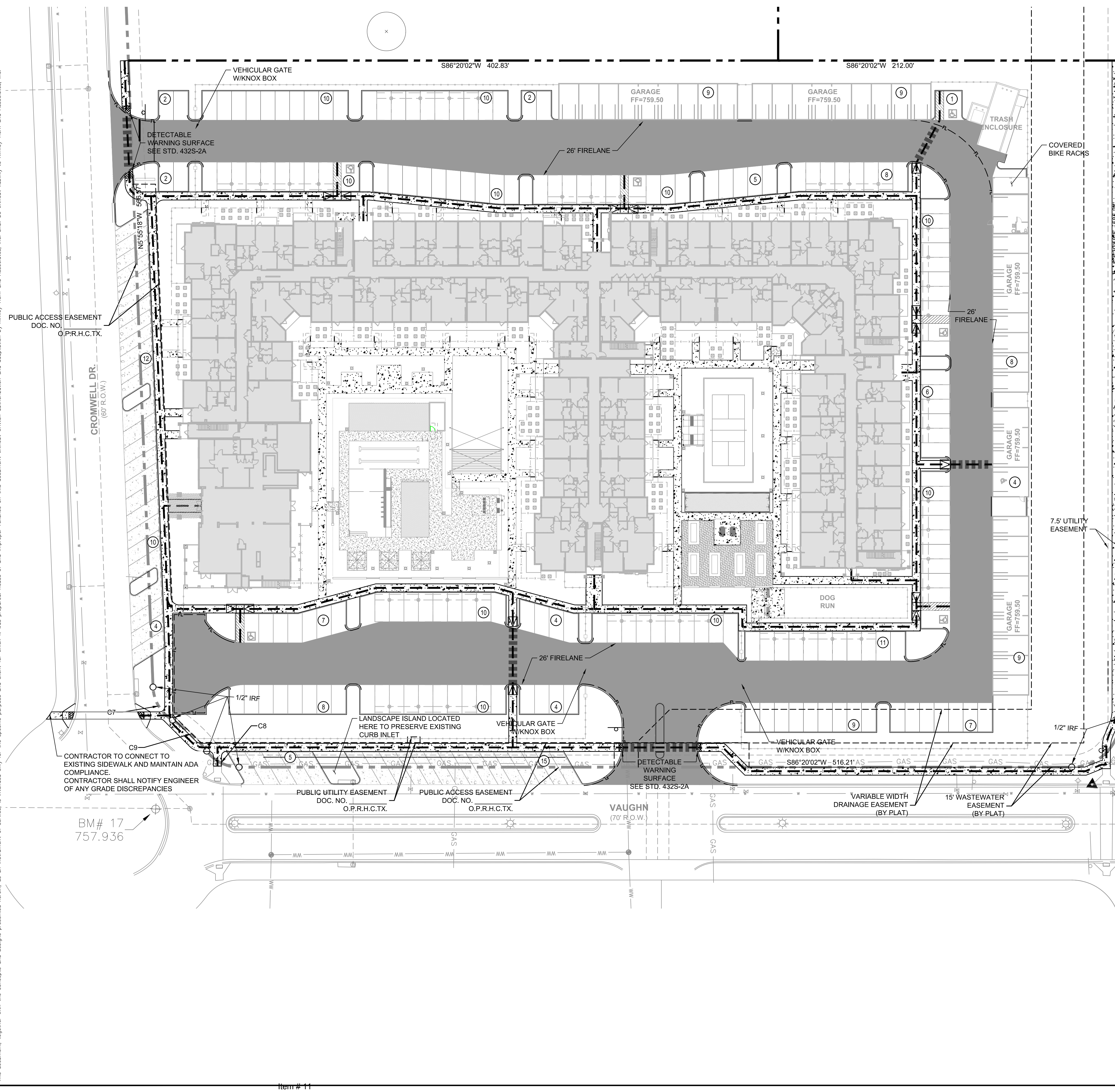
**ATTACHMENTS:**

**Description**

- Site Plan
- Landscape Plan



Plotted By: Castillo, Jaime Date: February 18, 2020 12:18:31pm File Path: K:\AUS\_Civil\068213077-Sage Plum Creek\Plan\_Sheets\C - Overall Site Plan.dwg  
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Release of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



### LEGEND

	PROPERTY LINE
	PROPOSED WASTEWATER LINE
	PROPOSED WATER LINE
	PROPOSED WASTEWATER MANHOLE
	PROPOSED WASTEWATER CLEANOUT
	PROPOSED FIRE HYDRANT
	PROPOSED TAPPING SLEEVE & VALVE
	EXISTING OVERHEAD POWER LINE
	EXISTING WATER LINE
	EXISTING WASTEWATER LINE
	EXISTING STORM SEWER LINE
	EXISTING POWER POLE
	EXISTING FIRE HYDRANT
	EXISTING WATER METER
	EXISTING WASTEWATER MANHOLE
	ADA ROUTE
	PROPOSED FIRE LANE
	STANDARD DUTY PAVEMENT
	HEAVY DUTY PAVEMENT
	HEAVY DUTY CONCRETE PAVEMENT
	PROPOSED ADA STRIPING
	PROPOSED SIDEWALK
	COMPACT PARKING

REFER TO GEOTECHNICAL REPORT BY ECS SOUTHWEST LLP GEOTECH PROJECT NO. T7-5255-A DATED: NOVEMBER 26TH, 2019

- #### NOTES:
- THIS PROJECT IS LOCATED IN THE CITY OF KYLE.
  - CONTRACTOR TO FIELD VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
  - LOCATIONS OF PUBLIC AND FRANCHISE UTILITIES SHOWN ARE APPROXIMATE AND MAY NOT BE COMPLETE. CONTRACTOR SHALL CALL NATIONAL "CALL BEFORE YOU DIG" (811) AT LEAST 48 HOURS PRIOR TO COMMENCING DEMOLITION OR CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL CONTACT ANY OTHER UTILITY COMPANIES WHO DO NOT SUBSCRIBE TO THE ONE CALL PROGRAM FOR LINE MARKINGS. THE CONTRACTOR BEARS SOLE RESPONSIBILITY FOR VERIFYING LOCATIONS OF EXISTING UTILITIES, SHOWN OR NOT SHOWN, AND FOR ANY DAMAGE DONE TO THESE FACILITIES.
  - REMOVAL OR RELOCATION OF EXISTING PUBLIC AND PRIVATE FRANCHISE UTILITIES (WATER, ELECTRIC, AND GAS ETC.) WITHIN THE LIMITS OF THE SITE DEMOLITION SHALL BE COORDINATED WITH THE APPLICABLE UTILITY AGENCIES BY CONTRACTORS.
  - ALL EXISTING UTILITY SERVICES (PUBLIC & PRIVATE) TO BE TURNED OFF BY UTILITY FRANCHISE TECHNICIAN TO ALLOW FOR EXISTING SERVICE LINES TO BE OUTCUTTED AT PROPERTY LINE.
  - ALL UTILITIES IN STREET RIGHT-OF-WAY TO REMAIN.
  - SURFACE PAVEMENT INDICATED HEREON (SUCH AS ASPHALT OR CONCRETE) MAY OVERLAY HIDDEN STRUCTURES (SUCH AS OTHER LAYERS OF PAVEMENT, BUILDING SLAB, ETC.) THAT ARE ALSO TO BE REMOVED.
  - THE CONTRACTOR IS RESPONSIBLE FOR THE DEMOLITION, REMOVAL, AND DISPOSAL OF EXISTING PAVEMENT SECTION, STRUCTURAL SUBGRADE, STRUCTURAL FOUNDATION, AND UTILITIES WITHIN THE SITE. CONTRACTOR TO DISPOSE ALL DEMOLITION SPOILS OFF-SITE IN A LEGAL MANNER.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE TO EXISTING UTILITIES, IRRIGATION LINES, PAVEMENT, ETC., TO REMAIN RESULTING FROM DEMOLITION ACTIVITIES AND REPAIR AT HIS OWN EXPENSE.
  - THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED FOR DEMOLITION AND DISPOSAL.
  - ALL ITEMS TO BE REMOVED SHALL BE DISPOSED OFF-SITE IN A MANNER ACCEPTABLE TO ALL APPLICABLE REGULATIONS.
  - PERIMETER EROSION CONTROL DEVICES SHALL BE IN PLACE PRIOR TO DEMOLITION. REFERENCE EROSION CONTROL PLAN AND DETAILS FOR TYPE AND LOCATION.
  - CONTRACTOR TO REMOVE ANY EXISTING ON-SITE DEBRIS OR TRASH (TIRES, CONCRETE PADS, AND METAL BUILDING THAT IS FALLING DOWN).
  - TREES TO BE REMOVED AS REQUIRED FOR CONSTRUCTION.
  - LIGHT SOURCES SHALL BE COMPLETELY CONCEALED WITHIN OPAQUE HOUSINGS AND SHALL NOT BE VISIBLE FROM ADJACENT STREETS OR PROPERTIES. ALL EXTERIOR LIGHTING FIXTURES SHALL BE FULL CUT-OFF TYPE FIXTURES. LIGHTING FIXTURES SHALL BE NO MORE THAN TWENTY-FIVE (25) FEET IN HEIGHT AS MEASURED FROM ADJACENT FINISHED GRADE.
  - REFER TO GEOTECHNICAL REPORT BY FOR ADDITIONAL PAVING AND PREPARATION NOTES.
  - SHARED USE PATH AND SIDEWALK GRADING TO HAVE A MAXIMUM 2% CROSS SLOPE AND A 5% MAXIMUM LONGITUDINAL SLOPE.
  - REFER TO MEP AND ARCHITECTURAL PLANS FOR SITE LIGHTING CONDUIT LOCATIONS.
  - ASSIGNED CITY ADDRESS SHALL BE PERMANENTLY AFFIXED TO ALL STRUCTURES IN SUCH POSITIONS AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET.

**Owners:** Plum Creek Development Partners, LTD.  
**Developer:** Luke Bourlon  
**Company:** Sparrow Partners  
**Address:** 5203A Brodie Lane Austin, Texas 78745

**Acreage:** 9.049 acres    **Total Impervious Cover:** 3.24 acres  
**Legal Description:** Plum Creek Phase 1, Section 111, Lot 1, Block A  
**Address:** Northwest Corner of Kyle Parkway FM 1626 and Vaughn Drive  
**Land Use Summary:** Project consists of 184 multifamily units, realignment of public wastewater and drainage easement/facilities, site utilities, on site storm infrastructure, and other associated site improvements.

**Date:** 10/21/2019  
**Person Preparing Plan:** Justin Kramer, P.E.  
**Company:** Kimley-Horn  
**Address:** 10814 Jollyville Road, Avallon IV, Suite 300, Austin, Texas 78759  
**Phone:** (512) 418-4513  
**Engineer:** Justin Kramer, P.E.  
**Company:** Kimley-Horn  
**Address:** 10814 Jollyville Road, Avallon IV, Suite 300, Austin, Texas 78759  
**Phone:** (512) 418-4513

#### Sage Plum Creek Parking Requirement

Unit Type	Parking Space Requirement	Units	Parking Spaces
1/1 Small*	1	36	36
1/1 Inside Corner	1.5	8	12
1/1 Standard	1.5	65	97.5
1/1 Standard Access	1.5	0	0
1/1 Den	1.5	16	24
2/2 Std	2	16	32
2/2 Std - 2 Showers	2	0	0
2/2 Large	2	16	32
2/2 Large Access	2	0	0
2/2 Corber	2	12	24
2/2 Corner Den	2	16	32
2/2 Inside Corner	2	0	0
<b>Total</b>	<b>185</b>	<b>289.5</b>	

\*1/1 Small Units are Efficiency Units parked at 1/1.

#### 10% Parking Reduction for showers and cover bicycle racks

260.55
<b>261 Spaces Required</b>

#### Provided Parking

STANDARD SPACES	170
ON-STREET PARKING SPACES	22
ON-STREET COMPACT PARKING SPACES	24
DETACHED GARAGE SPACES	38
DETACHED GARAGE ACCESSIBLE SPACES	1
STANDARD (VAN) ACCESSIBLE SERVICE PARKING	6
<b>TOTAL</b>	<b>261</b>

#### BENCHMARKS

ELEVATIONS HEREON ARE REFERENCES TO THE NORTH AMERICAN DATUM 1988 (NAVD) UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

**BENCHMARK #1:**  
 MAG NAIL SET AT THE EASTERN SIDE OF THE MEDIAN OF THE SOUTHERN ROUNDABOUT ON THE WEST SIDE OF THE SUBJECT TRACT.  
 ELEVATION=757.936'

**BENCHMARK #2:**  
 MAG NAIL SET AT THE EASTERN SIDE OF THE MEDIAN OF THE NORTHERN ROUNDABOUT ON THE WEST SIDE OF THE SUBJECT TRACT.  
 ELEVATION=765.825'

**Know what's below. Call before you dig.**

WARNING: CONTRACTOR IS TO VERIFY PRESENCE AND EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

NO.
REV.
DATE

10814 JOLLYVILLE ROAD AVALLON IV SUITE 300 AUSTIN, TX 78759  
 PHONE: 512-418-1771 FAX: 512-418-1791  
 © 2020 KIMLEY-HORN AND ASSOCIATES, INC. TPBE Firm No. 928

KHA PROJECT 068213077  
 DATE FEBRUARY 2020  
 SCALE: AS SHOWN  
 DESIGNED BY: GTP  
 DRAWN BY: KBY  
 CHECKED BY: JJK

**OVERALL SITE PLAN**

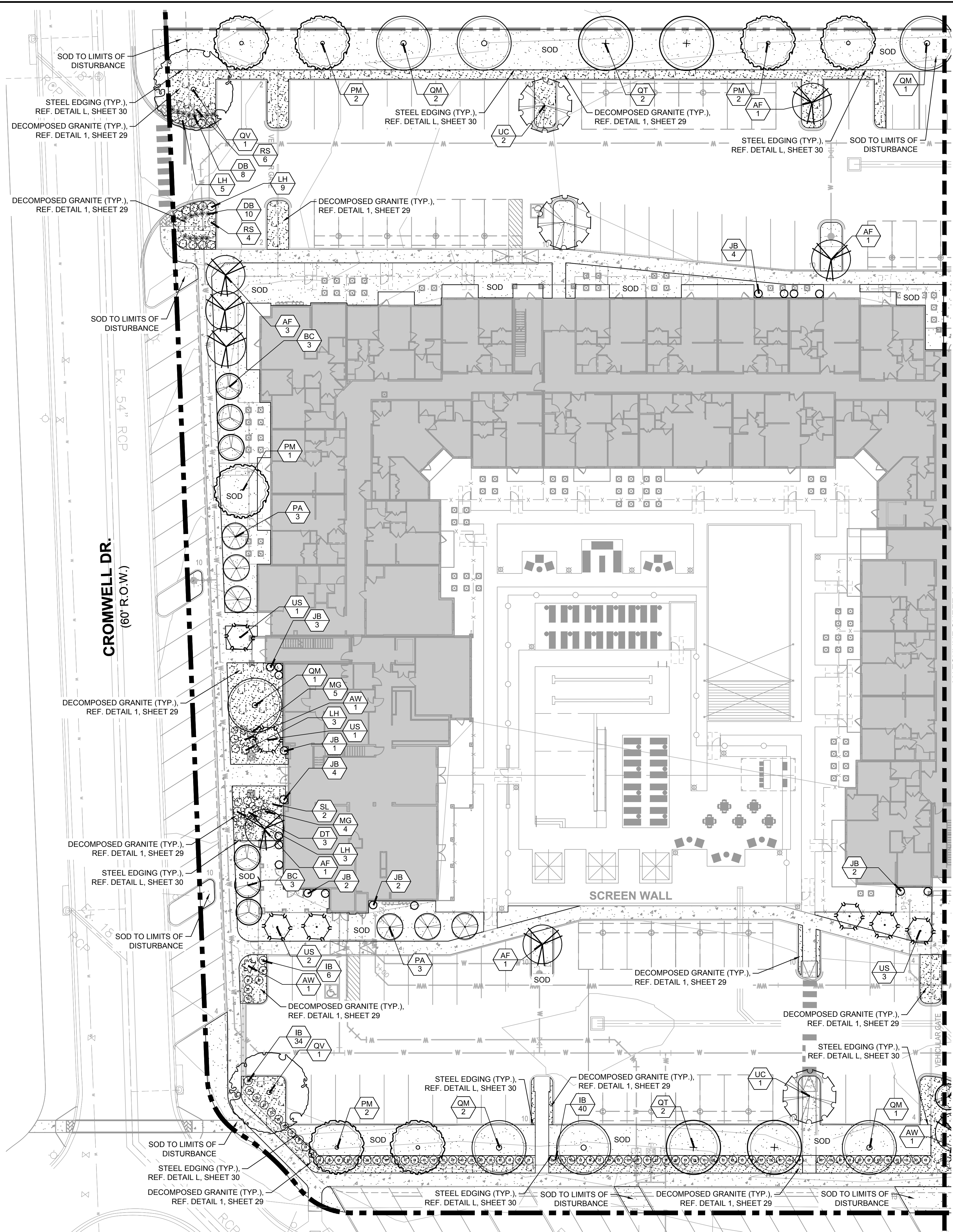
**SAGE PLUM CREEK**  
 CITY OF KYLE  
 HAYSCOUNTY, TEXAS

SHEET NUMBER  
**9 OF 31**

SD-19-0052



Plotted By: Moore, Kent Date: December 13, 2019 08:48:20am File Path: K:\V\T\W\LA\PA\LD\_Support\_Austin\068213077\_Sales\_Kyle\068213077\_Sales\_Kyle\068213077\_Landscape\_Plan.dwg  
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



City of Kyle Landscape Ordinance		
Chapter 54 - Landscaping and Screening Requirements		
	REQUIRED	PROVIDED
Minimum percentage of the total lot area shall be devoted to landscape development. 264,579 SF X 15% = 39,687 SF	39,697 SF	61,955 SF
A minimum 35% of the required landscaped area and required plantings shall be installed between the front property line and building. 39,687 SF X 35% = 13,890 SF	13,890 SF	19,561 SF
Every 600 SF of landscape area required, two trees and four shrubs are required. 39,697 SF / 600 SF = 66 SF	132 Trees 264 Shrubs	132 Trees 264 Shrubs
66 SF * 2 Trees = 132 Trees 66 SF * 4 Shrubs = 264 Shrubs		
No parking space shall be more than 50 feet from the trunk of a tree	YES	YES
All parking lots shall be screened from public street R.O.W. (combination of fencing, evergreen shrubs - 30" ht. minimum and 48" min. spacing, or landscape berms)	YES	YES

**PLANT LEGEND**

TREES	CODE	QTY	COMMON NAME
	AF	15	SWEET ACACIA
	BC	13	ANACACHO ORCHID TREE
	JB	44	BLUE ARROW JUNIPER
	PA	9	MEXICAN PALO VERDE
	PM	11	MEXICAN SYCAMORE
	QM	11	MONTEREY OAK
	QT	8	TEXAS RED OAK
	QV	4	SOUTHERN LIVE OAK
	UC	6	CEDAR ELM
	US	11	MEXICAN BUCKEYE

SHRUBS	CODE	QTY	COMMON NAME
	AW	4	WEBER'S AGAVE
	DB	26	FORTNIGHT LILY
	DT	7	TEXAS SOTOL
	IB	137	DWARF BURFORD HOLLY
	LH	28	NEW GOLD LANTANA
	MG	14	GULF COAST MUHLY
	NT	16	MEXICAN FEATHER GRASS
	RS	12	RUSSIAN SAGE
	SL	6	MEXICAN BUSH SAGE
	YR	12	TWISTLEAF YUCCA

GROUND COVERS	CODE	QTY	COMMON NAME
	CD	52,672 SF	BERMUDA GRASS
	D2	9,283 SF	

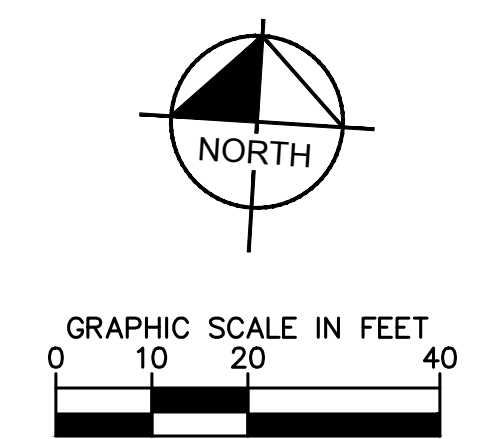
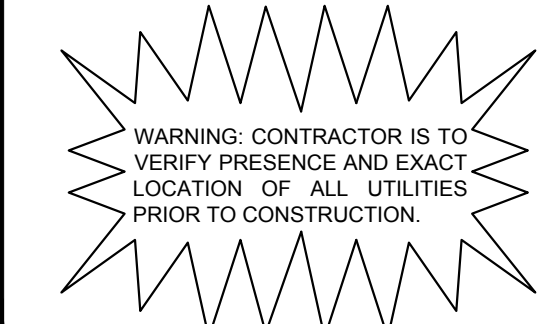
**\*NOTE:**  
REFERENCE SHEET 29 FOR FULL PLANT SCHEDULE

**BENCHMARKS**

ELEVATIONS HEREON ARE REFERENCES TO THE NORTH AMERICAN DATUM 1988 (NAVD) UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

BENCHMARK #1:  
MAG NAIL SET AT THE EASTERN SIDE OF THE MEDIAN OF THE SOUTHERN ROUNDABOUT ON THE WEST SIDE OF THE SUBJECT TRACT.  
ELEVATION=757.936'

BENCHMARK #2:  
MAG NAIL SET AT THE EASTERN SIDE OF THE MEDIAN OF THE NORTHERN ROUNDABOUT ON THE WEST SIDE OF THE SUBJECT TRACT.  
ELEVATION=755.625'



 10814 JOLLYVILLE ROAD AVALON IV SUITE 300 AUSTIN, TX 78759 PHONE: 512-418-7171 FAX: 512-418-7191 WWW.KIMLEY-HORN.COM © 2019 KIMLEY-HORN AND ASSOCIATES, INC. TBPE Firm No. 928	KHA PROJECT: 068213077 DATE: DECEMBER 2019 SCALE: AS SHOWN DESIGNED BY: KAU DRAWN BY: KAU CHECKED BY: KAU
<b>LANDSCAPE PLAN</b> (1 OF 2)	
<b>SAGE PLUM CREEK</b> CITY OF KYLE HAYSCOUNTY, TEXAS	
SHEET NUMBER <b>28 OF 31</b>	









# CITY OF KYLE, TEXAS

Approve the Dedication of a Right-of-Way from Plum Creek Development Partners, LTD

Meeting Date: 4/7/2020  
Date time: 7:00 PM

**Subject/Recommendation:** Approve the Dedication of a Right-of-Way from Plum Creek Development Partners, LTD. ~ *Leon Barba, P.E., City Engineer*

**Other Information:** Approve the dedication of a right-of-way to the City of Kyle, Hays County, Texas from Plum Creek Development Partners, LTD., a Texas limited partnership being more particularly described as a tract of land containing 0.2754 acre tract, in the M.M. Mccarver League No. 4, Abstract No. 10, Hays County, Texas, being more particularly described by metes and bounds and depicted in EXHIBIT A.

**Legal Notes:** N/A

**Budget Information:** N/A

---

**ATTACHMENTS:**

**Description**

- EXHIBIT A
- San Juan ROW Map

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Special Warranty Deed**

**Date:** \_\_\_\_\_, 2020

**Grantor:** PLUM CREEK DEVELOPMENT PARTNERS, LTD., a Texas limited partnership

**Grantee:** CITY OF KYLE, a Texas Municipal corporation

**Consideration:**

Ten and NO/100 Dollars (\$10.00), together other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Property (including any improvements):**

All that certain 0.2754 acre tract, in the M.M. McCarver League No. 4, Abstract No. 10, Hays County, Texas, being more particularly described by metes and bounds and depicted in **EXHIBIT A** attached hereto and made a part hereof

**Reservations from Conveyance:**

None.

**Exceptions to Conveyance and Warranty:**

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2020, which Grantee assumes and agrees to pay, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

This Special Warranty Deed may be executed in multiple counterparts, each of which shall be declared an original.

When the context requires, singular nouns and pronouns include the plural.

*[signature and acknowledgement pages follow]*

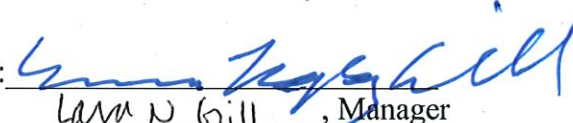


**GRANTOR:**

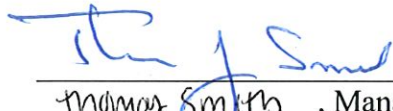
**PLUM CREEK DEVELOPMENT PARTNERS, LTD.,**  
a Texas limited partnership

By: PCDP General Partner, LLC, a Texas limited liability company, its general partner

By:   
Richard Nezey, Manager

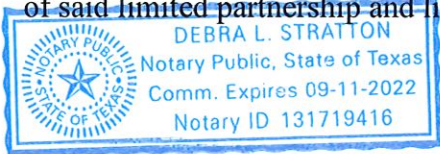
By:   
LAM N Gill, Manager

By: MountainCityLand, LLC,  
a Texas limited liability company, its Manager

By:   
Thomas Smith, Manager

STATE OF TEXAS       §  
                                  §  
COUNTY OF HAYS       §

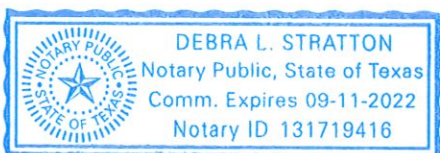
This instrument was acknowledged before me this 19th day of December, 2019, by Richard Nagley Manager of PCDP General Partner, LLC, a Texas limited liability company, general partner of Plum Creek Development Partners, Ltd., a Texas limited partnership, on behalf of said limited partnership and limited liability company.



Debra Stratton  
Notary Public – State of Texas

STATE OF TEXAS       §  
                                  §  
COUNTY OF HAYS       §

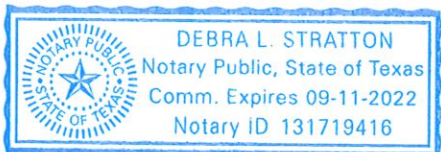
This instrument was acknowledged before me this 19th day of December, 2019, by Thomas Smith, Manager of PCDP General Partner, LLC, a Texas limited liability company, general partner of Plum Creek Development Partners, Ltd., a Texas limited partnership, on behalf of said limited partnership and limited liability company.



Debra Stratton  
Notary Public – State of Texas

STATE OF TEXAS       §  
                                  §  
COUNTY OF HAYS       §

This instrument was acknowledged before me this 19th day of December, 2019, by Laragill, Manager of MountainCityLand, LLC, a Texas limited liability company, the manager of PCDP General Partner, LLC, a Texas limited liability company, general partner of Plum Creek Development Partners, Ltd., a Texas limited partnership, on behalf of said limited partnership and limited liability companies.



Debra Stratton  
Notary Public – State of Texas

**ACCEPTED BY THE CITY OF KYLE, TEXAS (Grantee):**

\_\_\_\_\_  
\_\_\_\_\_

STATE OF TEXAS )

COUNTY OF HAYS )

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, \_\_\_\_\_, City of Kyle, in his stated capacity on behalf of said city.

\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

**AFTER RECORDING RETURN TO:**

City of Kyle  
Attn: City Secretary  
P. O. Box 40  
Kyle, Texas 78640

**EXHIBIT A**

[attached]



**“EXHIBIT A”**

DESCRIPTION OF 0.2754 OF ONE ACRE OF LAND IN THE M.M. McCARVER LEAGUE NO. 4, ABSTRACT NO. 10, HAYS COUNTY, TEXAS; BEING A PORTION OF THE REMAINDER OF A CERTAIN CALLED 983.99 ACRE TRACT DESIGNATED AS TRACT 2 OF EXHIBIT “A” AND DESCRIBED IN THE DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME 2297, PAGE 139, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.2754 OF ONE ACRE OF LAND, AS SURVEYED BY LANDDEV CONSULTING, LLC, AND SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½-inch iron rod with a plastic cap stamped “BCG” (Grid Coordinates: N= 13,923,095.76, E= 2,322,384.89) found in the north right-of-way line of Kohler’s Crossing (County Road 171), a variable-width right-of-way, in the north line of a certain called 1.171 acre tract designated as Tract 1, being a portion of a certain called 2.163 acre tract described in the Special Warranty Deed Dedication of Right-of-Way to the City of Kyle, Texas, of record in Volume 3220, Page 508, Official Public Records of Hays County, Texas, at the southerly southeast corner of a certain called 324.250 acre tract designated as Tract 1 and described in the deed to Lennar Homes of Texas Land and Construction, LTD. of record in Instrument No. 16029226, Official Public Records of Hays County, Texas, for the southwest corner and **POINT OF BEGINNING** of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped “BCG” found at an angle point in the north right-of-way line of said Kohler’s Crossing, and the north line of the said 1.171 acre tract, same being the south line of the said 324.250 acre tract bears S 87°20’02” W, a distance of 283.51 feet;

**THENCE** N 00°28’58” W, leaving the north right-of-way line of said Kohler’s Crossing, and the north line of the said 1.171 acre tract, crossing the said 983.99 acre tract, with an east line of the said 324.250 acre tract, and with the west line of the tract described herein, a distance of 513.85 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for the northwest corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped “BCG” found at an angle point in the east line of the said 324.250 acre tract bears N 00°28’58” W, a distance of 201.30 feet;

**THENCE** leaving the east line of the said 324.250 acre tract, continuing across the said 983.99 acre tract, with the north and east lines of the tract described herein, the following four (4) courses and distances:

1. N 89°31’00” E, distance of 36.81 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for the northeast corner of the tract described herein,
2. S 00°29’00” E, a distance of 50.00 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for a point of non-tangent curvature of the tract described herein,
3. With the arc of a curve to the left, having a radius of 15.00 feet, an arc distance of 23.56 feet, and a chord which bears S 44°31’00” W, a distance of 21.21 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for a point-of-tangency, and
4. S 00°29’00” E, a distance of 448.07 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set in the north right-of-way line of said Kohler’s Crossing, and the north line of the said 1.171 acre tract, for the southeast corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped “BCG” found at an angle point in the north right-of-way line of said Kohler’s Crossing and the north line of the said 1.171 acre tract bears N 87°27’51” E, a distance of 5.27 feet;

**THENCE** S 87°27’51” W, with the north right-of-way line of said Kohler’s Crossing and the north line of the said 1.171 acre tract, with the south line of the tract described herein, a distance of 21.83 feet to the **POINT OF BEGINNING** and containing 0.2754 of one acre of land, more or less.

**BEARING BASIS:** Texas Coordinate System, South Central Zone, NAD83, Grid.


THE STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That I, Ernesto Navarrete, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the parcel of land described herein is based upon a survey performed upon the ground under my direct supervision during the months of August and November 2019.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 11<sup>th</sup> day of November 2019 A.D.

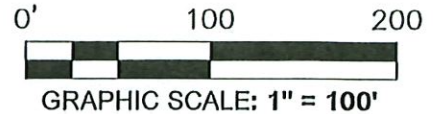
LANDDEV CONSULTING, LLC  
5508 Highway 290 West, Suite 150  
Austin, Texas 78735

  
Ernesto Navarrete  
Registered Professional Land Surveyor  
No. 6642 – State of Texas





**M.M. McCARVER  
LEAGUE NO. 4,  
ABSTRACT 10**



REMAINDER (983.99 AC.)  
TRACT 2 OF EXHIBIT "A"  
DEED WITHOUT WARRANTY  
TO MOUNTAIN PLUM, LTD.  
VOL. 2297, PG. 139  
O.P.R.H.C.TX

(324.250 ACRES)  
TRACT 1  
SPECIAL WARRANTY DEED WITH  
VENDOR'S LIEN  
LENNAR HOMES OF TEXAS LAND AND  
CONSTRUCTION, LTD.  
INSTRUMENT NO. 16029226,  
O.P.R.H.C.TX

**LEGEND**

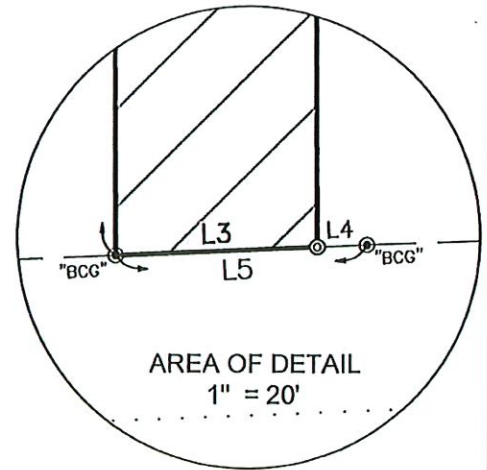
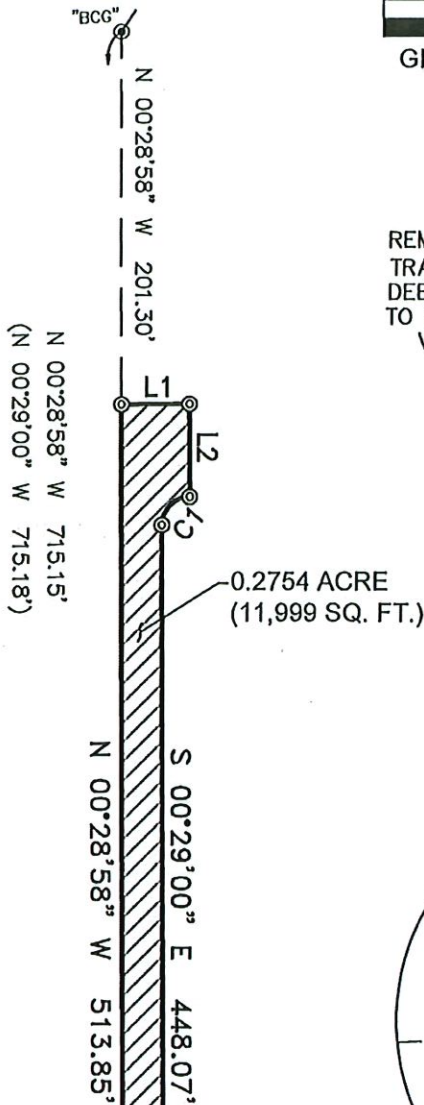
- ⊙ 1/2" IRON ROD W/ PLASTIC CAP  
STAMPED "LANDDEV" SET
- ⊙ 1/2" IRON ROD WITH CAP FOUND  
AS NOTED
- ( ) RECORD INFORMATION

O.P.R.H.C.TX OFFICIAL PUBLIC RECORDS  
HAYS COUNTY TEXAS

**POINT OF BEGINNING  
GRID COORDINATES:**  
N: 13923095.76  
E: 2322384.89

(N 87°19'58" E 283.45')  
(S 87°20'02" W 283.51')

**KOHLER'S CROSSING**  
(C.R. 171)  
(R.O.W. VARIES)



AREA OF DETAIL  
(THIS SHEET)

(2.163 ACRES) (TRACT 1 - 1.171 AC.)  
DEDICATION OF RIGHT-OF-WAY  
CITY OF KYLE, TEXAS,  
VOL. 3220, PG. 508, O.P.R.H.C.TX.

**FILE NO. 1373**

**LANDDEV**

CONSULTING, L.L.C.  
5508 HIGHWAY 290 WEST, SUITE 150  
AUSTIN, TX 78735  
OFFICE: 512.872.6696  
TBPFB FIRM NO. 10194101

**SURVEY SKETCH to Accompany Description:**

**0.2754 OF ONE ACRE OF LAND IN THE  
M.M. McCARVER LEAGUE No. 4,  
ABSTRACT No. 10  
HAYS COUNTY, TEXAS**

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	15.00'	23.56'	S 44°31'00" W	21.21'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 89°31'00" E	36.81'
L2	S 00°29'00" E	50.00'
L3	S 87°27'51" W	21.83'
L4	N 87°27'51" E	5.27'
L5	N 87°27'51" E (N 87°19'58" E)	27.11' (27.10')

NOTES:

1. BEARING BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
2. DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS, TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
3. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999902.

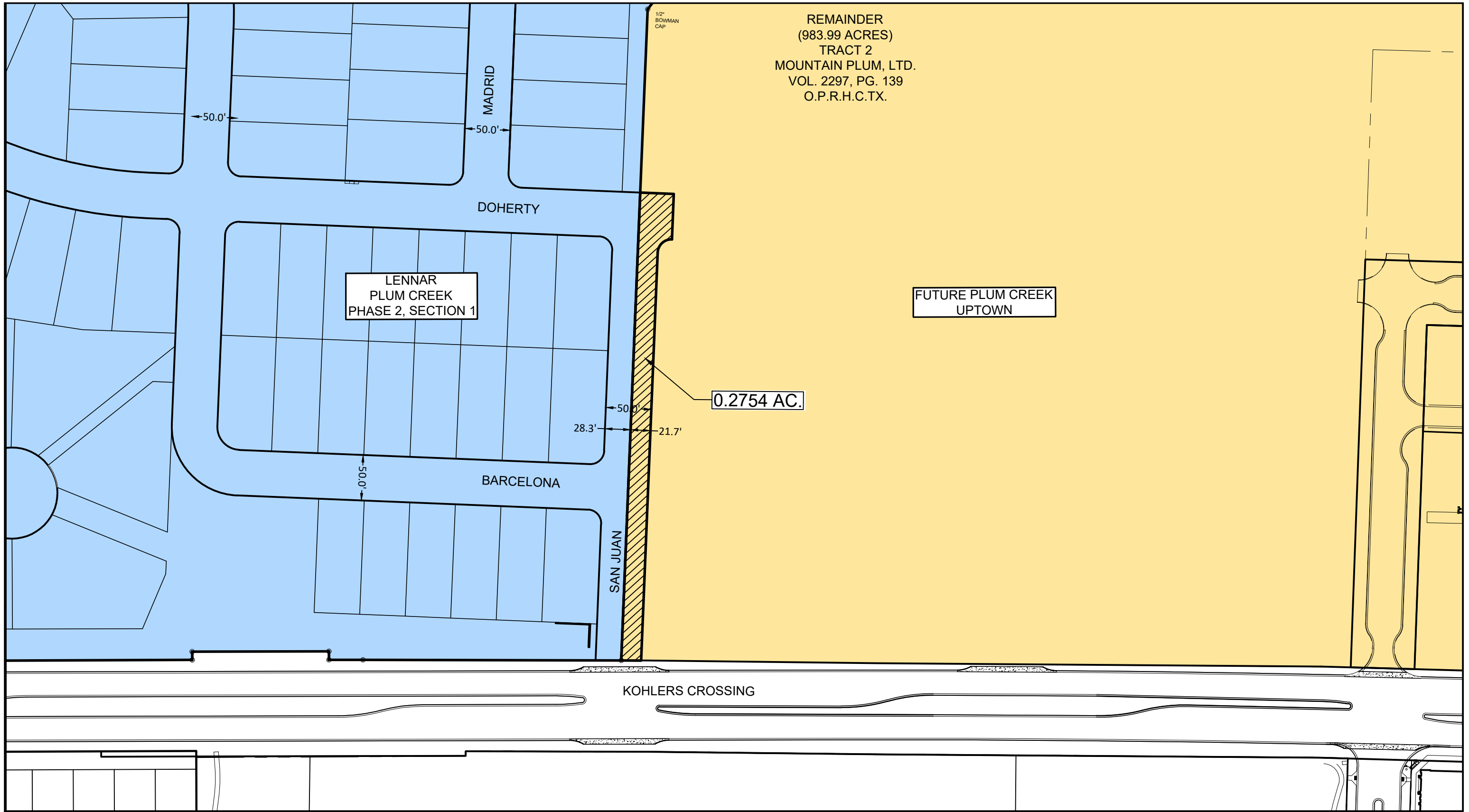
FILE NO. 1373

**LAND DEV**  
 CONSULTING, LLC  
 5508 HIGHWAY 290 WEST, SUITE 150  
 AUSTIN, TX 78735  
 OFFICE: 512.872.6696  
 TBPLB FIRM NO. 10194101

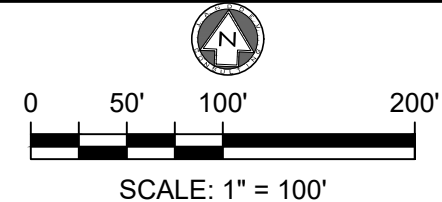
SURVEY SKETCH to Accompany Description:  
 0.2754 OF ONE ACRE OF LAND IN THE  
 M.M. McCARVER LEAGUE No. 4,  
 ABSTRACT No. 10  
 HAYS COUNTY, TEXAS



P:\Lennar\LEN15001\_Plum Creek\LEN15001.002\_S103\_ACAD\Exhibits\Youngblood\_recover.dwg, Layout1, March 27, 2020, 10:33 AM, Kristen



**PLUM CREEK NORTH**  
 SHARED RIGHT OF WAY  
 MARCH, 2020



**LAND DEV**  
 CONSULTING, LLC  
 OFFICE: 512.872.6696  
 FIRM NO. 16384



# CITY OF KYLE, TEXAS

## Texas Gas Grip Resolution

Meeting Date: 4/7/2020

Date time: 7:00 PM

**Subject/Recommendation:** Resolution of the City of Kyle Denying Texas Gas Service Company's Requested Rate Increase; Requiring the Company to reimburse the City's reasonable ratemaking expenses; Finding that the meeting at which this resolution is passed is open to the public as required by law; Requiring Notice of this Resolution to the Company and the City's legal counsel. ~ *Jerry Hendrix, Chief of Staff*

**Other Information:** On December 20, 2019, Texas Gas Service Company, a Division of ONE Gas, Inc., ("TGS" or "Company"), pursuant to Gas Utility Regulatory Act § 104.102, filed its Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within the City of Beaumont, the Central Texas Service Area, and Gulf Coast Service Area and to consolidate these Service Areas into the proposed Central-Gulf Coast Service Area, effective February 6, 2020. In a prior City action, TGS's rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law, until May 6, 2020. This time period has permitted the City, through its participation in the CTSA Cities and GCSA Cities, to determine that the proposed rate increase and consolidation are unreasonable. Consistent with the recommendations of experts engaged by CTSA Cities and GCSA Cities, TGS's request for a rate increase and consolidation of service areas should be denied. Accordingly, the purpose of the Resolution is to deny the rate change application proposed by TGS.

### Explanation of "Be It Resolved" Sections:

Section 1. This section finds that the Company's application is unreasonable and should be denied.

Section 2. This section requires TGS to maintain its existing rates within the City.

Section 3. This section states that City's reasonable rate case expenses, through the CTSA Cities and GCSA Cities, shall be reimbursed by TGS within 30 days of presentation of an invoice to TGS.

Section 4. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that the City will notify counsel for TGS and counsel for CTSA Cities and GCSA Cities of the City's action by sending a copy of the approved and signed Resolution to each counsel.

### Legal Notes:

### Budget Information:

---

**ATTACHMENTS:**

**Description**

- TGS Denial Resolution

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY OF KYLE DENYING TEXAS GAS SERVICE COMPANY'S REQUESTED RATE INCREASE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND THE CITY'S LEGAL COUNSEL**

WHEREAS, the City of Kyle, Texas ("City") is a gas utility customer of Texas Gas Service Company, a Division of ONE Gas, Inc., ("TGS" or "Company"), and is a regulatory authority under the Gas Utility Regulatory Act ("GURA"), and under Chapter 104, § 104.001 et seq. of GURA has exclusive original jurisdiction over TGS's rates, operations, and services within the City; and

WHEREAS, the City cooperated with a coalition of similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting rates charged in TGS's Central Texas Service Area and Gulf Coast Service Area ("CTSA Cities" and "GCSA Cities"); and

WHEREAS, on or about December 20, 2019, the Company filed a Statement of Intent with the City to increase rates in all municipalities exercising original jurisdiction within the City of Beaumont, the Central Texas Service Area, and the Gulf Coast Service Area by \$15,670,445, and to consolidate these Service Areas into the proposed Central-Gulf Coast Service Area; and

WHEREAS, TGS proposed February 6, 2020 as the effective date for its requested increase in rates; and

WHEREAS, the City passed resolution No. \_\_\_\_\_ to suspend the effective date of TGS's requested rate increase for the maximum period allowed by law, until May 6, 2020; and

WHEREAS, the CTSA Cities and GCSA Cities hired and directed legal counsel and consultants to prepare a common response to the Company's requested system-wide rate increase and proposed consolidation of service areas, which resulted in a conclusion that TGS's rates are not reasonable, the proposed consolidation of services areas is not reasonable, and a recommendation that the rate request and consolidation be denied; and

WHEREAS, the GURA § 103.022 provides that costs incurred by CTSA Cities and GCSA Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the rates proposed by TGS to be recovered through its gas rates charged to customers located within the City limits are hereby found to be unreasonable and shall be denied.

2. That the Company shall continue to charge its existing rates to customers within the City and that said existing rates are reasonable.

3. That the City's reasonable rate case expenses shall be reimbursed by the Company.

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

5. A copy of this Resolution shall be sent to TGS, care of Stephanie G. Houle, Texas Gas Service Company, Barton Skyway IV, 1301 S. Mopac, Suite 400, Austin, Texas 78746 (Stephanie.Houle@onegas.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

4161/0/8034347



# CITY OF KYLE, TEXAS

## Intermandeco DA

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** Consider approval of a Development Agreement with Intermandeco GP, LLC. ~ *James R. Earp, Assistant City Manager*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- K50-DA-Roads
- K50-DA-Exhibit A
- K50-DA-Exhibit B

STATE OF TEXAS           §  
  §  
COUNTY OF HAYS         §

**DEVELOPMENT AGREEMENT  
BETWEEN CITY OF KYLE, TEXAS, AND  
INTERMANDECO GP, LLC OR ASSIGNS**

This Development Agreement (“Agreement”) is by and between the City of Kyle, Texas, a home rule city situated in Hays County, Texas (the “City”) and INTERMANDECO GP, LLC OR ASSIGNS (“Developer”). The term “Parties” or “Party” means the City and the Developer collectively or singularly.

**RECITALS**

WHEREAS, Developer intends to purchase a parcel of real property (the “Property” or “Parcel”) in Hays County, Texas, which is more particularly described in the attached Exhibit “A”;

WHEREAS, the City is located in a rapidly growing metropolitan area for which new construction and land development can positively or negatively impact the future character and finances of the City;

WHEREAS, the City finds development agreements to promote master-planned communities are an appropriate way of establishing land use controls, providing for the construction of appropriate and necessary utility and roadway infrastructure, encouraging orderly economic growth, protecting the environment, and promoting the welfare of present and future citizens of the area;

WHEREAS, the City Council has found that the development of the Property in compliance with this Agreement will serve a public purpose and benefit the economy of the City and the best interests and welfare of the public.

WHEREAS, the City believes it is in the best interests of the City and the development to construct certain portions of the Opal roadway and Roland roadway across the Property and have the developer dedicate the associated ROW in exchange for waiver of certain development fees as a result of those improvements being built and ROW being dedicated.

**NOW, THEREFORE**, for and in consideration of the above stated recitals, which are made a part of this Agreement, the benefits described below, plus the mutual promises expressed herein, the sufficiency of which is hereby acknowledged by the Parties, the Parties hereby contract, covenant and agree as follows:

[DATE]

**ARTICLE 1**  
**PURPOSE, AUTHORITY, TERM AND BENEFITS**

**1.01 Authority.** Authority for Developer and the City to enter into this Agreement exists under the City Charter of the City, Article III, Section 52-a of the Texas Constitution; Chapter 212, Subchapter G, Tex. Local Government Code, (“Subchapter G”), Chapter 395 of the Tex. Local Government Code; and such other statutes as may be applicable.

**1.02 Project Defined.** The Project established by the Agreement includes a master-planned residential subdivision that will include single family lots, open spaces and two (2) small retail tracts of land. The Project, includes the subdivision of the Property, the construction of off-site and on-site utility and road facilities to serve the Project and Subdivision Infrastructure to be dedicated and conveyed to the City, and other infrastructure adequate for the development of the Project consistent with this Agreement (the “Project”). The Project will include multiple phases for platting and construction purposes.

**1.03 Benefits.**

(a) The City desires to enter into this Agreement because Developer agrees to construct these road improvements in exchange for the waiver of certain City fees as defined herein.

(b) The City’s execution of this Agreement constitutes a valid and binding obligation of the City under State Law. Developer’s execution of this Agreement constitutes a valid and binding obligation of the Developer.

**1.04 Term.** The term of this Agreement will commence on the Effective Date and continue for 365 days, unless Developer sends the City a notice of termination within its contract feasibility period on the Property or acquires title to the Property and delivers a copy of the recorded deed to the City within said 365-day period. If Developer acquires title to the Property and delivers a copy of the recorded deed to the City within said 365 days, then the term of this Agreement shall be fifteen (15) years from the Effective Date (“Term”). After the first Term, this Agreement may be extended for successive five-year periods upon written agreement signed by Developer and the City.

**ARTICLE 2**  
**ROW DEDICATION, OPAL LN IMPROVEMENTS, ROLAND LN IMPROVEMENTS, AND CITY FEE WAIVERS**

**2.01 Opal Ln ROW Dedication & Improvements.** The Developer will re-construct Opal Ln as a C3U roadway across the Property as depicted in Exhibit “B” and dedicate the associated ROW.

**2.02 Roland Ln Improvements.** The Developer will re-construct Roland Ln across the Property as a C3U roadway as depicted in Exhibit “B” and dedicate the associated ROW.

[DATE]



**2.03 City Fee Waivers.** Since the Developer will be fully improving the adjacent Opal Ln and Roland Ln across the property and dedicating necessary ROW, the value of those Opal Ln and Roland Ln improvements and the value of the additional ROW dedication will be credited against the Adjacent Lane Mile fees (ALMF) for the Project.

**2.05 Satisfactory Completion of Developer Improvements.** The term “Developer Improvements” includes Opal Ln Improvements and Roland Ln Improvements, as defined herein. Upon completion of construction of Developer Improvements, Developer shall provide the City with final “record” drawings of the Developer Improvements, in both hard copy and digital (PDF or CAD, as requested by the City). Developer’s engineer shall provide a certificate of completion to the City and the City shall conduct a final inspection of Developer Improvements within five (5) business days. The City shall within two (2) business days of conducting the final inspection provide a list of deficiencies found in the inspection so that when the deficiencies are corrected, Developer Improvements will meet the requirements for acceptance by the City for ownership, operation and maintenance. Developer shall be responsible for having those deficiencies remedied. Upon request, the City shall then re-inspect Developer Improvements within two (2) business days of receipt of notice from Developer, and if all deficiencies have been remedied to the City’s satisfaction, the City shall furnish, within two (2) business days, a Letter of Satisfactory Completion to the Developer stating that the Developer Improvements have been constructed in substantial compliance with the Approved Plans, meet all applicable testing requirements and otherwise comply with the requirements of the City to accept the Developer Improvements for ownership, operation and maintenance and that building permits are available for the Lots contained within that subdivision plat.

**2.06 City Acceptance of Developer Improvements.**

(a) As a precondition to the City’s final acceptance of a Developer Improvement, the following shall be delivered to the City: executed all bills paid affidavits, bills of sale, assignments, or other instruments of transfer reasonably requested by the City, in a form and content reasonably acceptable to the City, to evidence the City’s ownership of same. Contemporaneously therewith, all bonds, warranties, guarantees, and other assurances of performance, record drawings, easements, project manuals and all other documentation related to Developer Improvement to be accepted will also be delivered to the City.

(b) Prior to Council acceptance of public improvements, Developer shall dedicate the Developer Improvements to the City by plat recordation, separate conveyance or other requested means. The City shall not unreasonably deny, delay, or condition its acceptance of such Developer Improvements.

**2.07 City to Own, Operate and Maintain Developer Improvements.** From and after the time of the City’s final acceptance of a Developer Improvement, the City will own, operate, and maintain the Developer Improvement and shall be responsible for all costs associated with same.

**ARTICLE 3**  
**ASSIGNMENT OF COMMITMENTS AND OBLIGATIONS; SUCCESSORS**

**3.01 Assignment of Developer Rights.** Developer may assign in whole or part its rights and obligations under this Agreement to persons purchasing all of the Property or a part of the Property but not to an individual purchaser of lots within a recorded final plat. In the event Developer assigns all of its respective rights under this Agreement in conjunction with the conveyance of any unplatted portion of the Property, a written assignment of said rights must be filed of record in the Official Public Records of Hays County, Texas in order to be effective. This Agreement may be assigned by Developer without the consent of the City to any entity and Developer will be released from its obligations under this Agreement upon delivery of a notice of assignment to the City.

**3.02 Lot Conveyance Not an Assignment.** The mere conveyance of a lot or any portion of the Property without a written assignment of the rights of Developer shall not be sufficient to constitute an assignment of the rights or obligations of Developer hereunder, unless specifically provided herein.

**3.03 Agreement Binding on Assigns.** This Agreement shall be binding upon the Parties, their grantees, successors, assigns, or subsequent purchaser. In the event of an assignment of fee ownership, in whole or in part, of the Property by Developer, only the grantees and assignees and then current owners of any portion of the Property so assigned shall be liable under this Agreement for any subsequent default occurring after the conveyance and affecting only the portion or portions of the Property so assigned. Any reference to Developer or City shall be deemed to and will include the successors or assigns thereof, and all the covenants and agreements in this Agreement shall bind and inure to the benefit of the respective successors and assigns thereof whether so expressed or not.

**ARTICLE 4**  
**DEFAULT AND NOTICE**

**4.01 Notice and Opportunity to Cure.** If either Party defaults in its obligations under this Agreement, the other Party must, prior to exercising a remedy available to that Party due to the default, give written notice to the defaulting Party, specifying the nature of the alleged default and the manner in which it can be satisfactorily cured, and extend to the defaulting Party ten (10) business days from receipt of the notice to cure the default.

**4.02 Remedies for Default.** Whether in contract or tort or otherwise, Developer agrees to waive all claims to damages and other remedies, including lost profits, delay damages, or for any special incidental, liquidated or consequential loss or damage of any nature arising at any time or from any cause whatsoever; provided, however, Developer may enforce this Agreement as provided under §245.006 of the Texas Local Government Code and pursue remedies of strict or specific performance in such enforcement.

[DATE]

**4.03 Enforcement.** The Parties may enforce this Agreement by any proceeding at law or equity except the City is not waiving its right to sovereign immunity outside of enforcement of this Agreement and subject to the remedies herein nor may this paragraph 4.03 be interpreted as or otherwise construed to be a waiver. Failure of either Party to enforce this Agreement shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

**4.04 Litigation.** In the event of any third-party lawsuit or other claim relating to the validity of this Agreement or any actions taken by the Parties hereunder, Developer and the City intend to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution of their respective rights and obligations under this Agreement. The City's participation in the defense of such a lawsuit is expressly conditioned on budgetary appropriations for such action by the City Council. The filing of any third-party lawsuit relating to this Agreement or the development of the Project will not delay, stop or otherwise affect the development of the Project or the City's processing or issuance of any approvals for the Project, unless otherwise required by a court of competent jurisdiction.

**4.05 Notices.** Any notice required or permitted to be delivered hereunder shall be in writing and shall be deemed received on the earlier of (i) actual receipt by mail, Federal Express or other delivery service, fax, email or hand delivery; (ii) three (3) business days after being sent by United States mail, postage prepaid, certified mail, return receipt requested, addressed to Seller or Purchaser, as the case may be, at the address stated in Section I; or (iii) one (1) business day after being sent by email.

Any notice mailed to the City shall be addressed:

City of Kyle  
Attn: City Manager  
100 W. Center Street  
Kyle, Texas 78640

Any notice mailed to the Developer shall be addressed:

Doreen Clark for Cary L. Cobb  
Intermandeco GP, LLC  
P.O. Box 670649  
Dallas, TX 75367

Any Party may change the address for notice to it by giving notice of such change in accordance with the provisions of this paragraph.

**ARTICLE 5**  
**PROPERTY AND MORTGAGEE OBLIGATIONS**

**5.01 Mortgage Acceptance.** Developer shall assure that any mortgage financing obtained for the Property and the Project includes a provision that obligates the mortgagee to continue this Agreement in full force and effect subject to its terms and provisions in the event of a foreclosure or other action by such mortgagee, with a good and sufficient subordination provision, and any such mortgagee shall be deemed to have taken a security interest in the Property with notice of and subject to this Agreement. Developer shall provide the City with an executed copy of a subordination agreement that is consistent with the requirements of this Agreement.

**5.02 Mortgage Protection.** This Agreement will not affect the right of Developer to encumber all or any portion of the Property by mortgage, deed of trust or other instrument to secure financing for the Project, subject to the terms and provisions of Section 8.01. The City understands that a lender providing financing of the development of the Property (“Lender”) may require interpretations of or modifications to this Agreement and agrees to not unreasonably refuse to cooperate with Developer and its Lenders’ representatives in connection with any requests for interpretations or modifications so long as such modifications are not substantially inconsistent with the terms of this Agreement. The City agrees not to unreasonably condition, withhold or delay its approval of any requested interpretation or modification if the interpretation or modification is consistent with the intent and purposes of this Agreement. The City further agrees as follows:

- (a) Neither entering into this Agreement, nor any breach of this Agreement, will affect any lien upon all or any portion of the Property.
- (b) The City will, upon written request of a Lender given to the City by certified mail, return receipt requested, at the addresses provided in Section 7.05, provide the Lender with a copy of any written notice of default given to Developer under this Agreement within ten (10) days of the date such notice is given to Developer.
- (c) Upon default by Developer under this Agreement, a Lender may, but will not be obligated to, promptly cure any default during any cure period extended to Developer, either under this Agreement or under the notice of default.
- (d) Any Lender who comes into possession of any portion of the Property by foreclosure or deed in lieu of foreclosure will take such Property subject to the terms of this Agreement. No Lender will be liable for any defaults or monetary obligations of Developer arising prior to the Lender’s acquisition of title, but a Lender will not be entitled to obtain any permits or approvals with respect to that Property until all delinquent fees and other obligations of Developer under this Agreement that relate to the Property have been paid or performed.

**5.03 Certificate of Compliance.** Within thirty (30) days of written request by either Party given to the other Party requesting a statement of compliance with this Agreement, the other Party will execute and deliver to the requesting Party a statement certifying that:

- (a) this Agreement is unmodified and in full force and effect, or if there have been modifications, that this Agreement is in full force and effect as modified and stating the date and nature of each modification;
- (b) there are no current uncured defaults under this Agreement, or specifying the date and nature of each default; and
- (c) any other information that may be reasonably requested. The City Manager or the Mayor will be authorized to execute any requested certificate on behalf of the City.

**ARTICLE 6  
MISCELLANEOUS**

**6.01 Multiple Originals.** The Parties may execute this Agreement in one or more duplicate originals, each of equal dignity.

**6.02 Entire Agreement.** This Agreement, together with any exhibits attached hereto, constitutes the entire agreement between Parties with respect to its subject matter, and may not be amended except by a writing signed by all Parties with authority to sign and dated subsequent to the date hereof. There are no other agreements, oral or written, except as expressly set forth herein.

**6.03 Recordation.** A copy of this Agreement will be recorded in the Official Public Records of Hays County, Texas.

**6.04 Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. In the event of partial invalidity, the balance of the Agreement shall remain in full force and effect. This Agreement is performable in Hays County, Texas.

**6.05 Termination or Amendment By Agreement.** This Agreement may only be terminated or amended as to any or all of the Property at any time by mutual written consent of the City and Developer, except that Developer may terminate this Agreement by sending the City a notice of termination within its contract feasibility period on the Property, or may be terminated or amended only as to a portion of the Property by the mutual written consent of the City and the Developer of only the portion of the Property affected by the amendment or termination.

**6.06 No Oral or Implied Waiver.** The Parties may waive any of their respective rights or conditions contained herein or any of the obligations of the other party hereunder, but unless this Agreement expressly provides that a condition, right, or obligation is deemed waived, any such waiver will be effective only if in writing and signed by the party waiving such condition, right, or obligation. The failure of either party to insist at any time upon the strict performance of any covenant or agreement in this Agreement or to exercise any right, power, or remedy contained in this Agreement will not be construed as a waiver or a relinquishment thereof for the future.

**6.07 No Third-Party Beneficiary.** This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a Party, unless expressly otherwise provided herein.

**6.08 Effective Date.** This Agreement is legally effective and enforceable upon the execution of this Agreement by both parties.

SIGNED and executed this \_\_\_ day of \_\_\_\_\_, 2020.

DEVELOPER:  
INTERMANDECO GP, LLC OR ASSIGNS

By: \_\_\_\_\_  
Cary L. Cobb, Vice President

CITY OF KYLE, TEXAS

By: \_\_\_\_\_  
R. Travis Mitchell, Mayor

ATTEST:

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

THE STATE OF TEXAS     §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_, 2020, by Cary L. Cobb, Vice President of Intermandeco GP, LLC, a Texas limited liability company, on behalf of said limited liability company.

\_\_\_\_\_  
Notary Public in and for the State of Texas

THE STATE OF TEXAS     §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_, 2020, by R. Travis Mitchell, Mayor of Kyle, Hays County, Texas, on behalf of the city.

\_\_\_\_\_  
Notary Public in and for the State of Texas

[DATE]

**EXHIBIT A**  
**DESCRIPTION OF PROPERTY**

[DATE]

**EXHIBIT B**  
**OPAL LN & ROLAND LN IMPROVEMENTS**

[DATE]



**Legal Description**

**BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 49.3928 ACRES (2,151,548 SQUARE FEET) OUT OF THE Z. HINTON SURVEY NO. 12, ABSTRACT NO. 220, IN HAYS COUNTY, TEXAS, BEING ALL OF A CALLED 49.62 ACRES TRACT OF LAND CONVEYED TO KY-TEX PROPERTIES, INC. IN VOLUME 285, PAGE 458 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS (R.P.R.H.C.T.), SAID 49.3928 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**



PO Box 90876  
Austin, TX 78709  
512.537.2384  
[www.4wards.com](http://www.4wards.com)

**BEGINNING**, at a 1/2-inch iron rod found in the northeast right-of-way line of Roland Lane (C.R. 137 – right-of-way varies), being the south corner of said Ky-Tex tract, and being west corner of the remainder of a called 170.876 acres tract conveyed to Paramount Park, Ltd. in Document No. 18013402 of the Official Public Records of Hays County, Texas (O.P.R.H.C.T.), and being the south corner and **POINT OF BEGINNING** hereof, from which a cotton spindle found for an angle point in the northeast right-of-way of said Roland Lane, being the southwest line of said Paramount Park tract bears, S46°27'09"E, a distance of 1,204.49 feet;

**THENCE**, with the southwest line of said Ky-Tex tract, in part the northeast right-of-way line of said Roland Lane as occupied and used on-the-ground, in part crossing said Roland Lane, N46°24'08"W, a distance of **598.15** feet to a 1/2-inch iron rod with "4ward-Boundary" cap set for an angle point in the southwest line hereof, being in the southeast line of a called 50.912 acres tract conveyed to Texas Old Town, Inc. in Volume 1802, Page 353 (O.P.R.H.C.T.);

**THENCE**, continuing with the southwest line of said Ky-Tex tract, in part with the southeast line of said Texas Old Town tract, in part with the northeast line of a called 59.30 acres tract conveyed to FG2, LLC in Document No. 4579, Page 410 (O.P.R.H.C.T.), in part crossing said Roland Lane, in part with the apparent northeast right-of-way line of said Roland Lane as occupied and used on-the-ground the following two (2) courses and distances:

- 1) **N43°55'32"E**, passing at a distance of 34.58 feet a 60D nail found for the east corner of said Texas Old Town tract, from which a 3/4-inch iron rod with "Howard Surveying" cap found for an angle point in the common line of said Old Town tract and said FG2 tract bears, N45°54'41"W, a distance of 49.88 feet, in all a distance of **538.89** feet to a 1/2-inch iron rod found for the east corner of said FG2 tract,
- 2) **N46°06'49"W**, a distance of **279.80** feet to a 1/2-inch iron rod found for the southwest corner hereof, being an angle point in the northeast line of said FG2 tract, and being the apparent northeast right-of-way line of said Roland Lane as occupied and used on-the-ground, and being the south corner of a called 10.10 acres tract conveyed to Jewel Wayne Smith in Volume 4380, Page 444 (O.P.R.H.C.T.), from which a 1/2-inch iron rod found in the northeast line of said FG2 tract, and being the apparent northeast right-of-way line of said Roland Lane as occupied and used on-the-ground, and being the west corner of said Smith tract, and being the south corner of a called 10.005 acres tract conveyed to Thistlewood Manor, LLC in Volume 4848, Page 329 (O.P.R.H.C.T.) bears, N46°02'41"W, a distance of 437.74 feet;

**THENCE**, leaving the northeast line of said FG2 tract, and being the apparent northeast right-of-way line of said Roland Lane as occupied and used on-the-ground, with the northwest line of said Ky-Tex tract and with an apparent gap between deed lines of said Ky-Tex tract and said Smith tract, and in part crossing

Opal Lane (County Road 138 – right-of-way varies), **N43°56'09"E**, passing at a distance of 1,004.97 feet a calculated point, from which a 1/2-inch iron rod found for the east corner of said Smith tract, being an angle point in the southeast line of said Thistlewood tract bears, **N46°03'51"W**, a distance of 3.57 feet, passing at a distance of 2,132.77 feet a 1/2-inch iron rod found for the east corner of said Thistlewood tract, being the end of said gap between deed lines, and being in the southeast right-of-way line of said Opal Lane, from which an iron rod with "Sherwood Surveying" found for an angle point in the north line of said Thistlewood tract, being in the south right-of-way line of said Roland Lane, and being the east corner of a called 44.131 acres tract (Tract 2) conveyed to JDJ Family Manor, LLC in Volume 5092, Page 55 (O.P.R.H.C.T.) bears, **N46°13'53"W**, a distance of 50.06 feet, in all a distance of **2,148.62** feet to a calculated point for the north corner hereof, being in the center of Opal Lane, and being the north corner of said Ky-Tex tract, and being in the south line of a called 117.55 acres tract conveyed to Petra Ann Graef Peters in Volume 858, Page 444 described as a 55 1/2 acres tract in Volume 107, Page 497-499 of the Deed Records of Hays County, Texas (D.R.H.C.T.);

**THENCE**, with the northeast line of said Ky-Tex tract, in part the southeast line of said Ky-Tex tract, in part with the center of said Opal Lane, in part with the southwest line of said Peters tract, in part with the southwest line of a called said 117.55 acres Peters tract described as a 24.05 acres tract in Volume 170, Page 196-197 (D.R.H.C.T.), in part crossing said Opal Lane, the following three (3) courses and distances:

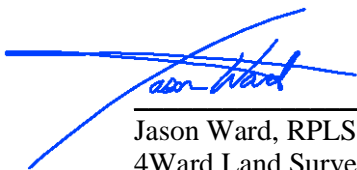
- 1) **S46°12'02"E** a distance of **837.05** feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set for the east corner hereof, being the east corner of said Ky-Tex tract, and being in the east portion of said Opal Lane,
- 2) **S42°49'20"W**, a distance of **116.67** feet to a calculated point for an angle point hereof, being in the center of said Opal Lane,
- 3) **S43°04'20"W**, a distance of **385.27** feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set (from which an iron rod found bears, **N39°23'07"E**, a distance of 1.78 feet) for an angle point hereof, being an angle point in the southeast line of said K-Tex tract, and being in the southwest right-of-way line of said Opal Lane, and being the north corner of said Paramount Park tract;

**THENCE**, continuing with the southeast line of said Ky-Tex tract and with the northwest line of said Paramount Park tract the following three (3) courses and distances:

- 1) **S43°15'30"W**, a distance of **1,070.42** feet to a Mag nail found for an angle point hereof,
- 2) **S42°43'17"W**, a distance of **651.54** feet to a cotton spindle found for an angle point hereof,
- 3) **S43°08'11"W**, a distance of **462.24** feet to the **POINT OF BEGINNING** hereof, and containing 49.3928 Acres (2,151,548 Square Feet) more or less.

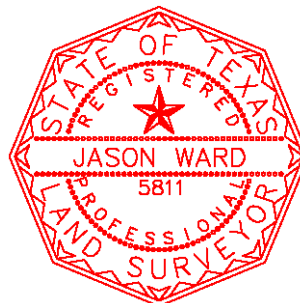
**NOTE:**

Surveyed on the ground November 8, 2019. All bearings are based on the Texas State Plane Coordinate System, Grid North, South Central Zone (4204), all distances were adjusted to surface using a combined scale factor of 1.000100038566. See attached survey map (reference drawing: 00754\_50ac Ky-Tex tract.dwg)

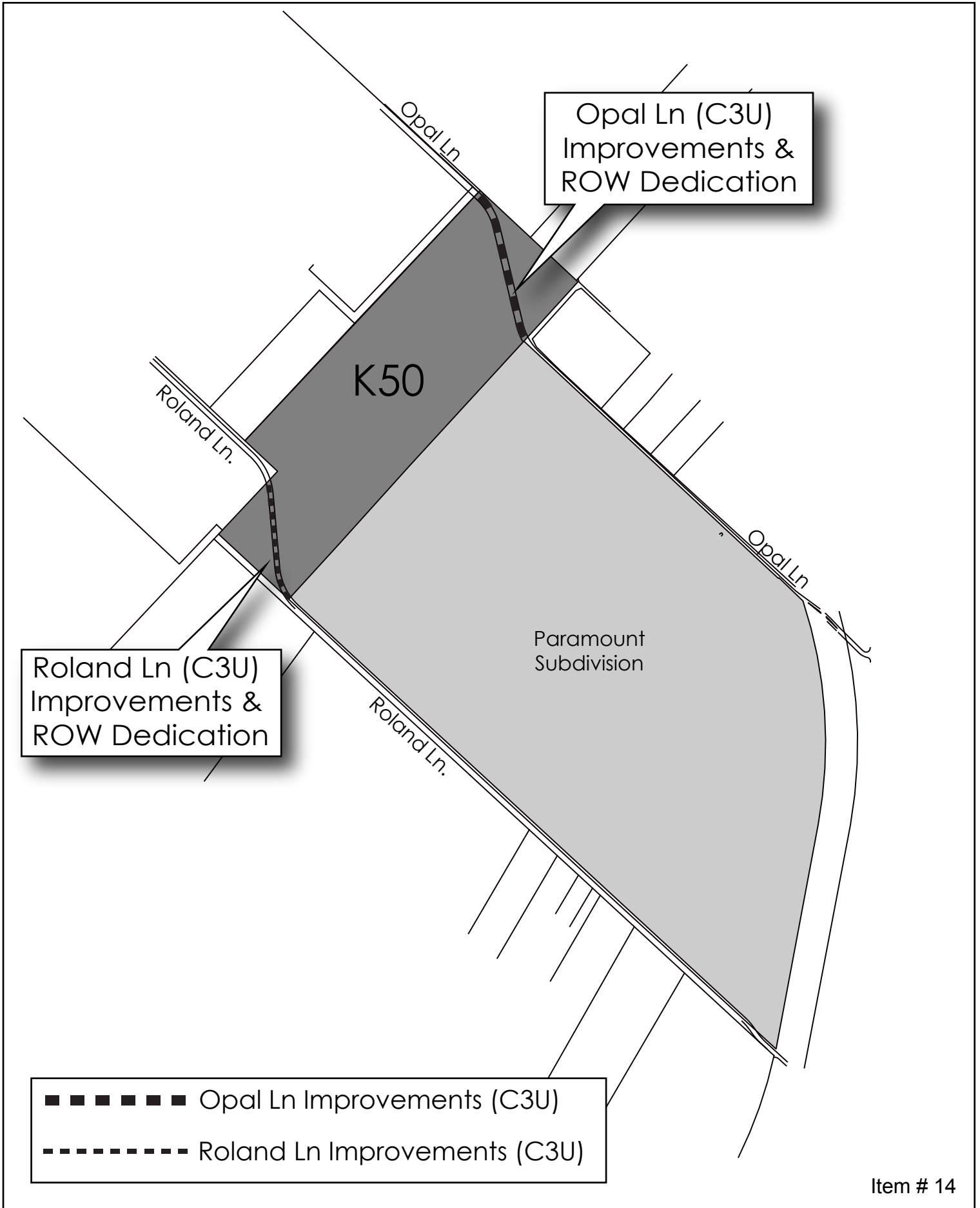


11/13/19

Jason Ward, RPLS #5811  
4Ward Land Surveying, LLC  
TBPLS Firm #10174300



# Exhibit "B"





# CITY OF KYLE, TEXAS

## Compensatory Time

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** Approve a Resolution of the City of Kyle, Texas, amending, replacing, and adding provisions of the City Personnel Policy to exempt compensatory time balance limit; and providing for related matters. ~ *Sandra Duran, Director of Human Resources*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- Personnel Resolution
- Compensatory Time

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF KYLE, TEXAS, AMENDING, REPLACING, AND ADDING PROVISIONS OF THE CITY PERSONNEL POLICY; AND PROVIDING FOR RELATED MATTERS**

**WHEREAS**, it is necessary and reasonable for the City of Kyle, Texas (the “City”) to review, modify and amend policies, rules, regulations and procedures governing the terms of employment, benefits, advancement, grievances, service and discipline of the officers, employees and personnel of the City; and

**WHEREAS**, it is in the general public interest that the City of Kyle maintain and, from time to time, improve a personnel policy that benefits both the general public and employees of the city;

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

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

**Section 2. Approval and Adoption of City Personnel Policy.** The City Council hereby adopts this resolution clarifying and amending sections of the City's Personnel Policy to read as set forth in Exhibit "A" attached to and incorporated in this resolution for all purposes.

**Section 3. Sections Replaced, Amended, Added.** The following sections are hereby replaced, amended, or added to the Kyle Personnel Policy in the corresponding sections in with those attached as Exhibit A.

**Section 4. Repeal of Conflicting Ordinances.** All existing City of Kyle Ordinances in conflict with the provisions of this Resolution are repealed to the extent of the conflict.

**Section 5. Effective Date.** This resolution shall take effect immediately from and after its passage and publication in accordance with the provisions of the City Charter.

**Section 6. Open Meetings.** It is hereby officially found and determined that the meeting at which this resolution is passed was opened to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

THE CITY OF KYLE, TEXAS

\_\_\_\_\_  
Travis Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer A. Vetrano, City Secretary

**EXHIBIT A**

## City of Kyle Personnel Policy Rev. October 2019

### Under Article 5. Attendance and Leave

#### Section 5.04. Overtime and Compensatory Time.

- 1) **Compensatory Time for Exempt Employees.** Exempt employees are not paid overtime compensation. The City permits exempt employees who work over forty (40) hours in a week to request to his or her supervisor to earn compensatory time for the hours worked over forty (40) hours in a workweek. Any time off during the exempt employee's regular scheduled hours must be accounted for through the use of earned compensatory time, sick leave, or vacation. Compensatory time is earned on a straight time, hour for hour, basis. When the workweek has an observed holiday, the eight hours of holiday should count towards the forty (40) hours in a workweek for the purpose of calculating compensatory time.
  - a) Exempt employees are not entitled to be paid out compensatory time accumulated upon termination of employment, including retirement, nor receive any cash payment for the use of compensatory time. **An exempt employee shall not be permitted to accumulate a balance of more than eighty (80) hours of compensatory time at any point.**
  - b) Exempt employees must track in their bi-weekly timesheet the total amount of hours worked per day, per week, and per pay period. Supervisors will need to authorize all compensatory time on the employee's bi-weekly time sheet.
  - c) Exempt employees must be able to communicate and justify to the head of the Department the need to work over forty (40) hours in a given week to track performance, productivity, and/or results.
  - d) **Compensatory time will not be approved for any work performed from home, or City approved trips, or during other events unless authorized by the City Manager.**
  - e) Compensatory time may not be transferred or donated to other employees through the Accrued Leave Donation program.

Recommendation: to adopt a temporary policy to allow an exempt employee to accumulate a balance of not more than 160 hours of compensatory time due to working extensive hours on essential tasks required to address Emergency Pandemic of COVID-19. This temporary policy will also allow exempt employees to earn compensatory time for any work performed from home.





# CITY OF KYLE, TEXAS

## Disaster Declaration

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second Reading)* An Ordinance of the City of Kyle, Texas Extending a Disaster Declaration for the City of Kyle and Providing for a Penalty and Enforcement. ~ *Travis Mitchell, Mayor*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- Ordinance
- Kyle Disaster Declaration

**ORDINANCE OF THE CITY OF KYLE, TEXAS CONTINUING  
DECLARATION DISASTER  
FOR THE CITY OF KYLE, TEXAS**

**WHEREAS**, the Mayor of the City of Kyle, Texas declared a state of local disaster on March 17, 2020 due to imminent threat from COVID-19; and

**WHEREAS**, in accordance with Texas Government Code Section 418.108(b), the declaration of local state of disaster may not be continued or renewed for a period of more than seven (7) days except with the consent of the City Council of the City of Kyle, Texas; and

**WHEREAS**, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

**WHEREAS**, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

**WHEREAS**, on March 13, 2020, Governor Abbott declared a state of disaster for all counties in the State of Texas due to COVID-19 posing an imminent threat of disaster in the state; and

**WHEREAS**, the Center for Disease Control and Preparation is closely monitoring the number of COVID-19 cases that have spread in the United States; and

**WHEREAS**, on March 15, 2020, the Judge Becerra issued a disaster declaration, which was extended for 120 days by the Hays County Commissioners Court on March 16, 2020; and

**WHEREAS**, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, large gatherings of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk for the spread of infectious disease; and

**WHEREAS**, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

**WHEREAS**, this Ordinance was approved by a vote of at least five members of the City Council; and

WHEREAS, the City Council of the City of Kyle, Texas, pursuant to Texas Government Code Section 418.108(b), has consented to continue the declaration of local state of disaster for the City of Kyle, Texas.

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

- 1.) Pursuant to Section 4.07 of the City Charter, the City Council hereby finds and determines that an emergency exists, such emergency being the imminent threat to life, health, property, and public peace posed by the outbreak of COVID-19 and its effects. This Ordinance is being adopted by one reading pursuant to Section 4.07 of the City Charter. This Ordinance is effective immediately and the City Manager is hereby authorized and directed to cause the publication of the caption of this Ordinance in two successive issues of a newspaper of general circulation in the City. This ordinance shall be automatically repealed within sixty (60) days unless reenacted by the City Council.
- 2.) The declaration of state of local disaster for the City of Kyle, Texas resulting from threats posed by COVID-19 is hereby continued.
- 3.) This Declaration continues to activate the City's Emergency Management Plan.
- 4.) This Declaration continues to activate the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the Declaration, and the preparedness and response aspects of the plans are activated as provided in the plans and such other measures as set forth in the Mayor's March 17, 2020 disaster declaration.
- 5.) This Declaration continuing a local state of disaster shall be effective for one-hundred twenty (120) days on and from its date of issuance, provided however that this Declaration may be terminated before the expiration of 120 days by subsequent order of the Mayor or action of the City Council, and may be continued or renewed beyond said period from its date of issuance only with the consent of the City Council of the City of Kyle, Texas.
- 6.) Orders issued by the Mayor prior to the effective date of this Ordinance are hereby ratified, confirmed, and approved.
- 7.) In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Ordinance, or a declaration, order or proclamation issued by the Mayor under Chapter 418, Government Code, the

City Charter, or the emergency management plan, commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days. Article III, Chapter 20, of the City's Code of Ordinances is hereby amended to add this section 7 to a section entitled: Section 20.103. Penalty for Violation of the Emergency Management Plan.

- 8.) The sections, paragraphs, sentences, clauses and phrases of this Declaration are severable and if any phrase, clause, sentence, paragraph or section of this Declaration should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Declaration that can be given effect without the invalid provision, and to this end the provisions of this Order are severable.
- 9.) This Declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- 10.) This Declaration shall take effect immediately from and after its issuance.

This Ordinance is hereby **PASSED AND APPROVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Travis Mitchell, Mayor  
City of Kyle, Texas

ATTEST:

\_\_\_\_\_  
Jennifer Vetrano, City Secretary

**CITY OF KYLE, TEXAS**  
**DECLARATION OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY**

**WHEREAS**, in December 2019, a novel coronavirus, designated COVID-19, was detected in Wuhan, China; and

**WHEREAS**, symptoms of COVID-19 include fever, cough and shortness of breath, and can range from mild to severe illness; and

**WHEREAS**, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contract tracing and prevention of onward spread of the disease; and

**WHEREAS**, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

**WHEREAS**, on March 13, 2020, Governor Abbott declared a state of disaster for all counties in the State of Texas due to COVID-19 posing an imminent threat of disaster in the state; and

**WHEREAS**, on March 16, 2020, President Donald Trump recommended that “People should avoid gathering in groups of more than 10” and “People should stay away from bars restaurants and food courts, and to not travel if possible”; and

**WHEREAS**, the Center for Disease Control and Preparation is closely monitoring the number of COVID-19 cases that have spread in the United States; and

**WHEREAS**, on March 15, 2020, the Judge Becerra issued a disaster declaration, which was extended for 120 days by the Hays County Commissioners Court on March 16, 2020; and

**WHEREAS**, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, large gatherings of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk for the spread of infectious disease; and

**WHEREAS**, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

**WHEREAS**, Texas Government Code Chapter 418, Section 418.108, authorizes the Mayor of the City of Kyle to declare a local state of disaster and exercise the powers granted therein on an appropriate local scale; and

**WHEREAS**, Section 418.004(a) of the Texas Government Code defines disaster as the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency; and

**WHEREAS**, the Centers on Disease Control and Prevention (“CDC”) recommends an “All of Community” approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

**WHEREAS**, due to the substantial risks to the public, this Declaration prohibits gatherings of more than 10 persons anywhere in the City of Kyle beginning at 12:01 a.m. on March 18, 2020, and continuing until April 30, 2020 if this Declaration is continued by the City Council, unless terminated or modified by an earlier order or declaration, and

**WHEREAS**, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk and promote the health and safety of individuals in the City;

**NOW, THEREFORE, BE IT DECLARED AND ORDERED**, pursuant to the authority granted in the Texas Disaster Act of Texas Government Code Chapter 418, as follows:

1. A local state of disaster is hereby declared for the City of Kyle pursuant to Section 418.108(a) of the Texas Government Code.
2. By this declaration, the City of Kyle’s role under the Hays County Emergency Management Plan, which is adopted as the City’s Emergency Management Plan, is activated, and all other statutory, Charter, and ordinance powers vested in me and all officers of the City to act in this local state of disaster are activated. This declaration shall also activate all recovery and rehabilitation aspects of all applicable local and interjurisdictional emergency management plans and authorizes the furnishing of all aid and assistance as deemed necessary and desirable by those administering such plans.
3. By this declaration, I declare all rules and regulations that may inhibit or prevent prompt response to this threat be suspended for the duration of this declaration and any extension thereof.
4. Pursuant to the authority granted to the Mayor under the Texas Disaster Act of Texas Government Code Chapter 418, I shall exercise any and all necessary powers set out thereunder and I hereby authorize the use of all available resources of state government and political subdivisions to assist in the City’s response to this disaster.
5. Pursuant to the authority granted under the laws of the State of Texas, the City may take all legal actions necessary to protect the health of persons in the City.

6. Pursuant to Health and Safety Code Section 122.006, the City may adopt rules to protect the health of persons in the City, and provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.
7. Pursuant to Section 418.108(b) of the Texas Government Code, the state of a local disaster shall continue for a period of not more than seven (7) days from the date of this Declaration and Order unless continued or renewed by the City Council of the City of Kyle; Texas.
8. Pursuant to Section 418.108(c) of the Texas Government Code, this Declaration and Order shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
9. This declaration hereby limits the size of gatherings to not more than 10 people and mandates the cancellation of all such gatherings until further notice. A “gathering” refers generally to a scheduled event or common endeavor where 10 persons are present in a confined space, room, or area.
10. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.
11. Upon ratification of the Kyle City Council, this declaration shall remain in effect until midnight April 5, 2020.
12. The following exemptions apply to the gathering limits:
  - i) Grocery stores
  - ii) Gas stations
  - iii) Medical facilities (including chiropractic, veterinary, etc.)
  - iv) Outdoor construction areas
  - v) Hays CISD activities such as online learning and food distribution
13. The following establishments are closed entirely:
  - i) Day Care / Child Care facilities
  - ii) Movie Theaters
  - iii) Bowling Alleys
  - iv) Indoor Gymnasiums
  - v) Massage Establishments
  - vi) Public, HOA and Semi-public playground equipment and pools
14. The City will post this Declaration on its website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Declaration is strongly encouraged to post a copy of this Declaration onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity.



**This Declaration and Order is adopted this the 3<sup>rd</sup> day of April 2020, at 6:30 PM, effective 12:01 AM \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Travis Mitchell, Mayor  
City of Kyle, Texas

Filed with me, the City Secretary of the City of Kyle, this the \_\_\_\_ day of \_\_\_\_\_, 2020, by Mayor Travis Mitchell, whose signature I hereby attest under my hand and seal of the City of Kyle.

\_\_\_\_\_  
Jennifer Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## TIRZ Strategic Plan

Meeting Date: 4/7/2020

Date time: 7:00 PM

**Subject/Recommendation:** Adoption of the TIRZ Strategic Plan. ~ *J. Scott Sellers, City Manager*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- 200303\_Draft Strategic Framework





# PLUM CREEK TIRZ STRATEGIC FRAMEWORK







## STRATEGIC FRAMEWORK

2020

PREPARED FOR:  
CITY OF KYLE

PREPARED BY:  
LIONHEART PLACES



# TABLE OF CONTENTS

- Introduction ..... 2**
  - Tax Increment Reinvestment Zones (TIRZ) ..... 3
  - Relevant Studies ..... 4
  
- Vision ..... 5**
  - TIRZ Board Meetings ..... 6
  - Goals ..... 7
  
- Existing Conditions ..... 9**
  - Zoning and Land Use ..... 10
  - Demographics and Housing ..... 11
  - Business Demographics ..... 12
  - Transportation ..... 13
  - Quality of Life ..... 14
  
- Framework Plan ..... 15**
  - Parks and Public Spaces ..... 17
    - Central Park ..... 18
    - Veterans Memorial ..... 22
    - Soccer Complex ..... 23
  - Streets ..... 24
    - Cromwell Street ..... 25
    - Retail Street ..... 27
  - Facilities ..... 29
    - Hotel/Conference Center ..... 30
    - Office/Mixed Use Building ..... 31
    - Police Station ..... 32
    - Signage and Wayfinding ..... 33
  - TOD ..... 35
  - Pedestrian Connections ..... 36
  - Parking Management ..... 37
  - Green and Resilient Infrastructure ..... 38
  - Public Art ..... 39
  
- Implementation Plan ..... 41**
  - Overall Framework Plan ..... 42
  - Capital Improvements Implementation ..... 43
  - Decision Making Framework ..... 44



# INTRODUCTION

Plum Creek is a 2,200-acre mixed-use community located in Kyle, Texas along the west side of the burgeoning I-35 corridor. Plum Creek will feature a world class Uptown district providing walkable employment and retail opportunities as well as public and civic spaces that serve the entire region. Tax Increment Reinvestment Zone (TIRZ) #2, the TIRZ for the Plum Creek mixed-use district, was established in 2018, with the purpose of enhancing public improvements and attracting quality employment and residential development. Uptown will function as a town center that will host government buildings, and a variety of retail and entertainment establishments to form a destination attracting users from across the area. Substantial growth within this region will significantly contribute to the TIRZ supporting higher quality aesthetics, safety, human comfort, accessibility, and public amenities. The purpose of this five year strategic framework is to assist the City of Kyle in making strategic funding decisions within the district

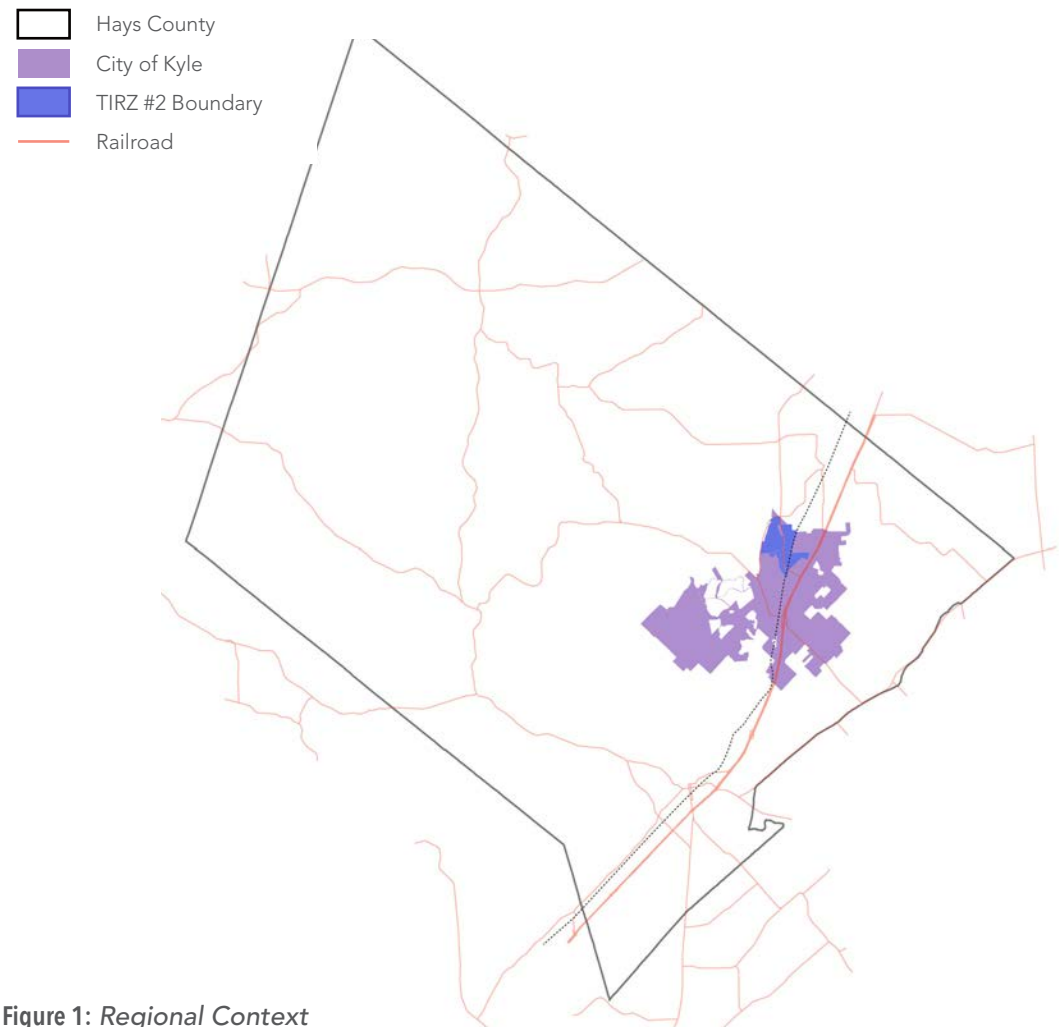


Figure 1: Regional Context

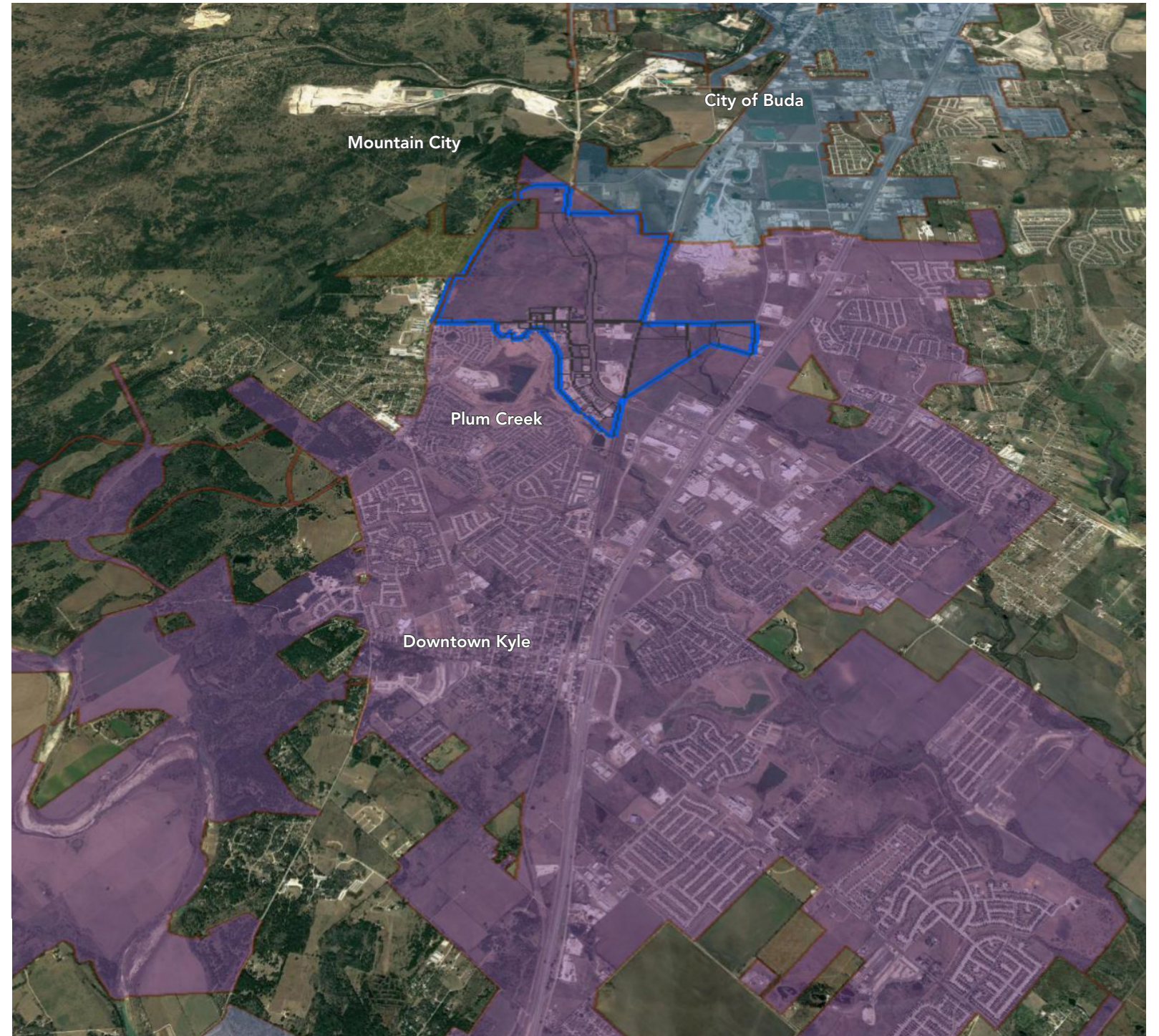
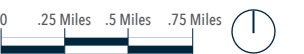


Figure 2: District Location Map



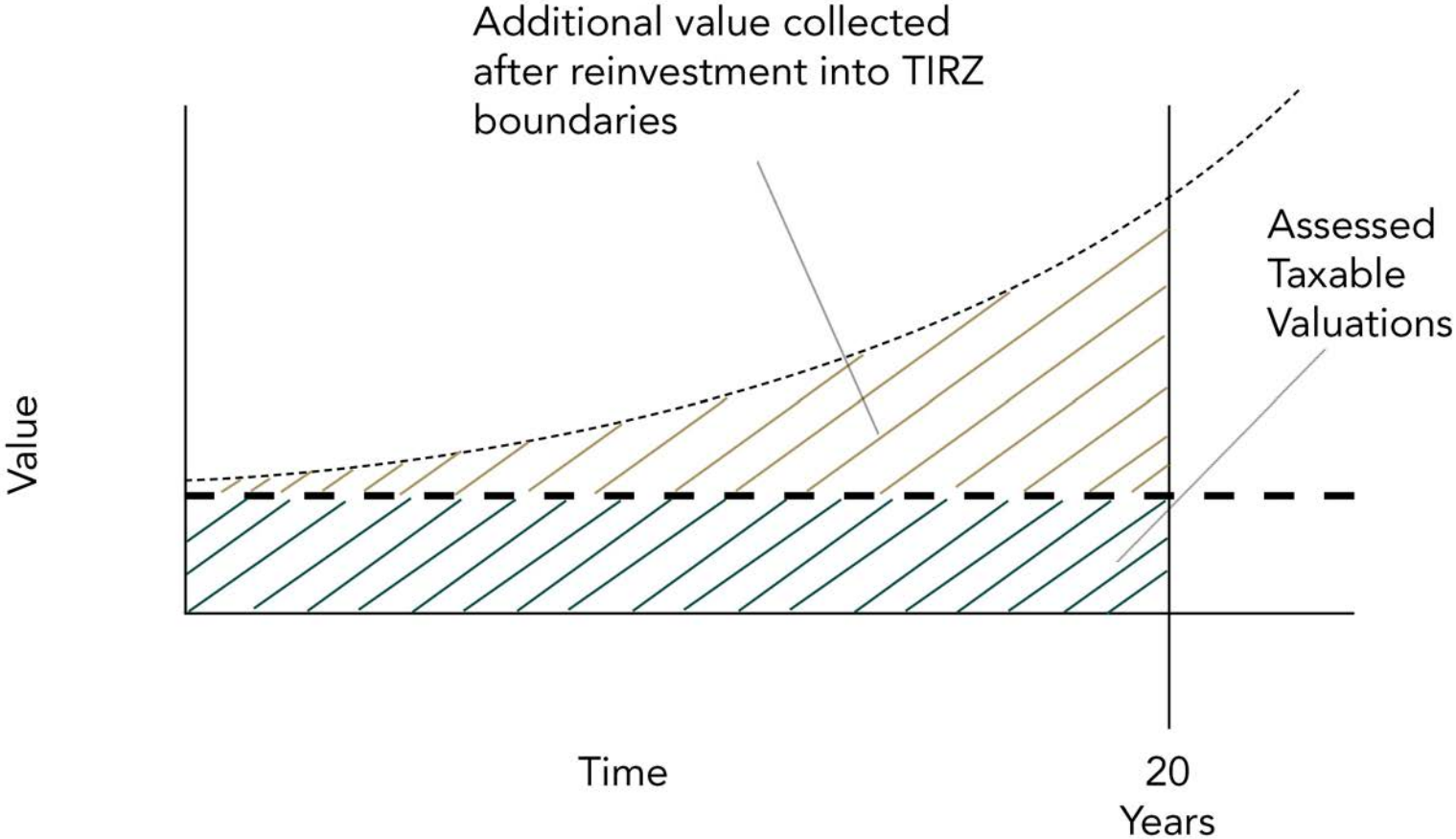


# TAX INCREMENT REINVESTMENT ZONES (TIRZ)

A Tax Increment Reinvestment Zone (TIRZ) is a tool to encourage higher quality development in an area that would otherwise remain stagnant. With a TIRZ, a city “captures” the additional property taxes generated by the development that would otherwise have gone to other taxing jurisdictions or to general revenue-raising for the city, and uses the “tax increment” to finance public improvements within the district. Public Improvement costs that may be financed with TIRZ dollars typically include improvements to streets, transit, parks, and bicycle and pedestrian amenities.

Improvements funded through a TIRZ should be designed to benefit the whole community. TIRZ financing can help to build or enhance infrastructure that attracts businesses, and provide new services and employment opportunities to the area.

TIRZ #2 was established in December 2018 with City of Kyle Ordinance # 1022.





# RELEVANT STUDIES

## CITY OF KYLE COMPREHENSIVE PLAN

Adopted in 2010 and updated in 2017, the Comprehensive Plan for the City of Kyle identifies the Uptown and TIRZ #2 district as being located within the New Town Land Use District. The New Town district is designed to “contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form.” The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. The City of Kyle Comprehensive Plan emphasizes that mixed-use development should be encouraged, to maximize economic development.

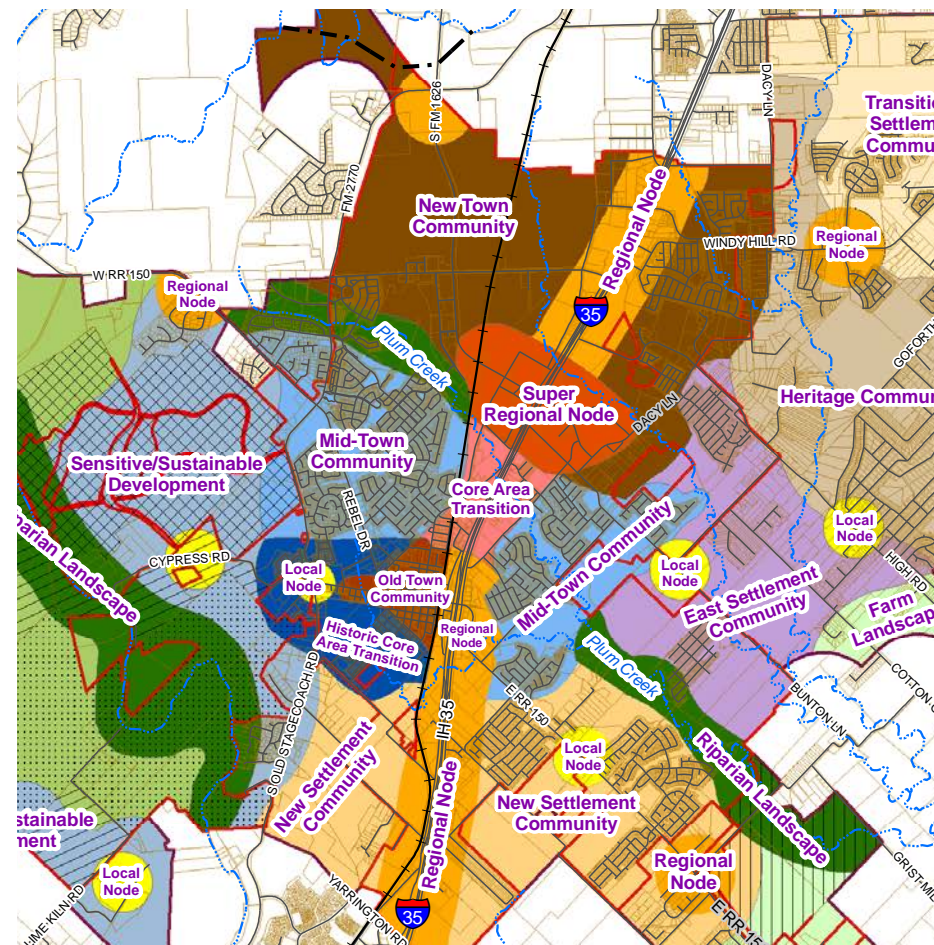


Figure 4: City of Kyle Landuse District Map (City of Kyle Ordinance 950).

## TRANSPORTATION MASTER PLAN

The City of Kyle Transportation Master Plan indicates the need for additional streets infrastructure in this area to support anticipated growth as well as opportunities to enhance the regional highway and rail connections in the area.

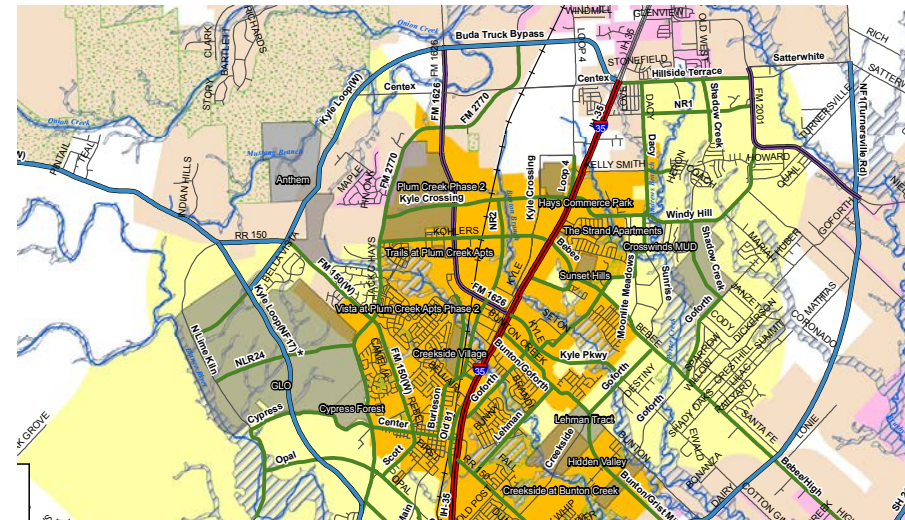


Figure 7: City of Kyle Thoroughfare Master Plan

## PARKS AND RECREATION MASTER PLAN

The City of Kyle Parks and Recreation Master Plan identifies the need for an additional parks service area including a range of park types and trail connections to support anticipated growth in the Uptown and TIRZ #2 district.

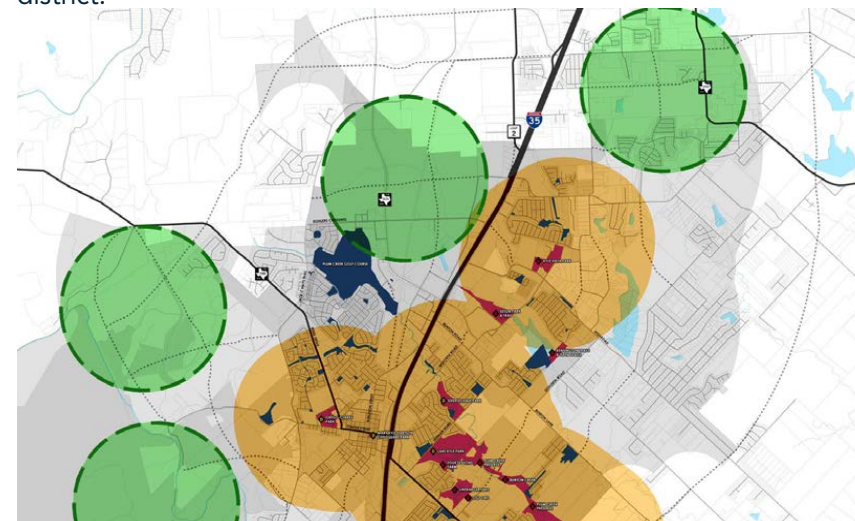


Figure 5: City of Kyle Parks Master Plan Service Area Map

## PLUM CREEK PLANNED UNIT DEVELOPMENT

Passed in 1997, the Plum Creek Planned Unit Development established the original boundaries of the Plum Creek Development and created expectations and intentions for the area to be a flexible, progressive, mixed-use development. Plum Creek is described as innovative, integrated, and providing a healthy expansion for the City of Kyle.



Figure 6: Plum Creek Concept Plan



# VISION

THE UPTOWN TIRZ AIMS TO SERVE THE CITY AND ITS RESIDENTS WITH A FIRST-CLASS TOWN CENTER THAT IMPROVES THE QUALITY OF LIFE, CONNECTS PEOPLE, AND BECOMES A DESTINATION FOR KYLE RESIDENTS AND THE REGION.

- KYLE ORDINANCE 1022

# TIRZ BOARD MEETINGS

## TIRZ #2 BOARD MEETING- PROJECT KICKOFF

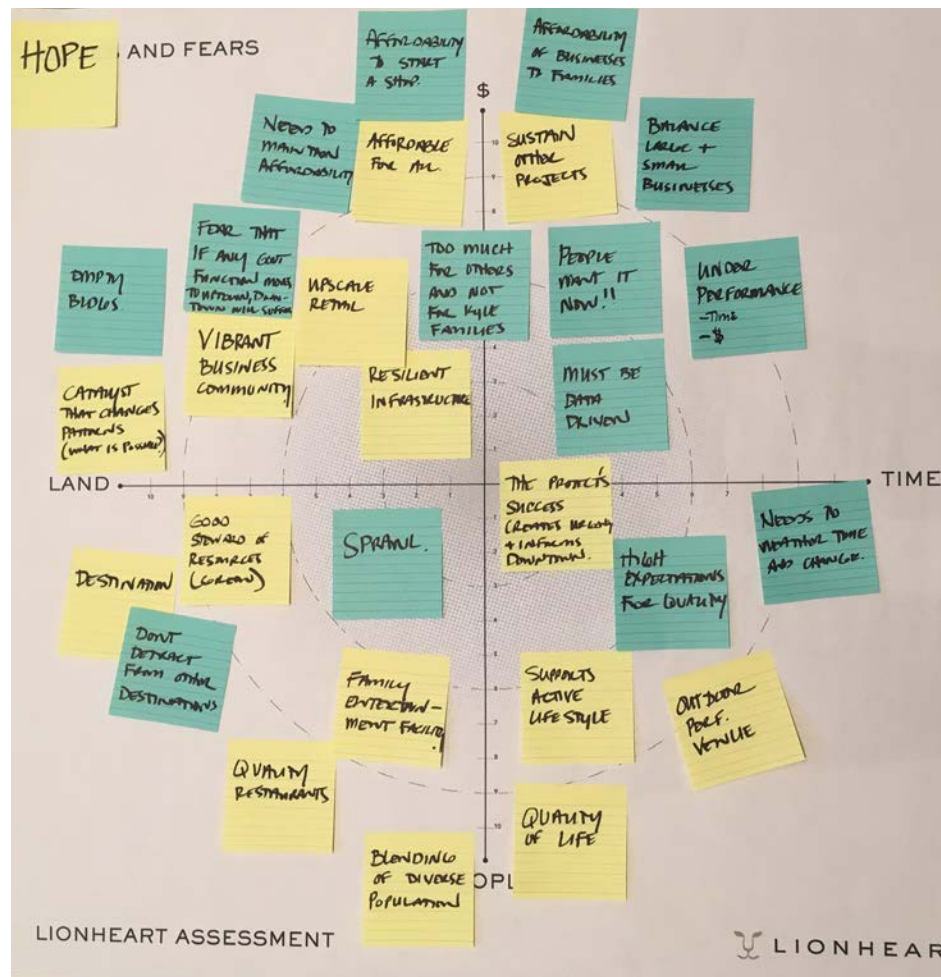
During the project kick-off meeting on November 14, 2019, board members were asked a series of questions in an effort to understand their biggest worries and highest aspirations for the district. The results were mapped on a chart and used to discuss where the team should focus in developing a strategic plan for TIRZ #2. Feedback from this exercise helped to refine and expand the goals originally stated in TIRZ Ordinance 1022.

## TIRZ #2 BOARD MEETING- EXISTING CONDITIONS

During the existing conditions meeting on December 19, 2019, board members reviewed and validated the revised goals discussed in the project kick-off meeting. This meeting also included an update on the project schedule and planned engagement strategy with individual TIRZ board members and key property owners and stakeholders within the district.

## TIRZ #2 BOARD MEETING- FRAMEWORK PLAN

During the framework plan meeting on January 16, 2020, board members received a presentation of the draft framework plan describing each of the proposed projects. Board members provided feedback on specific projects and how to prioritize implementation of each project. This meeting also included an update on the project schedule, and feedback received through the online survey and stakeholder interviews.



-  GOAL 1: AN INTEGRATED PART OF KYLE.
-  GOAL 2: URBAN, MIXED USE AND WALKABLE.
-  GOAL 3: AFFORDABLE FOR FAMILIES AND LOCAL BUSINESSES.
-  GOAL 4: ENERGIZED WITH PUBLIC ART.
-  GOAL 5: A VIBRANT AND RESILIENT BUSINESS CENTER.
-  GOAL 6: A 5-YEAR STRATEGIC PLAN WITH MEASURABLE OUTCOMES.
-  GOAL 7: PILOT PROJECT TO HELP KYLE PROACTIVELY DIRECT GROWTH.

Action	Year 1	Year 2	Year 3	Year 4	Year 5
Central Park	✓				
Veterans Memorial	✓				
Soccer Complex				✓	
Cromwell Street	✓				
Retail Street	✓				
Hotel/Convention Center	✓				
Office Mixed-Use Building	✓				
Police Station		✓			

# GOALS



Integrated

**INTEGRATED:** THE TIRZ IS AN INTEGRATED PART OF KYLE.



Walkable

**WALKABLE:** THE TIRZ IS URBAN AND WALKABLE WITH A VARIETY OF AREA USES.



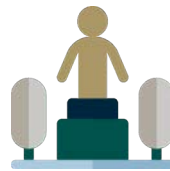
Growth

**GROWTH:** NEW GROWTH IN THE TIRZ BENEFITS GREATER KYLE AND MAKES KYLE MORE RESILIENT.



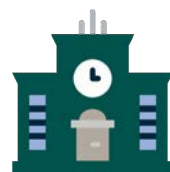
Strategic

**STRATEGIC:** IMPROVEMENTS IN THE TIRZ ARE STRATEGICALLY PLANNED FOR FIVE YEARS OUT AND UPDATED EVERY TWO YEARS.



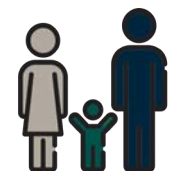
Artful

**ARTFUL:** THE TIRZ IS RE-ENERGIZED WITH PUBLIC ART.



Business

**BUSINESS:** THE TIRZ IS A VIBRANT AND RESILIENT BUSINESS CENTER.



Affordable

**AFFORDABLE:** THE TIRZ IS AFFORDABLE FOR FAMILIES AND BUSINESSES OF KYLE.



# EXISTING CONDITIONS



# ZONING AND LAND USE



Land use and zoning within the TIRZ were established as part of the Plum Creek PUD. Surrounding uses include industrial and mixed use along Kohlers Crossing and FM 1626. The mixed use area will provide opportunities for employment centers and retail. Zoning and land use in the TIRZ is intended to bring more users interior to the City and reduce traffic on I-35. The existing zoning and land uses within the TIRZ support the Growth Goal and the Affordable Goal by allowing for a diversity in services, employment, and housing enabling development to meet the needs of current and future residents.

## Zoning Districts Plum Creek Zoning

- PC - Employment
- PC - Light Industrial
- PC - Mixed Use
- PC - Open Space
- PC - Residential 1
- PC - Residential 2
- PC - Residential 3

## Kyle Zoning

- Agriculture
- Construction/Manufacturing
- Planned Unit Development
- Single Family
- Apartments Residential 3
- Retail/Service
- Warehouse

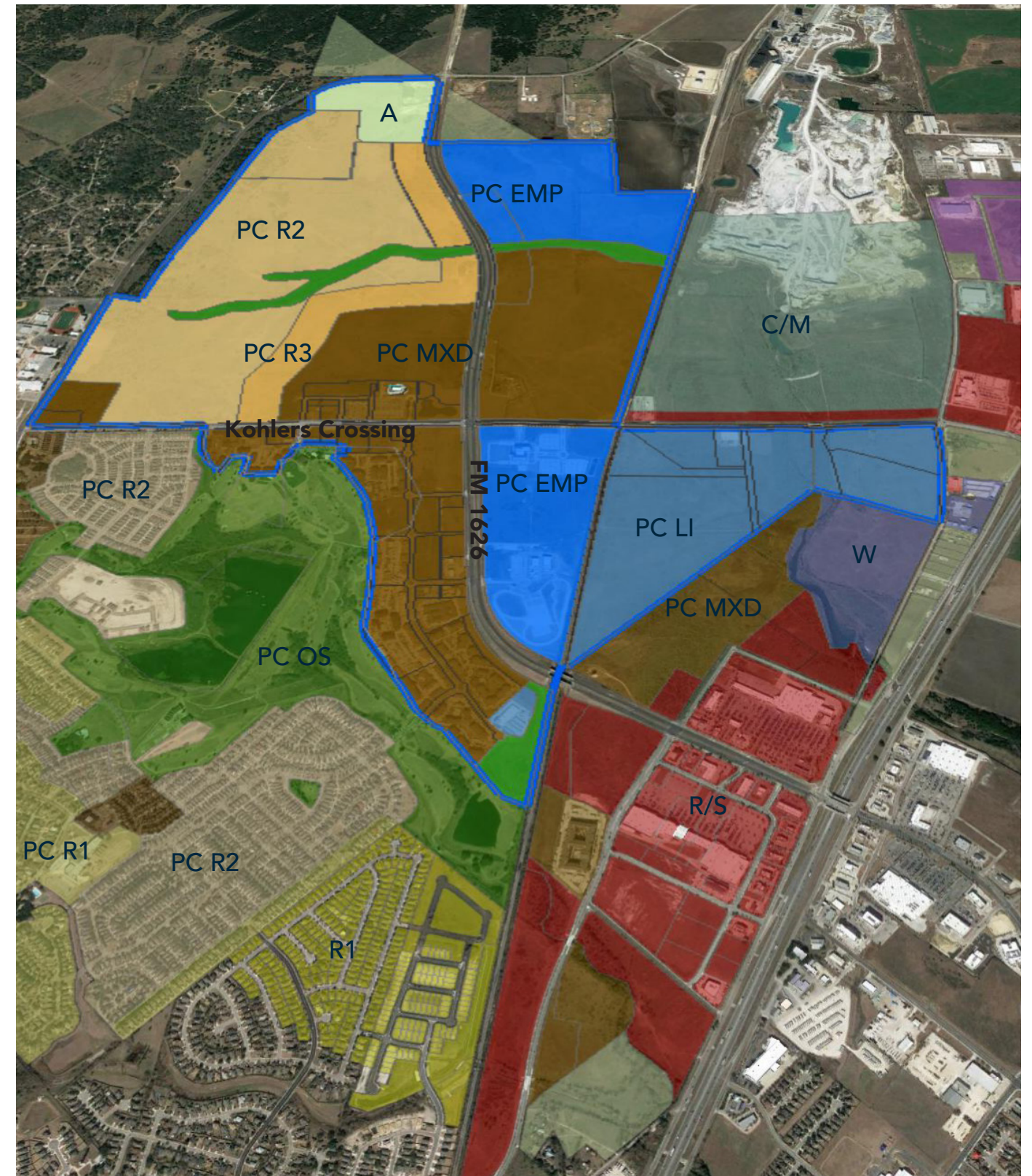


Figure 9: Current Zoning for the City of Kyle





# DEMOGRAPHICS AND HOUSING



Kyle has a few key demographics that impact the goals of the TIRZ and set it apart from other municipalities in the central Texas region.

- Population Growth
- Population under 18
- Median Home Value

**Population Growth:** Kyle is a fast growing city. From 2010 to 2019, Kyle's population increased by nearly 68%.

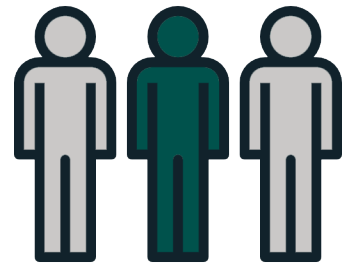
**Population Under 18:** When compared to Austin, Round Rock, and San Marcos, Kyle has the highest percentage of it's population under the age of 18 indicating that Kyle is a popular place for families to locate. Within the TIRZ and immediately adjacent, there are many educational facilities supporting a range of ages from pre-k to college.

**Median Home Price:** Kyle has the lowest median home price when compared to other areas in the central Texas region, making home ownership more affordable and attractive to younger families. Over 80% of Kyle's total housing supply is designated as single family detached, which is not sustainable at the rate Kyle is growing. To maintain affordability, a variety of housing types within the City would provide more flexibility and a range of options to residents. The Plum Creek development provides an opportunity to meet this demand.

## POPULATION GROWTH

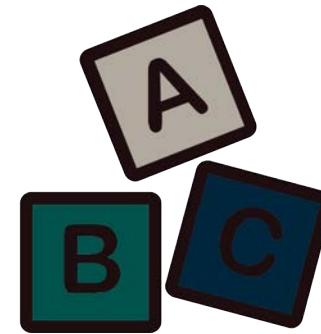


KYLE  
POPULATION  
2010  
**28,016**



KYLE  
POPULATION  
2019  
**46,874**

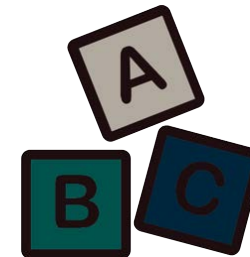
## POPULATION UNDER 18



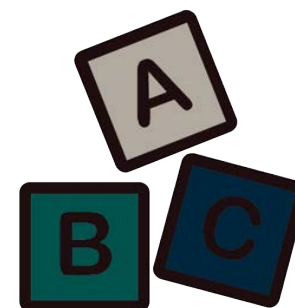
KYLE  
**33.7%**



SAN MARCOS  
**14.2%**



AUSTIN  
**22.2%**



ROUND ROCK  
**31.1%**

## MEDIAN HOME VALUE IN 2019



KYLE  
**\$221,769**



SAN MARCOS  
**\$230,971**



ROUND ROCK  
**\$291,680**



AUSTIN  
**\$388,065W**

# BUSINESS INDICATORS



A diverse set of businesses and services provides many benefits for a community. Firstly, it ensures that residents needs are met within the community and they don't have to travel elsewhere for daily or weekly errands. Secondly, it helps the community thrive. The higher the diversity of services offered, the more secure the community will be financially. Currently, there are many industries within Kyle that have high amounts of leakage, signifying that these industries are not meeting the demand within Kyle. Community members are going outside of Kyle to receive these services, which hurts Kyle's business sector. Targeting industries that have the highest amount of leakage as potential clients for the Uptown development will fill a market need within the Kyle community.

The Top 7 NAICS Categories within the City of Kyle represent a total of 64.9 percent of all businesses within Kyle.

Plum Creek provides an opportunity to further the Integrated Goal, the Walkable Goal and the Business Goal. Services offered in Plum Creek that are not offered elsewhere in Kyle will pull users from around Kyle, promoting integration into the community. Additionally, offering a wide variety of services within a dense development can encourage alternative modes of transportation, like walking or biking, supporting the Walkable Goal. Furthermore, if the right balance is achieved between factors such as retail, dining and office, then businesses and the overall development are likely to be more successful, supporting the Business Goal.

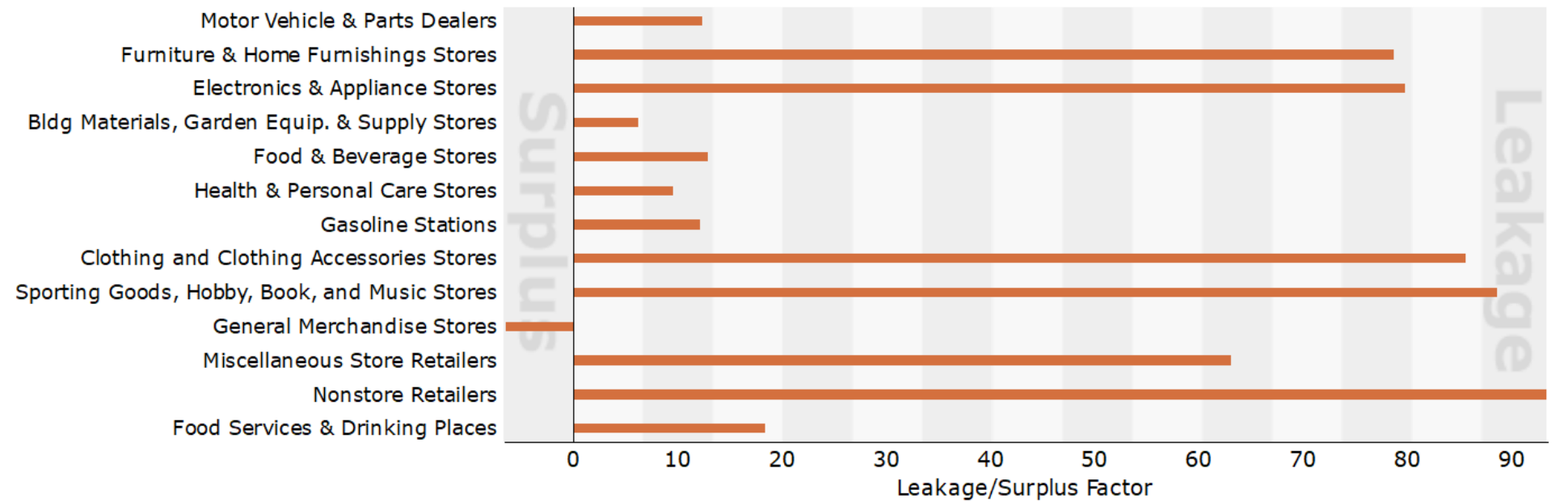


Figure 10: 2017 Leakage/ Surplus Factor by Industry Subsector

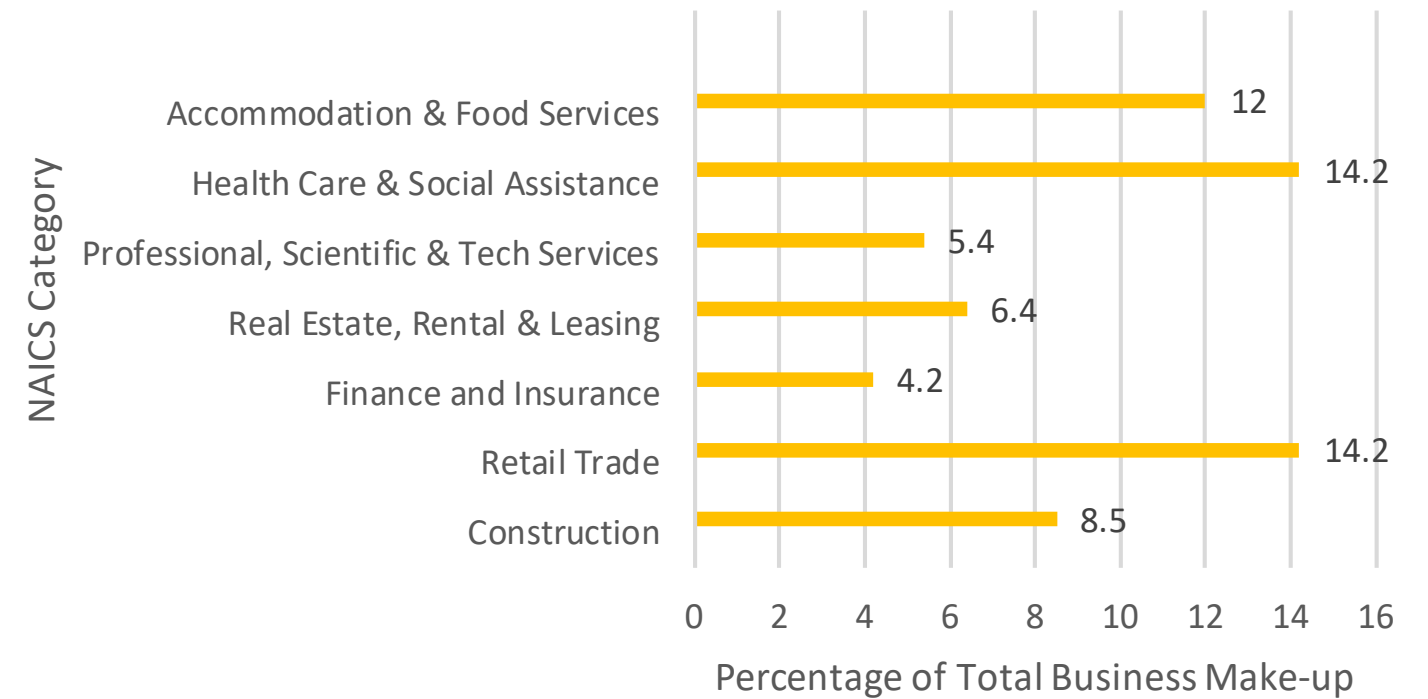


Figure 11: Top 7 NAICS Categories in the City of Kyle



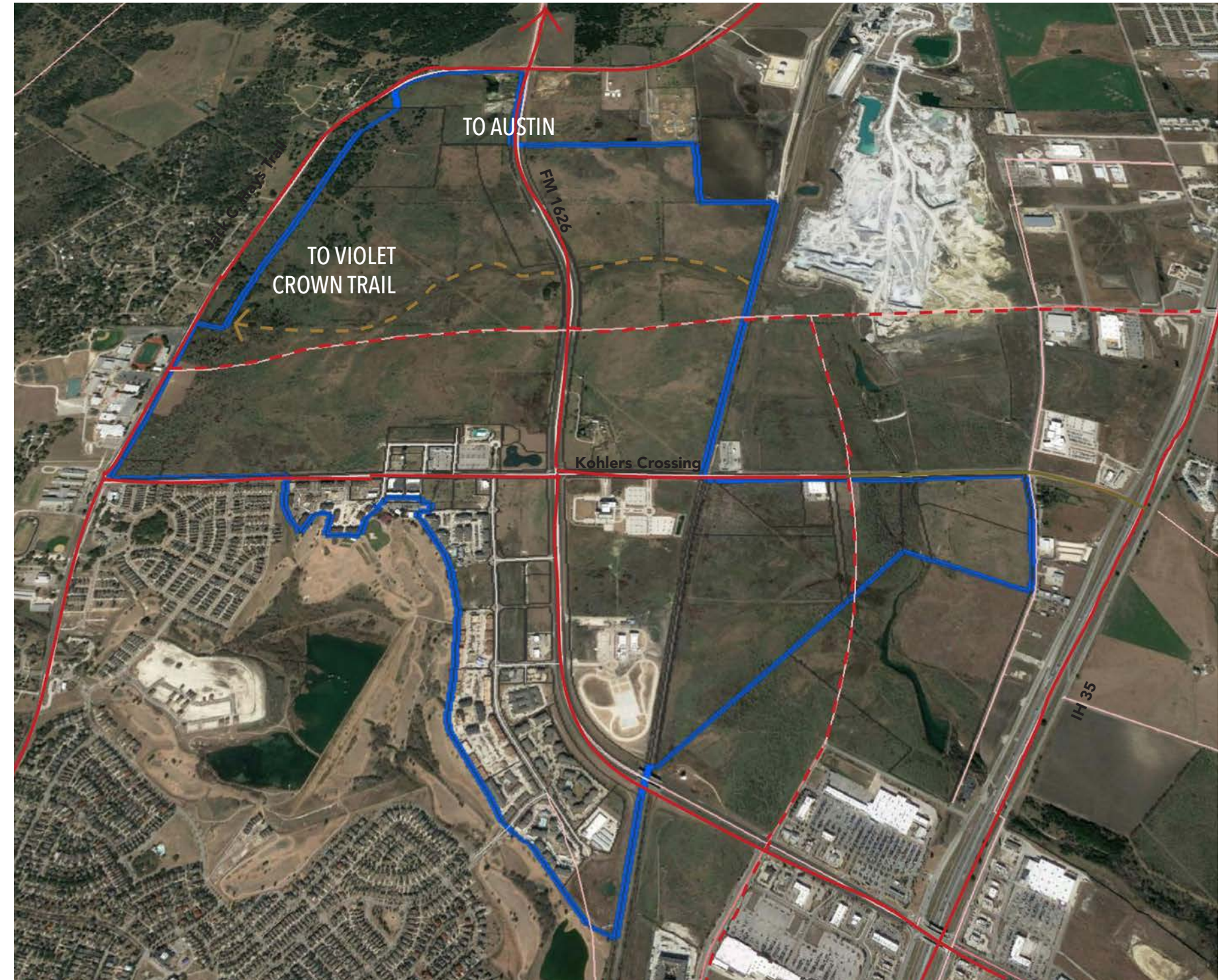
# TRANSPORTATION



The primary mode of transportation for this region is automobile. I-35 serves as the primary route connecting Kyle to the other parts of Central Texas. Previous efforts to introduce other modes of transportation include the Lone Star Rail, led by CAMPO, which would have been a commuter rail from Georgetown to San Antonio. Another effort includes the hyperloop, an effort to connect Central Texas to other cities in Texas, including Dallas, Laredo, San Antonio and Houston.

Trails in the area such as the Violet Crown and the Emerald Crown Trails provide opportunities to connect Kyle to other parts of the Central Texas region.

Transportation in the area currently supports the Integrated Goal, the Walkable Goal, the Growth Goal, the Business Goal and the Affordable Goal. Having multiple corridors and connection points to other developments in the area makes the Plum Creek area easy to access and helps with integration in to the community. Additionally, this helps with the Business Goal because users from across Kyle are able to access the services offered in Plum Creek easily. Access to trails in the area supports the Walkable Goal. Planning for future transportation needs supports the Growth Goal.

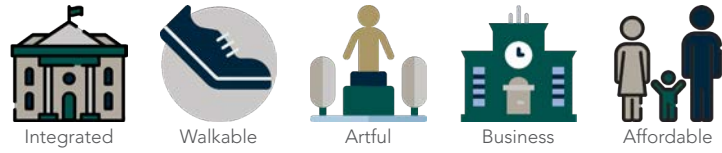


- - - Proposed roadway
- █ Existing roadway
- - - Proposed Trail
- █ TIRZ #2 Boundary

Figure 12: Current and Proposed Transportation for the City of Kyle



# QUALITY OF LIFE



A well built community includes aspects such as parks, civic spaces, art and educational facilities, that will increase the quality of life of its residents.

The 2016 Kyle Parks and Recreation Master Plan determined that Kyle needed to create more parks in the north and west side of Kyle. It also determined the City could benefit from more recreational and multi-use trails. Both of these recommendations from the master plan are proposed within the district.

Including art within the public realm creates a more pleasant experience for pedestrians. Ordinance 1022 established that 1% of the total TIRZ fund would be dedicated towards public art. This comes to a total projected amount of \$54,467 in the first 16 years of development. Some ways to encourage art can include utilizing local resources and partnering with local groups on projects or creating a board specifically dedicated to manage procurement of art.

As previously mentioned, there are many different educational facilities within and around the TIRZ area. These schools support different age groups, from pre-k to college. Additionally, the Hays CISD Performing Arts Center is located within the TIRZ boundary.

Quality of life supports the Integrated Goal, the Walkable Goal, the Artful Goal, the Business Goal, and the Affordable Goal. Parks in the Plum Creek area are planned as a regional attraction, integrating users from all over into Plum Creek. Additionally, regional trail connections provide an opportunity for recreation and tourism and transportation. Businesses located near public spaces like parks are likely to be more successful because people want to be located in areas with parks and art. Finally, parks provide free recreational opportunities to people of all ages and incomes.

## CITY OF KYLE: COMMUNITY PARK SERVICE AREAS

- Municipal limits
- Extra-territorial jurisdiction
- Lakes/ponds
- Rivers/creeks
- Private park land\*
- City-owned park land\*
- Developed park land
- Undeveloped park land
- Community park service area (1 mile)
- Future service area
- Future roadway

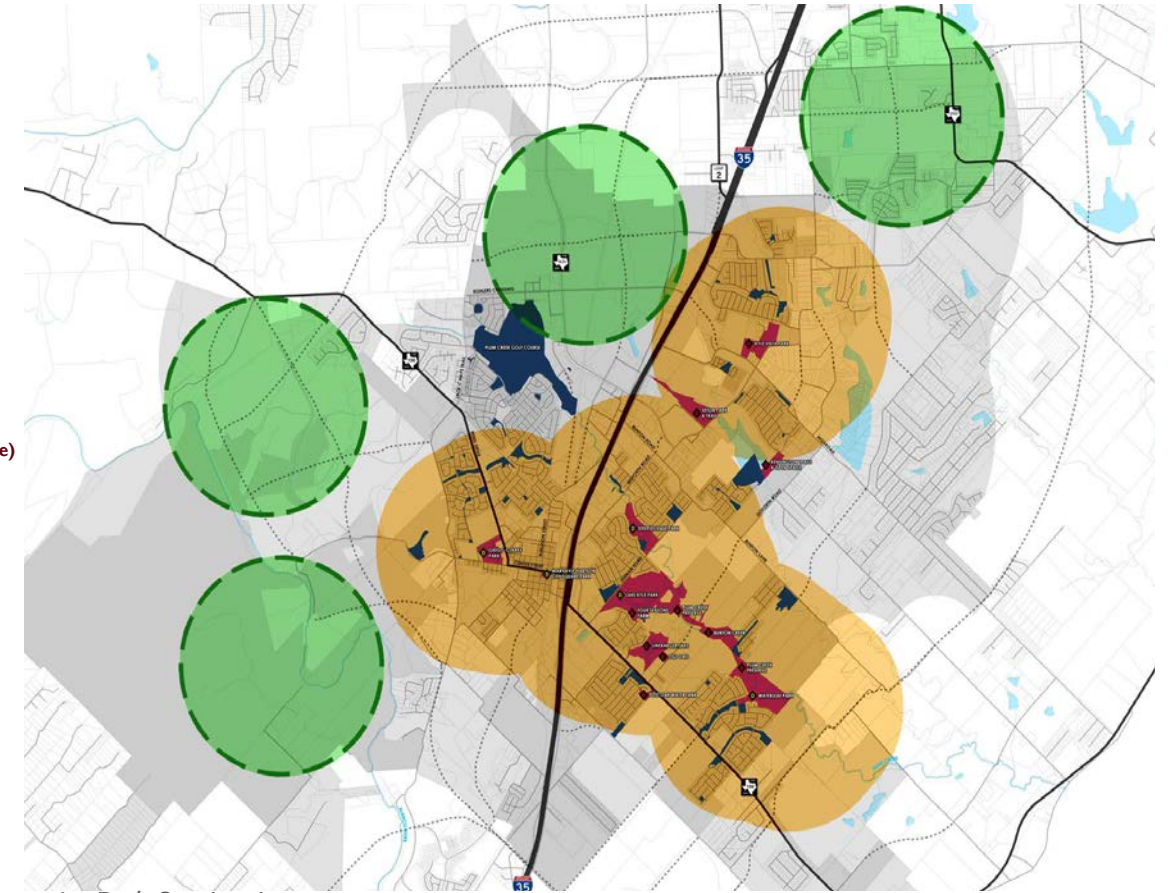


Figure 13: Map depicting Community Park Service Areas

Sourced from the 2016 Kyle Parks and Recreation Plan.

## CITY OF KYLE: HIKE AND BIKE TRAIL NETWORK

- Municipal limits
- Extra-territorial jurisdiction
- Lakes/ponds
- Rivers/creeks
- Private park land\*
- City-owned park land\*
- Developed park land
- Undeveloped park land
- Existing trails
- Future on-street trails (sidepaths)
- Future off-street trails (shared use paths)
- Future roadway

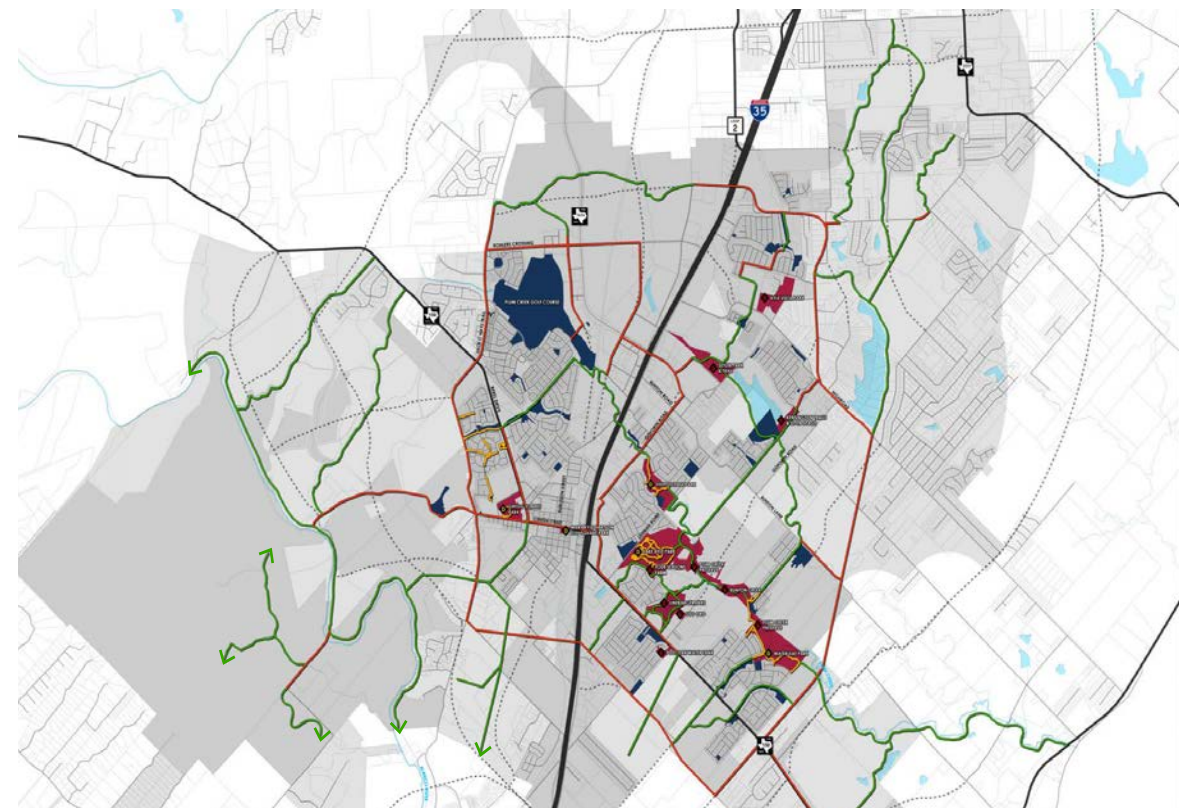


Figure 14: Map depicting Hike and Bike Networks

Sourced from the 2016 Kyle Parks and Recreation Plan.

# FRAMEWORK PLAN



# OVERALL FRAMEWORK PLAN

The overall framework plan recommends improvements to be financed in whole or in part with TIRZ dollars. Improvements were chosen based on stakeholder input, degree of public benefit, and strategic opportunity.

## STREETS, PARKS AND BUILDINGS

- 1 Central Park
- 2 Veterans Memorial
- 3 Soccer Complex
- 4 Cromwell Street
- 5 Retail Street
- 6 Hotel/Convention Center
- 7 Office Building
- 8 Police
- 9 TOD
- 10 Pedestrian Connections

## PLANS AND STRATEGIES

- Signage and Wayfinding Plan
- Parking Management
- Green and Resilient Infrastructure
- Public Art

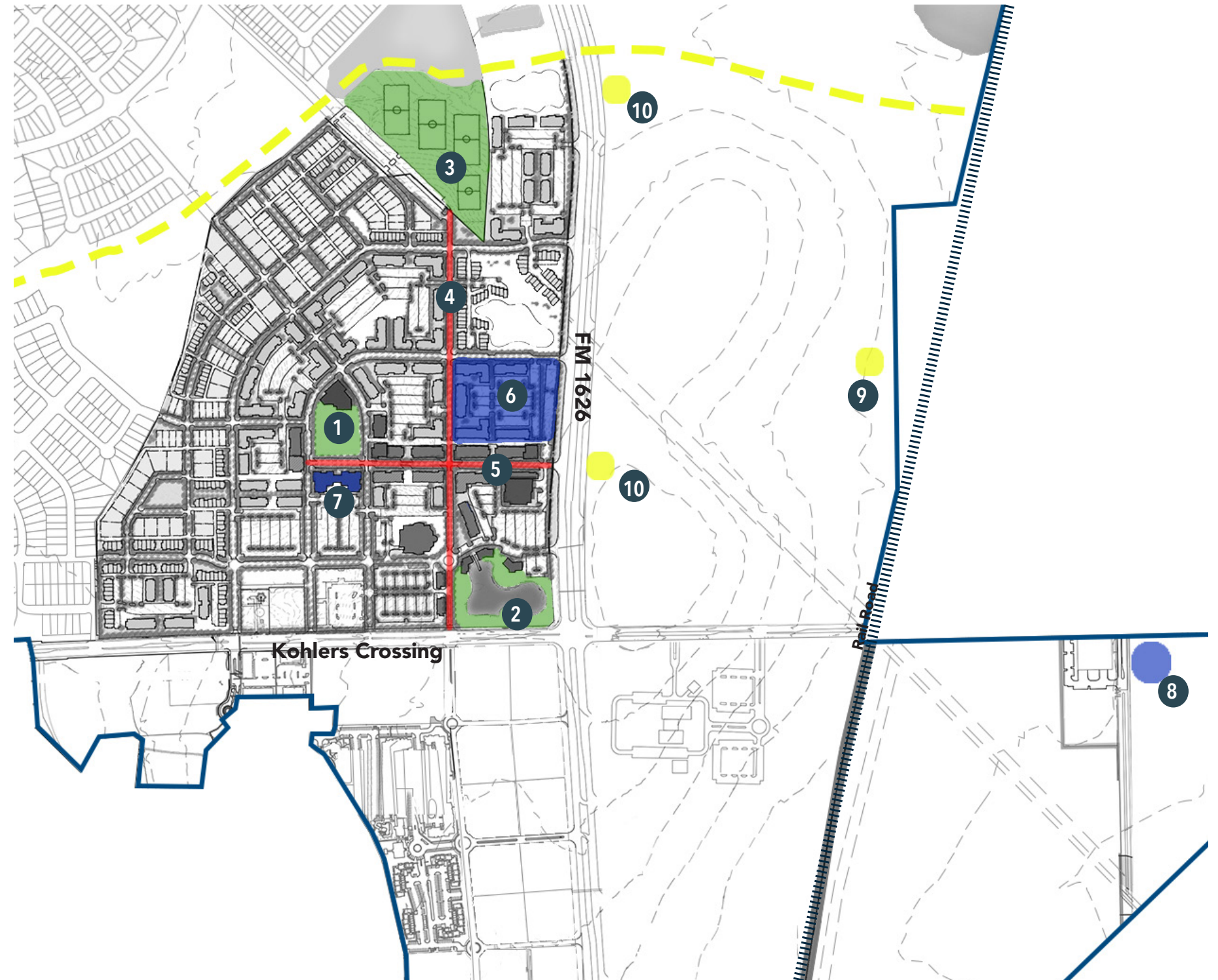


Figure 15: Framework Plan Detail

# PARKS AND PUBLIC SPACES

Three main parks are planned for Uptown including Central Park, a Veterans Memorial, and Soccer Complex.



Figure 16: Plum Creek map with park improvements



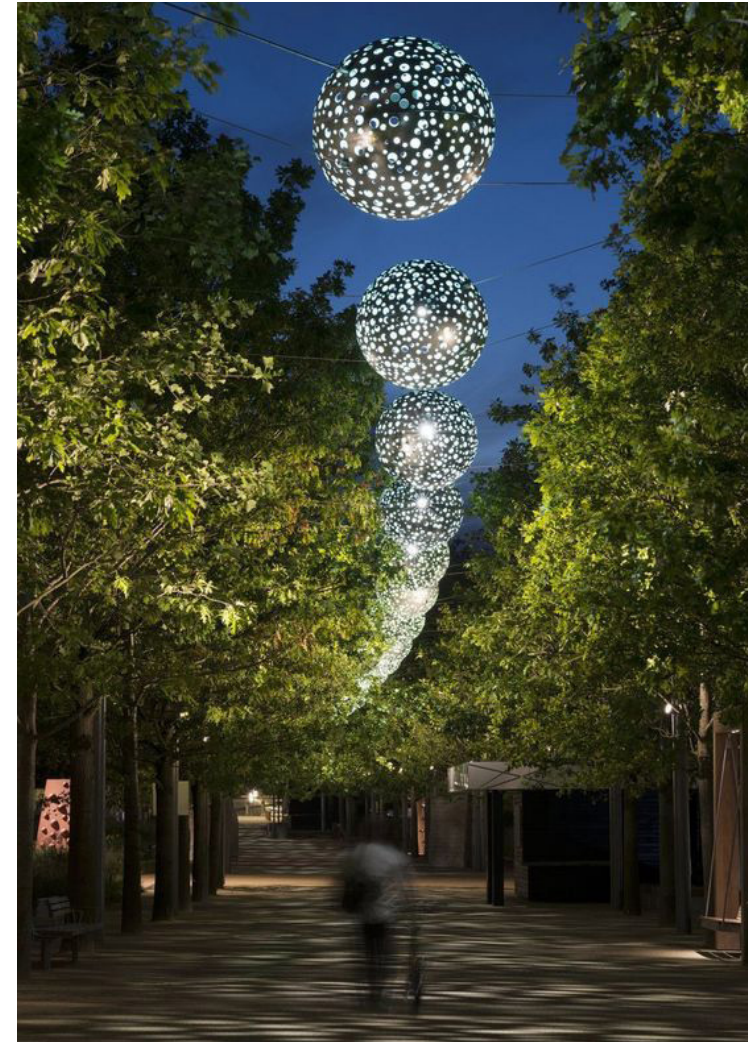
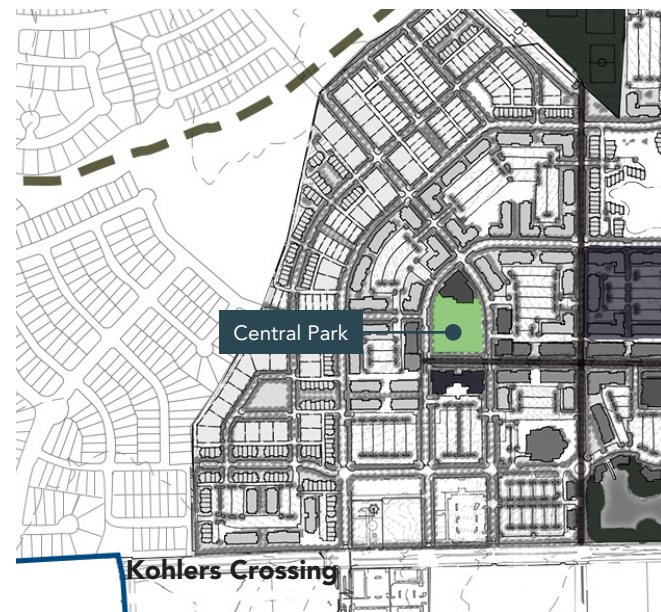
# CENTRAL PARK



The development of Central Park is a high priority improvement within Uptown. It is located on the Retail Street (see page 27) and will serve to attract people and businesses. Central Park will set the standard as a focal point and premier public space within the district.

Central Park supports every goal listed in the document.

- **Integrated:** Central Park is a community park planned to attract residents from across the City of Kyle to the Uptown, integrating it into the larger regional framework.
- **Walkable:** Central Park is located along the Retail Street enhancing the walkability of Uptown by providing quality destinations to linger and enjoy the space.
- **Strategic, Business:** The development of Central Park will help attract new businesses and residential opportunity to the district.
- **Artful, Affordable:** The Central Park programs will include free, artful, and vibrant facilities that appeal to young families and older generations alike.



Lighting plays a significant role in providing ambiance in an area. *Location: London, England*



Play areas can be integrated into the structural items for maximum space efficiency.



Dog parks can be simple and can be placed to be strategically blocked from view when not in use. *Location: Washington, D.C.*



A stage can be used for community events throughout the year. *Location: College Station, TX*



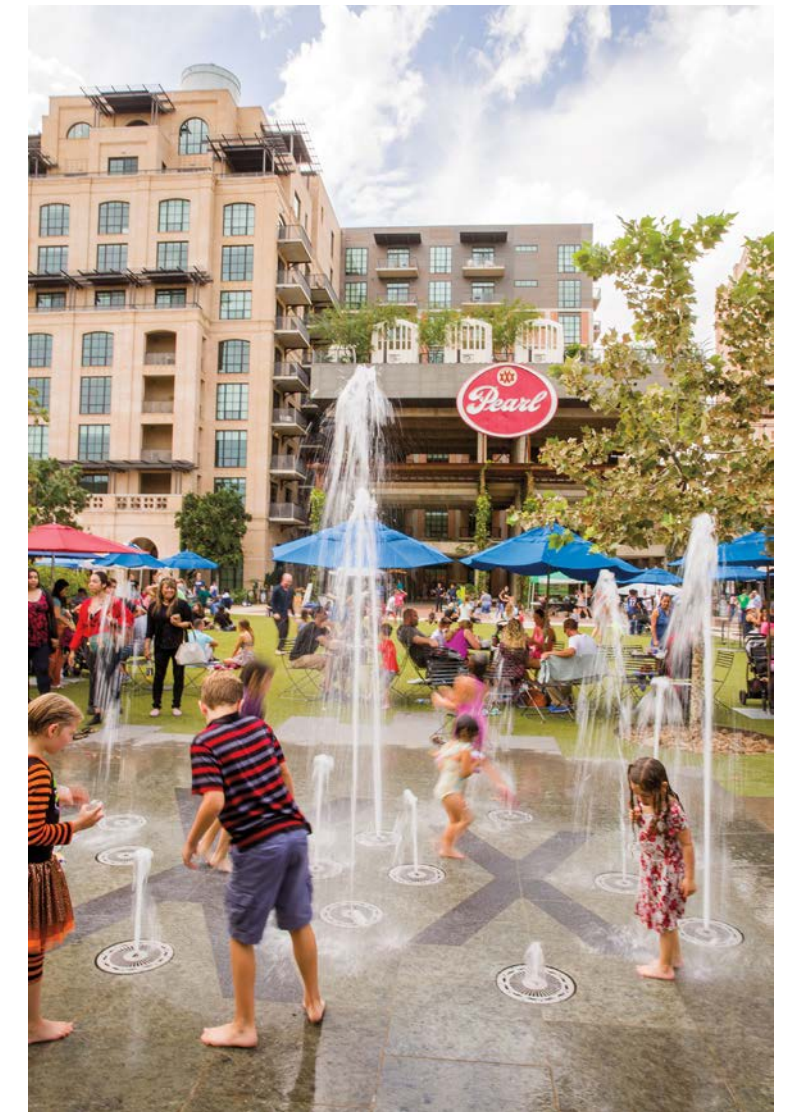
# CENTRAL PARK PROGRAMMING

The concept for the Central Park includes a variety of programming elements to create an active focal point attractive to families.

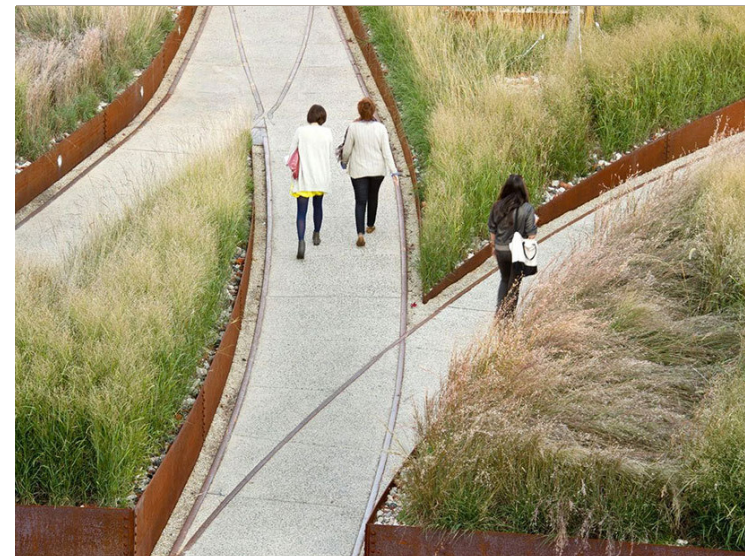
	Residential	Retail
Movable Seating	✓	✓
Splash Pad/waterplay	✓	✓
Playground	✓	✓
Event Space/Lawn	✓	✓
Event Stage	✓	✓
Ornamental Planting	✓	✓
Passive Recreation	✓	✓
Active Recreation	✓	
Dog Park	✓	
Outdoor Dining Areas		✓
Special Lighting		✓



Volleyball is an example of a possible active recreation amenity.



A splash pad provides relief on a hot day. Location: San Antonio, TX



Ornamental planting is an aspect of human comfort that should be considered when designing the park.



An open lawn allows flexibility in recreation opportunities.



Outdoor dining areas serve to bridge the space between the park and surrounding establishments.



# CONCEPT 1

The program organization in Concept 1 is derived from the adjacency to the central lawn/event space and open borders to the south and the west. Active recreation is positioned in and adjacent to the proposed amenity center to reduce noise and circulation conflicts with other programmed spaces. There is a generous ornamental planting buffer adjacent to the amenity center to provide screening and privacy. The open layout of the lower half the park provides the opportunity for flexible

event programming throughout the year. Concept 1 provides the recommended program amenities and offers flexible space for large events or performances. The south and west sides of the park are open to attract traffic from the heritage trail and retail corridor. The large plaza on the west side of the park provides a complimentary juxtaposition to the climax of the retail corridor and can be used to maximize outdoor amenities for adjacent businesses.

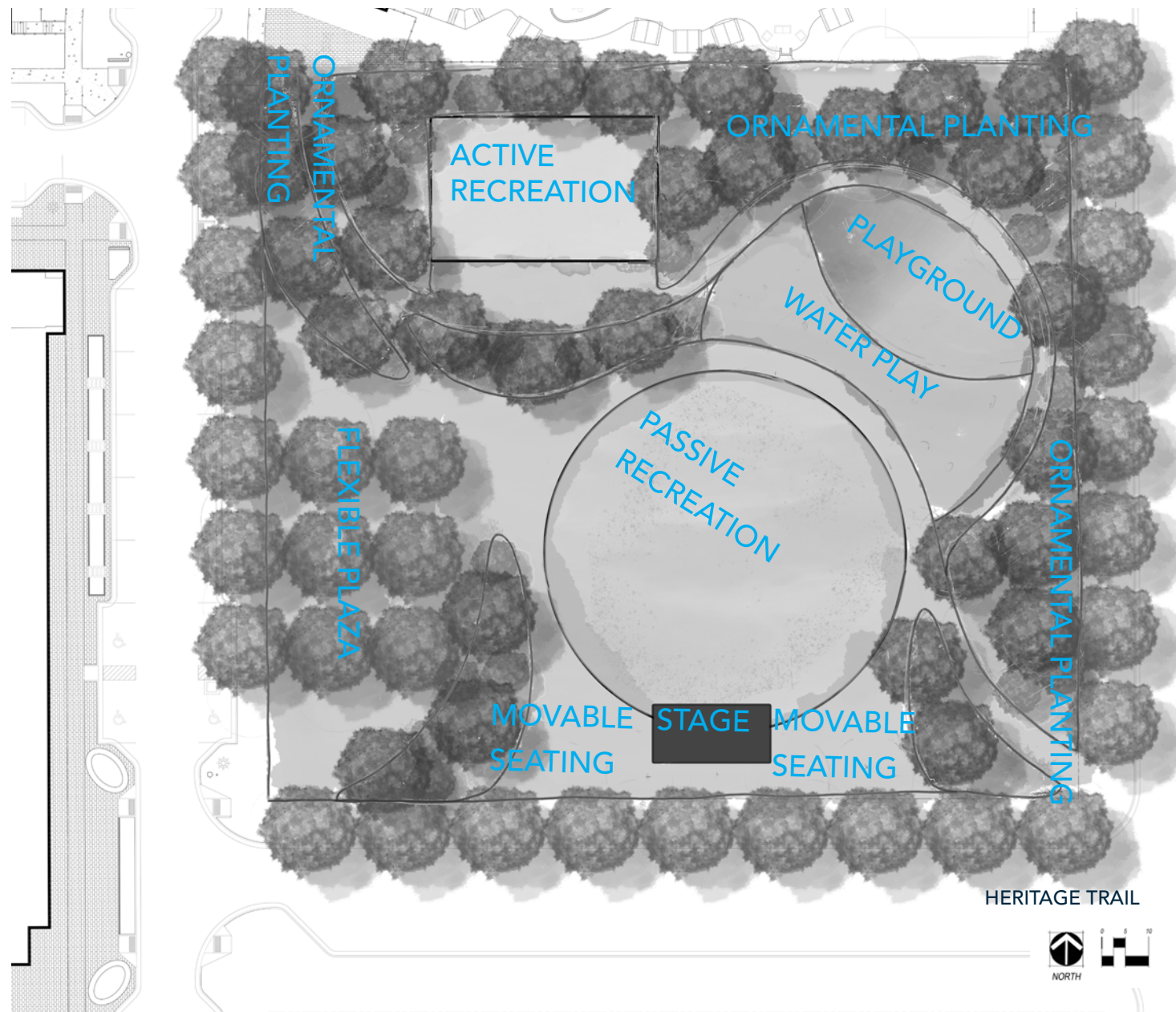


Figure 17: Concept 1 Park Programming

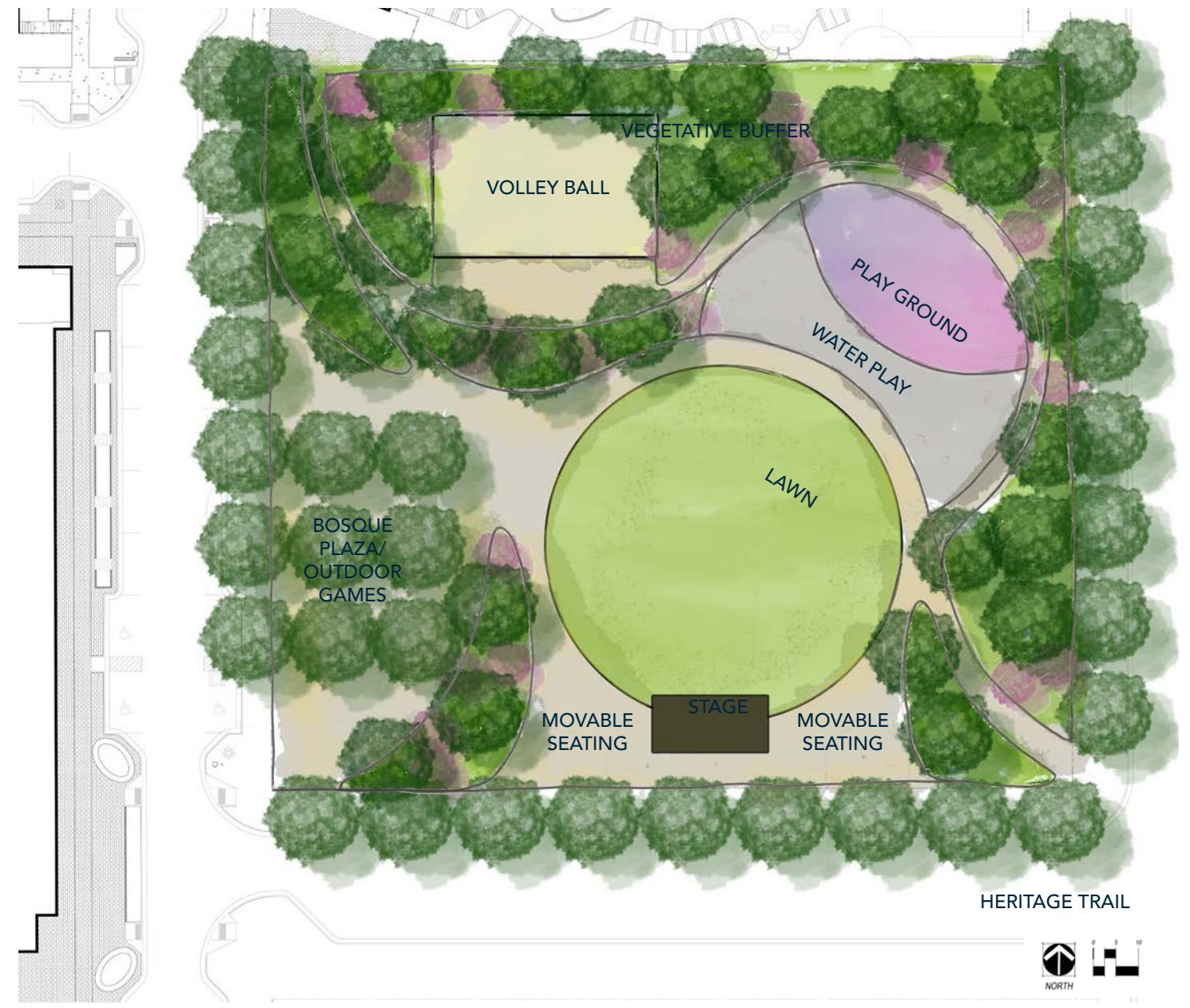


Figure 18: Concept 1 Plan



# CONCEPT 2

The program organization in Concept 2 is focused on maximizing the opportunity for visitors of all kinds by providing a wide range of amenities. There is a strong axis of recreation based activities in the center of the park with more articulated program spaces along the border of the park. Concept 2 provides additional program amenities maximizing the space. With the addition of program elements the boundaries of

the park has been enclosed in order to provide appropriate edges and delineation to the various spaces. The playground has been enlarged and split to accommodate play equipment for different age groups. The sequence of spaces from the stage to the move-able seating area provides a wide range of seating opportunities for everyday use and large programed events.

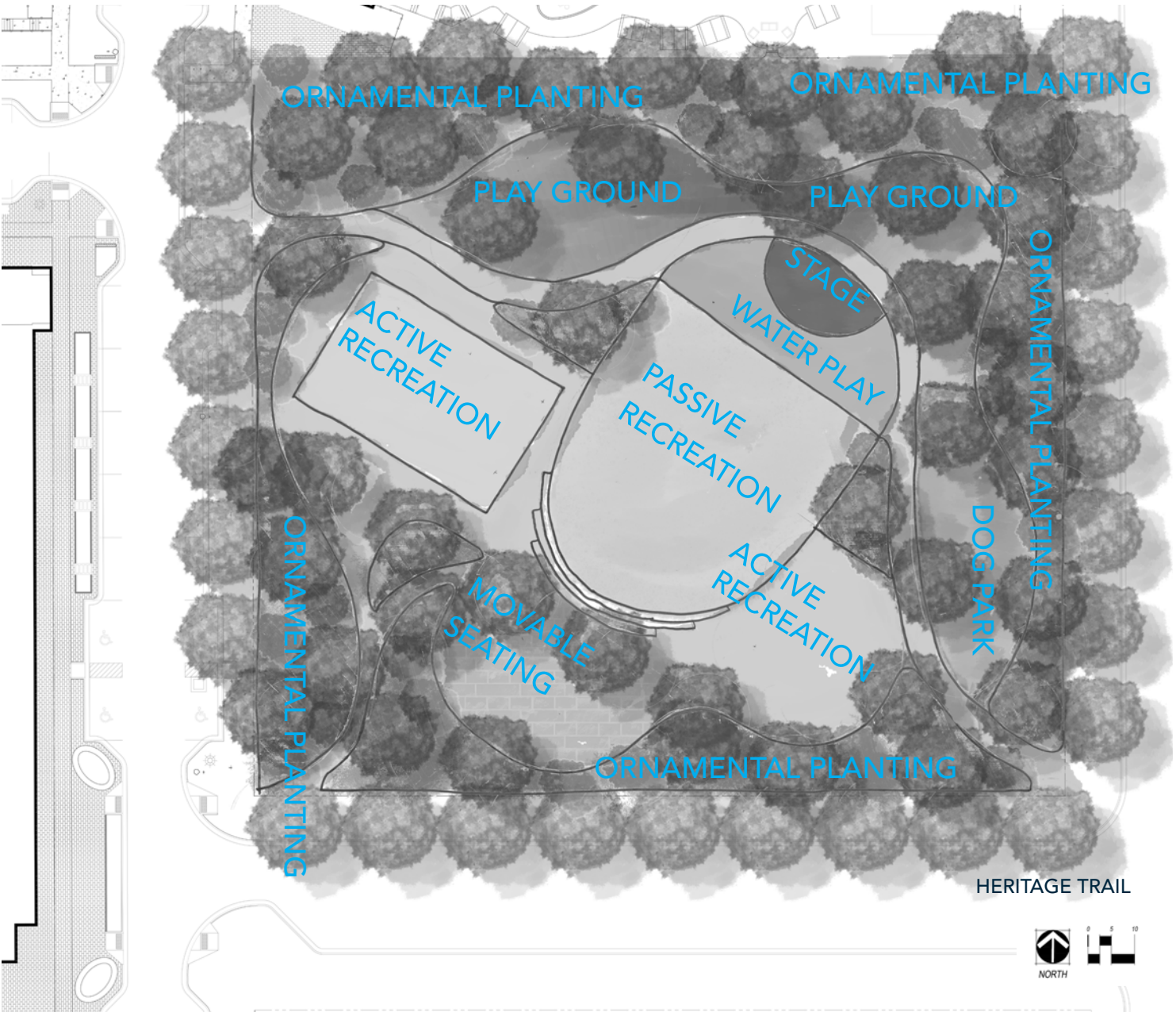


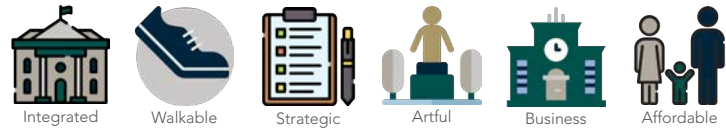
Figure 19: Concept 2 Park Programming



Figure 20: Concept 2 Plan



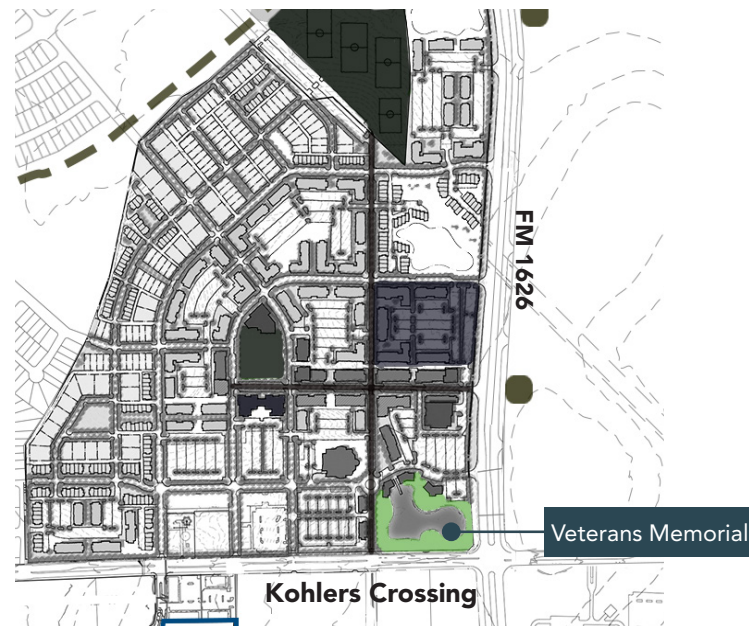
# VETERANS MEMORIAL



The Veterans Memorial is a high priority improvement expected to be developed and open on September 11, 2021. Veterans Memorial will be located across from the Performing Arts Center near the intersection of FM1626 and Cromwell Street and forms a prominent gateway to the Uptown district.

The Veterans Memorial supports many of the goals established for the TIRZ.

- **Integrated, Walkable:** The Veterans Memorial will be functionally tied into Central Park through artistic elements along Cromwell Street and the Retail Street.
- **Strategic:** Location and development of veterans memorial helps to establish Cromwell Street as a prominent civic space.
- **Artful, Affordable:** The programming of Veterans Memorial will be interactive, tech savvy, and complement the events held at the Performing Arts Center appealing to a broad audience.
- **Business:** The Veterans Memorial presents an opportunity for additional funding through collaboration with area businesses and institutions like HEB, Texas Disposal Systems (TDS), Seton, Target, or Walmart.



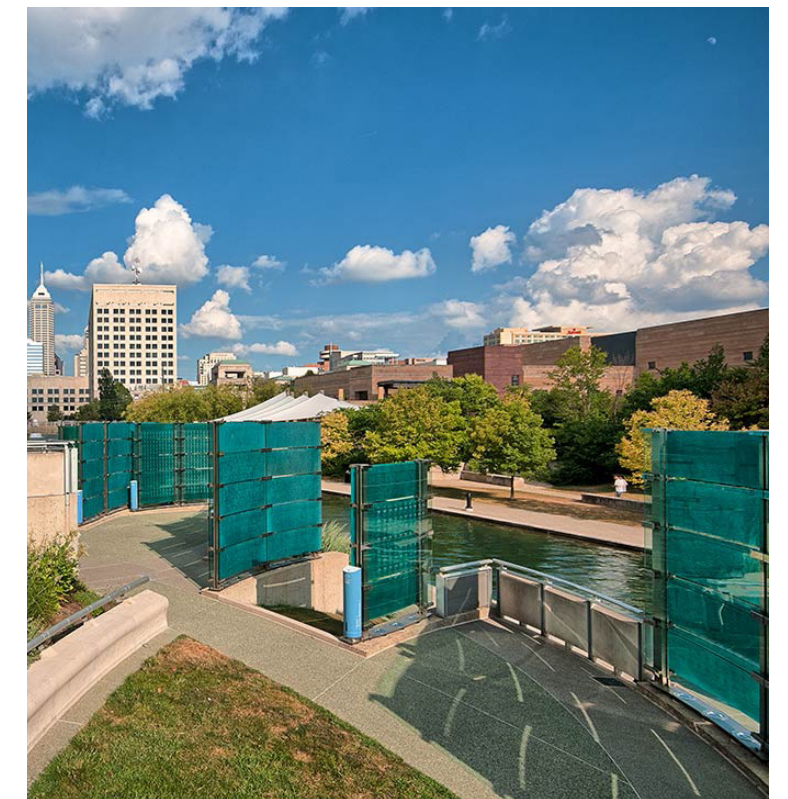
Medal of Honor Memorial is strategically lit at night.

*Location: Indianapolis, IN*



Vietnam Memorial features the names of fallen soldiers.

*Location: Washington, DC*



Medal of Honor Memorial features glass panels that form 'rooms' for participants.

*Location: Indianapolis, IN*

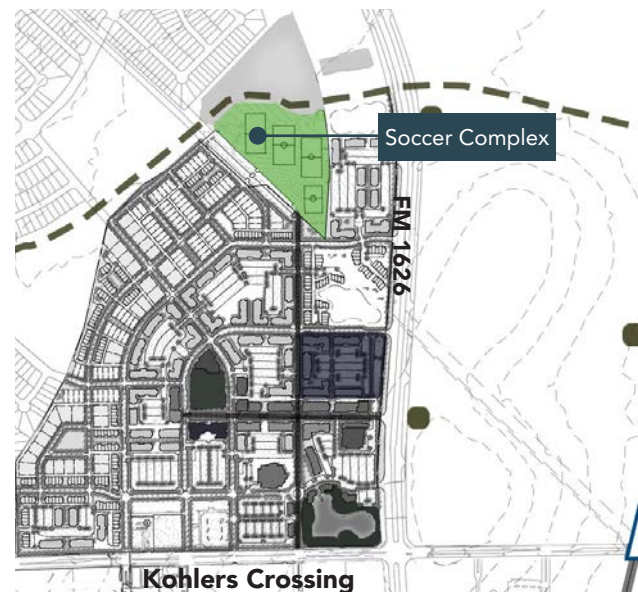


# SOCCER COMPLEX



A tournament Soccer Complex is proposed for the north end of Cromwell Street requiring the relocation of regional ponds that are currently planned for this area.

- **Integrated, Walkable:** The Soccer Complex would be located along a proposed greenway trail within the Parks Master Plan including an opportunity to connect the district to the regional Violent and Emerald Crown Trail systems in the future.
- **Growth, Strategic:** The Soccer Complex provides a broader mix of uses attracting new visitors and functioning as a regional attraction to the City of Kyle, Uptown and the district.
- **Business:** A tournament Soccer Complex can attract up to 6,500 people at a time providing support to the entertainment and hospitality industries within the district.
- **Affordable:** The Soccer Complex provides recreational opportunities in close proximity for Kyle residents and families.



Fields need consistent lighting for games in the evenings.

Location: Hamilton County, IN



Fields should be uniform and to league standards.

Location: Round Rock, TX



# STREETS

Cromwell Street and the Retail Street are recommended for additional enhancements beyond the currently approved cross sections.

## 1 INTERSECTION ENHANCEMENTS

Intersection enhancements include:

- Raised Intersection
- Bollards
- Over the road signage

## 2 CULTURAL TRAIL

The Cultural Trail includes:

- Enhanced pavement treatments
- Artwork
- Memorials

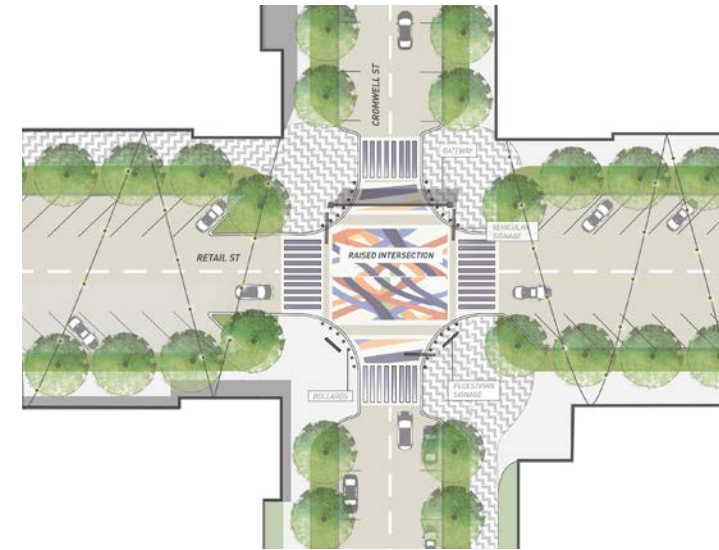


Figure 21: Intersection of Cromwell Street and Retail Street.



Enhanced pavement lines the Cultural Trail. Location: Indianapolis, IN



Public Art can be located along a cultural trail. Location: Indianapolis, IN



A cultural trail can be utilized by bicyclists or pedestrians. Location: Indianapolis, IN

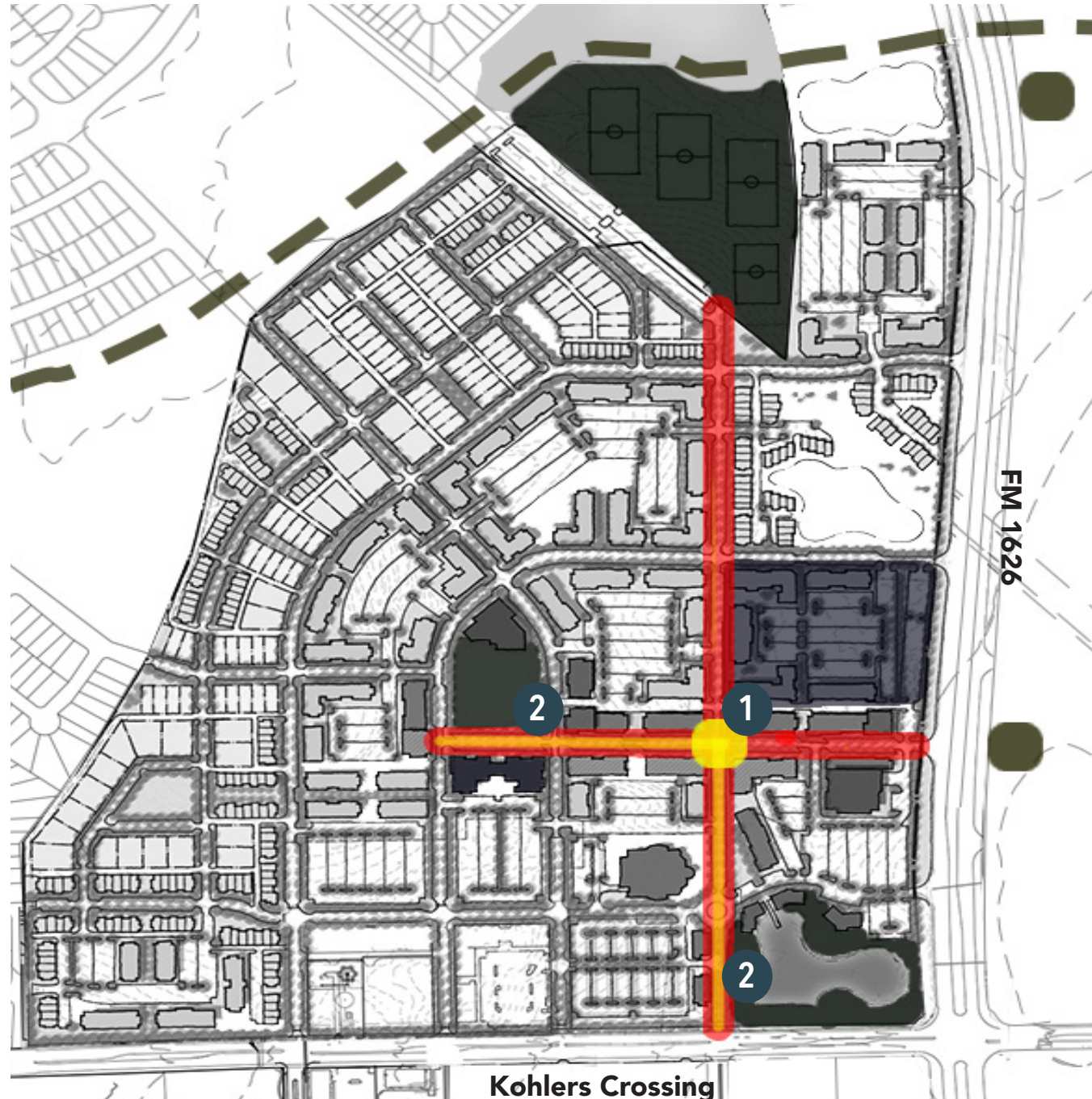


Figure 22: Enhanced Streets Diagram

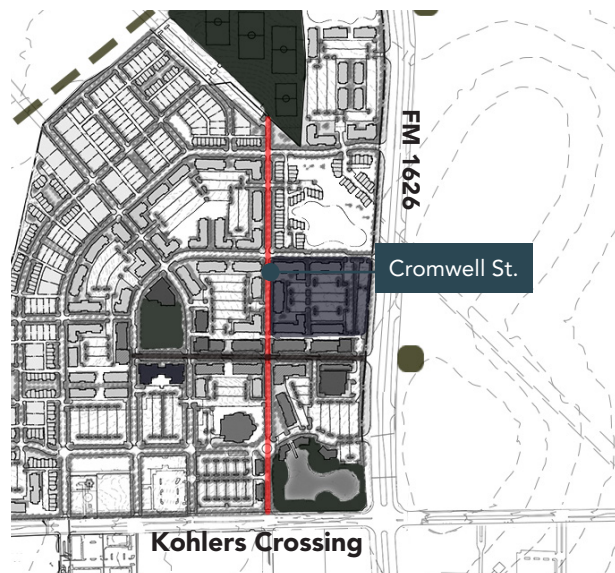


# CROMWELL STREET



The full extension and development of Cromwell Street is planned to begin in 2021 concurrent with the Hotel/ Convention Center and will extend from FM1626 to the Soccer Complex. The southern portion of Cromwell Street from Veterans Park to the intersection with Retail Street will feature a history walk and additional enhancements. This street is anticipated to serve a high concentration of civic uses within the district.

- **Integrated:** Cromwell Street is anticipated to host various parades and events that will attract residents from across Kyle and the region.
- **Walkable:** Cromwell Street will feature enhanced pedestrian facilities including lighting, landscaping, banners, wayfinding, street furniture, and plenty of shade.
- **Growth, Strategic:** Investment in great streets and public spaces will attract further investment from the private sector and support a mixture of uses into the district.
- **Business:** Portions of Cromwell Street will have retail uses. These locations will benefit from a business-friendly streetscape where people choose to linger and spend time.
- **Artful:** Cromwell Street will incorporate interactive and artful elements, such as a history walk, to provide visual interest and promote a unified identity within the Uptown district.



## APPROVED CROSS SECTION

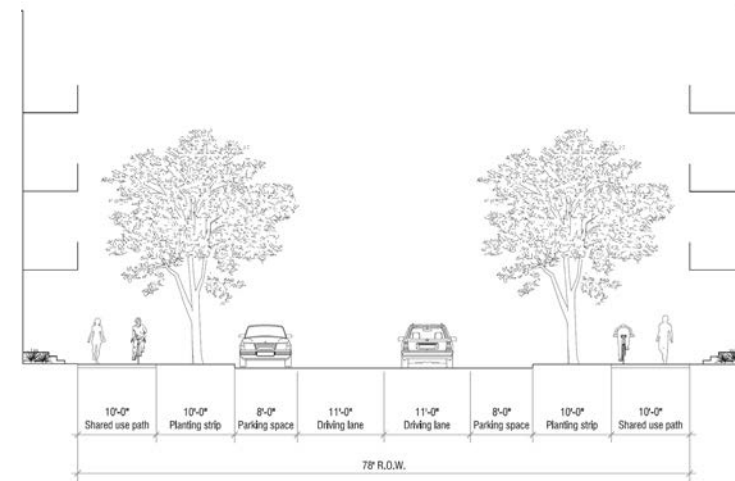


Figure 23: Approved Cross Section

## TIRZ ENHANCEMENTS

- 1 Over the Road Banner Locations
- 2 Street Furniture (Bicycle Racks, Benches, Etc.)
- 3 Pedestrian and Vehicular Lighting
- 4 Lush Plantings within Planting Strips
- 5 Pavement Treatments
- 6 Cultural Trail

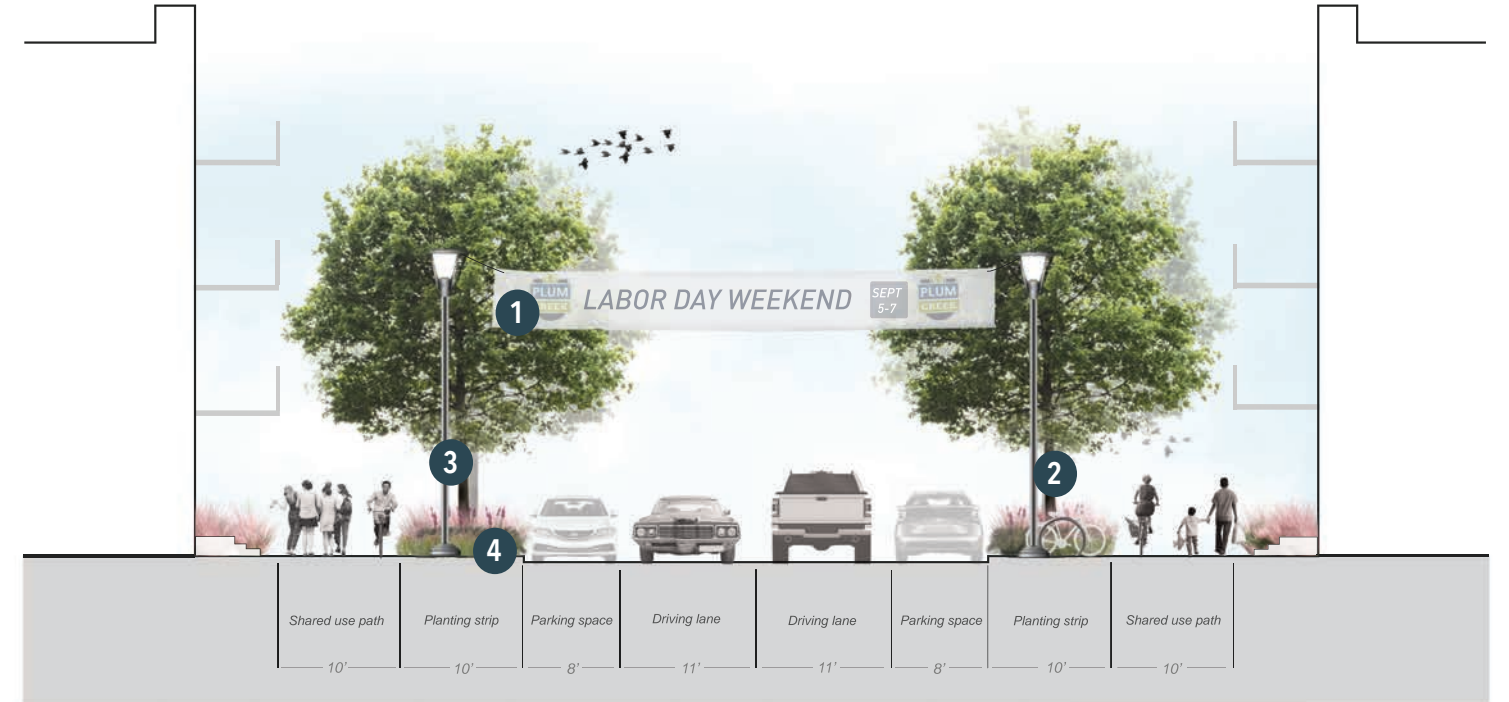


Figure 24: Cromwell Street North



Figure 25: Cromwell Street South

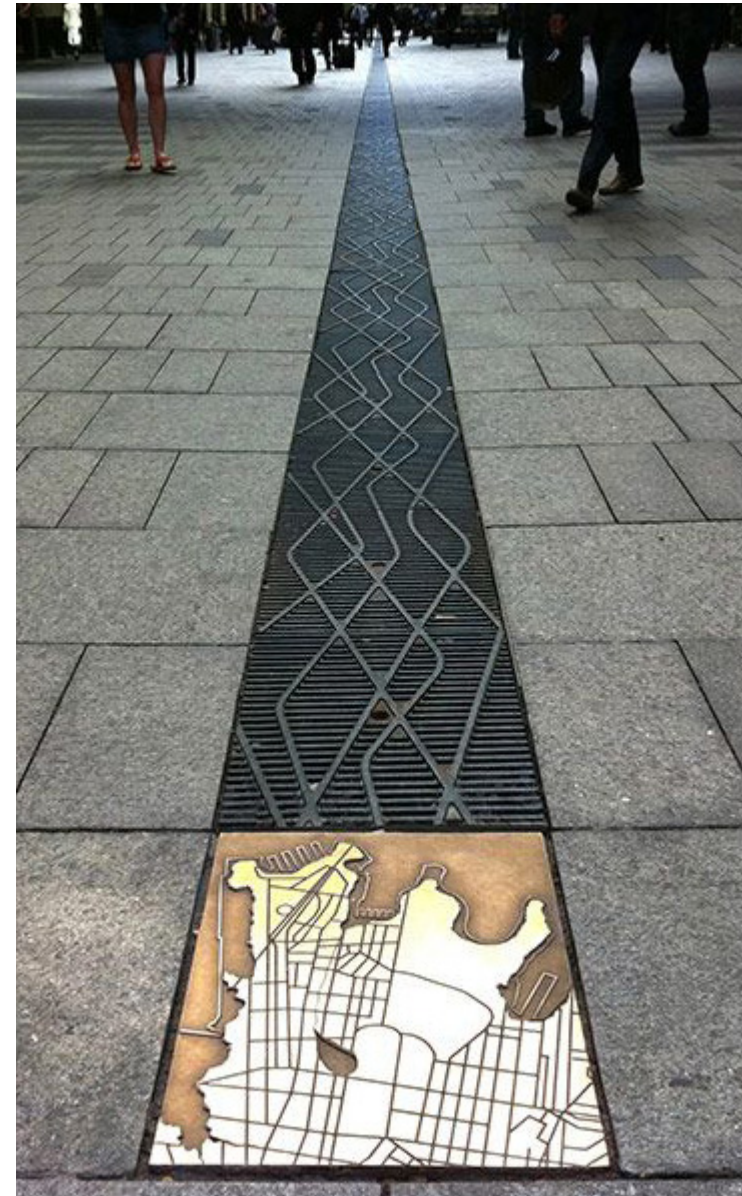




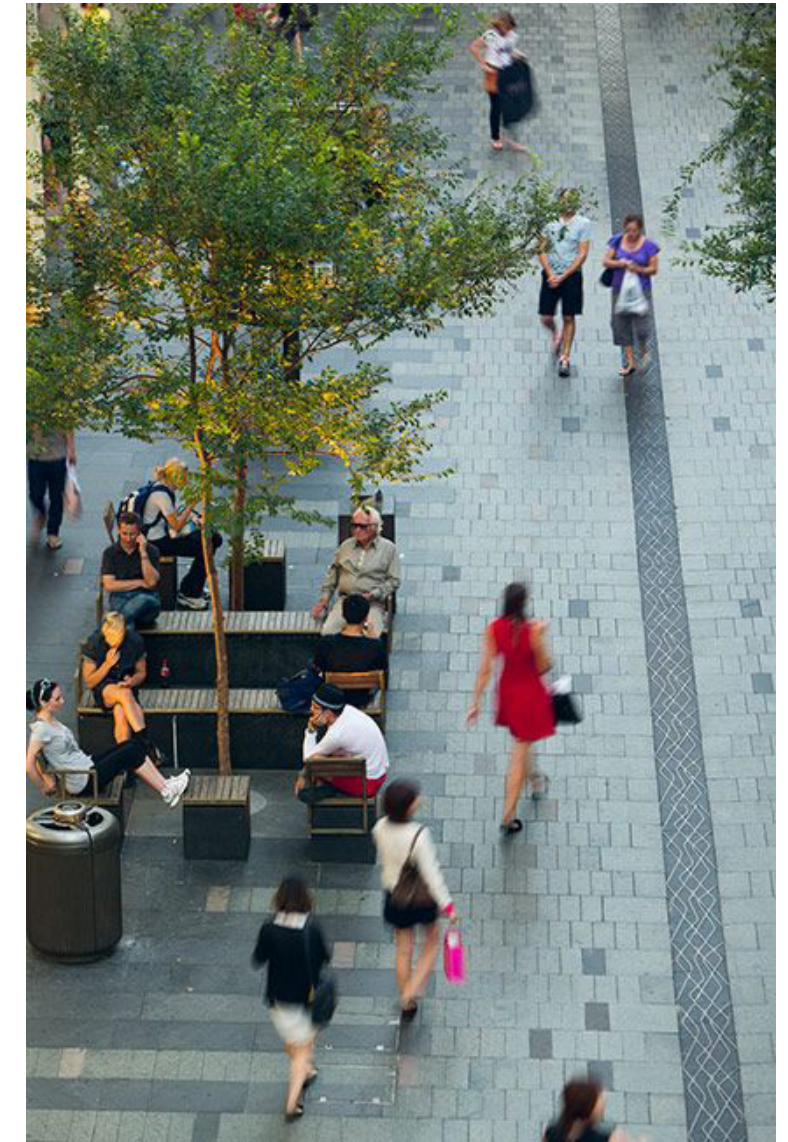
Seating and other elements encourage pedestrians to linger help activate the streetscape.



Planting and street furnishings should be coordinated to leave room for pedestrian usage.



Paving can include references to historical or cultural events.  
Location: Sydney, NSW



Variations in paving distinguishes the trail from the regular sidewalk.  
Location: Sydney, NSW



Street intersections should be enhanced and accessible to all users.



# RETAIL STREET



The construction of the Retail Street is planned to begin in 2024 concurrently with the Office Building and runs perpendicular to FM1626. This road is anticipated to have the highest concentration of retail uses within the district.

- **Integrated:** Enhancements to the Retail Street that benefit the retail environment will make this street attractive to residents across the city.
- **Walkable:** Successful retail streets promote the highest level of walkability and provide places for people to linger and spend time.
- **Growth, Business, Strategic:** Building a great retail street will attract more business development to this area and create places for people to live, work and play.
- **Artful, Affordable:** Finally, Retail Street is designed as a place to host farmers markets and festivals that support the arts community and provide a location for small start-up artisan businesses.

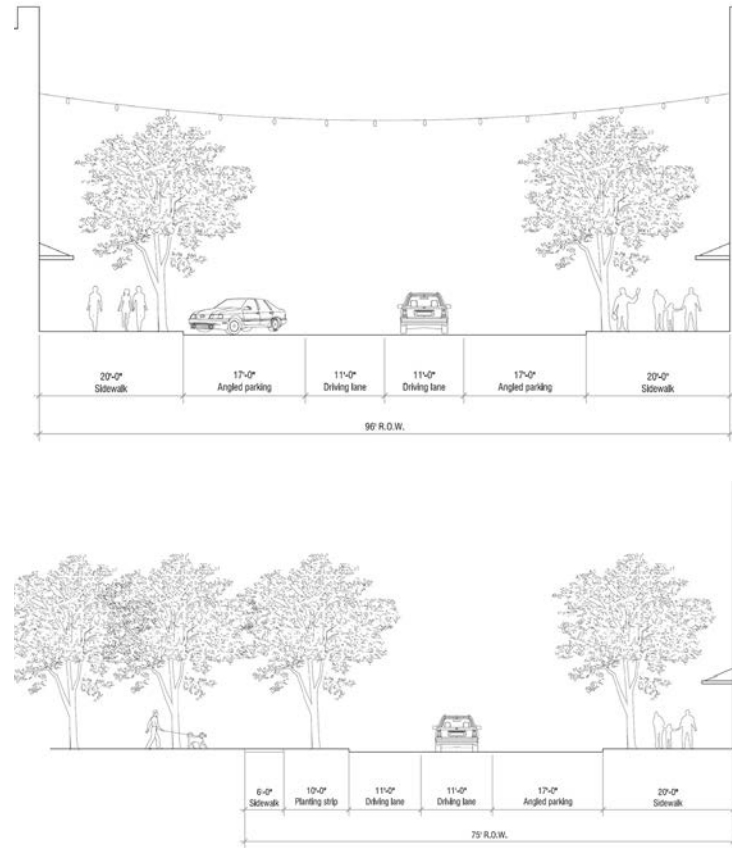


Figure 26: Approved Cross Sections

## TIRZ ENHANCEMENTS

- 1 Banners
- 2 Pedestrian and Vehicular Lighting
- 3 Lush Plantings within Planting Strips
- 4 Street Furniture (Bicycle Racks, Benches, Etc.)
- 5 Pavement Treatments
- 6 Cultural Trail

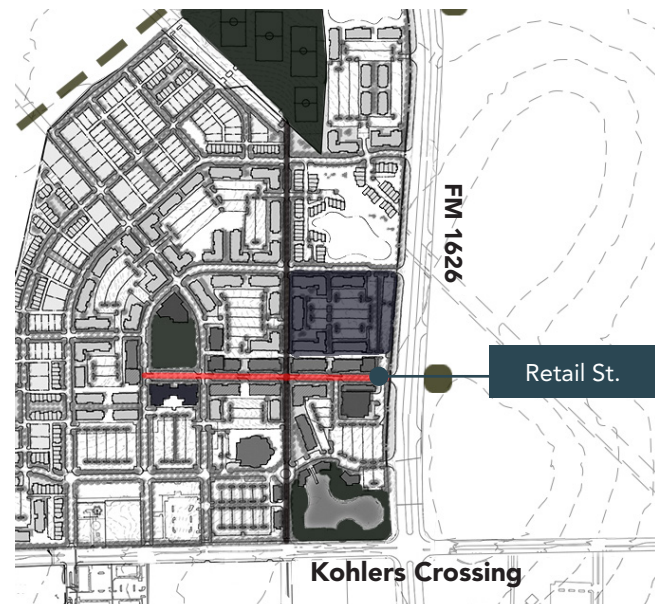


Figure 27: Retail Street East



Figure 28: Retail Street West





Retail streets should use elements like seating and outdoor dining to activate it. *Location: Scottsdale, AZ*



Elements such as lighting and advertising forms the ambiance of the area. *Location: Denver, CO*



Plantings add texture and provide a source of human interest. *Location: Phoenix, AZ*



Street crossings should be narrow and designed with pedestrians in mind. *Location: Scottsdale, AZ*



# FACILITIES

Three main facilities are planned for the Uptown area including an Office Building, Hotel/Convention Center, and Police Station.

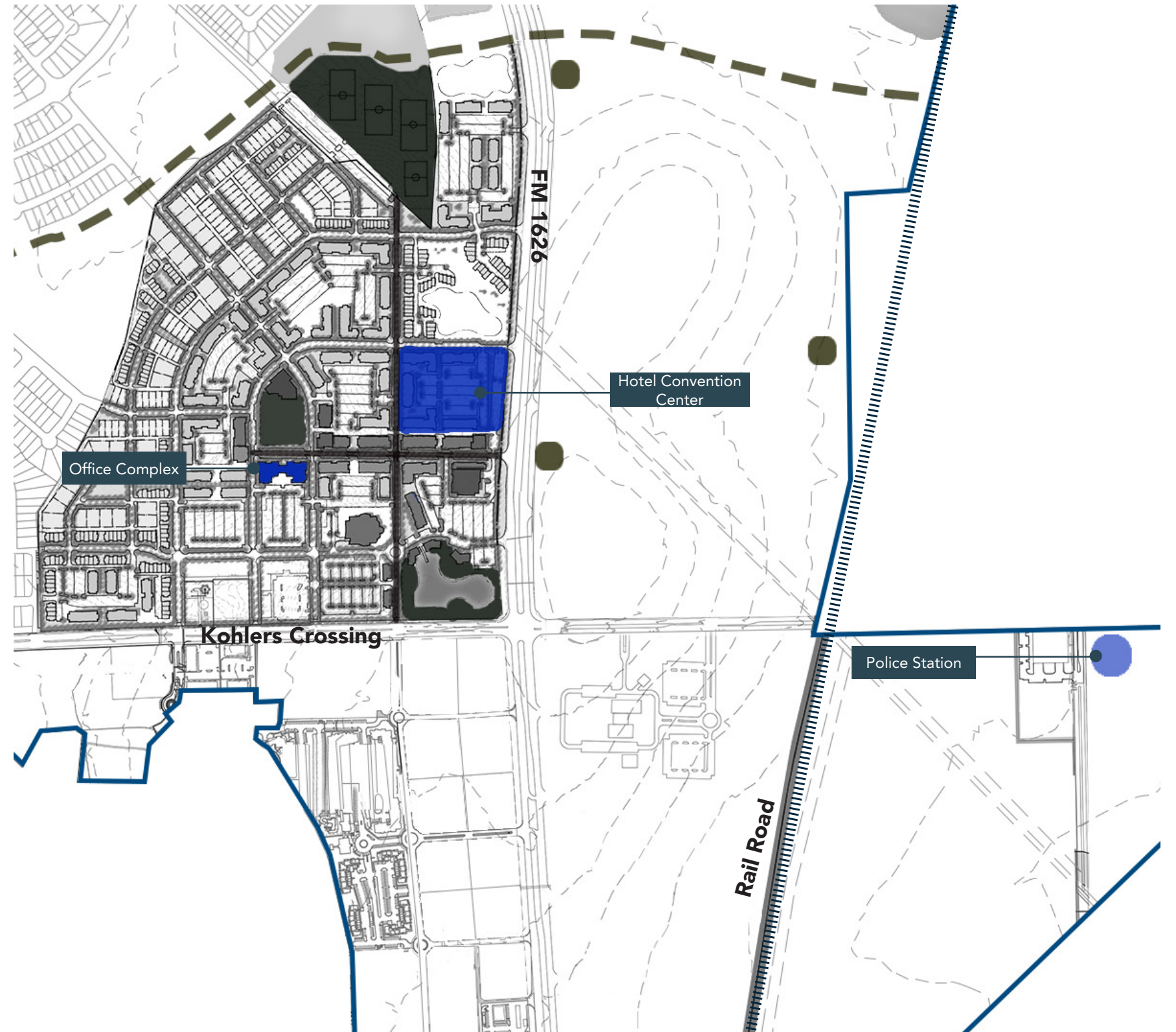
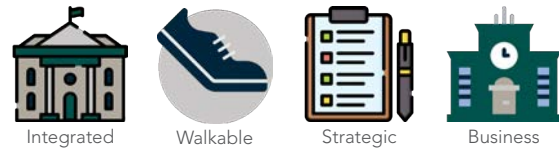


Figure 29: Plum Creek map with facility improvements

Item # 17

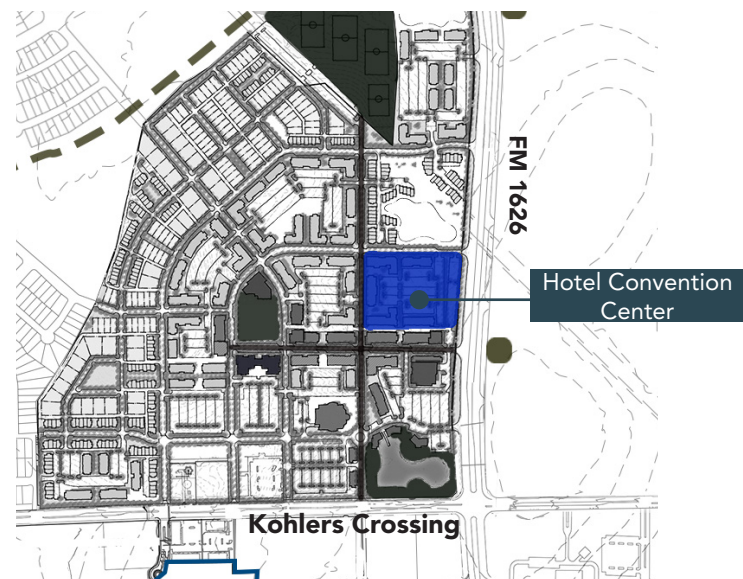


# HOTEL/CONVENTION CENTER

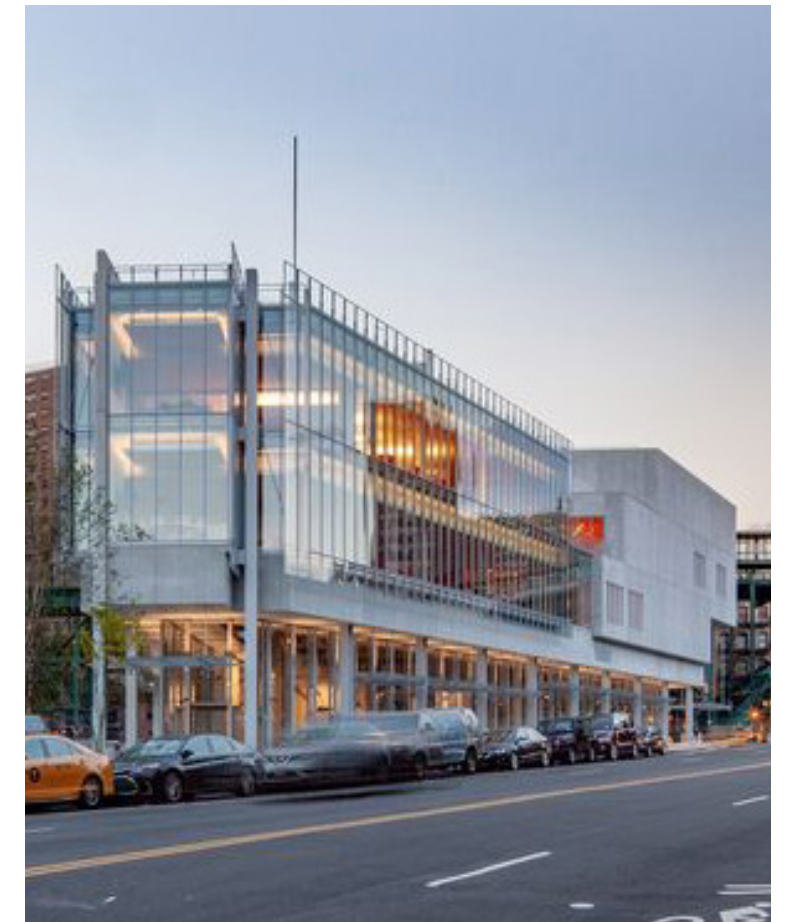


The Hotel/Convention Center is planned to begin in 2021. The Hotel/Convention Center will be located between FM1626 and Cromwell Street and is anticipated as a small to mid-size project. Ownership of the project or land may be retained by the City with additional financing being generated from the TIF or through the approval of a 2% venue tax to supplement the hotel occupancy tax.

- **Integrated:** A new Hotel/Convention Center will promote the City of Kyle as a regional destination. Visitors to the Hotel/Convention Center should be encouraged to frequent the Kyle downtown through enhanced connections and transportation options in the future.
- **Walkable:** A Hotel/Convention Center within the Uptown district promotes a walkable and vibrant place where visitors can experience all that Kyle and the district have to offer.
- **Strategic, Business:** The Hotel/Convention Center attracts businesses that will cater to visitors and enhance the tourism industry in Kyle.



The Hotel/ Convention Center should be surrounded by features that make the area walkable.  
Location: College Station, TX



Hotel / Convention Centers can be integrated into retail areas for mutual support.  
Location: New York City, NY

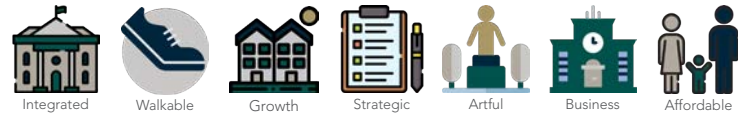
## Case Study: San Marcos Hotel and Convention Center

The San Marcos Convention Center is a public-private partnership between the City of San Marcos (City) and John Q. Hammons, LLC (Hammons Development). The City purchased and owns five acres for the convention Center and the developer owns the remaining 10 acres utilized for the hotel. The City issued an RFP for construction of both the hotel and Conference Center. The hotel includes approximately 280 rooms and the Conference Center is approximately 77,000 Square feet. Under the terms of the partnership the City funded 100% of the Conference Center Cost and the Hammons lease and operate the center making payments towards the debt for a period of 25 years. Lease payments will equal 30% of the debt. In addition to the lease payments, the debt service on the bonds is funded through the taxes generated in the TIRZ, an additional 2% venue tax, and the HOT taxes generated by the Embassy Suites. As of the 2019 City of San Marcos budget the remaining principal balance on these bonds is \$8.1M which is scheduled to be paid off in 2032.



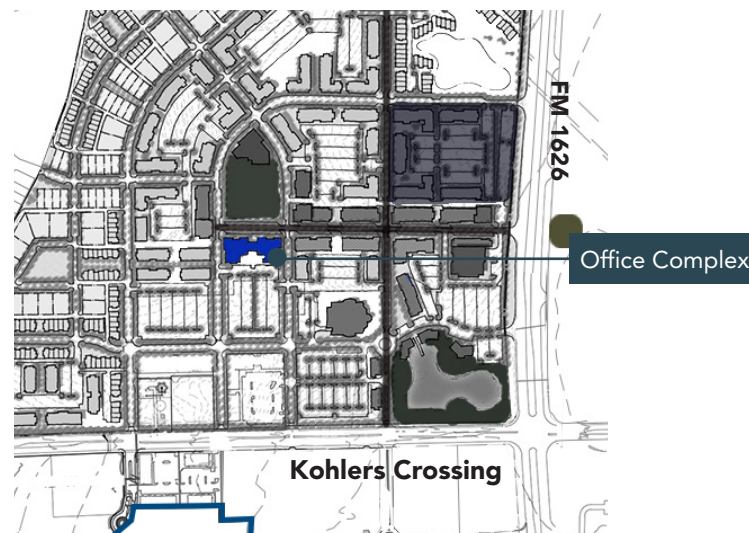


# OFFICE BUILDING

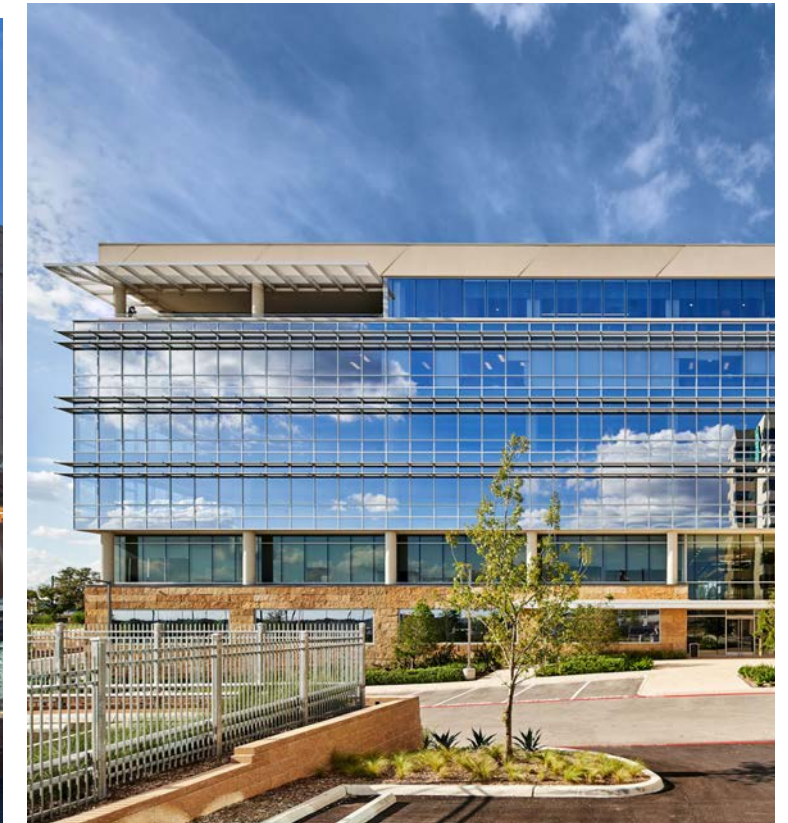


The office building is planned to begin in 2024. The Office Building will be located adjacent to the central park in the uptown area. The City plans to issue an RFP to a developer with an incentive package likely including the land, investment from the TIF District, and / or lease guarantees. The building is anticipated as 4 to 7 stories and 60,000 to 100,000 SF containing retail on the ground floor and office above. The building will start out utilizing surface parking with an option to incorporate structured parking in the future.

- **Integrated:** The office building will provide additional employment opportunities to residents across the City of Kyle.
- **Walkable:** The office building will be located along one of the most walkable streets within the district and create opportunities for people to both live and work.
- **Growth, Business:** Construction of a premier office building within the district will catalyze the construction of new buildings and bring residents to the area.
- **Strategic:** A quality and architecturally significant building in a prominent location within the district will attract additional quality development.
- **Artful:** The location of the building lends itself to a small public space at the entrance with an art installation to provide interest and a space for people to gather.
- **Affordable:** Quality employment opportunities will support the Kyle workforce.



The office building can compliment Central Park's amenities, such as structured programming and open space.  
Location: Sugarland, TX



The office building can compliment Central Park's amenities, such as structured programming and open space.  
Location: Sugarland, TX



The office building should integrate with its surroundings.

Location: Sugarland, TX



# POLICE STATION



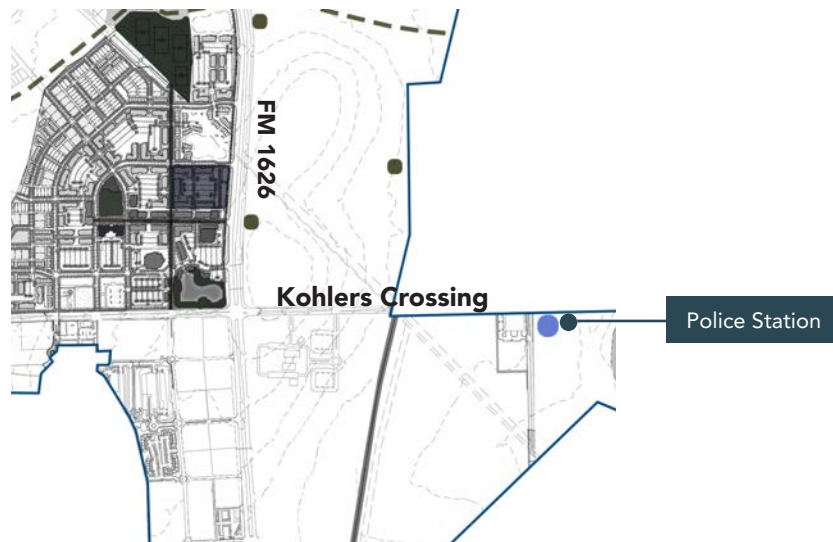
Growth



Walkable

As the City of Kyle continues to grow it is anticipated that an additional police station will be needed. The station is planned to begin in 2021 and will be located east of FM1626 on Market Place Drive. The Police Station is will be able to accommodate office space and vehicle fleet.

- Growth: Developing a police station within the district helps to ensure that the City has adequate resources to accommodate new growth and development
- Walkable: Creating a live, work, play environment requires people to feel safe. A nearby police station will contribute to the perception of safety.



The police station can face the road for visibility into the community.

Location: Parker, CO



A Police Station can integrate seamlessly into the district.

Location: Alexandria, VA

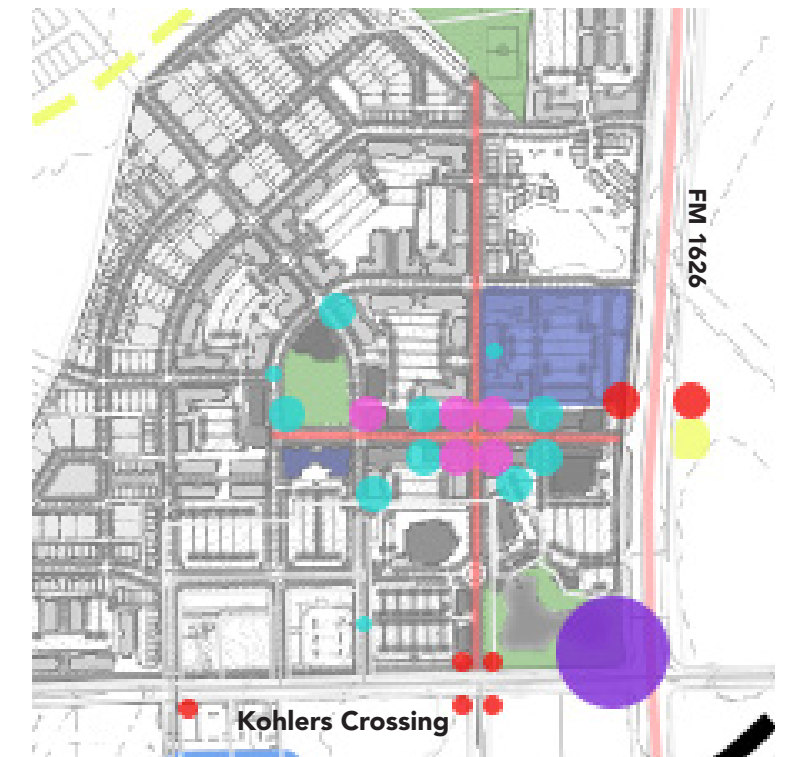
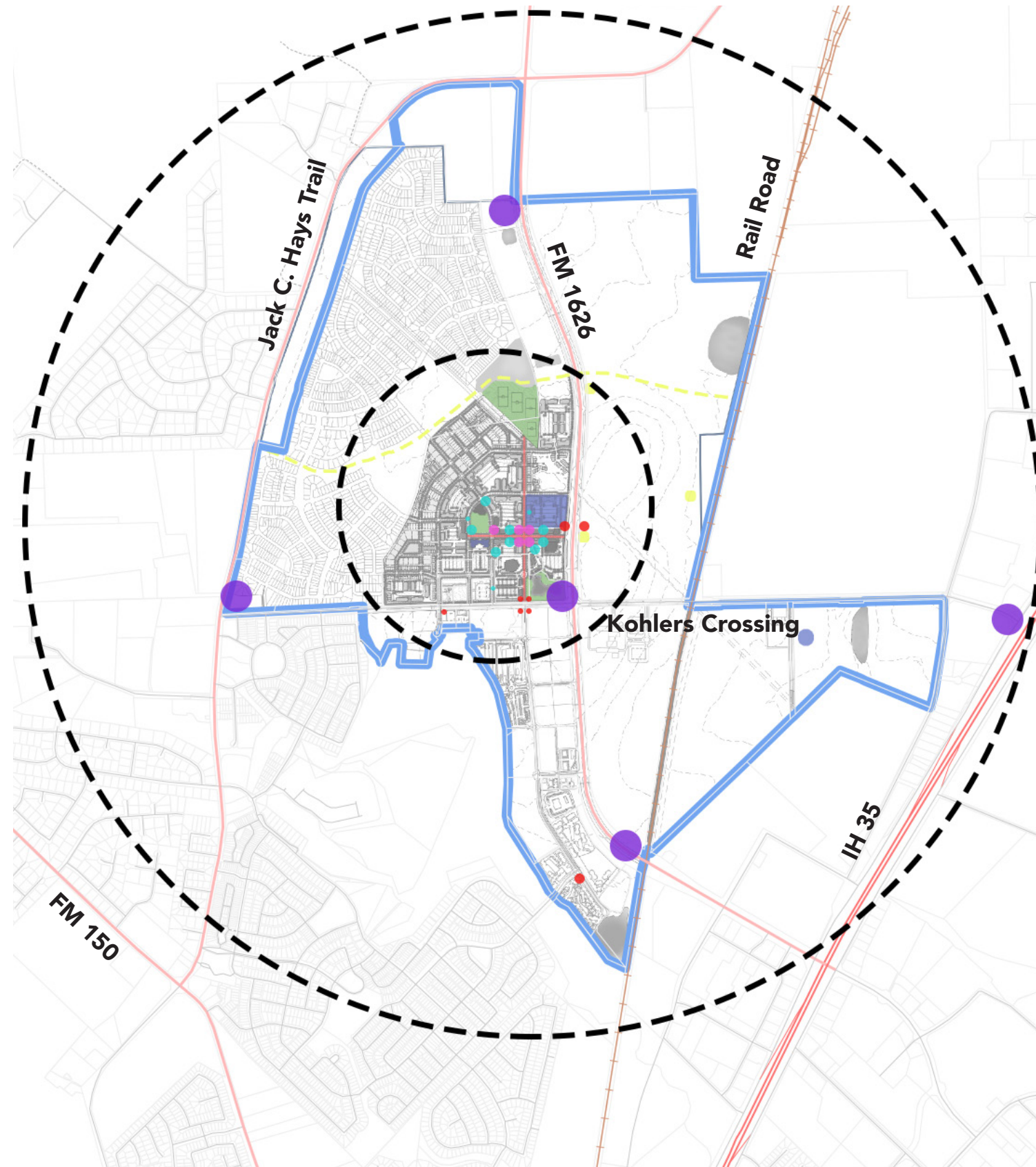


# SIGNAGE AND WAYFINDING



A consistent Signage and Wayfinding Plan oriented to both pedestrian and vehicular traffic is proposed to begin in year 2021.

- Integrated: A Signage and Wayfinding Plan should include directions to destinations both internal to the district and external to the district such as downtown Kyle.
- Walkable: Pedestrian-scaled signage will promote walkability of the district.
- Artful: Signage should be coordinated and attractive complementing the overall look and feel of the district.

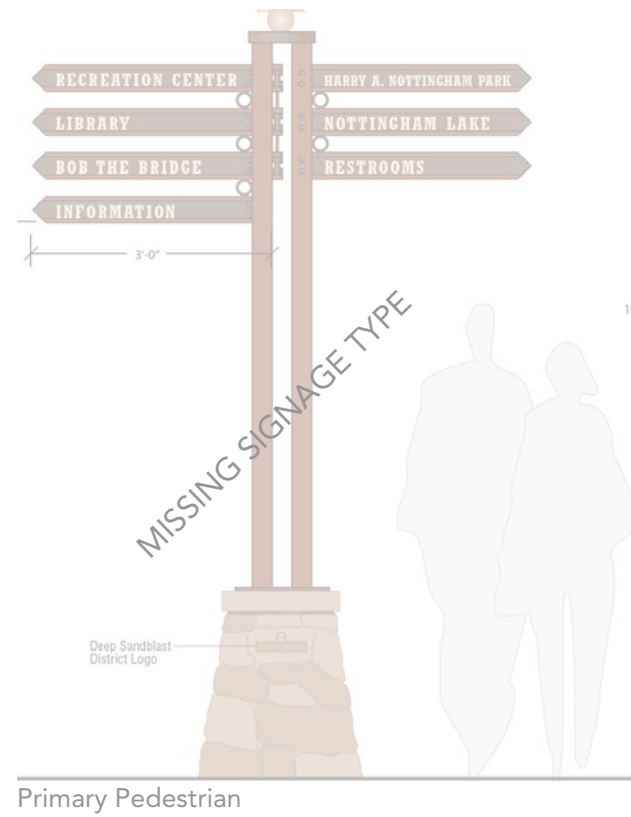


- PROJECT GATEWAY
- PRIMARY PEDESTRIAN
- SECONDARY PEDESTRIAN
- DIRECTORY AND EVENTS
- PRIMARY VEHICULAR
- SECONDARY VEHICULAR

Figure 30: Map Depicting Locations of Signage Types



# PEDESTRIAN



Primary Pedestrian



Secondary Pedestrian



Existing Secondary Pedestrian

# OUTER

# INNER



Gateway / Entrance



Existing Gateway / Entrance



Primary Vehicular



Existing Primary Vehicular



Existing Primary Vehicular



Secondary Vehicular

# VEHICULAR

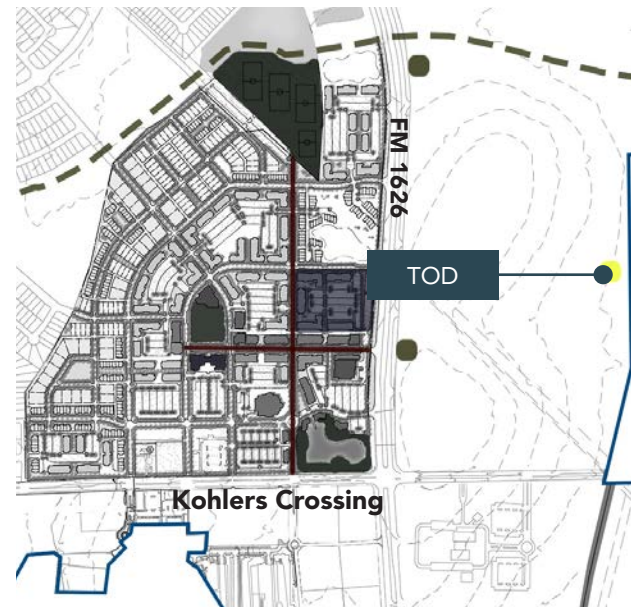


# TRANSIT ORIENTED DEVELOPMENT (TOD)



If the opportunity to expand regional connections through passenger rail arise in the future this would have a very positive effect on the district and City of Kyle. In addition to potential improvements to support a TOD within the district establishment of a bus service providing connections to Austin, San Marcos, and other employment and education centers would benefit the district and greater Kyle area. Funding should be set aside to support the construction of a TOD within the district.

- **Integrated:** The development of a TOD would connect the entire City of Kyle to regional education and employment opportunities.
- **Walkable:** A TOD will promote alternative modes of transportation within and around the district.
- **Growth:** With substantial growth coming to the region a TOD will help to relieve demand on roadways.
- **Strategic:** A TOD will attract additional business and residential development to the area.



Transit stations should be easily identifiable by the public.



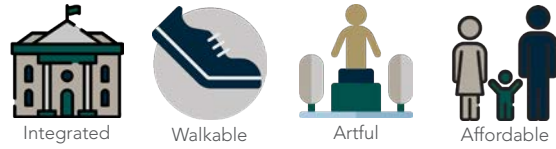
Transit stations should be accessible to all.



Transit stations should be easy to navigate.

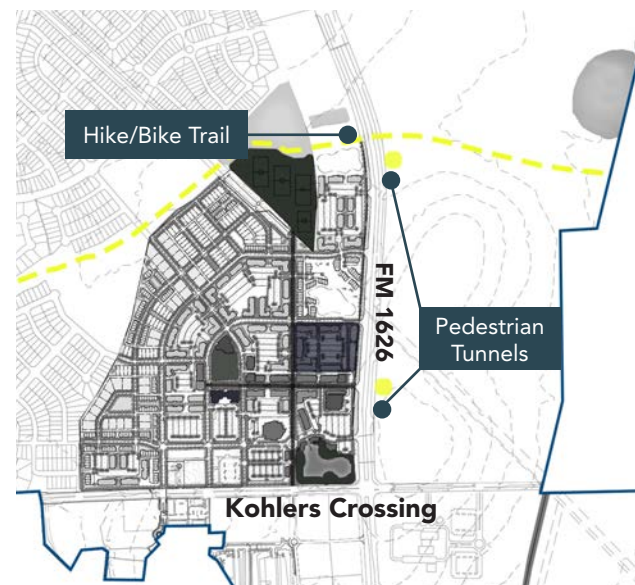


# PEDESTRIAN CONNECTIONS



A hike and bike trail within the drainage just north of Uptown and connected to the Soccer Complex could potentially connect to the future Violet Crown and Emerald Crown Trail system. In addition to regional connections, pedestrian underpasses connecting the trail system and Uptown across FM1626 will improve walkability and help to integrate the district with the rest of Kyle. Pedestrian tunnels are planned at the intersection of the Retail Street and the hike/bike trail.

- **Integrated:** Local and regional pedestrian connections can serve to integrate the district with the broader City and region.
- **Walkable:** Developing pedestrian and multi-use trail connections to major destinations and regional systems promote a walkable City and district.
- **Artful:** Trails and pedestrian tunnels provide opportunities for Art along trail systems.
- **Affordable:** Trails and pedestrian crossings support alternative modes of transportation and can limit dependency on auto mobiles.



Pedestrian connections should compliment natural aspects, such as hills.



Lighting in an pedestrian underpass should be consistent.



Art can be incorporated into pedestrian tunnels.



# PARKING MANAGEMENT



Walkable



Growth



Strategic

Structured parking will allow the District to be more efficient with land and increase density. Structured parking should be planned as a later phase of TIRZ funding and located central to the TIRZ district.

- Walkable: While the district is intended to be walkable once visitors arrive; until the development of the TOD, visitors will need a space to park within the district.
- Growth: Structured parking will enable the district to build-out at its full potential.
- Strategic: Structured parking can be planned so that it can be incorporated into the plan at a later date when the demand exists.



Parking structures should be easily identifiable.



A parking structure can incorporate elements to reduce operational costs, like solar panels.



Incorporating green features, such as plant walls, will make the streetscape appear less confining.



# GREEN AND RESILIENT INFRASTRUCTURE



Walkable



Growth

Green Infrastructure is a resilient approach to managing storm water that provides many community benefits. Examples of green stormwater infrastructure that can be incorporated into the district include: rainwater harvesting, rain gardens, planter boxes, bioswales, permeable pavements, green streets and alleys, and an enhanced urban tree canopy. In addition to stormwater infrastructure, facilities funded by the TIRZ should be LEED and/or SITES certified.

- Walkable: Green infrastructure creates opportunities for landscaping, trees, and rain gardens within streetscapes creating a vibrant and walkable environment.
- Growth: Resiliency should be integrated into all development as Kyle grows.



Bioswales and rain gardens help reduce the risk of flooding in the event of a heavy rain and improve water quality



Green Infrastructure in urban settings make urban-dwelling feel connected to nature  
Location: Houston, TX



Resiliency will enable Kyle to adapt to rapid growth better.  
Location: Houston, TX



LEED Certified buildings aid in resilience and provide community benefits.



# PUBLIC ART



Walkable



Artful



Business



Affordable

The Uptown area is intended to be a vibrant, mixed use district within the Plum Creek development. As such, it should contain elements that will help create an active streetscape such as public art. The TIRZ #2 Ordinance states that a total of 1% of the budget will be dedicated to public art. Public art can take a variety of forms, including 2-D products such as murals and mosaics, or it can also include 3-D forms such as sculptures. Art can integrate functional uses like seating or bollards, or they can relate to the district's character, like exemplifying the general atmosphere or attraction of the area.

- Walkable: Art contains elements that help to create an active streetscape.
- Artful: Public Art contributes to the vitality and artfulness of the district.
- Strategic: The TIRZ #2 Ordinance states that a total of 1% of the budget will be dedicated to public art.
- Business: Public Art attracts people and encourages them to linger which is helpful to businesses.



Public art can provide seating.



Public art can be used to compliment the physical landscape.



Public art can reflect community priorities.



Public art can serve a functional purpose, such as providing seating, shade, or lighting.



Public art can highlight the designated purpose of the area.





# IMPLEMENTATION PLAN

# OVERALL FRAMEWORK PLAN

The overall framework plan recommends improvements to be financed in whole or in part with TIRZ dollars. Improvements were chosen based on stakeholder input, degree of public benefit, and strategic opportunity.

## STREETS, PARKS AND BUILDINGS

- 1 Central Park
- 2 Veterans Memorial
- 3 Soccer Complex
- 4 Cromwell Street
- 5 Retail Street
- 6 Hotel/Convention Center
- 7 Office Building
- 8 Police
- 9 TOD
- 10 Pedestrian Connections

## PLANS AND STRATEGIES

- Signage and Wayfinding Plan
- Parking Management
- Green and Resilient Infrastructure
- Public Art

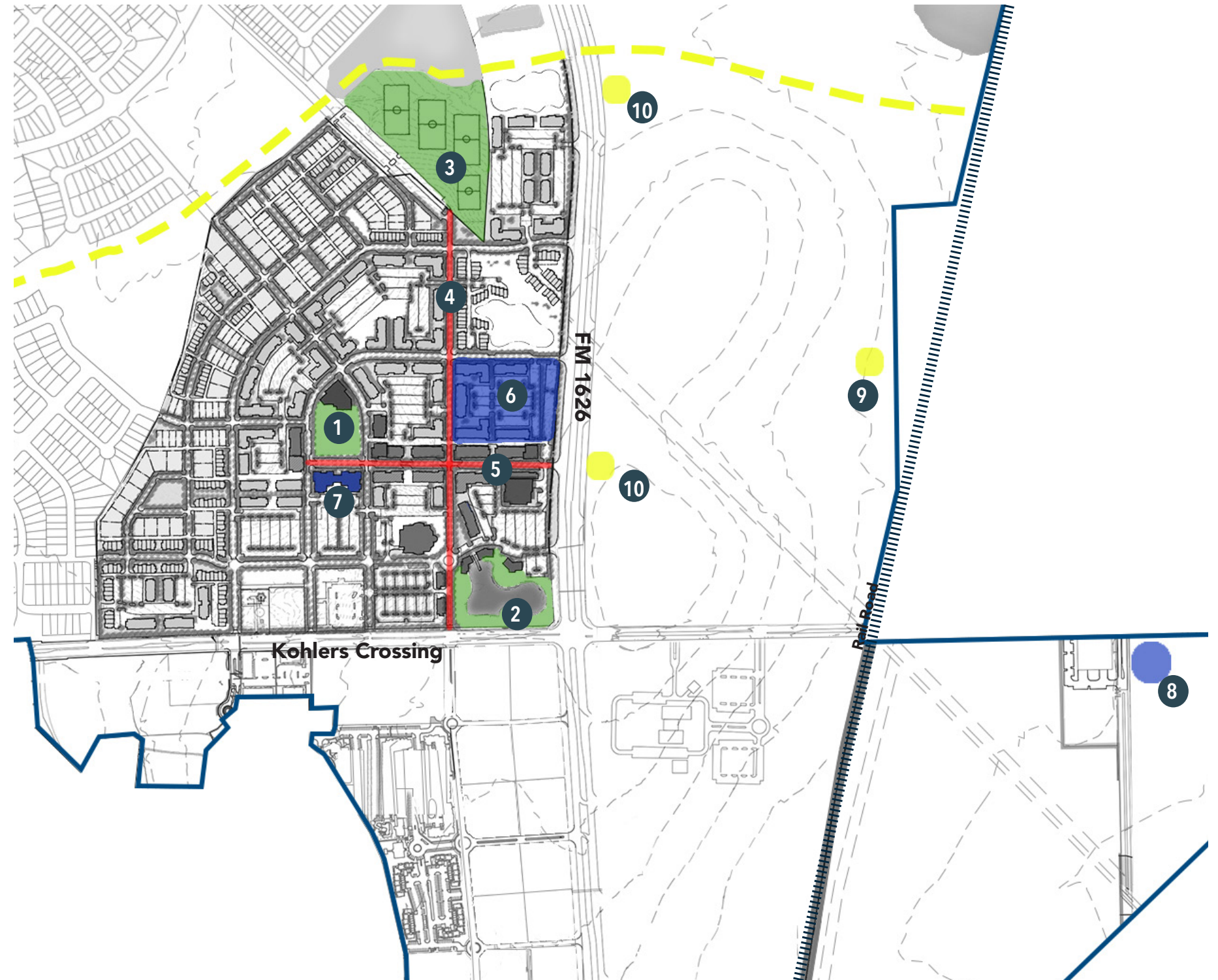


Figure 31: Framework Plan Detail

# CAPITAL IMPROVEMENTS IMPLEMENTATION

ID	Action	Description	Goals Supported	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	Estimated Costs (Hard and Soft Costs)	Additional Partnership and Funding Opportunities
1	Central Park	New Park located along the Retail Street adjacent to the proposed office	1, 2, 3, 4, 5, 6, 7	Design	Build									\$3.5 - \$4 Mil. (1.6 ac.; \$40 - \$60/sq.ft.)	Land Dedication; Corporate Donations; Grants; General Fund
2	Veterans Memorial	New attraction located at the intersection of Kohlers Crossing and FM 1625	1, 2, 4, 5, 6, 7	Design	Build									\$4 - \$5 Mil. (3 acres)	Land Dedication; Corporate Donations; Grants
3	Soccer Complex	New tournament style soccer facility located at the end of Cromwell St.	1, 2, 3, 4, 5, 6, 7					Design	Build					\$10 - \$15 Mil. (Precedent: Bastrop) (Size: 12 acres)	Donations; Grants; Soccer Association
4	Cromwell Street	Enhanced streetscaping including a cultural trail along the southern portion	1, 2, 3, 4, 5, 6		Design	Build								\$6 - \$9 Mil. (\$30 - \$45/sq.ft.; 2,500 lf.)	Corporate Donations; Developer
5	Retail Street	Enhanced streetscaping including a cultural walk along the western portion	1, 2, 3, 4, 5, 6					Design	Build					\$5 - \$7 Mil. (\$35 - \$50/sq.ft.; 1,500 lf.)	Corporate Donations; Developer
6	Hotel/ Convention Center	New Hotel and Convention Center located along Cromwell St.	1, 2, 4, 5		Design	Design Build	Build							\$20 - \$30 Mil. (Precedent: San Marcos); (Size: 20k - 30k sq.ft.)	Land Dedication; Hotel Developer; HOT Taxes
7	Office Mixed-Use Building	New Office Building located across from the Central Park	1, 2, 3, 4, 5, 6, 7					Design	Design Build	Build				\$15 - \$25 Mil. (60,000 sq.ft.)	Land Dedication; Developer
8	Police Station	New Police Station located at Market Stand Kohlers Crossing	3		Design	Build								\$25 - \$35 Mil. (City of Kyle bond estimate )	Land Dedication; Bond Election
9	TOD	Development of a passenger rail stop along the western side of the existing rail road	1, 2, 3, 4										Design Build	\$35 - \$45 Mil. (Precedent: COA Downtown Station)	Land Dedication
10	Pedestrian Connections	Pedestrian tunnels under FM1626 and a trail connection within the drainage way	1, 2, 6, 7								Design Build			\$3 - \$5 Mil. (2 tunnels @ 200')	TxDOT; Developer
11	Parking Management	A long term plan to adapt to parking needs within the TIRZ	2, 3, 4							Plan	Implement			\$150K (Management Plan)	Developer; Parking Management District
	Green Infrastructure	Environmentally sensitive design principles for buildings and stormwater infrastructure	2, 3	Ongoing										Variable (account for in project costs)	Corporate and Non-Profit Donations; Grants; Developer
	Public Art	Art located throughout the TIRZ	2, 4, 6	Ongoing										\$20 - \$40K / year (Set aside from TIRZ)	Corporate and Non-profit Donations; Developer
	Signage Plan	Provides unity for branding and navigation within the TIRZ	2, 6		Plan	Implement								\$100K (Master Plan)	Developer; Builders; Tenants



# DECISION MAKING FRAMEWORK

The Plum Creek TIRZ Strategic Framework Plan provides an implementation framework and guide for strategic investments within the district over the next 5 to 10 years. While the framework provides an overall guide for implementation, actual development timing, cost, and project types are dependent on a number of variables and may shift as new opportunities arise. The TIRZ board will make decisions about funding improvements as development occurs and flexibility is important. There are three key considerations that the TIRZ board should take into account when making decisions about financing improvements within the district:

## PUBLIC BENEFIT

When analyzing the public benefit the board should consider the following question:

To what degree do the proposed improvements provide a superior public benefit than what would be required without TIRZ funding?

## STRATEGIC INVESTMENT

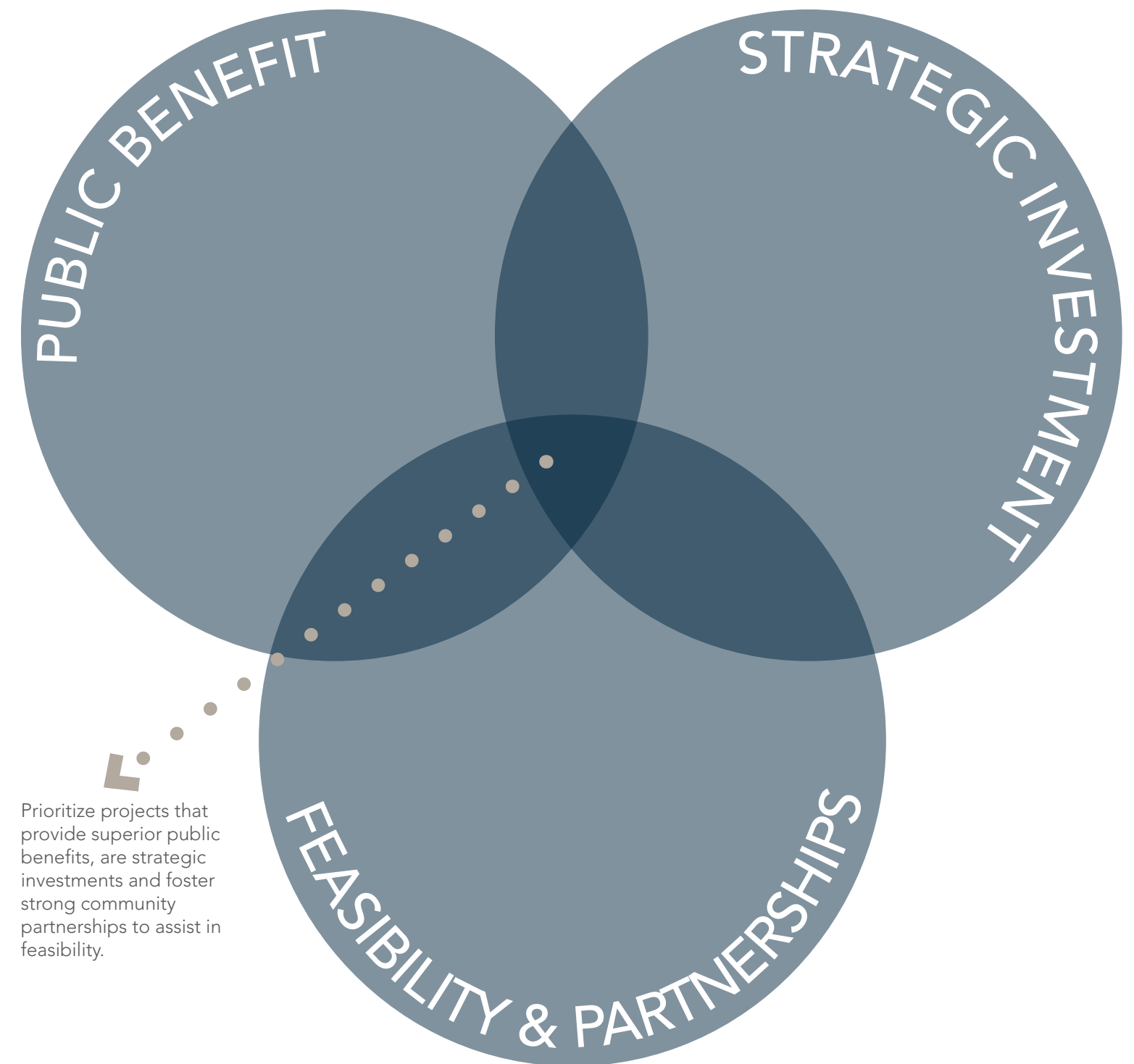
When analyzing the projects strategic investment in the district the board should consider the following question:

To what degree will the proposed improvements catalyze greater investment and economic development than what would occur without the project?

## FEASIBILITY AND PARTNERSHIPS

When analyzing the feasibility and partnerships associated with a proposed improvement the board should consider the following question:

To what degree will the proposed improvements foster greater participation and partnerships within the district to assist in funding and programming for current and future projects within the district.





**L I O N H E A R T**

*Courage to create.*

1023 SPRINGDALE ROAD, BLDG 6, STE. E, AUSTIN TEXAS 78721 | 512.520.4488



# CITY OF KYLE, TEXAS

## Public Hearing on City's Plan to Issue Bond Debt for WWTP

Meeting Date: 4/7/2020

Date time: 7:00 PM

**Subject/Recommendation:** Conduct a Public Hearing on the City's plan to issue Combination Tax and Revenue Certificates of Obligation in a principal amount not to exceed \$33,955,000 to pay for the design and construction of the wastewater treatment plant expansion and associated sewer system infrastructure improvements, payment of professional services and for costs of bond issuance. ~ *Perwez A. Moheet, CPA, Director of Finance*

*This meeting will be held by teleconference. Any citizen wanting to make a comment during this public hearing should dial in to US: +1(800) 336-8975 Meeting ID: 743 645 1934 to register for the public hearing. Those wishing to speak are encouraged to call in 15 minutes before the meeting begins at the number provided above.*

### Other Information:

### Legal Notes:

### Budget Information:

---

### ATTACHMENTS:

#### Description

No Attachments Available





# CITY OF KYLE, TEXAS

Ordinance Authorizing Issuance of  
Combination Tax & Revenue  
Certificates of Obligation Bonds,  
Series 2020 - Not to Exceed  
\$33,955,000.00

Meeting Date: 4/7/2020  
Date time: 7:00 PM

**Subject/Recommendation:** *(First and Final Reading)* Approve an Ordinance authorizing the issuance of City of Kyle, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020, in a principal amount not to exceed \$33,955,000.00 to pay for the City's wastewater treatment plant expansion and associated costs; authorizing the sale thereof; and enacting provisions incident and related to the issuance of said bonds. ~ *Perwez A. Moheet, CPA, Director of Finance*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- Ordinance - Authoring COs for WWTP

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

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$ \_\_\_\_\_  
“CITY OF KYLE, TEXAS COMBINATION TAX AND REVENUE  
CERTIFICATES OF OBLIGATION, SERIES 2020”; AUTHORIZING THE  
SALE THEREOF; AND ENACTING PROVISIONS INCIDENT AND  
RELATED TO THE ISSUANCE OF SAID CERTIFICATES**

**WHEREAS**, on February 4, 2020 the City Council of the City of Kyle, Texas (the “City”) approved a resolution directing publication of notice of public hearing and intention to issue combination tax and revenue certificates of obligation in accordance with the provisions of Subchapter C of Chapter 271, Texas Local Government Code, §§ 271.041 et seq., as amended, and Chapter 1502, Texas Government Code, as amended, for the purpose of paying contractual obligations to be incurred for (1) the design and construction of a wastewater treatment plant and other sewer system infrastructure improvements, and (2) the payment of professional services and costs of issuance related thereto; and; and

**WHEREAS**, a “Notice of Public Hearing and Intention to Issue Combination Tax and Revenue Certificates of Obligation” (the “Notice”) was published in the *Hays Free Press* on February 12, 2020 and February 19, 2020; the date of the first publication of such notice being before the forty-fifth (45th) day prior to April 7, 2020, the tentative date stated therein for the passage of this ordinance; and

**WHEREAS**, on April 7, 2020, the City Council convened, held a public hearing in accordance with the Notice, and decided, because of coronavirus-related market disruptions that made an April 7, sale of the certificates of obligation impractical for the City, to postpone consideration of the passage of an ordinance authorizing the issuance of said certificates of obligation to the next regular meeting of the City Council; and

**WHEREAS**, on June 2, 2020, the City Council of the City of Kyle, Texas, convened and after a public hearing, considered passage of an ordinance authorizing the issuance of said certificates of obligation (the “Ordinance”); and

**WHEREAS**, the certificates of obligation in the principal amount of \$ \_\_\_\_\_ should be sold for cash in accordance with the provisions of Texas Local Government Code § 271.052, as amended; and

**WHEREAS**, no petition protesting the issuance of the certificates of obligation described in the aforesaid notice, signed by at least 5% of the qualified electors of the City, has been presented to or filed with the City Secretary or any other City official on or prior to the date of the passage of this Ordinance; and

**WHEREAS**, this City Council hereby finds and determines that the above specified certificates of obligation described in said notice should be issued and sold at this time in the amount and manner hereinafter provided;

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

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions.

Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

“Authorized Officials” means the Mayor, City Secretary, City Manager and/or Finance Director of the City.

“Certificate” or “Certificates” means the Certificates authorized to be issued by Section 3.01 of this Ordinance and designated as “City of Kyle, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020,” in the aggregate principal amount of \$\_\_\_\_\_, and which shall be secured by the full faith and credit of the City and as more specifically described in Article II of this Ordinance.

“City” means the City of Kyle, Texas.

“City Council” means the City Council of the City.

“Code” means the Internal Revenue Code of 1986, as amended, including the regulations and published rulings thereunder.

“Date of Delivery” means the date of the initial delivery of and payment for the Certificates.

“Defeasance Securities” mean (i) direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the City adopts or approves the proceedings authorizing the purchase thereof, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the City adopts or approves the proceedings authorizing the purchase thereof are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent, and (iv) any other then authorized securities or obligations under applicable law of the State of Texas that may be used to defease obligations such as the Certificates.

“Designated Payment/Transfer Office” means the office of the Paying



Agent/Registrar which is designated for the presentment of the Certificates.

“DTC” means The Depository Trust Company, New York, New York, or any successor securities depository.

“DTC Participant” means any broker, dealer, bank, trust company, clearing corporation or certain other organizations with bonds credited to an account maintained on its behalf by DTC.

“Event of Default” means any event of default as defined in Section 10.01 of this Ordinance.

“Fiscal Year” means such fiscal year as shall from time to time be set by the City Council.

“Initial Certificate” means the initial certificate described in Sections 3.04(d) and 6.02(e) of this Ordinance.

“Interest and Sinking Fund” means the interest and sinking fund established by Section 2.04 of this Ordinance.

“Interest Payment Date” means the date or dates upon which interest on each Certificate is scheduled to be paid until their respective dates of maturity or prior redemption, such dates being February 15 and August 15 of each year, commencing February 15, 2021.

“Mayor” means the Mayor of the City.

“Owner” or “Registered Owner” means the person who is the registered owner of a Certificate or Certificates, as shown in the Register.

“Paying Agent/Registrar” means initially \_\_\_\_\_, \_\_\_\_\_, Texas, or any successor thereto as provided in this Ordinance.

“Purchase Agreement” means the Purchase Agreement pertaining to the Certificates, by and between the City and the Underwriter[s], approved in Section 7.01 of this Ordinance.

“Record Date” means the close of business on the last business day of the month preceding the month in which an Interest Payment Date occurs.

“Register” means the register specified in Section 3.06(a) of this Ordinance.

“Surplus Revenues” means those revenues of the City's Waterworks and Sewer System available after deduction of the reasonable expenses of operation and maintenance of said Waterworks and Sewer System as defined in Section 1502.056(a) of the Texas Government Code, and payment of all debt service, reserve and other requirements with respect to all of the City's revenue bonds and other obligations, now

outstanding or hereafter issued, that are payable from and secured by a lien on and pledge of all or part of the net revenues of said Waterworks and Sewer System.

“Unclaimed Payments” means money deposited with the Paying Agent/Registrar for the payment of the principal of or interest on the Certificates as the same come due and payable and remaining unclaimed by the Owners of Certificates for 90 days after the applicable payment or redemption date.

“Underwriters” mean \_\_\_\_\_.

“Waterworks and Sewer System” means the City’s combined water and sewer utility system.

Section 1.02. Findings.

The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Table of Contents, Titles and Headings.

The table of contents, titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

## ARTICLE II

### SECURITY FOR THE CERTIFICATES CREATION OF FUNDS

#### Section 2.01. Tax Levy for Payment of Certificates.

Pursuant to the authority granted by the Constitution and laws of the State of Texas, there shall be levied and there is hereby levied for the current year and each succeeding year thereafter while the Certificates or any interest thereon is outstanding and unpaid, an ad valorem tax within legal limitations on each \$100 valuation of taxable property in the City, at a rate sufficient within the limits prescribed by law to pay the debt service requirements on the Certificates, being (i) the interest on the Certificates and (ii) a sinking fund for their payment at maturity or a sinking fund of two percent (2%) per annum (whichever amount is the greater), when due and payable, full allowance being made for delinquencies and costs of collection; said tax shall be assessed and collected each year and applied to the payment of the debt service requirements, and the same shall not be diverted to any other purpose. The taxes so levied and collected shall be paid into the Interest and Sinking Fund. This governing body hereby declares its purpose and intent to provide and levy a tax legally and fully sufficient to pay the debt service requirements, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding obligations.

The amount of taxes to be provided annually and transferred by the Authorized Officials to the Interest and Sinking Fund for the payment of principal of and interest on the Certificates shall be determined and accomplished in the following manner:

(a) The City's annual budget shall reflect the amount of debt service requirements to become due on the Certificates in the next succeeding Fiscal Year of the City.

(b) The amount required to be provided in the succeeding Fiscal Year of the City from ad valorem taxes shall be the amount of the debt service requirements to be paid on the Certificates in the next succeeding Fiscal Year of the City.

(c) Following the final approval of the annual budget of the City, the governing body of the City shall, by ordinance, levy an ad valorem tax at a rate sufficient to produce taxes in the amount determined in paragraph (b) above, to be utilized for purposes of paying the principal of and interest on the Certificates in the next succeeding Fiscal Year of the City.

If the liens and provisions of this Ordinance shall be released in a manner permitted by Article XI hereof, then the collection of such ad valorem tax may be suspended or appropriately reduced, as the facts may permit, and further deposits to the Interest and Sinking Fund may be suspended or appropriately reduced, as the facts may permit. In determining the aggregate principal amount of outstanding Certificates, there shall be subtracted the amount of any Certificates that have been duly called for redemption and



for which money has been deposited with the Paying Agent/Registrar for such redemption.

Section 2.02. Revenue Pledge.

(a) The Certificates are additionally secured by and shall be payable from a limited pledge, not to exceed \$1,000, of the Surplus Revenues of the City's Waterworks and Sewer System, such pledge authorized pursuant to Chapter 1502, Texas Government Code, as amended. Notwithstanding the requirements of Section 2.01, if Surplus Revenues are actually on deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would be required to be levied pursuant to Section 2.01 may be reduced to the extent and by the amount of the Surplus Revenues then on deposit in the Interest and Sinking Fund.

(b) The Surplus Revenues, when and as received by the City, are hereby pledged to the payment of the Certificates and shall be deposited into the Interest and Sinking Fund.

Section 2.03. Effect of Pledge.

Chapter 1208, Texas Government Code, as amended, applies to the issuance of the Certificates and the pledge of the combination of taxes and revenues thereof granted by the City under Sections 2.01 and 2.02 of this Ordinance, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid such that the pledge of the combination of taxes and revenues granted by the City under Sections 2.01 and 2.02 of this Ordinance is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the Registered Owners of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code, as amended, and enable a filing to perfect the security interest in said pledge to occur.

Section 2.04. Interest and Sinking Fund.

(a) The City hereby establishes a special fund or account to be designated the "City of Kyle, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020 Interest and Sinking Fund" (the "Interest and Sinking Fund") said fund to be maintained at an official depository bank of the City separate and apart from all other funds and accounts of the City.

(b) Money on deposit in or required by this Ordinance to be deposited to the Interest and Sinking Fund shall be used solely for the purpose of paying the interest on, redemption premium, if any, and principal of the Certificates when and as due and payable in accordance with their terms and this Ordinance.

Section 2.05. Construction Fund.

(a) A special fund or account, to be designated the “City of Kyle, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020 Construction Fund” (the “Construction Fund”) is hereby created and shall be established and maintained by the City at the official City depository. The Construction Fund shall be kept separate and apart from all other funds and accounts of the City. The proceeds from the sale of the Certificates (other than proceeds representing accrued interest on the Certificates and any premium on the Certificates that is not used to pay costs of issuance in which shall be deposited in the Interest and Sinking Fund) shall be deposited in the Construction Fund and payments therefrom shall be used solely for the purpose of paying contractual obligations to be incurred for (1) the design and construction of a wastewater treatment plant and other sewer system infrastructure improvements, and (2) the payment of professional services and costs of issuance related thereto (the “Project”).

(b) Surplus Construction Funds. Any moneys remaining in the Construction Fund after completion of the entirety of the Project shall be deposited in the Interest and Sinking Fund.

Section 2.06. Security of Funds.

All moneys on deposit in the Interest and Sinking Fund and the Construction Fund for which this Ordinance makes provision (except any portion thereof as may be at any time properly invested) shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of City funds, and moneys on deposit in such funds shall be used only for the purposes permitted by this Ordinance.

ARTICLE III

AUTHORIZATION: GENERAL TERMS AND PROVISIONS  
REGARDING THE CERTIFICATES

Section 3.01. Authorization.

The City's certificates of obligation to be designated “City of Kyle, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020” (the “Certificates”), are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas. The Certificates shall be issued in the aggregate principal amount of \$\_\_\_\_\_ for the purpose of paying contractual obligations to be incurred for (1) the design and construction of a wastewater treatment plant and other sewer system infrastructure improvements, and (2) the payment of professional services and costs of issuance related thereto.

Section 3.02. Date, Denomination, Maturities and Interest.

(a) The Certificates shall be dated April 1, 2020 and shall bear interest on the unpaid principal amount thereof from the Date of Delivery (which date shall be noted on the Certificates). The Certificates shall be in fully registered form, without coupons, in the denomination of \$5,000 or any integral multiple thereof and shall be numbered separately from R-1 upward, except the Initial Certificate, which shall be numbered T-1.

(b) The Certificates shall mature on August 15 in the years and in the principal amounts and bear interest at the per annum rates set forth in the following schedule:

<u>Year of</u> <u>Maturity</u>	<u>Principal</u> <u>Installments</u>	<u>Interest</u> <u>Rate</u>	<u>Year of</u> <u>Maturity</u>	<u>Principal</u> <u>Installments</u>	<u>Interest</u> <u>Rate</u>
-----------------------------------	---	--------------------------------	-----------------------------------	---	--------------------------------

[TO BE COMPLETED BASED ON PRICING]

(c) Interest shall accrue and be paid on each Certificate respectively until its redemption or prior maturity from the later of the Date of Delivery or from the most recent Interest Payment Date to which interest has been paid or provided for at the rates per annum for each respective maturity specified in the schedule contained in subsection (b) above. Such interest shall be payable on February 15 and August 15 of each year, commencing on February 15, 2021, computed on the basis of a 360-day year of twelve 30-day months.

Section 3.03. Medium, Method and Place of Payment.

(a) The principal of, redemption premium, if any, and interest on the Certificates shall be paid in lawful money of the United States of America.

(b) Interest on the Certificates shall be payable to the Owner whose name appears in the Register at the close of business on the last business day of the month preceding such Interest Payment Date (the "Record Date"); provided, however, that in the event of nonpayment of interest on a scheduled Interest Payment Date, and for thirty (30) days thereafter, a new record date for such interest payment (the "Special Record Date") will be established by the Paying Agent/Registrar (hereinafter defined and designated) if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which shall be at least 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Owner of a Certificate appearing on the books of the Paying Agent/Registrar at the close of business on the last business day preceding the date of mailing of such notice.

(c) Interest shall be paid by check, dated as of the Interest Payment Date, and sent by the Paying Agent/Registrar to each Owner, first-class United States mail, postage prepaid, to the address of each Owner as it appears in the Register, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and each Owner to whom interest is to be paid; provided, however, that the Owner shall bear all



risk and expenses of such customary banking arrangements.

(d) The principal of each Certificate shall be paid to the Owner thereof on the due date (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Certificate at the Designated Payment/Transfer Office.

(e) If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, legal holiday, or a day on which banking institutions in the city where the Paying Agent/Registrar is located are required or authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, a legal holiday, or day on which banking institutions are required or authorized to close, and payment on such date shall for all purposes be deemed to have been made on the due date thereof as specified in this Section.

#### Section 3.04. Control, Execution and Initial Registration.

(a) The Certificates shall be executed on behalf of the City by the Mayor and the City Secretary, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Certificates shall have the same effect as if each of the Certificates had been signed manually and in person by each of said officers, and such facsimile seal on the Certificates shall have the same effect as if the official seal of the City had been manually impressed upon each of the Certificates.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Certificates ceases to be such officer before the authentication of such Certificates or before the delivery thereof, such facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. It shall not be required that the same officer or authorized signatory of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Certificates. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Certificate delivered at the Date of Delivery shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller of Public Accounts of the State of Texas, or by his duly authorized agent, which certificate shall be evidence that the Initial Certificate has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller of Public Accounts of the State of Texas.

(d) On the Date of Delivery, one Initial Certificate representing the entire principal amount of all Certificates, payable in stated installment to the Underwriters, or their Representative, manually signed by the Mayor and City Secretary, approved by the

Attorney General, and registered and manually signed by the Comptroller of Public Accounts, will be delivered to the Underwriters or their Representative. Upon payment for the Initial Certificate, the Paying Agent/Registrar shall cancel the Initial Certificate and deliver registered definitive Certificates in accordance with instructions received from the Underwriters or their Representative.

Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Certificate is registered as the absolute owner of such Certificate for the purpose of making and receiving payment of the principal thereof and redemption premium (subject to the provisions herein that interest is to be paid to the person in whose name the Certificate is registered on the Record Date), if any, thereon, for the further purpose of making and receiving payment of the interest thereon, and for all other purposes, whether or not such Certificate is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the Owner of a Certificate shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Certificate to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Certificates remain outstanding, the City shall cause the Paying Agent/Registrar to keep at its Designated Payment/Transfer Office a register (the "Register") in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Certificates in accordance with this Ordinance.

(b) Registration of any Certificate may be transferred in the Register only upon the presentation and surrender thereof at the Designated Payment/Transfer Office of the Paying Agent/Registrar for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of the Certificates, or any portion thereof in any integral multiple of \$5,000, to the assignee or assignees thereof, and the right of such assignee or assignees thereof to have the Certificate or any portion thereof registered in the name of such assignee or assignees. No transfer of any Certificate shall be effective until entered in the Register. Upon assignment and transfer of any Certificate or portion thereof, a new Certificate or Certificates will be issued by the Paying Agent/Registrar in conversion and exchange for such transferred and assigned Certificate. To the extent possible, the Paying Agent/Registrar will issue such new Certificate or Certificates in not more than three (3) business days after receipt of the Certificate to be transferred in proper form and with proper instructions directing such transfer.

(c) Any Certificate may be converted and exchanged only upon the presentation and surrender thereof at the Designated Payment/Transfer Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the

Owner or assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantees of signatures satisfactory to the Paying Agent/Registrar, for a Certificate or Certificates of the same maturity and interest rate and in any authorized denomination and in an aggregate principal or maturity amount equal to the unpaid principal or maturity amount of the Certificate presented for exchange. If a portion of any Certificate is redeemed prior to its scheduled maturity as provided herein, a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in the denomination or denominations of any integral multiple of \$5,000 at the request of the Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon surrender thereof for cancellation. To the extent possible, a new Certificate or Certificates will be required to be delivered by the Paying Agent/Registrar to the Owner of the Certificate or Certificates in not more than three (3) business days after receipt of the Certificate to be exchanged in proper form and with proper instructions directing such exchange.

(d) Each Certificate issued in exchange for any Certificate or portion thereof assigned, transferred or converted shall have the same principal maturity date and bear interest at the same rate as the Certificate for which it is being exchanged. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate. The Paying Agent/Registrar shall convert and exchange the Certificates as provided herein, and each substitute Certificate delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such substitute Certificate is delivered.

(e) The City will pay the Paying Agent/Registrar's reasonable and customary charge for the initial registration or any subsequent transfer, exchange or conversion of Certificates, but the Paying Agent/Registrar will require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer, exchange or conversion of a Certificate. In addition, the City hereby covenants with the Owners of the Certificates that it will (i) pay the reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Certificates, when due, and (ii) pay the fees and charges of the Paying Agent/Registrar for services with respect to the transfer, registration, conversion and exchange of Certificates as provided herein.

(f) Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Certificate called for redemption, in whole or in part, within forty-five (45) days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled balance of a Certificate.



Section 3.07. Cancellation.

(a) All Certificates paid or redeemed before scheduled maturity in accordance with this Ordinance, and all Certificates in lieu of which exchange Certificates or replacement Certificates are authenticated and delivered in accordance with this Ordinance, shall be canceled and destroyed upon the making of proper records regarding such payment, redemption, exchange or replacement. The Paying Agent/Registrar shall periodically furnish the City with certificates of destruction of such Certificates.

(b) Each substitute Certificate issued in conversion of and exchange for or replacement of (pursuant to the provisions of Sections 3.06, 3.08 and 3.09 hereof) any Certificate or Certificates issued under this Ordinance shall have printed thereon a Certificate of Paying Agent/Registrar, in the form hereinafter set forth. An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Certificate, manually sign and date such Certificate of Paying Agent/Registrar, and no such Certificate shall be deemed to be issued or outstanding unless such Certificate of Paying Agent/Registrar is so executed. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing conversion and exchange or replacement of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Certificates in the manner prescribed herein, and said Certificates shall be of customary type and composition and be printed on paper with lithographed or steel engraved borders of customary weight and strength. Pursuant to Subchapter D of Chapter 1201, Texas Government Code, the duty of conversion and exchange or replacement of Certificates as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the above Certificate of Paying Agent/Registrar, the converted and exchanged or replaced Certificates shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Initial Certificate which was originally delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(c) Certificates issued in conversion and exchange or replacement of any other Certificate or portion thereof (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the Owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Certificates, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) the principal of and interest on the Certificates shall be payable, all as provided, and in the manner required or indicated, in the Form of Certificates set forth in this Ordinance.

Section 3.08. Temporary Certificates.

(a) Following the delivery and registration of the Initial Certificate and pending the preparation of definitive Certificates, the City may execute and, upon the City's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Certificates that are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Certificates in lieu of which they are delivered, without coupons, and with such appropriate

insertions, omissions, substitutions and other variations as the officers of the City executing such temporary Certificates may determine, as evidenced by their signing of such temporary Certificates.

(b) Until exchanged for Certificates in definitive form, such Certificates in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The City, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar, and thereupon, upon the presentation and surrender of the Certificate or Certificates in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a Certificate or Certificates of the same maturity and series, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Certificate or Certificates in temporary form surrendered. Such exchange shall be made without the making of any charge therefor to any Owner.

### Section 3.09. Replacement Certificates.

(a) Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Certificate, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Certificate to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected herewith.

(b) In the event that any Certificate is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Certificate has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first complies with the following requirements:

- (i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Certificate;
- (ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar, and acceptable to the City, to save the Paying Agent/Registrar and the City harmless;
- (iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and
- (iv) satisfies any other reasonable requirements imposed by the City and Paying Agent/Registrar.

(c) If, after the delivery of such replacement Certificate, a bona fide purchaser of the original Certificate in lieu of which such replacement Certificate was issued presents for payment such original Certificate, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Certificate from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Certificate has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, instead of issuing a replacement Certificate, may pay such Certificate.

(e) Each replacement Certificate delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such replacement Certificate is delivered.

#### Section 3.10. Book-Entry-Only System.

(a) The definitive Certificates shall be initially issued in the form of a separate single fully registered Certificate for each of the maturities thereof. Upon initial issuance, the ownership of each such Certificate shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.11 hereof, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co., or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of, premium, if any, or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Register as the absolute Owner of such Certificate for the purpose of payment of principal of, premium, if any, and interest on the Certificates, for the purpose of giving notices of redemption and other matters with respect to such Certificate, for the purpose of registering transfer with respect to such Certificate, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Certificates only to or upon the order of the respective



Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of, premium, if any, and interest on the Certificates to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the Registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

Section 3.11. Successor Securities Depository; Transfer Outside Book-Entry-Only System.

In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter by and between the City, the Paying Agent/Registrar and DTC (the "Representation Letter"), and that it is in the best interest of the Owners of the Certificates that they be able to obtain certificated Certificates, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended; notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository; or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts, as identified by DTC. In such event, the Certificates shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

Section 3.12. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificates are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificates, and all notices with respect to such Certificates, shall be made and given, respectively, in the manner provided in the Representation Letter.

Section 3.13. Additional Obligations.

The City reserves the right to issue any additional obligations authorized by law and such obligations may be payable from ad valorem taxes within the limits prescribed by law, which may or may not be additionally secured by the Surplus Revenues of the City's Waterworks and Sewer System. The City further reserves the right to issue any

additional obligations secured by the net revenues on the City's Waterworks and Sewer System, which are senior to the lien and pledge of the Surplus Revenues securing payment of the Certificates.

## ARTICLE IV

### REDEMPTION OF CERTIFICATES BEFORE MATURITY

#### Section 4.01. Limitation on Redemption.

The Certificates shall be subject to redemption before scheduled maturity only as provided in this Article IV.

#### Section 4.02. Optional Redemption. [TO BE COMPLETED BASED ON PRICING]

The City reserves the option to redeem Certificates maturing on and after August 15, 202\_, in whole or in part, before their respective scheduled maturity dates, on \_\_\_\_\_ 15, 202\_, or on any date thereafter (such redemption dates to be fixed by the City), at a price equal to the principal amount of the Certificates to be called for redemption plus accrued interest to the date fixed for redemption.

At least forty-five (45) days prior to an optional redemption date for the Certificates (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of the decision to redeem Certificates, the principal amount of each stated maturity to be redeemed, and the date of redemption therefor.

#### Section 4.03. [RESERVED FOR TERM BOND REQUIREMENTS/BASED ON PRICING]]

#### Section 4.04. Partial Redemption.

(a) If less than all of the Certificates are to be redeemed and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Certificates, or portions thereof, within such maturity to be redeemed.

(b) A portion of a single Certificate of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. If such a Certificate is to be partially redeemed, the Paying Agent/Registrar shall treat each \$5,000 portion of the Certificate as though it were a single Certificate for purposes of selection for redemption.

(c) Upon surrender of any Certificate for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver an exchange Certificate or Certificates in an aggregate principal amount equal to the unredeemed portion of the Certificate so surrendered, such exchange being without charge, notwithstanding any provision of Section 3.06 to the contrary.

(d) The Paying Agent/Registrar shall promptly notify the City in writing of the principal amount to be redeemed of any Certificate as to which only a portion thereof is to be redeemed.

Section 4.05. Notice of Redemption to Owners.

(a) The Paying Agent/Registrar shall give notice of any redemption of Certificates by sending notice by first-class United States mail, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the Owner of each Certificate (or part thereof) to be redeemed, at the address shown on the Register.

(b) The notice shall state the redemption date, the redemption price, the place at which the Certificates are to be surrendered for payment, and, if less than all the Certificates outstanding are to be redeemed, an identification of the Certificates or portions thereof to be redeemed.

(c) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

(d) The City reserves the right to give notice of its election or direction to optionally redeem Certificates conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice of redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected owners. Any Certificates subject to conditional redemption where redemption has been rescinded shall remain outstanding.

Section 4.06. Payment Upon Redemption.

(a) Before or on each redemption date, the City shall deposit with the Paying Agent/Registrar money sufficient to pay all amounts due on the redemption date and the Paying Agent/Registrar shall make provision for the payment of the Certificates to be redeemed on such date by setting aside and holding in trust such amounts received by the Paying Agent/Registrar from the City and shall use such funds solely for the purpose of paying the principal of, redemption premium, if any, and accrued interest on the Certificates being redeemed.

(b) Upon presentation and surrender of any Certificate called for redemption at the Designated Payment/Transfer Office of the Paying Agent/Registrar on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of, redemption premium, if any, and accrued interest on such Certificates to the date of redemption from the money set aside for such purpose.



Section 4.07. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.04 of this Ordinance, the Certificates or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in its obligation to make provision for the payment of the principal thereof, redemption premium, if any, or accrued interest thereon, such Certificates or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Certificates are presented and surrendered for payment on such date.

(b) If the City shall fail to make provision for payment of all sums due on a redemption date, then any Certificate or portion thereof called for redemption shall continue to bear interest at the rate stated on the Certificate until paid or until due provision is made for the payment of same by the City.

Section 4.08. Lapse of Payment.

(a) Money set aside for the redemption of Certificates and remaining unclaimed by the Owners of such Certificates after the redemption date shall be segregated in a special escrow account and held in trust, uninvested, without interest, for the account of such Owners.

(b) Amounts held by the Paying Agent/Registrar, which represent principal of and interest on the Certificates remaining unclaimed by the Owner after the expiration of three years from the date such amounts have become due and payable, shall be reported and disposed of by the Paying Agent/Registrar in accordance with the applicable provisions of Texas law including, to the extent applicable, Title 6 of the Texas Property Code, as amended.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

(a) The City hereby appoints \_\_\_\_\_, \_\_\_\_\_, Texas, as its registrar and transfer agent to keep such books or records and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and registrations as herein provided. It shall be the duty of the Paying Agent/Registrar to obtain from the Owners and record in the Register the address of such Owner of each Certificate to which payments with respect to the Certificates shall be mailed, as provided herein. The City or its designee shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(b) The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Certificates, and of all conversions, exchanges and replacements of such Certificates, as provided in the Ordinance.

Section 5.02. Qualifications.

Each Paying Agent/Registrar shall be (i) a banking corporation, a banking association or a financial institution organized and doing business under the laws of the United States or of any state thereof, (ii) authorized under such laws to exercise trust powers and (iii) subject to supervision or examination by a federal or state governmental authority.

Section 5.03. Maintaining Paying Agent/Registrar.

(a) At all times while any Certificates are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance. The Mayor is hereby authorized and directed to execute an agreement with the Paying Agent/Registrar specifying the duties and responsibilities of the City and the Paying Agent/Registrar. The signature of the Mayor shall be attested by the City Secretary.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement.

Section 5.04. Termination.

The City, upon not less than sixty (60) days' notice, reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated written notice of such termination.

Section 5.05. Notice of Change to Owners.

Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by first-class United States mail, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar.

Section 5.06. Agreement to Perform Duties and Functions.

By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed thereby.

Section 5.07. Delivery of Records to Successor.

If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Certificates to the successor Paying Agent/Registrar.

ARTICLE VI

FORM OF THE CERTIFICATES

Section 6.01. Form Generally.

(a) The Certificates, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Certificates, (i) shall be substantially in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Certificates, as evidenced by their execution thereof.

(b) Any portion of the text of any Certificates may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Certificates.

(c) The Certificates shall be typed, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Certificates, as evidenced by their execution thereof.

(d) The Initial Certificate submitted to the Attorney General of the State of Texas may be typewritten and photocopied or otherwise reproduced.

Section 6.02. Form of the Certificates.

The form of the Certificates, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Certificates, shall be substantially as follows:

(a) Form of Certificate.

REGISTERED

REGISTERED

No. R-\_\_\_\_\_

\$\_\_\_\_\_



United States of America  
State of Texas  
CITY OF KYLE, TEXAS  
COMBINATION TAX AND REVENUE  
CERTIFICATE OF OBLIGATION  
SERIES 2020

Dated Date:	Interest Rate:	Stated Maturity:	CUSIP No.:
April 1, 2020	_____	August 15, 20__	_____

Date of Delivery:

Registered Owner:

Principal Amount: DOLLARS

THE CITY OF KYLE, TEXAS (hereinafter referred to as the "City"), for value received, acknowledges itself indebted to and hereby promises to pay to the order of the Registered Owner named above, or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption), and to pay interest on the unpaid Principal Amount hereof from the Date of Delivery shown above at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 in each year, commencing February 15, 2021. Principal of this Certificate is payable at its Stated Maturity or redemption to the Registered Owner hereof, upon presentation and surrender, at the Designated Payment/Transfer Office of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor. Interest is payable to the Registered Owner of this Certificate whose name appears on the "Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the last business day of the month next preceding each Interest Payment Date, and interest shall be paid by the Paying Agent/Registrar by check sent by United States mail, first-class postage prepaid, to the address of the Registered Owner recorded in the Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. All payments of principal of and interest on this Certificate shall be without exchange or collection charges to the Registered Owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

THIS CERTIFICATE IS ONE OF A SERIES of fully registered Certificates specified in the title hereof issued in the aggregate principal amount of \$\_\_\_\_\_ (herein referred to as the "Certificates"), issued pursuant to a certain ordinance of the City (the "Ordinance") for the purpose of paying contractual obligations to be incurred for (1) the design and construction of a wastewater treatment plant and other sewer system infrastructure improvements, and (2) the payment of professional services and costs of issuance related thereto.

THE CERTIFICATES maturing on and after August 15, 202\_\_ may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity selected by lot by the Paying Agent/Registrar), on \_\_\_\_\_ 15, 202\_\_, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption and upon thirty (30) days prior written notice being sent by United States mail, first-class postage prepaid, to the Registered Owners of the Certificates to be redeemed, and subject to the terms and provisions relating thereto contained in the Ordinance.

[RESERVED FOR TERM BOND REQUIREMENTS/BASED ON PRICING]

IF THIS CERTIFICATE (or any portion of the principal sum hereof) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date this Certificate (or the portion of the principal sum hereof to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor, provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

IN THE EVENT OF A PARTIAL REDEMPTION of the principal amount of this Certificate, payment of the redemption price of such principal amount shall be made to the Registered Owner only upon presentation and surrender of this Certificate to the Paying Agent/Registrar at its Designated Payment/Transfer Office, and there shall be issued to the Registered Owner hereof, without charge, a new Certificate or Certificates of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum hereof. If this Certificate is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer this Certificate to an assignee of the Registered Owner within forty-five (45) days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the Registered Owner of the unredeemed balance hereof in the event of its redemption in part.

THE CERTIFICATES are payable from the levy of a direct and continuing ad valorem tax, within the limits prescribed by law, against all taxable property in the City, and from a limited pledge, not to exceed \$1,000, of Surplus Revenues (as defined in the Ordinance) from the City's Waterworks and Sewer System. Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the Registered Owner or Holder of this Certificate by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied and the revenue pledged for the payment of the Certificates; the terms and conditions relating to the transfer or exchange of this Certificate; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Certificate may be discharged at or prior to its maturity, and deemed to be no longer outstanding thereunder; and for other terms and provisions contained therein. Capitalized terms used herein have the meanings assigned in the Ordinance.

THIS CERTIFICATE, subject to certain limitations contained in the Ordinance, may

be transferred on the Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the Registered Owner hereof, or his duly authorized agent. When a transfer on the Register occurs, one or more new fully registered Certificates of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

THE CITY AND THE PAYING AGENT/REGISTRAR, and any agent of either, shall treat the Registered Owner whose name appears on the Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Certificate as the owner entitled to payment of principal at the Stated Maturity, or its redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a Certificate on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner of a Certificate appearing on the Register at the close of business on the last business day next preceding the date of mailing of such notice.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Certificate and the series of which it is a part is duly authorized by law; that all acts, conditions and things to be done precedent to and in the issuance of this Certificate and the series of which it is a part, have been properly done, have happened and have been performed in regular and due time, form and manner as required by law; that proper provisions have been made for the levy and collection annually of taxes upon all taxable property in said City sufficient within the limits prescribed by law, and from a limited pledge of Surplus Revenues (as defined in the Ordinance) from the City's Waterworks and Sewer System, to pay the interest on this Certificate and the series of which it is a part as due and to provide for the payment of the principal as the same matures; and that the total indebtedness of the City, including the Certificates, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Certificate to be executed by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or facsimile signature of the City Secretary, and the official seal of the City has been duly impressed or placed in facsimile on this Certificate.

---

Mayor  
City of Kyle, Texas



\_\_\_\_\_  
City Secretary  
City of Kyle, Texas

[SEAL]

(b) Form of Comptroller's Registration Certificate.

The following Comptroller's Registration Certificate may be deleted from the definitive Certificates if such certificate on the Initial Certificate is fully executed.

OFFICE OF THE COMPTROLLER       §  
OF PUBLIC ACCOUNTS               §               REGISTER NO. \_\_\_\_\_  
OF THE STATE OF TEXAS           §

I hereby certify that there is on file and of record in my office an Opinion of the Attorney General of the State of Texas to the effect that this Certificate has been examined by him as required by law, that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that this Certificate has this day been registered by me.

Witness my hand and seal of office at Austin, Texas, \_\_\_\_\_.

[SEAL]

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

(c) Form of Certificate of Paying Agent/Registrar.

The following Certificate of Paying Agent/Registrar may be deleted from the Initial Certificate if the Comptroller's Registration Certificate appears thereon.

CERTIFICATE OF PAYING AGENT/REGISTRAR

The records of the Paying Agent/Registrar show that the Initial Certificate of this series of Certificates was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, and that this is one of the Certificates referred to in the within-mentioned Ordinance.

\_\_\_\_\_  
\_\_\_\_\_, Texas  
as Paying Agent/Registrar

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signatory

(d) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto/

\_\_\_\_\_  
(Please print or typewrite name and address, including zip code, of Transferee)

\_\_\_\_\_  
(Please insert Social Security or Taxpayer Identification Number) the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney, to register the transfer of the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution as defined by SEC Rule 17Ad-15 (17 CFR 240-17Ad-15).

\_\_\_\_\_  
NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Certificate in every particular, without alteration or enlargement or any change whatsoever.

(e) Form of Initial Certificate.

Heading and paragraph one shall be amended to read as follows:

REGISTERED  
No. T-1

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF KYLE, TEXAS  
COMBINATION TAX AND REVENUE  
CERTIFICATE OF OBLIGATION  
SERIES 2020

Dated Date: April 1 2020

Date of Delivery:

Registered Owner:

Principal Amount:

THE CITY OF KYLE, TEXAS (hereinafter referred to as the "City"), for value received, acknowledges itself indebted to and hereby promises to pay to the order of the Registered Owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated on August 15 in the years and in principal installments in accordance with the following schedule:

<u>YEAR OF MATURITY</u>	<u>PRINCIPAL INSTALLMENTS</u>	<u>INTEREST RATE</u>
-----------------------------	-----------------------------------	--------------------------

(Information to be inserted from  
schedule in Section 3.02(b) hereof.)

(or so much principal thereof as shall not have been prepaid prior to maturity) and to pay interest on the unpaid principal installments hereof from the Date of Delivery shown above at the per annum rates of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 in each year, commencing February 15, 2021. Principal installments of this Certificate are payable in the year of maturity or on a prepayment date to the Registered Owner hereof by \_\_\_\_\_ (the "Paying Agent/Registrar"), upon presentation and surrender, at its principal offices in \_\_\_\_\_, Texas (the "Designated Payment/Transfer Office"). Interest is payable to the Registered Owner of this Certificate whose name appears on the "Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the last business day of the month next preceding each Interest Payment Date, and interest shall be paid by the Paying Agent/Registrar by check sent by United States mail, first-class postage prepaid, to the address of the Registered Owner recorded in the Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the Registered Owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

(f) Form of Statement of Insurance. A statement relating to a municipal bond insurance policy, if any, to be issued for the Certificates may be printed on each Certificate.

Section 6.03. CUSIP Registration.

The City may secure identification numbers ("CUSIP Numbers") and may authorize the printing of such numbers on the face of the Certificates. It is expressly provided, however, that the presence or absence of CUSIP Numbers on the Certificates shall be of no significance or effect as regards the legality thereof and neither the City nor the attorneys approving said Certificates as to legality are to be held responsible for CUSIP Numbers incorrectly printed on the Certificates.

Section 6.04. Legal Opinion.

The approving legal opinion of Bickerstaff Heath Delgado Acosta LLP, Bond Counsel, may be printed on the reverse side of each Certificate, or may be attached to each Certificate.

ARTICLE VII

SALE AND DELIVERY OF CERTIFICATES,  
DEPOSIT OF PROCEEDS

Section 7.01. Approval of Documents.

The form and content of the Purchase Agreement relating to the Certificates is hereby approved.

Section 7.02. Sale of the Certificates.

(a) The Certificates are hereby sold and shall be delivered to the Underwriters at a price of \$\_\_\_\_\_ (representing the par amount of the Certificates of \$\_\_\_\_\_, plus an original reoffering premium of \$\_\_\_\_\_, and less an Underwriters' discount of \$\_\_\_\_\_), pursuant to the terms and provisions of the Purchase Agreement of even date herewith, presented to and hereby approved by the City Council, which price and terms are hereby found and determined to be the most advantageous reasonably obtainable by the City. The Mayor and other appropriate officials of the City are hereby authorized and directed to execute such Purchase Agreement on behalf of the City, and the Mayor and all other officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Certificates. The Initial Certificate shall be registered in the name of \_\_\_\_\_.

(b) Proceeds from the sale of the Certificates shall be applied as follows:

- (1) \$\_\_\_\_\_ to the Construction Fund consisting of \$\_\_\_\_\_.00 from the par amount of the Certificates and \$\_\_\_\_\_ from premium; and
- (2) \$\_\_\_\_\_ from premium to pay the costs of issuance, consisting of:
  - \$\_\_\_\_\_ of general costs of issuance; and
  - \$\_\_\_\_\_ of Underwriters' Discount.

Section 7.03. Approval of Official Statement.

The form and substance of the Official Statement for the Certificates and any addenda, supplement or amendment thereto (the "Official Statement") presented to and considered at this meeting is hereby in all respects approved and adopted. The Mayor and the City Secretary are hereby authorized and directed to execute the same and



deliver appropriate numbers of executed copies thereof and of any closing certificates to the Underwriters. The use and distribution of the Preliminary Official Statement by the Underwriters is hereby ratified, approved and confirmed and is hereby deemed final as of its date (except for the omission of pricing and related information) within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended, by the City Council. The Underwriters are hereby authorized to use and distribute the Official Statement in the reoffering, sale, and delivery of the Certificates to the public. The City Secretary is hereby authorized and directed to include and maintain a copy of the Official Statement and any addenda, supplement or amendment thereto thus approved among the permanent records of this meeting.

Section 7.04. Control and Delivery of Certificates.

(a) The Mayor is hereby authorized to have control of the Initial Certificate and all necessary records and proceedings pertaining thereto pending investigation, examination and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts, delivery of the Certificates shall be made to the Underwriters under and subject to the general supervision and direction of the Mayor, against receipt by the City of all amounts due to the City under the terms of sale.

ARTICLE VIII

INVESTMENTS

Section 8.01. Investments.

(a) Money in the Interest and Sinking Fund, at the option of the City, may be invested in such securities or obligations as permitted under applicable law.

(b) Any securities or obligations in which such money is so invested shall be kept and held in trust for the benefit of the Owners and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

Section 8.02. Investment Income.

Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such Fund.

## ARTICLE IX

### PARTICULAR REPRESENTATIONS AND COVENANTS

#### Section 9.01. Payment of the Certificates.

On or before each Interest Payment Date of the Certificates and while any of the Certificates are outstanding and unpaid, there shall be made available by the Authorized Officials to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on and principal of the Certificates as will accrue or mature on the applicable Interest Payment Date.

#### Section 9.02. Federal Tax Covenants.

The City covenants to take any action necessary to secure, or refrain from any action which would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

- (1) to take any action to assure that no more than 10 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds of the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificates, in contravention of section 141(b)(2) of the Code;
- (2) to take any action to assure that in the event the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Certificates or the projects licensed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;
- (3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Certificates (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;
- (4) to refrain from taking any action which would otherwise result in the Certificates being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

- (5) to refrain from taking any action that would result in the Certificates being “federally guaranteed” within the meaning of section 149(b) of the Code;
- (6) to refrain from using any portion of the proceeds of the Certificates, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Certificates, other than investment property acquired with—
  - (i) proceeds of the Certificates invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the Certificates are issued,
  - (ii) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and
  - (iii) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Certificates;
- (7) to otherwise restrict the use of the proceeds of the Certificates or amounts treated as proceeds of the Certificates, as may be necessary, so that the Certificates do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings);
- (8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Certificates) an amount that is at least equal to 90 percent of the “Excess Earnings,” within the meaning of section 148(f) of the Code, and to pay to the United States of America, not later than 60 days after the Certificates have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code;
- (9) to maintain such records as will enable the City to fulfill its responsibilities under this section and section 148 of the Code and to retain such records for at least six years following the final payment of principal and interest on the Certificates; and
- (10) to timely file the information required by section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

In order to facilitate compliance with the above covenants (8) and (9), a “Rebate Fund” is hereby authorized to be established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the Certificateholders. The Rebate Fund is authorized to be

established for the additional purpose of compliance with section 148 of the Code.

It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code as applicable to the Certificates, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Certificates, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Mayor, the City Secretary and the Finance Director of the City to execute any documents, certificates or reports required by the Code and to make such elections on behalf of the City which may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates.

Section 9.03. Reserved.

Section 9.04. Other Representations and Covenants.

(a) The City will faithfully perform, at all times, any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Certificate; the City will promptly pay or cause to be paid the principal of and interest on each Certificate on the dates and at the places and manner prescribed in such Certificate; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Certificates; all action on its part for the creation and issuance of the Certificates has been duly and effectively taken; and the Certificates in the hands of the Owners thereof are and will be valid and enforceable obligations of the City in accordance with their terms.

## ARTICLE X

### DEFAULT AND REMEDIES

Section 10.01. Events of Default.

Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an "Event of Default," to wit:

- (i) the failure to make payment of the principal of, redemption premium, if any, or interest on any of the Certificates when the same becomes due and payable;



- (ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 30 days after notice of such default is given by any Owner to the City; or
- (iii) the City declares bankruptcy.

Section 10.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Certificates then outstanding.

Section 10.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

## ARTICLE XI

Section 11.01. Discharge and Defeasance. If the City shall pay or cause to be paid, the principal of, premium, if any, and interest on the Certificates, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

The Certificates, or any principal amount(s) thereof, shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Certificates or the principal amount(s) thereof at Stated

Maturity or to the redemption date therefor, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar or an authorized escrow agent, or (ii) Defeasance Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar or any trust company or commercial bank that does not act as a depository for the City, which Defeasance Securities have been certified by an independent accounting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any money deposited therewith, if any, to pay when due the principal of and interest on such Certificates, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/Registrar have been made) the redemption date thereof.

## ARTICLE XII

### CONTINUING DISCLOSURE UNDERTAKING

#### Section 12.01. Definitions.

As used in this Article XII, the following terms have the meanings ascribed to such terms below:

“EMMA” means the Electronic Municipal Market Access System established by the MSRB.

“MSRB” means the Municipal Securities Rulemaking Board.

“Rule” means SEC Rule 15c2-12, as amended from time to time or officially interpreted by the SEC.

“SEC” means the United States Securities and Exchange Commission.

#### Section 12.02. Annual Reports.

The City shall provide certain updated financial information and operating data annually to the MSRB through EMMA. The information to be updated includes financial information and operating data with respect to the City of the general type included in the Official Statement authorized by Section 7.03 of this Ordinance under Tables 1 through 4 and 6 through 9 of the Official Statement (the “Annual Financial Information”). The City shall additionally provide financial statements of the City (the “Financial Statements”) that will be (1) prepared in accordance with the accounting principles described in Appendix B thereto or such other accounting principles as the City may be required to employ from time to time pursuant to State law or regulation and shall be in substantially the form included in Appendix B thereto and (2) audited, if the City commissions an audit of such Financial Statements and the audit is completed within the period during which they must be provided. The City shall update and provide the Annual Financial Information within six months after the end of each fiscal year and the Financial Statements within 12 months of the end of each fiscal year, in each case beginning with the fiscal year ending in and

after 2020. The City may provide the Financial Statements earlier, including at the time it provides its Annual Financial Information, but if the audit of such Financial Statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited Financial Statements within such 12-month period and audited Financial Statements for the applicable fiscal year, when and if the audit report on such Financial Statements becomes available.

If the City changes its fiscal year, it will notify the MSRB through EMMA of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB through EMMA or filed with the SEC).

#### Section 12.03. Event Notices.

The City shall notify the MSRB through EMMA, in a timely manner not in excess of ten business days after the occurrence of any of the following events with respect to the Certificates:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates or other material events affecting the tax-exempt status of the Certificates;
7. Modifications to rights of holders of the Certificates, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;

10. Release, substitution, or sale of property securing repayment of the Certificates, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event;
13. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. Incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

For these purposes, any event described in the immediately preceding clause (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

For the purposes of the preceding clause (15) of this Section 12.03 of the Ordinance, the term, "financial obligation" means a: (A) Debt obligation; (B) Derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (C) Guarantee of paragraph (A) or (B). The term financial obligation shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with Rule 15c2-12 of the Securities Exchange Act of 1934.

The City shall notify the MSRB, in a timely manner, of any failure by the City to



provide financial information or operating data in accordance with Section 12.02 by the time required by this Section.

Section 12.04. Limitations, Disclaimers, and Amendments.

The City shall be obligated to observe and perform the covenants specified in this Article with respect to the City and the Certificates while, but only while, the City remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice required by Section 12.03 of any bond calls and defeasance that cause the City to no longer be such an “obligated person.”

The provisions of this Article are for the sole benefit of the Holders and Beneficial Owners of the Certificates, and nothing in this Article, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the financial results, condition, or prospects of the City or the State of Texas or hereby undertake to update any information provided in accordance with this Article or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS ARTICLE, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR *MANDAMUS* OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Article shall comprise a breach of or default under the Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the

Outstanding Certificates consent to such amendment or (b) a Person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and Beneficial Owners of the Certificates. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 12.02 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

### ARTICLE XIII

#### MISCELLANEOUS

##### Section 13.01. Further Procedures.

The Mayor and City Secretary, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Certificates, the sale and delivery of the Certificates, and the Paying Agent/Registrar Agreement. In addition, prior to the initial delivery of the Certificates, the Mayor, City Manager, Finance Director and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance, (ii) obtain a rating from any of the national bond rating agencies or satisfy any requirements of the provider of a municipal bond insurance policy, if any, or (iii) obtain the approval of the Certificates by the Attorney General's office. In case any officer whose signature shall appear on any Certificate shall cease to be such officer before the delivery of such Certificate, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

##### Section 13.02. Ordinance a Contract; Amendments.

The Ordinance shall constitute a contract with the Owners, from time to time, of the Certificates, binding on the City and its successors and assigns, and shall not be amended or repealed by the City as long as any Certificate remains outstanding except as permitted in this Section. The City may amend the Ordinance without the consent of or notice to any Owners in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission therein. In addition, the City may, with the written consent of the holders of a majority in aggregate principal amount of the Certificates then outstanding affected thereby, amend, add to, or rescind any of the provisions of the Ordinance; except that, without the consent of the Owners of all the Certificates affected, no such amendment, addition, or rescission may (1) make any change in the maturity of any of the outstanding Certificates; (2) reduce the rate of interest borne by any of the outstanding Certificates; (3) reduce the amount of the

principal or maturity value of, or redemption premium, if any, payable on any outstanding Certificates; (4) modify the terms of payment or of interest or redemption premium on outstanding Certificates or any of them or impose any condition with respect to such payment; or (5) change the minimum percentage amount of the Certificates necessary to be held by Registered Owners for consent to such amendment.

Section 13.03. Public Meeting.

It is officially found, determined, and declared that the meeting at which this Ordinance has been read, passed and finally adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of the Open Meetings Act, Chapter 551, Texas Government Code.

Section 13.04. Governing Law.

This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 13.05. Effective Date.

This Ordinance shall be in full force and effect from and after its passage on the date shown below.

*[The remainder of this page intentionally left blank.]*

PASSED AND APPROVED this 2nd day of June 2020.

---

Mayor  
City of Kyle, Texas

ATTEST:

---

City Secretary  
City of Kyle, Texas

[CITY SEAL]





# CITY OF KYLE, TEXAS

## Resolution for City's Intent to Reimburse for WWTP Expansion Project Expenditures From Tax-Exempt Bond Proceeds

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** Approve a Resolution to document the City's intent to reimburse for all costs incurred in association with the wastewater treatment plant expansion project from proceeds of tax-exempt bonds to be issued at a future date. ~ *Perwez A. Moheet, CPA, Director of Finance*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- Resolution - Reimbursement for WWTP Costs

**RESOLUTION EXPRESSING INTENT TO FINANCE  
EXPENDITURES TO BE INCURRED BY THE CITY OF KYLE,  
TEXAS**

**WHEREAS**, the City of Kyle, Texas (the "Issuer") is a home rule municipality and political subdivision of the State of Texas authorized to issue obligations to finance its activities pursuant to Chapter 271, TEXAS LOCAL GOVERNMENT CODE, and other provisions, the interest on which is excludable from gross income for federal income tax purposes ("tax-exempt obligations") pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code");

**WHEREAS**, the Issuer will make, or has made not more than 60 days prior to the date hereof, payments with respect to the construction of the projects listed on Exhibit "A" attached hereto; and

**WHEREAS**, the Issuer desires to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof; and,

**WHEREAS**, the Issuer reasonably expects to issue tax-exempt obligations to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto.

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

**Section 1.** The Issuer reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the construction of the projects listed on Exhibit "A" attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof.

**Section 2.** This Resolution is also made to evidence the intent of the Issuer to make such reimbursements under Treas. Reg. Section 1.150-2 and Section 1201.042, Texas Government Code.

**Section 3.** The Issuer reasonably expects that the maximum principal amount of tax-exempt obligations issued to reimburse the Issuer for the costs associated with the projects listed on Exhibit "A" attached hereto will not exceed \$33,955,000.

**Section 4.** The Issuer intends to reimburse the expenditures hereunder not later than 18 months after the later of the date the original expenditure is paid or the date the projects are placed in service or abandoned, but in no event more than three years after the original expenditure is paid unless the project is a construction project for which the Issuer and a licensed architect or engineer have certified on Exhibit "A" that at least five years are necessary to complete the project in which event the maximum reimbursement period is five years after the date of the original expenditure.

**ADOPTED** this 7th day of April 2020.

CITY OF KYLE, TEXAS

---

Travis Mitchell, Mayor

ATTEST:

---

Jennifer Vetrano, City Secretary

[CITY SEAL]

## **EXHIBIT “A”**

### **DESCRIPTION OF PROJECTS**

The design and construction of a wastewater treatment plant and other sewer system infrastructure improvements, and the payment of professional services and costs of issuance related thereto.

Such financing to be in an amount not to exceed \$33,955,000 from the General Fund of the City of Kyle, Texas.





# CITY OF KYLE, TEXAS

## Review & Acceptance of FY 2019 CAFR and Independent Auditors' Report

Meeting Date: 4/7/2020  
Date time: 7:00 PM

**Subject/Recommendation:** Review and acceptance of the City's Comprehensive Annual Financial Report (CAFR) and the Independent Auditor's Report for the fiscal year ended September 30, 2019. *Perwez A. Moheet, CPA, Director of Finance*

**Other Information:** Article VIII, Section 8.13 of the City Charter requires that at the close of each fiscal year, an independent audit shall be made of all accounts of the City by a certified public accountant experienced in auditing cities. The City Charter further requires that the audit shall be completed on or before March 30th of each year and upon acceptance of the audit, a summary thereof shall be published immediately in a newspaper of general circulation in the City and copies of the audit report shall be placed on file in the City Secretary's Office as a public record.

The City management is pleased to present the Comprehensive Annual Financial Report (CAFR) for the City of Kyle for fiscal year ended September 30, 2019.

The Management's Discussion and Analysis (MD&A) section of the CAFR presents a narrative overview and analysis of the financial activities of the City of Kyle for the year ended September 30, 2019. This analysis is intended to assist readers in focusing on key financial issues and changes in the City's financial position and to identify any significant variances from the approved budget.

It is important to consider the information presented in the Management's Discussion and Analysis (MD&A) section of the City's Comprehensive Annual Financial Report (CAFR) in conjunction with additional information that we have provided in the letter of transmittal, the financial statements, and the notes to the financial statements.

### REPORT HIGHLIGHTS

- The City's independent auditors conducted their audit and examination of the City's financial statements and financial records in accordance with the auditing standards prescribed and accepted in the United States of America.
- The independent auditors, RSM US, LLP, Certified Public Accountants, issued an unqualified or "clean" Auditor's Report for the fiscal year ended September 30, 2019. This is the highest level or the best type of an independent Auditors' Report that an independent auditor can issue on the financial statements of governmental entities in the United States of America.
- The independent Auditor's Report did not identify any audit findings or deficiencies concerning the City's financial transactions, financial records, financial controls, or in the City's accounting and financial reporting systems.
- Based on the independent auditor's examination and audit of the City's financial

records, the audit report states "the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of the City of Kyle, Texas, as of September 30, 2019, and the respective changes in financial position, and where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America."

- The City's Statement of Net Position for all funds for fiscal year ended September 30, 2019 reported \$324.6 million in assets, \$91.2 million in liabilities, and a net position totaling \$233.4 million.
- The City's overall net position totaling \$233.4 million as of September 30, 2019 is an increase of \$28.6 million or 14.0 percent from the prior fiscal year.
- The ending fund balance in the City's General Fund at September 30, 2019 totaled \$15.5 million. This is a decrease of \$3.9 million or 20.1 percent from the prior fiscal year.
- Revenue and transfers-in from all sources for the City's General Fund for fiscal year ended September 30, 2019 totaled \$30.1 million (GAAP basis).
- Expenditures and transfers-out for the City's General Fund for fiscal year ended September 30, 2019 totaled \$34.0 million for all government functions.

For complete transparency and inclusion of detailed financial information, a copy of the following documents are attached to this agenda item:

- City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2019.
- Independent Auditor's Report on the City's financial statements and financial records for the fiscal year ended September 30, 2019.
- Independent Auditor's Required Communication to City Council.

A complete copy of the City's Comprehensive Annual Financial Report (CAFR) and the Independent Auditor's Report for the fiscal year ended September 30, 2019 are also available on the City's Financial Services Department web page.

## Legal Notes:

## Budget Information:

---

### ATTACHMENTS:

#### Description

- ☐ CAFR for FY 2019
- ☐ Independent Auditor's Report for FY 2019
- ☐ Independent Auditor's Required Communication to City Council for FY 2019





# THE CITY OF KYLE, TEXAS COMPREHENSIVE ANNUAL FINANCIAL REPORT



FOR THE YEAR ENDED  
SEPTEMBER 30, 2019



THE CITY OF KYLE, TEXAS

---

COMPREHENSIVE ANNUAL  
FINANCIAL REPORT

---



City Manager  
J. Scott Sellers

Director of Finance  
Perwez A. Moheet, CPA

---

FOR THE YEAR ENDED  
SEPTEMBER 30, 2019

---

Prepared by Financial Services Department

Item # 21



## Elected Officials

Mayor  
Travis Mitchell

Mayor Pro Tem  
Rick Koch

Council Member, District 1  
Dex Ellison

Council Member, District 2  
Tracy Scheel

Council Member, District 3  
Robert Rizo

Council Member, District 4  
Alex Villalobos

Council Member, District 6  
Michael Tobias

**CITY OF KYLE, TEXAS  
 COMPREHENSIVE ANNUAL FINANCIAL REPORT  
 FOR THE YEAR ENDED SEPTEMBER 30, 2019**

**TABLE OF CONTENTS**

	<b>Exhibit</b>	<b>Page</b>
<b>INTRODUCTORY SECTION</b>		
Letter of Transmittal		i
City of Kyle - Organizational Chart		vii
Elected Officials and Executive Management Team		viii
GFOA CAFR Certificate		ix
<b>FINANCIAL SECTION</b>		
Independent Auditor's Report		1
Management's Discussion and Analysis		3
<b><u>Basic Financial Statements</u></b>		
Government Wide Statements:		
Statement of Net Position	A-1	18
Statement of Activities	B-1	19
Governmental Fund Financial Statements:		
Balance Sheet	C-1	21
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position	C-2	23
Statement of Revenues, Expenditures, and Changes in Fund Balance	C-3	24
Reconciliation of the Governmental Funds Statement of Revenues, Expenditures, and Changes in Fund Balance to the Statement of Activities	C-4	26
Proprietary Fund Financial Statements:		
Statement of Net Position	D-1	27
Statement of Revenues, Expenses, and Changes in Fund Net Position	D-2	28
Statement of Cash Flows	D-3	29
Fiduciary Fund Financial Statements:		
Statement of Fiduciary Net Positions	E-1	31
Statement of Change in Fiduciary Net Position	E-2	32
Notes to the Financial Statements		
I. Summary of Significant Accounting Policies		33
II. Reconciliation of Government-Wide and Fund Financial Statements		41
III. Stewardship, Compliance and Accountability		42
IV. Detailed Notes on All Funds		43
V. Other Information		52
<b><u>Required Supplementary Information (Unaudited)</u></b>		
Schedule of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual General Fund, Notes to the Budgetary Comparison Schedule	G-1	67
Schedule of OPEB Contributions	G-2	69
Schedule of Changes in the Net OPEB Liability and Related Ratios	G-3	70
Schedule of Investment Returns - OPEB	G-4	71
Schedule of Changes in the Total OPEB Liability and Related Ratios - SDBF, OPEB	G-5	72
Schedule of Changes in Net Position Liability and Related Ratios - Retirement Plan	G-6	73
Schedule of Employer Contributions - Retirement Plan	G-7	74

**CITY OF KYLE, TEXAS  
 COMPREHENSIVE ANNUAL FINANCIAL REPORT  
 FOR THE YEAR ENDED SEPTEMBER 30, 2019**

**TABLE OF CONTENTS (Cont'd)**

	<b>Exhibit</b>	<b>Page</b>
<b>FINANCIAL SECTION (Cont'd)</b>		
<b><u>Combining Financial Statements</u></b>		
Nonmajor Governmental Funds:		
Combining Balance Sheet	H-1	75
Combining Statement of Revenues, Expenditures, and Changes in Fund Balances	H-2	79
Combining Statement of Changes of Assets and Liabilities - Agency Fund	H-9	83
	<b>Table</b>	<b>Page</b>
<b>STATISTICAL SECTION (Unaudited)</b>		
Net Position by Component	1	85
Changes in Net Position	2	86
Fund Balances - Governmental Funds	3	88
Changes in Fund Balances - Governmental Funds	4	89
Assessed Value and Estimated Actual Value of Taxable Property	5	91
Water Utility Rate Comparison	6	92
Water Utility - Annual Billed Amount Comparison	7	93
Water Utility - Total Gallon Per Year Comparison	8	94
Wastewater Rate Comparison	9	95
Wastewater Utility - Annual Billed Amount Comparison	10	96
Ten Largest Water Customers	11	97
Sales Tax Collection by Month	12	98
Direct and Overlapping Property Tax Rates	13	99
Principal Property Taxpayers	14	100
Property Tax Levies and Collections	15	101
Ratios of Outstanding Debt by Type	16	102
Ratios of Net General Bonded Debt Outstanding	17	103
Legal Debt Margin Information	18	104
Demographic and Economic Statistics	19	105
Principal Employers	20	106
Fulltime Equivalent City Government Employees	21	107
Operating Indicators by Function/Program	22	108
Capital Asset Statistics by Function/Program	23	109





# INTRODUCTORY SECTION





# CITY OF KYLE

100 W. Center Street • Kyle, Texas 78640 • Tel (512) 262-1010 • Fax (512) 262-3800

March 3, 2020

Mayor, Mayor Pro Tem, and Council Members  
City of Kyle, Texas

We are pleased to submit to you the Comprehensive Annual Financial Report (CAFR) of the City of Kyle, Texas for the year ended September 30, 2019. The CAFR provides detailed information regarding the City's financial condition and activities to City Council, Boards and Commissions, citizens of Kyle, City management and staff, bondholders, and other interested parties.

City management is responsible for both the accuracy of the financial information presented and the completeness and fairness of the presentations including all disclosures. We believe the financial information, as presented, is accurate in all material respects and is presented in a manner which fairly sets forth the financial position and results of operations of the City of Kyle. These financial statements have been prepared by the Financial Services Department in accordance with generally accepted accounting principles (GAAP) for local governments.

The basic financial statements and accompanying notes to the financial statements have been audited by the independent firm of RSM US, LLP, Certified Public Accountants. This audit satisfies Article VIII, Section 8.13 of the City Charter which requires an annual audit of all accounts of the City by an independent Certified Public Accountant.

Management's discussion and analysis (MD&A) immediately follows the independent auditor's report. The MD&A provides a narrative introduction, overview, and analysis to accompany the basic financial statements. This letter of transmittal is intended to complement the MD&A and should be read in conjunction with it.

## **REPORTING ENTITY**

This CAFR includes all funds of the City of Kyle. The City provides a full range of municipal services including general government, public safety, emergency management, planning and zoning, code enforcement, public recreation and culture, economic development, solid waste collection and recycling, stormwater and drainage management, and water and wastewater services.

## **KYLE'S GOVERNMENT, ECONOMY, AND OUTLOOK**

### **General Information**

The City of Kyle is a political subdivision and municipal corporation of the State of Texas, 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 Council appoints the City Manager who is the chief executive officer responsible for executing the laws and administering the government. The City Manager serves at the pleasure of the City Council of the City of Kyle.

The City covers approximately thirty (30) square miles and has an estimated population of 52,300 in 2019. Kyle is a thriving community with easy access to major highways and roadways including Interstate Highway 35. Kyle is strategically located eight miles north of San Marcos, 20 miles south of Austin and 60 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.

### **Local Economy**

The City of Kyle residents enjoy a vibrant local economy and an excellent quality of life. Among the many factors attributing to the vibrancy of Kyle include a high per capita household income, low unemployment rate, educated workforce, employment growth, and the continued addition of new businesses in the consumer, medical, and light manufacturing sectors.

Among the major indicators of a stable yet an expanding local economy include growth in population, building permits, taxable valuations, property tax collection rate, and the trend for sales tax collections. We are pleased to report that the annual increase in residential building permits increased by 13.1%, taxable valuations increased by 10.6% as compared to the prior tax year, annual property tax collection rate has continued to surpass the 98.0% level, and sales tax collections increased by 11.4% as compared to the prior year. Total population in the City of Kyle has increased to an estimated 52,300 residents at year end in 2019.

### **Long-term Planning**

Following an extensive public involvement process, the City adopted a Comprehensive Plan. This Plan provides a clear understanding of the community's goals and visions and supplies guidance for future municipal decisions. Kyle is experiencing rapid growth which in turn applies significant impact on all systems within the City, including financial, tax structure, transportation systems, provision of utilities, and access to goods and services. An update to the City's Comprehensive Plan is anticipated to be completed by year 2021.

To ensure adequate provision of basic services while fostering a high quality of life and preserving Kyle's unique community, it is necessary for the City to be proactive in planning for the future. The Comprehensive Plan for the City of Kyle provides guidance for ad valorem tax revenue to fund service provisions, protecting sensitive cultural and natural features representative of Kyle's history and character, directing growth in key locations, and ensuring a high quality of life for its residents. The planning horizon of the 2010 Comprehensive Plan is through the year 2040, when it is projected that approximately 90,000 residents will be residing in Kyle.

### **Major Initiatives**

The City Council adopted a number of policy-based priorities to not only maintain but also develop the City of Kyle as a vibrant, healthy, family-friendly, and safe community. These policy-based priorities include but are not limited to the following:

- Economic Development Initiatives & Programs
- Uptown and New Town Center Development Program
- Public Safety Program Initiatives
- Street Maintenance & Reconstruction Program

- City-wide Beautification Plan
- Park Improvement Program
- Storm Drainage Improvement & Flood Risk Mitigation Program
- Water and Wastewater Infrastructure Improvement & Expansion Program
- Downtown Revitalization
- Annexation Plan
- Tourism Plan

Several major programs were initiated and completed in the City of Kyle during fiscal year 2019. These included the following:

- Major economic development agreements executed with manufacturing and other industrial employers which will result in the creation of 100 plus new jobs in the City.
- Construction plan and contractor selection completed for the City's wastewater treatment plant expansion project.
- Construction completion at 70 percent for the two of the five remaining major roadways approved under the \$36.0 million bond package; Burleson Street and Lehman Road. This roadway improvement program when fully completed will increase commercial and industrial development throughout the City of Kyle.
- Completion of right-of-way acquisitions and design for the City's Plum Creek, Southside, Elliott Branch, and Bunton Creek wastewater collection system improvement projects.
- Technology enhancements in the public safety program including addition of new police officers, marked and unmarked police vehicles, and safety equipment.
- Completion of major improvements including hike and bike trails throughout the City's parks system.
- Continued streamlining of the City's development and permitting process.

## **FINANCIAL INFORMATION**

### **Budgetary Information**

The City's Approved Budget for Fiscal Year 2018-2019 totaled \$84.9 million and included \$23.4 million for the General Fund to provide public safety, code enforcement, parks, street maintenance, library, and other municipal services to the citizens of Kyle.

The budget development and adoption process were based on the City's commitment and dedication to complete transparency and inclusiveness in its local government. The City included an extensive public participation process including public hearings, City Council planning sessions and public meetings throughout the budget development, deliberations, and adoption process. The City's budget development process incorporates financial resource allocation planning with performance measurement for service delivery and public input.

The City's Budget for Fiscal Year 2018-2019 was adopted with no change in the property tax rate of \$0.5416 per \$100 of assessed taxable valuation. The budget provided funding for a merit increase for City employees, compliance with the meet and confer contractual requirements for all civil service employees, addition of new positions for police, public works, and emergency dispatch operations. Approved budget provided funding for a comprehensive capital improvements program and acquisition of heavy equipment and machinery.



The Approved Budget for Fiscal Year 2018-2019 did not include any rate increase for water, storm drainage or other major fees and charges for various city services. A 10.0% rate increase was implemented for wastewater service and a 3.9% rate increase was included for solid waste collection services based on the contract terms agreed to by the City with Texas Disposal Systems.

### **Bond Rating**

The City's bond rating was reaffirmed at AA- by Standard and Poor's rating agency based on the City's strong liquidity and financial position, stable economic growth outlook in Kyle, and the City's strong financial management team and its financial management practices.

### **Financial Policies**

The City has adopted a comprehensive set of Financial Policies to ensure that the City's financial resources are prudently managed and safeguarded against misuse or loss. The City has established and maintains its goal for a balanced budget to achieve long-term financial stability and viability for the citizens of Kyle.

### **Internal Controls**

City management is responsible for establishing, implementing, and maintaining a framework of internal controls designed to ensure that assets of the City are protected from loss, theft, or misuse and to ensure that adequate accounting information is compiled to allow for the preparation of financial statements in conformity with GAAP. The system of internal control is designed to provide reasonable assurance, but not absolute, assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of controls should not exceed the benefits likely to be derived, and the evaluation of costs and benefits requires estimates and judgments by management.

### **Budgetary Controls**

As required under the City Charter, the annual operating budget is proposed by the City Manager and approved by the City Council after holding many public discussions, deliberations, workshops, and hearings. Primary responsibility for budget variance analysis of actual expense or revenue and overall programs rests with the City departments operating and delivering program services. As evidenced in the financial statements, notes, and schedules included in the CAFR, the City of Kyle continues to meet its responsibility for sound financial management, transparency, and accountability.

Budgetary compliance is a significant tool for managing and controlling governmental activities, as well as ensuring conformance with the City's budgetary limits and specifications. The objective of budgetary controls is to ensure compliance with legal provisions embodied in the annual appropriated budget approved by the City Council. Levels of budgetary control, that is the levels at which expenditures cannot legally exceed appropriated amounts, are established at the department level within individual Funds.

The City utilizes an encumbrance system of accounting as one mechanism to accomplish effective budgetary control. Encumbered amounts lapse at year end and a few items are re-appropriated as part of the following year's budget. Another budgetary control is the monthly revenue and expenditure report summarizing by department budget and actual balances with variances that are generated and reviewed by the Financial Services Department and the City Manager's Office.

On a quarterly basis, the Financial Services Department prepares and posts financial performance reports accessible to City Council, taxpayers, Kyle residents, City staff and all other interested parties regarding the status of revenue, expenditures and the fund balance in each of the City's accounting Funds.

## **Risk Management**

The City is a member of the Texas Municipal League's Intergovernmental Risk Pool. The Pool was created for providing coverage against risks, which are inherent in operating a municipal government. The City pays annual premiums to the Pool for liability, property and worker's compensation coverage. An independent insurance brokerage firm underwrites surety bonds for selected city officials and staff.

## **Transparency in Financial Reporting**

The City is fully committed to actively pursuing transparency in its policy-making, administration, budgeting, management oversight, and financial reporting. The City's Financial Services Department has streamlined its website to facilitate user-friendly access to the City's financial documents including annual operating and capital budgets, financial performance reports, comprehensive annual financial reports, capital improvements plan, check registers, financial policies, official statements, and other financial reports.

## **OTHER INFORMATION**

### **Awards**

The Government Finance Officers Association of the United States and Canada (GFOA) awards a Certificate of Achievement for Excellence in Financial Reporting to a governmental unit that publishes a Comprehensive Annual Financial Report (CAFR) that meets the GFOA program standards.

As in prior fiscal years, the City of Kyle was awarded the Certificate of Achievement for Excellence in Financial Reporting by the GFOA for its Comprehensive Annual Financial Report issued for fiscal year ended September 30, 2018.

The City of Kyle was also the recipient of the Distinguished Budget Presentation Award presented by the Government Finance Officers Association (GFOA) for fiscal year beginning October 2019. This award is the highest form of recognition in governmental budgeting and represents a significant achievement by an organization.

In addition, the City of Kyle continues to be a participant and award recipient in the Texas State Comptroller's Transparency Star Award Program. The Transparency Star Award Program is the highest level of recognition based on a five-star rating system. Each star represents excellence in transparency in a reporting category; Traditional Finances, Contracts & Procurement, Debt Obligations, Economic Development, and Pensions.

The City of Kyle has been awarded each of the five Stars under the Texas State Comptroller's Transparency Star Award Program. Each Star represents a category in which fiscal transparency requirements have been fully complied with and met by the recipient City as required by the State of Texas Transparency Star Award Program managed by the Texas State Comptroller. The five transparency reporting category areas are as follows:

- Traditional Finances
- Contracts and Procurement
- Economic Development
- Public Pensions
- Debt Obligations

## Acknowledgments

The compilation and issuance of the City's Comprehensive Annual Financial Report was made possible with the dedication and contributions of the accounting and financial reporting team members in the City's Financial Services Department. We would like to acknowledge and express our appreciation to Andy Alejandro, Accounting Manager, a senior member of the Financial Services Department team who was assigned the lead role in the preparation and the compilation of the City's Comprehensive Annual Financial Report.

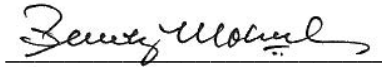
We also want to acknowledge the thorough, professional, and timely manner in which the City's independent auditor, RSM US, LLP, successfully conducted the audit.

In closing, we want to express our appreciation and gratitude for the City Council's guidance, policy directives, and continued support in all aspects of the City's financial management and reporting responsibilities.

Respectfully submitted,

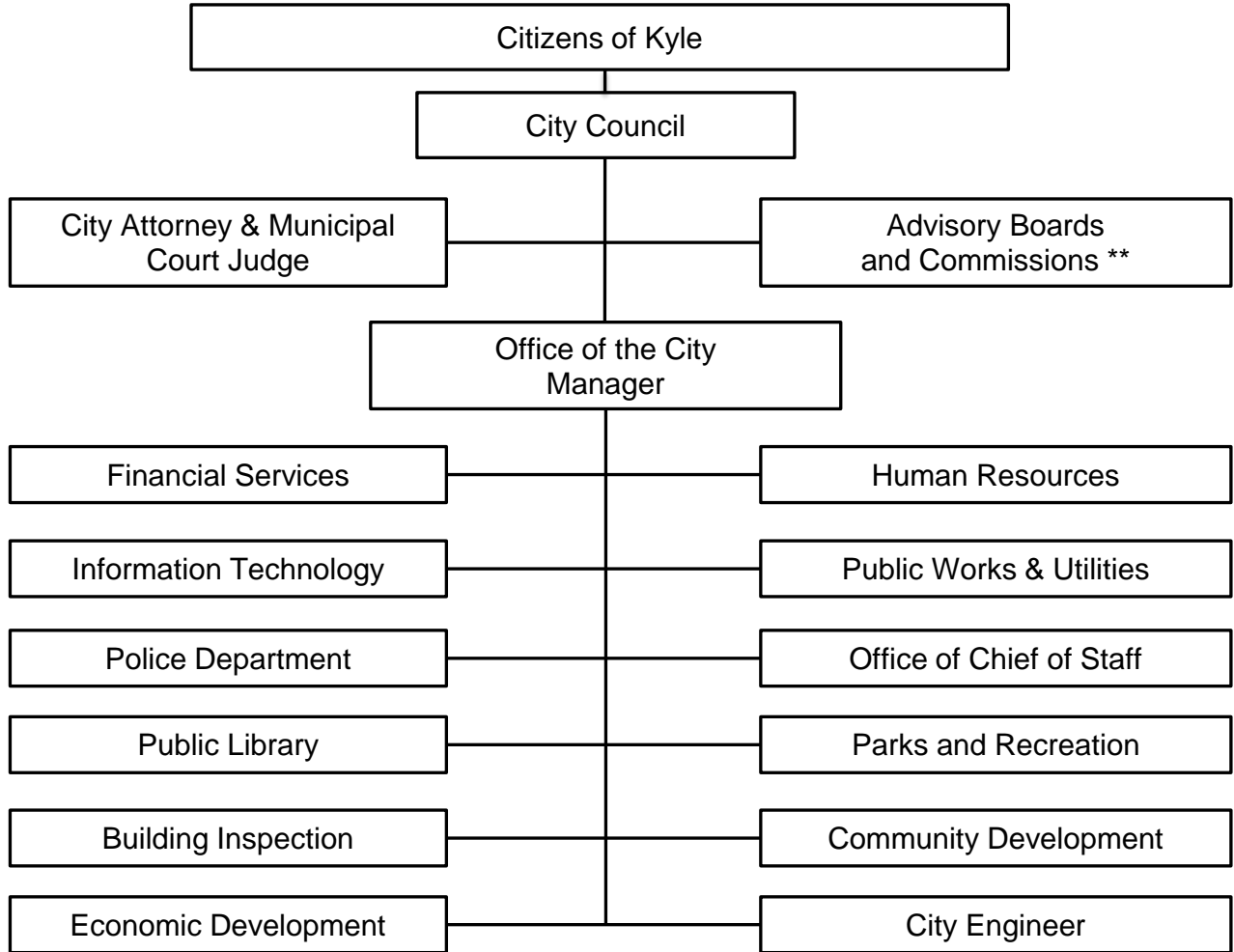


J. Scott Sellers  
City Manager



Perwez A. Moheet, CPA  
Director of Finance

# City of Kyle - Organization Chart



\*\* List of Advisory Boards and Commissions

Board of Adjustments  
 Charter Review Commission  
 Civil Service Commission  
 Economic Development & Tourism Board  
 Library Board

Parks and Recreation Board  
 Planning and Zoning Commission  
 Train Depot Board  
 Ethics Commission  
 Historic Preservation Commission





## Elected Officials and Executive Management Team

### City Council

Travis Mitchell.....	Mayor
Dex Ellison.....	District 1
Tracy Scheel.....	District 2
Robert Rizo.....	District 3
Alex Villalobos.....	District 4
Rick Koch.....	Mayor Pro-Tem, District 5
Michael Tobias.....	District 6

### Executive Management Team

J. Scott Sellers.....	City Manager
James R. Earp, CPM.....	Assistant City Manager
Mario Perez.....	Building Official
Leon Barba, P.E.....	City Engineer
Jennifer Vetrano.....	City Secretary
Jerry Hendrix.....	Chief of Staff
Samantha Armbruster.....	Director of Communications
Diana Blank-Torres.....	Director of Economic Development
Perwez A. Moheet, CPA.....	Director of Financial Services
Sandra Duran.....	Director of Human Resources
Andy Cable.....	Municipal Court Judge
Mariana Espinoza.....	Director of Parks and Recreation
Howard Koontz.....	Director of Planning
Jeff Barnett.....	Chief of Police
Paul Phelan.....	Library Director
Harper Wilder.....	Director of Public Works



Government Finance Officers Association

**Certificate of  
Achievement  
for Excellence  
in Financial  
Reporting**

Presented to

**City of Kyle**

**Texas**

For its Comprehensive Annual  
Financial Report  
for the Fiscal Year Ended

**September 30, 2018**

*Christopher P. Morill*

Executive Director/CEO



# FINANCIAL SECTION





RSM US LLP

## Independent Auditor's Report

Honorable Mayor and Members of the City Council  
City of Kyle, Texas

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of Kyle, Texas (the City) as of and for the year ended September 30, 2019, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, as listed in the table of contents.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

### Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City as of September 30, 2019, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.



## **Other Matters**

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis; the Schedule of Revenues, Expenditures and Changes in Fund Balance—Budget and Actual—General Fund; Notes to the Budgetary Comparison Schedule; the Schedule of OPEB Contributions; the Schedule of Changes in the Net OPEB Liability and Related Ratios; the Schedule of Investment Returns—OPEB; the Schedule of Changes in the Total OPEB Liability and Related Ratios—SDBF OPEB; the Schedule of Changes in Net Pension Liability and Related Ratios—Retirement Plan and the Schedule of Employer Contributions—Retirement Plan, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### ***Other Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining financial statements, as listed in the table of contents, are presented for the purpose of additional analysis and are not a required part of the basic financial statements. The combining financial statements are the responsibility of management and were derived from, and relate directly to, the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements, or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining financial statements, as listed in the table of contents, are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The accompanying Introductory and Statistical Sections, as listed in the table of contents, are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

***RSM US LLP***

Austin, Texas  
March 6, 2020

The City management is pleased to present the City of Kyle's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2019.

The Management's Discussion and Analysis (MD&A) section of the CAFR presents a narrative overview and analysis of the financial activities of the City of Kyle for the year ended September 30, 2019. The analysis is intended to assist readers in focusing on key financial issues and changes in the City's financial position and in identifying any significant variances from the approved budget.

We encourage our readers to consider the information presented in this section of the annual report in conjunction with additional information that we have provided in our letter of transmittal and the financial statements furnished in this report.

### **FINANCIAL HIGHLIGHTS**

- The City's total assets and deferred outflows exceeded total liabilities and deferred inflows at the end of fiscal year 2019 resulting in a net position of \$233.4 million as of September 30, 2019. Of the total \$233.4 million net position, \$55.2 million remained unrestricted and is available to meet any future obligations of the City.
- Net position for all governmental activities totaled \$93.9 million and \$139.5 million for business-type activities at September 30, 2019.
- \$3.6 million or 8.5% decrease in the combined fund balance totaling \$38.9 million for all governmental funds at September 30, 2019 as compared to the prior fiscal year.
- \$3.9 million or 20.1% decrease in the ending balance of the City's General Fund totaling \$15.5 million at September 30, 2019 as compared to the prior fiscal year.

### **OVERVIEW OF THE FINANCIAL STATEMENTS**

The discussion and analysis is intended to serve as an introduction to the City of Kyle's basic financial statements, consisting of three components:

- Government-wide financial statements,
- Fund financial statements, and
- Notes to the financial statements.

This report also contains other supplementary information in addition to the basic financial statements, including information on individual funds.

#### **Government-wide Financial Statements**

The government-wide financial statements are designed to provide readers with a broad overview of the City's finances, in a manner comparable to a private-sector business. The two government-wide statements are as follows:

- The **Statement of Net Position** presents information on all of the City's assets, deferred outflows and deferred inflows, liabilities, with the difference reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City of Kyle is improving or deteriorating.
- The **Statement of Activities** presents information showing how the government's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying

event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenue and expenses are reported in this statement including items that will only result in cash flows in future fiscal periods, such as revenue for uncollected taxes and expenditures for earned but unused vacation leave. This statement includes the annual depreciation for infrastructure and governmental assets.

Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenue (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include general government, public safety, planning, economic development, street maintenance, code enforcement, recreation and culture, and solid waste and recycling services. The business-type activities of the City include services provided by the water and wastewater utility system.

### **Fund Financial Statements**

The fund financial statements are intended to report financial information in groupings of related accounts used to account for and manage resources that have been designated for specific activities or objectives. The City of Kyle, like other local governments, utilizes a fund accounting system to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into the following three categories: governmental funds, proprietary funds and fiduciary funds.

**Governmental Funds** - are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. Most of the City's basic services are reported in governmental funds. These funds focus on current sources and uses of resources and on the balances of available resources at the end of the fiscal year. This information may be useful in evaluating what financial resources are available in the near term to finance the City's future obligations.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenue, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

The City's General Fund is reported as a major fund and information is presented separately in the governmental fund balance sheet and statement of revenues, expenditures, and changes in fund balances. In addition, the City maintains several governmental funds organized according to their type (special revenue, debt service, and capital projects). Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenue, expenditures, and changes in fund balances for each major fund which is first shown on the Balance Sheet for Governmental Funds.

A budgetary comparison schedule has been provided for the General Fund to demonstrate compliance with the annual budget appropriations and is presented as required supplementary information. Individual fund data for each of the non-major governmental funds is provided in the form of combining statements.

**Proprietary Funds** – are generally used to account for services for which the City charges customers. Proprietary fund statements provide the same type of information shown in government-wide financial statements, only in more detail.

The City maintains one type of proprietary fund, an Enterprise Fund. This fund is used to report the same functions presented as business-type activities in the government-wide financial statements. The City uses one enterprise fund to account for its water operations, wastewater utility operations, and storm drainage.

**Fiduciary Funds** – are used to account for resources held in a trust or agency capacity. These funds cannot be used to support governmental activities. The City uses an Other Post Employment Benefit Trust Fund to account for and report resources that are required to be held and committed to a trust for members of the city-paid retiree health insurance benefit plan.

**Basis of Reporting** – The government-wide statements and fund-level proprietary statements are reported using the flow of economic resources measurement focus and the full accrual basis of accounting. The governmental fund financial statements are reported using the current resources measurement focus and the modified accrual basis of accounting.

### Notes to the Financial Statements

The notes to the financial statements provide additional information that is essential to fully understanding the data provided in the government-wide and fund financial statements.

### Other Information

The Required Supplementary Information (RSI) section immediately follows the basic financial statements and accompanying notes to the financial statements section of this annual report. The City adopts an annual appropriated budget for the General Fund. The RSI section provides a comparison of revenues, expenditures, and other financing sources and uses of budgetary resources and demonstrates budgetary compliance for the General Fund and this section also provides a schedule of funding process for the retirement plan.

In addition, following the RSI section are other statements and schedules, including the combining statements for non-major governmental funds.

## FINANCIAL ANALYSIS OF THE GOVERNMENT-WIDE STATEMENTS

### Statement of Net Position

As noted earlier, net position may serve over time as a useful indicator of the government's financial position. For the fiscal year ending September 30, 2019, the City's total assets and deferred outflows of resources exceeded total liabilities and deferred inflows of resources by \$233.4 million.

Below are summary highlights of the City's Net Position as of the end of fiscal year 2019 at September 30, 2019:

- Governmental Activities:
  - ❖ Current and Other Assets decreased by \$3.3 million or 7.3% primarily from the net results of operations.
  - ❖ Capital Assets increased by a net \$6.9 million or 5.4% at fiscal year-end. Capital outlay total \$9.8 million net of depreciation of \$5.7 million.
  - ❖ Liabilities decreased by a net \$4.2 million or 4.60% as a result of debt service payments.



- Business-type Activities:
  - ❖ Current and Other Assets increased by a \$10.4 million or 24.0% primarily from the net results of operations.
  - ❖ Capital Assets increased by a net \$10.5 million or 13.3%, primarily from wastewater projects.
  - ❖ Total liabilities increased by a net \$1.5 million or 61.2% primarily from an increase in accounts payable and an increase in the Net Pension Liability.

The following table reflects a condensed summary of Statement of Net Position compared to prior year:

City of Kyle, Texas Net Position Information For the Fiscal Year Ended September 30, 2019 (With Comparative Totals for September 30, 2018)						
	Government Activities		Business-type Activities		Totals	
	2019	2018	2019	2018	2019	2018
Current & other assets	\$ 42,074,969	\$ 45,400,266	\$ 53,617,162	\$ 43,250,984	\$ 95,692,131	\$ 88,651,250
Capital assets	134,992,688	128,071,603	89,394,471	78,905,383	224,387,159	206,976,986
<b>Total assets</b>	<b>\$ 177,067,657</b>	<b>\$ 173,471,869</b>	<b>\$ 143,011,633</b>	<b>\$ 122,156,367</b>	<b>\$ 320,079,290</b>	<b>\$ 295,628,236</b>
Total Deferred Outflow of Resources						
Charge for Refunding Pension Plan	\$ 1,523,726	\$ 1,523,726	\$ -	\$ -	\$ 1,523,726	\$ 1,523,726
OPEB Plan	2,106,889	1,081,264	725,189	372,171	2,832,078	1,453,435
	142,407	141,413	47,473	47,139	189,880	188,552
<b>Total Deferred</b>	<b>\$ 3,773,022</b>	<b>\$ 2,746,403</b>	<b>\$ 772,662</b>	<b>\$ 419,310</b>	<b>\$ 4,545,684</b>	<b>\$ 3,165,713</b>
Liabilities	\$ 4,190,829	\$ 3,773,972	\$ 2,700,148	\$ 1,639,145	\$ 6,890,977	\$ 5,413,117
Non-current liabilities	81,948,624	86,539,344	1,321,802	856,388	83,270,426	87,395,732
<b>Total liabilities</b>	<b>\$ 86,139,453</b>	<b>\$ 90,313,316</b>	<b>\$ 4,021,950</b>	<b>\$ 2,495,533</b>	<b>\$ 90,161,403</b>	<b>\$ 92,808,849</b>
Total Deferred Inflow of Resources						
Pension Plan	\$ 682,436	\$ 895,382	\$ 234,893	\$ 308,189	\$ 917,329	\$ 1,203,571
OPEB Plan	86,334	5,143	28,778	1,715	115,112	6,858
<b>Total Deferred</b>	<b>\$ 768,770</b>	<b>\$ 900,525</b>	<b>\$ 263,671</b>	<b>\$ 309,904</b>	<b>\$ 1,032,441</b>	<b>\$ 1,210,429</b>
Net investment in capital assets	\$ 67,862,885	\$ 64,905,304	\$ 89,394,468	\$ 78,905,383	\$ 157,257,353	\$ 143,810,687
Restricted	1,472,943	4,035,118	19,526,325	19,789,807	20,999,268	23,824,925
Unrestricted	24,596,629	16,064,010	30,577,878	21,075,053	55,174,507	37,139,063
<b>Total of Net Position</b>	<b>\$ 93,932,457</b>	<b>\$ 85,004,432</b>	<b>\$ 139,498,671</b>	<b>\$ 119,770,243</b>	<b>\$ 233,431,128</b>	<b>\$ 204,774,675</b>

The largest portion of the City's \$233.4 million net position includes \$157.3 million or 67.4% is its investment in capital assets (e.g., land, buildings, machinery, and equipment); less depreciation and any related debt used to acquire those assets that is still outstanding. The City uses these capital assets to provide

services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of depreciation and related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

Another major portion of the City's \$233.4 million net position is its restricted resources totaling \$21.0 million or 9.0% to be used for capital improvements. The City's \$233.4 million net position also includes resources restricted for special purposes such as for the municipal court and law enforcement in the amount of \$0.16 million or 0.07% and \$.4 million or 0.2% for debt service. The remaining balance of the City's \$233.4 million net position comprised of unrestricted resources totaling \$55.2 million or 23.6% which may be used to meet future obligations of the City of Kyle.

### **Changes in Net Position**

The following table provides a summary of activities that resulted in the changes to the City's Net Position compared to prior year.

This section intentionally left blank.

City of Kyle, Texas						
Changes in Net Position Information						
For the Fiscal Year Ended September 30, 2019						
(With Comparative Totals for September 30, 2018)						
	Government Activities		Business-type Activities		Totals	
	2019	2018	2019	2018	2019	2018
<b>Revenue</b>						
Program Revenue						
Charges for services	\$ 8,942,488	\$ 9,117,969	\$ 20,020,127	\$ 18,814,870	\$ 28,962,615	\$ 27,932,839
Operating grants and contributions	342,145	231,083	-	-	342,145	231,083
Capital grants and contributions	-	7,517,365	6,812,529	20,757,496	6,812,529	28,274,861
General Revenue						
Property taxes	17,204,168	15,521,498	-	-	17,204,168	15,521,498
Sales tax	8,885,937	7,955,612	-	-	8,885,937	7,955,612
Franchise tax	2,414,998	2,430,996	-	-	2,414,998	2,430,996
Other taxes	508,867	421,490	-	-	508,867	421,490
Contributions not restricted	2,856,412	-	-	-	2,856,412	-
Investment earnings	2,165,517	1,220,859	-	40,351	2,165,517	1,261,210
Miscellaneous	-	-	3,008,875	235,958	3,008,875	235,958
<b>Total Revenue</b>	<b>\$ 43,320,532</b>	<b>\$ 44,416,872</b>	<b>\$ 29,841,531</b>	<b>\$ 39,848,675</b>	<b>\$ 73,162,063</b>	<b>\$ 84,265,547</b>
<b>Expense</b>						
General government	\$ 7,992,807	\$ 7,048,673	\$ -	\$ -	\$ 7,992,807	\$ 7,048,673
Public safety	7,429,713	7,589,067	-	-	7,429,713	7,589,067
Public works	8,533,187	8,509,720	-	-	8,533,187	8,509,720
Culture/Recreation	3,168,959	3,112,324	-	-	3,168,959	3,112,324
Interest on long term debt	2,202,445	3,117,190	-	-	2,202,445	3,117,190
Issuance Costs	-	-	-	-	-	-
Other debt service	2,700	3,150	-	-	2,700	3,150
Water	-	-	8,773,738	7,620,212	8,773,738	7,620,212
Wastewater	-	-	5,181,998	4,709,096	5,181,998	4,709,096
Storm Drainage	-	-	1,236,063	880,842	1,236,063	880,842
<b>Total Expenses</b>	<b>\$ 29,329,811</b>	<b>\$ 29,380,124</b>	<b>\$ 15,191,799</b>	<b>\$ 13,210,150</b>	<b>\$ 44,521,610</b>	<b>\$ 42,590,274</b>
Change in net position before Transfers	\$ 13,990,721	\$ 15,036,748	\$ 14,649,732	\$ 26,638,525	\$ 28,640,453	\$ 41,675,273
Transfers (net)	(5,078,700)	1,864,400	5,078,700	(1,864,400)	-	-
Change in net position	8,912,021	16,901,148	19,728,432	24,774,125	28,640,453	41,675,273
Net position - beginning	85,020,436	68,103,283	119,770,241	94,996,115	204,790,677	163,099,398
Net position - ending	<b>\$ 93,932,457</b>	<b>\$ 85,004,431</b>	<b>\$ 139,498,673</b>	<b>\$ 119,770,240</b>	<b>\$ 233,431,130</b>	<b>\$ 204,774,671</b>

**Governmental Activities – Government-wide Statements**

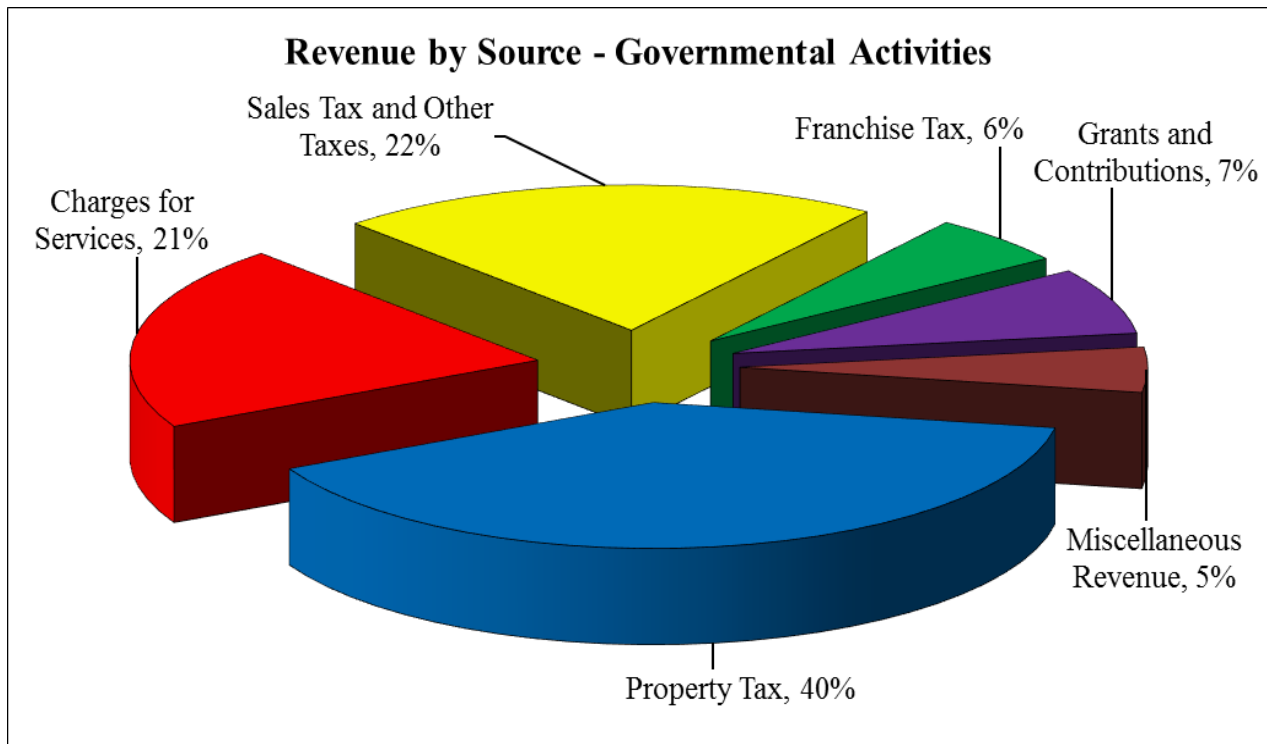
**Governmental activities** increased the City's net position by \$8.9 million. Key elements of this change in net position are explained below:

**Program Revenue.** Total program revenue, which are charges for services, operating grants/contributions and capital grants/contributions decreased by approximately \$0.1 million from the prior year due mainly to net decrease in charges for services of \$.2 million and net decrease in operating and capital grants/contributions of \$7.41 million.

**General Revenue.** Property taxes, sales tax, franchise fees, and other taxes increased by \$2.7 million or 10.2%. Property tax increased by \$1.7 million or 10.8%, sales tax increased by \$0.9 million or 11.7%, investment earnings increased by \$.94 million or 77.4% and other taxes increased \$0.09 million or 20.7% from the prior fiscal year.

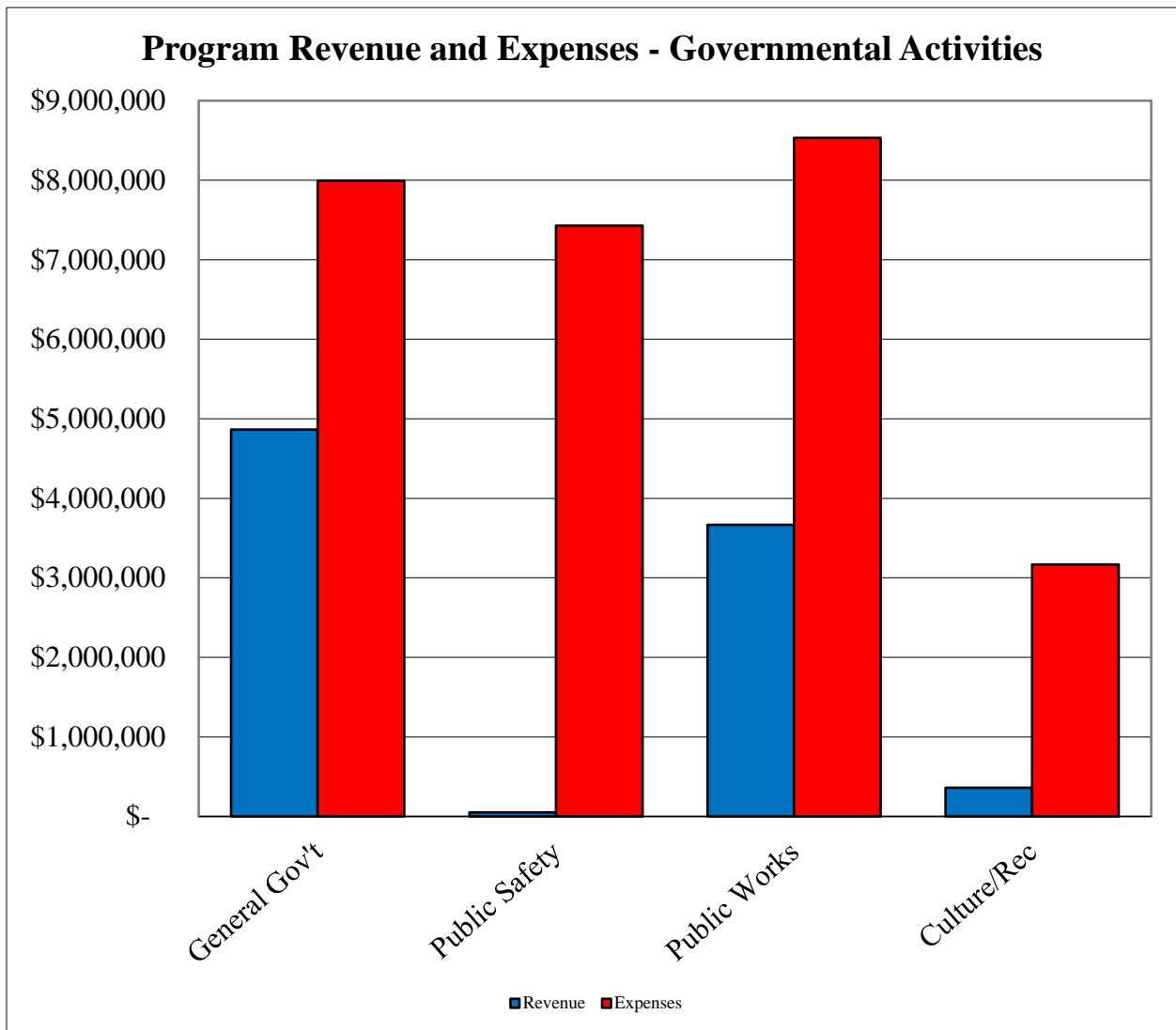
**Expenses.** Governmental expenses resulted in an overall decrease of \$0.01 million or 0.2% compared to the prior year. Following are the main reasons for the increase in expenditures:

- General Government increased by \$0.94 million or 13.4%.
- Public Safety decreased by \$0.16 million or 2.1%. This decrease is due to the elimination of funding to Public Safety Grant Funds.
- Public Works increased by \$0.02 million or 0.3%. This increase is the result of increase in operating costs associated with sanitation and recycling services.
- Culture and Recreation increased by \$0.06 million or 1.8% and Bond Interest decreased by \$0.91 million or 29.3%.
- Water, Wastewater, and Storm Drainage funds increased by \$1.2 million or 15.1%.
- The legal level of budgetary control is maintained at the function level.





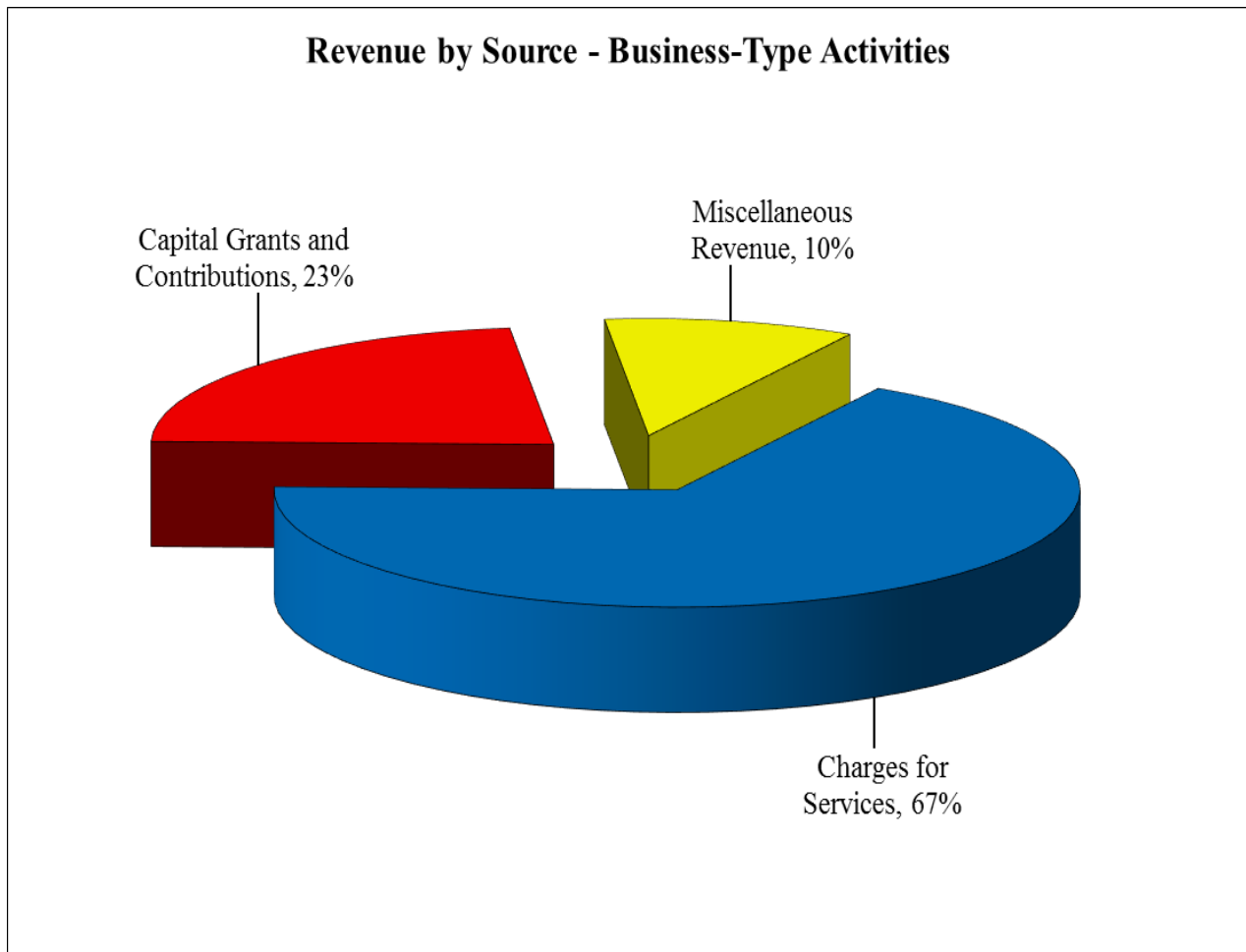
- As shown in the above chart, the primary sources of revenue for governmental activities are from property taxes (\$17.2 million or 39.7%), charges for services (\$8.9 million or 20.6%), and sales and other tax (\$9.4 million or 21.7%).
- Charges for services include revenue sources such as fees for building inspections, plan review, recreational program fees, trash collection charges, etc.
- Revenue from property taxes increased by \$1.7 million or 10.8% between 2018 and 2019. This increase is due to the increase in the certified tax roll for taxable assessed valuations from \$2.64 billion in 2018 to \$2.99 billion in 2019. The property tax rate adopted effective October 2018 (fiscal year 2019) was \$0.5416 per \$100 of assessed valuation which is the same rate as the previous year.
- Sales and other taxes which represented \$9.4 million or 21.7% of total revenue for governmental activities increased from the prior year.

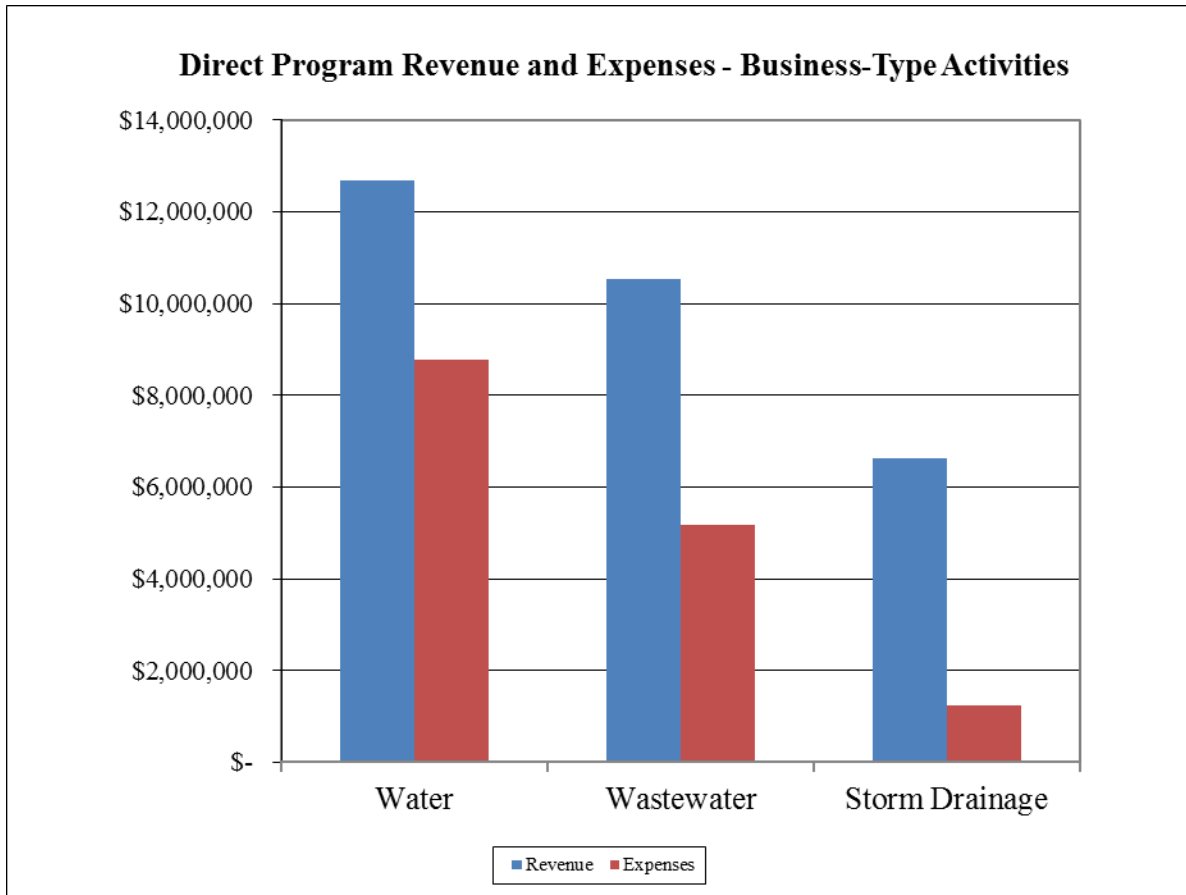


- Based on the chart above Public Works is the largest expense function (\$8.5 million or 31.5%), which includes all street maintenance and sanitation services. This is followed by General Government (\$8.0 million or 29.5%), Public Safety (\$7.4 million or 27.4%), and Culture/Recreation (\$3.2 million or 11.7%).
- Interest on Debt and Other Debt Fees do not have a source of program revenue so they are not included in the above chart. The balance of funding for all of the above activities comes from property, sales and other taxes, investment income and transfers from other funds.

**Business-Type Activities – Government-wide Statements**

**Business-type activities** increased the City’s net position by \$19.7 million in fiscal year 2019. This was the net result of \$29.8 million in revenue, \$15.2 million in expenses, and \$5.1 million in transfers out. The two charts below provide similar information as shown previously but only for business-type activities instead of governmental activities.





**Revenue.** Charges for services revenue for business-type activities include City's Water, Wastewater and Storm Drainage Utility operations which increased from the prior year. Revenue from charges for services increased by \$1.2 million or 6.4% from the prior year due to the addition of new customers. Contributions for capital grants decreased by \$13.9 million as compared to the previous year. Investment earnings decreased by \$0.04 million or 100.0% due to the use of cash and investments to pay for operating and capital activities.

**Expenses.** Business-type expenses totaled \$15.2 million, an overall increase of \$2.0 million or 15.0% from the prior fiscal year.

**FINANCIAL ANALYSIS OF THE GOVERNMENT'S FUND LEVEL STATEMENTS**

In comparison to the government-wide statements, the fund-level statements focus on the key funds of the City. The City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

**Governmental Funds**

The City reports the following types of governmental funds: the general fund, special revenue funds, debt service funds, and capital projects funds. The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and available resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a useful measure of government's net resources available at the end of the fiscal year.

As of September 30, 2019, the City's governmental funds reported combined ending fund balance of \$38.9 million. Of this amount \$23.4 million is restricted and the remaining \$15.5 million is unassigned fund balance available for future obligations.

**General Fund** – The General Fund is the primary operating fund of the City. On September 30, 2019, the unassigned fund balance totaled \$15.5 million. The unassigned General Fund Balance decreased by \$3.9 million or 20.1% at September 30, 2019 as compared to the prior fiscal year primarily due a combination of increase in revenue and reduction in budgeted expenditures. The current year tax collection rate was 99.5% of the levy.

Overall, total General Fund revenue increased by \$2.5 million or 9.5% and actual expenditures decreased by approximately \$0.5 million or 2.2% during fiscal year 2019 as compared to the prior fiscal year 2018. General government functions, which serves as a roll-up for non-specific activities, decreased by \$0.1 million or 1.4% over the prior year. Public Safety increased by \$0.8 million or 12.5%, Culture/Recreation increased by \$0.1 million or 5.6% and Public Works decreased by \$0.3 million or 6.1%. The decrease was mainly due to decreases to non-CIP capital outlay items.

**Budget Variances.** All expenditures for the City's General Fund functions and activities were within adopted budget appropriations for fiscal year 2019. The following two charts illustrate first, a breakdown of general governmental activity revenue by source and second, a comparison of program revenue and expenditures by function.

The Debt Service Fund is used to account for financial activity related to the City's general bonded indebtedness, as well as other long-term obligations. Revenues from property taxes used for Debt Service remained steady at \$8.3 million in 2019. The related debt service also remained steady at \$8.1 million, which is primarily attributable to outstanding debt in 2019.

The Capital Projects Funds are used to account for financial activity related to the City indebtedness for Capital Projects, other City contributions, and the operating activities of those projects. During 2019, fund balance increased by \$1.9 million. The decrease in the Capital Projects was mainly due to fund the following projects: (i) paying professional services to plan, design, the acquisition of rights-of-way and the construction and improvement of the following City streets: Bunton Creek Road, North Burleson Street, Goforth Road, Lehman Road, and Marketplace Avenue was offset by total transfers in of \$10.1 million used to fund these capital projects.

**Other Governmental Funds** – In addition to the General Fund, Governmental Funds include Special Revenue Funds, Debt Service Fund and Capital Projects Funds. As of September 30, 2019, the all Other Governmental Funds reported combined ending fund balance of \$4.4 million. Please refer to Exhibit C-3 on pages 25 and 26 and Exhibit H-2 on pages 77 through 79 of the financial statements for detailed information pending to changes in fund balances for Governmental Funds.

### Proprietary Funds

The City's proprietary funds provide the same type of information found in the government-wide financial statements but in more detail. The City accounts for its Water, Wastewater Utility, and Storm Drainage operations in an Enterprise Fund within the Proprietary Fund category for business-type activities.

Operating revenue for the water fund showed a \$0.4 million or 3.7% increase from the prior year, the operating revenue for the wastewater fund showed a \$1.7 million or 17.9% decrease from the previous year. The storm drainage fund showed an \$0.01 million or 0.8% decrease from the previous year. Factors that



contributed to the increase in net position are discussed in the business-type activities section of the government-wide statements.

**CAPITAL ASSET AND DEBT MANAGEMENT**

**Capital Assets**

The City of Kyle's investment in capital assets for its governmental and business type activities as of September 30, 2019, totaled \$224.4 million (net of accumulated depreciation). This investment in capital assets include land, buildings and improvements, equipment, vehicles, infrastructure, and construction in progress. The total increase in the City of Kyle's investment in capital assets for the fiscal year ended September 30, 2019 was \$17.4 million or 8.4% from the prior year.

The following table summarizes the City of Kyle's investment in capital assets:

City of Kyle, Texas Capital Assets Information September 30, 2019 (With Comparative Totals for September 30, 2018)						
	Government Activities		Business-type Activities		Totals	
	2019	2018	2019	2018	2019	2018
Land	\$ 4,208,810	\$ 3,318,837	\$ 691,935	\$ 691,935	\$ 4,900,745	\$ 4,010,772
Buildings	17,370,715	17,243,564	3,113,623	3,113,623	20,484,338	20,357,187
Improvements other than buildings	4,647,801	4,438,531	99,656,741	92,844,213	104,304,542	97,282,744
Machinery and equipment	5,963,298	5,475,744	3,832,138	3,284,359	9,795,436	8,760,103
Infrastructure	142,085,996	140,106,381	-	-	142,085,996	140,106,381
Construction in Progress	14,958,585	6,049,870	11,907,009	5,752,903	26,865,594	11,802,773
Less: Accumulated depreciation	(54,242,517)	(48,561,326)	(29,806,976)	(26,781,651)	(84,049,493)	(75,342,977)
Total	\$ 134,992,688	\$ 128,071,601	\$ 89,394,470	\$ 78,905,382	\$ 224,387,158	\$ 206,976,983

Significant changes in capital asset balances during the fiscal year resulted from the following events:

- Road improvements totaled approximately \$14.8 million for the year.
- Design and right-of-way acquisition primarily completed for the road projects.
- Contributed capital for the year totaled \$9.6 million.

Detailed information on capital asset activity for the fiscal year ended September 30, 2019 is provided in Note D to the Financial Statements on pages 47 to 49.

### Debt Management

At September 30, 2019, the City's net outstanding debt totaled \$78.1 million. This is a decrease of approximately \$5.9 million.

The City's bond rating was maintained at AA- by Standard & Poor's rating agency based on the City's strong liquidity and financial position, stable economic growth outlook in Kyle, and the City's strong financial management conditions due largely to its financial management practices.

The City of Kyle currently does not have any outstanding debt associated with special assessments such as for Public Improvement District bonds.

The table below summarizes the status of the City's outstanding debt (principal amount only) as of September 30, 2019, with a comparison of outstanding debt from the prior year. In addition, please refer to Note F – Long-Term Liabilities on page 50 in the Notes to the Financial Statement for detailed information on the changes in long-term debt.

City of Kyle, Texas Outstanding Debt Information September 30, 2019 (With Comparative Totals for September 30, 2018)						
	Government Activities		Business-type Activities		Totals	
	2019	2018	2019	2018	2019	2018
Debt obligations	\$ 38,410,003	\$ 39,115,002	\$ -	\$ -	\$ 38,410,003	\$ 39,115,002
Premium on bonds	2,803,654	3,508,639	-	-	2,803,654	3,508,639
Refunding bonds	36,885,000	41,415,000	-	-	36,885,000	41,415,000
Capital lease - Plant	-	-	-	-	-	-
Total	\$ 78,098,657	\$ 84,038,641	\$ -	\$ -	\$ 78,098,657	\$ 84,038,641

**ECONOMIC FACTORS AND NEXT YEAR’S BUDGETS AND RATES**

**Local Economy and Outlook**

The City of Kyle residents enjoy a vibrant local economy and an excellent quality of life. Among the many factors attributing to the vibrancy of Kyle include a high per capita household income, low unemployment rate, educated workforce, employment growth, and the continued addition of new businesses in the consumer, medical, and light manufacturing sectors.

All leading indicators during fiscal year 2018 showed that the City of Kyle's local economy has fully recovered and the outlook over the next year's budget development cycle is that of continued growth.

Among the major indicators of a stable yet an expanding local economy include growth in population, building permits, taxable valuations, property tax collection rate, and the trend for sales tax collections. Accordingly, we are pleased to report the following trends in the economic indicators for the fiscal year ended September 30, 2019:

- 5.6% increase in taxable assessed property valuations from the prior year.
- 99.5% annual property tax collection rate.
- 5.0% projected annual increase in population through the year 2020.
- Public Safety Program Initiatives.
- Street Maintenance & Reconstruction Program.
- Park Improvement Program.
- Storm Drainage Improvement Program.
- Water and Wastewater Infrastructure Improvement & Expansion Program.
- Downtown Revitalization Grant Program.
- Downtown Beautification Plan.
- Annexation Plan.
- Tourism Plan.

<b>Variations in Budget Appropriations</b>			
<b>General Fund (Budgetary Basis) - Expenditures</b>			
	<b>Original Budget</b>	<b>Final Budget</b>	<b>Actual Results</b>
General Government	\$ 7,801,131	\$ 7,825,206	\$ 6,857,897
Public Safety	7,532,817	7,532,817	7,186,604
Public Works	4,887,624	4,887,624	3,959,939
Culture and Recreation	2,803,298	2,848,298	2,673,633
Capital Outlay	666,000	663,000	547,091
	<u>\$ 23,690,870</u>	<u>\$ 23,756,945</u>	<u>\$ 21,225,164</u>

Changes in original budget appropriations to the final amended budget appropriations resulted in a net \$0.7 million increase in appropriations. This increase can be summarized by the following:

- General Government increased by approximately \$24,075 due to budget amendments and due to rollover from prior year appropriations.
- Culture and Recreation and Capital Outlay had a net change of approximately \$42,000 increase to adjusted appropriated balances to meet changing needs of the City throughout the year.

**Next Year's Budget**

The fiscal year 2019-20 Approved Budget totals \$102.9 million and includes \$32.7 million for the General Fund to provide public safety, code enforcement, parks, street maintenance, library, and other municipal services to the citizens of Kyle.

The fiscal year 2019-20 Budget was adopted without a property tax rate increase at \$0.5416 per \$100 of assessed taxable valuation. The budget provides for an average 3.0% pay increase for City employees, compliance with the meet and confer requirements for civil service employees, addition of positions for police officers, library, public works, animal control, and emergency dispatch operations.

The Approved Budget for fiscal year 2020 did not include any rate increase for water, wastewater, or fees and charges for city services. A 4.0% rate increase is included for solid waste collection service based on the contract terms entered by the City with Texas Disposal Systems.

**REQUESTS FOR INFORMATION**

Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the City of Kyle's Director of Finance, 100 West Center St., Kyle, Texas 78640.





# BASIC FINANCIAL STATEMENTS



CITY OF KYLE  
STATEMENT OF NET POSITION  
SEPTEMBER 30, 2019

EXHIBIT A-1

	Primary Government		
	Governmental Activities	Business - Type Activities	Total
<b>ASSETS</b>			
Pooled Cash and Investments	\$ 23,129,681	\$ 31,311,819	\$ 54,441,500
Restricted Pooled Cash and Investments	14,464,473	19,526,325	33,990,798
Receivable (Net of Allowance for Uncollectibles)	4,026,150	3,231,745	7,257,895
Internal Balances	454,245	(454,246)	(1)
Prepaid Items	420	1,519	1,939
Capital Assets:			
Nondepreciable, Capital Assets	19,167,582	12,598,944	31,766,526
Capital Assets (Net)	115,825,106	76,795,527	192,620,633
Total Assets	<u>177,067,657</u>	<u>143,011,633</u>	<u>320,079,290</u>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>			
Deferred Charge for Refunding	1,523,726	-	1,523,726
Deferred Outflow Related to Pension Plan	2,106,889	725,189	2,832,078
Deferred Outflow Related to OPEB Plan	142,407	47,473	189,880
Total Deferred Outflows of Resources	<u>3,773,022</u>	<u>772,662</u>	<u>4,545,684</u>
<b>LIABILITIES</b>			
Accounts Payable	2,332,539	1,644,140	3,976,679
Wages and Salaries Payable	278,866	269,462	548,328
Compensated Absences Payable	916,543	-	916,543
Contracts Payable	230,202	-	230,202
Customer Deposits	4,126	786,546	790,672
Accrued Interest Payable	345,852	-	345,852
Other Current Liabilities	2,074	-	2,074
Liabilities Payable from Restricted Assets	80,627	-	80,627
Noncurrent Liabilities:			
Debt Due Within One Year	5,430,000	-	5,430,000
Bonds Payable - Noncurrent	72,668,657	-	72,668,657
Net Pension Liability	3,541,565	1,219,001	4,760,566
Net OPEB Liability	308,402	102,801	411,203
Total Liabilities	<u>86,139,453</u>	<u>4,021,950</u>	<u>90,161,403</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>			
Deferred Inflow Related to Pension Plan	682,436	234,893	917,329
Deferred Inflow Related to OPEB Plan	86,334	28,778	115,112
Total Deferred Inflows of Resources	<u>768,770</u>	<u>263,671</u>	<u>1,032,441</u>
<b>NET POSITION</b>			
Net Investment in Capital Assets	67,862,885	89,394,468	157,257,353
Restricted for:			
Restricted for Capital Acquisition	-	19,526,325	19,526,325
Restricted for Debt Service	357,755	-	357,755
Restricted for Tourism and Other Purposes	1,115,188	-	1,115,188
Unrestricted Net Position	24,596,629	30,577,878	55,174,507
Total Net Position	<u>\$ 93,932,457</u>	<u>\$ 139,498,671</u>	<u>\$ 233,431,128</u>

The notes to the financial statements are an integral part of this statement.

CITY OF KYLE  
STATEMENT OF ACTIVITIES  
FOR THE YEAR ENDED SEPTEMBER 30, 2019

	Program Revenues			
Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	
<b>Primary Government:</b>				
GOVERNMENTAL ACTIVITIES:				
General Government	\$ 7,992,807	\$ 4,865,343	\$ -	\$ -
Public Safety	7,429,713	51,323	15,680	-
Public Works	8,533,187	3,666,559	326,465	-
Culture and Recreation	3,168,959	359,263	-	-
Interest on Debt	2,205,145	-	-	-
Total Governmental Activities	29,329,812	8,942,488	342,145	-
BUSINESS-TYPE ACTIVITIES:				
Water Fund	8,773,739	11,117,332	-	1,314,016
Wastewater Fund	5,182,000	7,380,327	-	1,731,894
Storm Drainage Fund	1,236,061	1,522,468	-	3,766,618
Total Business-Type Activities	15,191,800	20,020,127	-	6,812,529
<b>TOTAL PRIMARY GOVERNMENT</b>	<b>\$ 44,521,612</b>	<b>\$ 28,962,615</b>	<b>\$ 342,145</b>	<b>\$ 6,812,529</b>

General Revenues:

Taxes:

Property Taxes, Levied for General Purposes

Property Taxes, Levied for Debt Service

General Sales and Use Taxes

Franchise Tax

Other Taxes

Contributions

Miscellaneous Revenue

Investment Earnings

Transfers In (Out)

Total General Revenues and Transfers

Change in Net Position

Net Position - Beginning

Net Position - Ending

The notes to the financial statements are an integral part of this statement.

Net (Expense) Revenue and Changes in Net Position		
Primary Government		
Governmental Activities	Business-Type Activities	Total
\$ (3,127,464)	\$ -	\$ (3,127,464)
(7,362,710)	-	(7,362,710)
(4,540,163)	-	(4,540,163)
(2,809,696)	-	(2,809,696)
(2,205,145)	-	(2,205,145)
(20,045,179)	-	(20,045,179)
-	3,657,609	3,657,609
-	3,930,221	3,930,221
-	4,053,025	4,053,025
-	11,640,856	11,640,856
(20,045,179)	11,640,856	(8,404,323)
8,820,547	-	8,820,547
8,383,621	-	8,383,621
8,885,937	-	8,885,937
2,414,998	-	2,414,998
508,867	-	508,867
2,856,412	-	2,856,412
-	3,008,875	3,008,875
2,165,517	-	2,165,517
(5,078,700)	5,078,700	-
28,957,199	8,087,575	37,044,774
8,912,021	19,728,431	28,640,451
85,020,436	119,770,241	204,790,677
\$ 93,932,457	\$ 139,498,672	\$ 233,431,128



CITY OF KYLE  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
SEPTEMBER 30, 2019

	General Fund	Debt Service Fund	Capital Projects
<b>ASSETS</b>			
Pooled Cash and Investments	\$ 12,993,604	\$ -	\$ 9,121,318
Restricted Pooled Cash and Investments	-	403,117	10,640,566
Receivable (Net)	3,779,922	129,500	-
Due from Other Funds	454,277	-	-
Prepaid Items	420	-	-
<b>Total Assets</b>	<b>\$ 17,228,223</b>	<b>\$ 532,617</b>	<b>\$ 19,761,884</b>
<b>LIABILITIES</b>			
Accounts Payable	\$ 994,883	\$ 73,012	\$ 1,110,062
Wages and Salaries Payable	278,871	-	-
Contracts Payable	230,202	-	-
Customer Deposits	4,126	-	-
Due to Other Funds	32	-	-
Other Current Liabilities	2,074	-	-
Developer Accounts Liability	80,627	-	-
<b>Total Liabilities</b>	<b>1,590,815</b>	<b>73,012</b>	<b>1,110,062</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>			
Unavailable Property Tax	99,830	101,850	-
<b>Total Deferred Inflows of Resources</b>	<b>99,830</b>	<b>101,850</b>	<b>-</b>
<b>FUND BALANCES</b>			
Nonspendable Fund Balance:			
Prepaid Items	420	-	-
Restricted Fund Balance:			
Restricted Fund Balance - Tourism and Other	-	-	-
Restricted Fund Balance - Debt Service	-	357,755	-
Restricted Fund Balance - Capital Projects	-	-	18,651,822
Unassigned Fund Balance	15,537,158	-	-
<b>Total Fund Balances</b>	<b>15,537,578</b>	<b>357,755</b>	<b>18,651,822</b>
<b>Total Liabilities, Deferred Inflows &amp; Fund Balances</b>	<b>\$ 17,228,223</b>	<b>\$ 532,617</b>	<b>\$ 19,761,884</b>

The notes to the financial statements are an integral part of this statement.

Other Funds	Total Governmental Funds
\$ 1,014,759	\$ 23,129,681
3,420,790	14,464,473
116,728	4,026,150
-	454,277
-	420
<u>\$ 4,552,277</u>	<u>\$ 42,075,001</u>
\$ 154,582	\$ 2,332,539
(5)	278,866
-	230,202
-	4,126
-	32
-	2,074
-	80,627
<u>154,577</u>	<u>2,928,466</u>
-	201,680
<u>-</u>	<u>201,680</u>
-	420
1,115,188	1,115,188
-	357,755
3,282,512	21,934,334
-	15,537,158
<u>4,397,700</u>	<u>38,944,855</u>
<u>\$ 4,552,277</u>	<u>\$ 42,075,001</u>

CITY OF KYLE  
 RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET TO THE  
 STATEMENT OF NET POSITION  
 SEPTEMBER 30, 2019

<b>Total Fund Balances - Governmental Funds</b>	\$	38,944,855
Capital assets used in governmental activities are not financial resources and therefore are not reported in governmental funds. In addition, long-term liabilities, including bonds payable, are not due and payable in the current period, and, therefore are not reported as liabilities in the funds. The net effect of including the beginning balances for capital assets (net of depreciation) and long-term debt in the governmental activities is to increase (decrease) net position.		56,894,033
Some revenue, expense, and deferred outflows/inflows, reported in the statment of activities do not require the use or provide current financial resources and, therefore, are not reported as expenditures/revenues in governmental funds.		(1,906,431)
Deferred Charge on Refunding	\$1,523,726	
Net Pension Liability	(3,541,565)	
Deferred Inflows Property Tax	201,680	
Compensated Absences	(916,544)	
Pension Plan Deferred Inflows	(682,436)	
Pension Plan Deferred Outflows	2,106,889	
Interest Accrual	(345,852)	
Net OPEB Liability	(308,402)	
OPEB Plan Deferred Outflows	142,407	
OPEB Plan Deferred Inflows	(86,334)	
Subtotal	\$(1,906,431)	
 <b>Net Position of Governmental Activities</b>	 \$	 <u>93,932,457</u>

The notes to the financial statements are an integral part of this statement.

CITY OF KYLE  
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES  
GOVERNMENTAL FUNDS  
FOR THE YEAR ENDED SEPTEMBER 30, 2019

	General Fund	Debt Service Fund	Capital Projects
<b>REVENUES:</b>			
Taxes:			
Property Taxes	\$ 8,720,717	\$ 8,281,771	\$ -
General Sales and Use Taxes	8,885,937	-	-
Franchise Tax	2,342,762	-	-
Other Taxes	92,439	-	-
Licenses and Permits	1,373,768	-	-
Intergovernmental Revenue and Grants	2,000	-	-
Charges for Services	4,450,059	-	-
Fines	661,736	-	-
Special Assessments	-	-	-
Investment Earnings	2,165,430	-	-
Rents and Royalties	7,130	-	-
Contributions & Donations from Private Sources	40,000	-	-
Other Revenue	371,262	-	-
Total Revenues	29,113,240	8,281,771	-
<b>EXPENDITURES:</b>			
Current:			
General Government	6,857,899	-	126
Public Safety	7,186,604	-	-
Public Works	3,959,939	-	-
Culture and Recreation	2,673,633	-	-
Debt Service:			
Principal on Debt	-	5,235,000	-
Interest on Debt	-	2,934,168	-
Capital Outlay:			
Capital Outlay	547,091	-	8,215,888
Total Expenditures	21,225,166	8,169,168	8,216,014
Excess (Deficiency) of Revenues Over (Under) Expenditures	7,888,074	112,603	(8,216,014)
<b>OTHER FINANCING SOURCES (USES):</b>			
Transfers In	986,506	1,962,754	10,141,908
Transfers Out (Use)	(12,774,950)	(5,191,454)	-
Total Other Financing Sources (Uses)	(11,788,444)	(3,228,700)	10,141,908
Net Change in Fund Balances	(3,900,370)	(3,116,097)	1,925,894
Fund Balance - October 1 (Beginning)	19,437,948	3,473,852	16,725,928
Fund Balance - September 30 (Ending)	\$ 15,537,578	\$ 357,755	\$ 18,651,822

The notes to the financial statements are an integral part of this statement.



Other Funds	Total Governmental Funds
\$ -	\$ 17,002,488
-	8,885,937
72,236	2,414,998
416,428	508,867
-	1,373,768
340,145	342,145
682,267	5,132,326
-	661,736
689,810	689,810
87	2,165,517
-	7,130
21,326	61,326
<u>706,457</u>	<u>1,077,719</u>
<u>2,928,756</u>	<u>40,323,767</u>
174,343	7,032,368
19,692	7,206,296
-	3,959,939
48,197	2,721,830
-	5,235,000
-	2,934,168
<u>1,044,211</u>	<u>9,807,190</u>
<u>1,286,443</u>	<u>38,896,791</u>
<u>1,642,313</u>	<u>1,426,976</u>
133,042	13,224,210
<u>(336,506)</u>	<u>(18,302,910)</u>
<u>(203,464)</u>	<u>(5,078,700)</u>
1,438,849	(3,651,724)
<u>2,958,851</u>	<u>42,596,579</u>
<u>\$ 4,397,700</u>	<u>\$ 38,944,855</u>

CITY OF KYLE  
 RECONCILIATION OF THE GOVERNMENTAL FUNDS STATEMENT OF REVENUES, EXPENDITURES,  
 AND CHANGES IN FUND BALANCES TO THE STATEMENT OF ACTIVITIES  
 FOR THE YEAR ENDED SEPTEMBER 30, 2019

<b>Total Net Change in Fund Balances - Governmental Funds</b>	\$	(3,651,724)
Current year capital outlays and long-term debt principal payments are expenditures in the fund financial statements, but they should be shown as increases in capital assets and reductions in long-term debt in the government-wide financial statements. The net effect of removing the 2019 capital outlays and debt principal payments is to increase (decrease) the change in net position.		15,042,190
Capital Outlay	\$9,807,190	
Principal Payments	<u>5,235,000</u>	
Subtotal	\$15,042,190	
Depreciation is not recognized as an expenditure in governmental funds since it does not require the use of current financial resources. The net effect of the current year's depreciation is to decrease the change in net position.		(5,681,191)
Various other reclassifications and eliminations are necessary to convert from the modified accrual basis of accounting to accrual basis of accounting. These include recognizing deferred inflow, adjusting current year revenue to show the revenue earned from the current year's tax levy, eliminating interfund transactions, reclassifying the proceeds of bond sales, and recognizing the liabilities associated with maturing long-term debt and interest. The net effect of these reclassifications and recognitions is to increase (decrease) the change in net position.		3,202,746
<b>Change in Net Position of Governmental Activities</b>	<u>\$</u>	<u>8,912,021</u>

The notes to the financial statements are an integral part of this statement.

CITY OF KYLE  
STATEMENT OF NET POSITION  
PROPRIETARY FUNDS  
SEPTEMBER 30, 2019

	Business-Type Activities - Enterprise Funds			
	Water Fund	Wastewater Fund	Storm Drainage Fund	Total Enterprise Funds
<b>ASSETS</b>				
Current Assets:				
Pooled Cash and Investments	\$ 9,814,269	\$ 20,649,713	\$ 847,837	\$ 31,311,819
Accounts Receivable-Net of Uncollectible Allowance	1,991,275	1,009,877	230,593	3,231,745
Due from Other Funds	48,341	770,694	3,766	822,801
Prepaid Items	521	393	605	1,519
Total Current Assets	<u>11,854,406</u>	<u>22,430,677</u>	<u>1,082,801</u>	<u>35,367,884</u>
Noncurrent Assets:				
Restricted Pooled Cash and Investments	6,317,354	13,208,971	-	19,526,325
Capital Assets:				
Nondepreciable, Capital Assets	1,711,047	10,887,897	-	12,598,944
Capital Assets - Net of Accumulated Depreciation	27,684,802	32,424,303	16,686,422	76,795,527
Total Noncurrent Assets	<u>35,713,203</u>	<u>56,521,171</u>	<u>16,686,422</u>	<u>108,920,796</u>
Total Assets	<u>47,567,609</u>	<u>78,951,848</u>	<u>17,769,223</u>	<u>144,288,680</u>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>				
Deferred Outflow Related to Pension Plan	298,810	273,747	152,632	725,189
Deferred Outflow Related to OPEB Plan	20,888	18,988	7,597	47,473
Total Deferred Outflows of Resources	<u>319,698</u>	<u>292,735</u>	<u>160,229</u>	<u>772,662</u>
<b>LIABILITIES</b>				
Current Liabilities:				
Accounts Payable	635,683	978,425	30,035	1,644,143
Wages and Salaries Payable	132,690	108,154	28,618	269,462
Customer Deposits	479,152	307,394	-	786,546
Due to Other Funds	1,251,715	26,359	(1,027)	1,277,047
Total Current Liabilities	<u>2,499,240</u>	<u>1,420,332</u>	<u>57,626</u>	<u>3,977,198</u>
Noncurrent Liabilities:				
Net Pension Liability	502,283	460,153	256,565	1,219,001
Net OPEB Liability	45,232	41,120	16,449	102,801
Total Noncurrent Liabilities	<u>547,515</u>	<u>501,273</u>	<u>273,014</u>	<u>1,321,802</u>
Total Liabilities	<u>3,046,755</u>	<u>1,921,605</u>	<u>330,640</u>	<u>5,299,000</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>				
Deferred Inflow Related to Pension Plan	96,787	88,669	49,437	234,893
Deferred Inflow Related to OPEB Plan	12,662	11,512	4,604	28,778
Total Deferred Inflows of Resources	<u>109,449</u>	<u>100,181</u>	<u>54,041</u>	<u>263,671</u>
<b>NET POSITION</b>				
Net Investment in Capital Assets	29,395,846	43,312,200	16,686,422	89,394,468
Restricted for Capital Improvement - Impact Fee	6,317,354	13,208,971	-	19,526,325
Unrestricted Net Position	9,017,903	20,701,626	858,349	30,577,878
Total Net Position	<u>\$ 44,731,103</u>	<u>\$ 77,222,797</u>	<u>\$ 17,544,771</u>	<u>\$ 139,498,671</u>

The notes to the financial statements are an integral part of this statement.

CITY OF KYLE  
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION  
PROPRIETARY FUNDS  
FOR THE YEAR ENDED SEPTEMBER 30, 2019

	Business-Type Activities - Enterprise Funds			
	Water Fund	Wastewater Fund	Storm Drainage Fund	Total Enterprise Funds
<b>OPERATING REVENUES:</b>				
Charges for Services	\$ 11,117,332	\$ -	\$ -	\$ 11,117,332
Charges for Sewerage Service	-	7,380,327	-	7,380,327
Storm Drainage Fee	-	-	1,522,468	1,522,468
Rents and Royalties	32,400	-	-	32,400
Other Revenue	89,711	55,237	-	144,948
Total Operating Revenues	<u>11,239,443</u>	<u>7,435,564</u>	<u>1,522,468</u>	<u>20,197,475</u>
<b>OPERATING EXPENSES:</b>				
Personnel Services - Salaries and Benefits	2,064,538	1,658,525	646,891	4,369,954
Purchased Professional & Technical Services	5,279,492	1,419,355	156,796	6,855,643
Other Operating Costs	452,193	475,590	13,095	940,878
Depreciation	977,516	1,628,530	419,279	3,025,325
Total Operating Expenses	<u>8,773,739</u>	<u>5,182,000</u>	<u>1,236,061</u>	<u>15,191,800</u>
Operating Income	<u>2,465,704</u>	<u>2,253,564</u>	<u>286,407</u>	<u>5,005,675</u>
<b>NONOPERATING REVENUES (EXPENSES):</b>				
Contributions & Donations from Private Sources	125,000	200,000	3,542	328,542
Other Non-Operating Revenues - Impact Fees	1,159,121	1,343,864	-	2,502,985
Total Nonoperating Revenue (Expenses)	<u>1,284,121</u>	<u>1,543,864</u>	<u>3,542</u>	<u>2,831,527</u>
Income Before Contributions & Transfers	3,749,825	3,797,428	289,949	7,837,202
Capital Contributions	1,314,016	1,731,894	3,766,618	6,812,528
Transfers In	735,109	17,068,996	25,000	17,829,105
Transfers Out (Use)	(4,119,383)	(8,606,022)	(25,000)	(12,750,405)
Change in Net Position	<u>1,679,567</u>	<u>13,992,296</u>	<u>4,056,567</u>	<u>19,728,430</u>
Total Net Position - October 1 (Beginning)	<u>43,051,536</u>	<u>63,230,501</u>	<u>13,488,204</u>	<u>119,770,241</u>
Total Net Position - September 30 (Ending)	<u>\$ 44,731,103</u>	<u>\$ 77,222,797</u>	<u>\$ 17,544,771</u>	<u>\$ 139,498,671</u>

The notes to the financial statements are an integral part of this statement.



CITY OF KYLE, TEXAS  
STATEMENT OF CASH FLOWS  
PROPRIETARY FUND  
FOR THE YEAR ENDED SEPTEMBER 30, 2019

	Business-Type Activities - Enterprise Funds			
	Water Fund	Wastewater Fund	Storm Drainage Fund	Total Enterprise Funds
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Receipts from Customers	\$ 10,387,226	\$ 7,497,787	\$ 1,551,420	\$ 19,436,433
Payments to Suppliers	(5,531,832)	(1,417,408)	(184,503)	(7,133,743)
Payment to Employees	(2,010,877)	(1,619,168)	(625,738)	(4,255,783)
Net cash provided by operating activities	\$ 2,844,517	\$ 4,461,211	\$ 741,179	\$ 8,046,907
<b>CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES</b>				
Payments (advances) from other funds	\$ 383,592	\$ 2,510	\$ (3,766)	\$ 382,336
Transfers Out	(3,384,274)	8,462,974	-	5,078,700
Net cash provided (used) by non-capital financing activities	\$ (3,000,682)	\$ 8,465,484	\$ (3,766)	\$ 5,461,036
<b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</b>				
Purchase of Capital Assets	\$ (538,411)	\$ (5,822,299)	\$ (341,389)	\$ (6,702,099)
Contributions	125,000	200,000	3,543	328,543
Impact fees	1,159,121	1,343,864	-	2,502,985
Net cash provided (used) by capital and related financing activities	\$ 745,710	\$ (4,278,435)	\$ (337,846)	\$ (3,870,571)
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Purchase of investment	\$ -	\$ -	\$ -	\$ -
Interest and investment revenue received	-	-	-	-
Net cash provided by investing activities	\$ -	\$ -	\$ -	\$ -
Net increase in cash and cash equivalents	\$ 589,545	\$ 8,648,260	\$ 399,567	\$ 9,637,372
Cash and cash equivalents - beginning of year	\$ 15,542,078	\$ 25,210,424	\$ 448,270	\$ 41,200,772
Cash and cash equivalents - end of year	\$ 16,131,623	\$ 33,858,684	\$ 847,837	\$ 50,838,144
Noncash flow information				
Capital Contribution	\$ 1,314,016	\$ 1,731,894	\$ 3,766,618	\$ 6,812,528

The notes to the Financial Statements are an integral part of this statement.

CITY OF KYLE, TEXAS  
STATEMENT OF CASH FLOWS - Continued  
PROPRIETARY FUND  
FOR THE YEAR ENDED SEPTEMBER 30, 2019

	Business-Type Activities - Enterprise Funds			
	Water Fund	Wastewater Fund	Storm Drainage Fund	Total Enterprise Funds
<b>Reconciliation of operating income to net cash provided by operating activities</b>				
Operating income	\$ 2,465,704	\$ 2,253,564	\$ 286,407	\$ 5,005,675
Adjustments to reconcile operating income to net cash provided by operating activities				
Depreciation	\$ 977,516	\$ 1,628,530	\$ 419,279	\$ 3,025,325
Changes in assets and liabilities				
Prepaid Items	\$ (2,568)	\$ (317,835)	\$ -	\$ (320,403)
Accounts receivable	(866,419)	46,945	28,952	(790,522)
Accounts payable	202,421	795,372	(14,612)	983,181
Wages and salaries payable	26,647	14,596	7,099	48,342
Customer deposits	14,202	15,278	-	29,480
Pension Liability	204,414	187,270	104,415	496,099
OPEB Liability	(13,501)	(12,275)	(4,909)	(30,685)
Deferred Outflows	(145,606)	(133,392)	(74,354)	(353,352)
Deferred Inflows	(18,293)	(16,842)	(11,098)	(46,233)
Net cash provided by operating activities	<u>\$ 2,844,517</u>	<u>\$ 4,461,211</u>	<u>\$ 741,179</u>	<u>\$ 8,046,907</u>

The notes to the Financial Statements are an integral part of this statement.

**CITY OF KYLE**  
**STATEMENT OF FIDUCIARY NET POSITION**  
**FIDUCIARY FUND**  
**SEPTEMBER 30, 2019**

	<b>OPEB Trust Fund</b>	<b>Agency Fund</b>
<b>ASSETS</b>		
Cash and cash equivalents	\$ 3,881	\$ 144,706
Investments	1,400,331	
Accounts Receivable (Net)	-	11,794
<b>Total assets</b>	<b>1,404,212</b>	<b>156,500</b>
 <b>LIABILITIES</b>		
Other liability	\$ -	\$ 156,500
<b>Total liabilities</b>	<b>\$ -</b>	<b>\$ 156,500</b>
 <b>NET POSITION</b>		
Net position restricted for OPEB	\$ 1,404,212	
<b>Total net position</b>	<b>\$ 1,404,212</b>	

The accompanying notes are an integral part of the financial statements.

**CITY OF KYLE**  
**STATEMENT OF CHANGE IN FIDUCIARY NET POSITION**  
**FIDUCIARY FUND**  
**FOR THE YEARS ENDED SEPTEMBER 30, 2018**

	<u>OPEB</u> <u>Trust Fund</u>
<b>ADDITIONS</b>	
Contributions	\$ 156,500
Net Investments income	51,957
Interest and dividends (includes fair value changes)	7,353
<b>Total Additions</b>	<u>\$ 215,809</u>
 <b>DEDUCTIONS</b>	
Benefit payments	\$ (5,841)
Administrative expenses	(10,819)
<b>Total Deductions</b>	<u>\$ (16,660)</u>
Change in net position	\$ 199,149
NET POSITION, beginning	<u>\$ 1,205,063</u>
NET POSITION, ending	<u><u>\$ 1,404,212</u></u>

The accompanying notes are an integral part of the financial statements.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The City of Kyle, Texas (the City) adopted a City Charter in October 2000. As a home rule form of government, the City Council determines policy. The City Manager is the Chief Administrator of the City and is appointed by the City Council. The City provides the following services: Public Safety, Street Maintenance, Refuse Collection, Recreation Programs, Municipal Court, Community Development, Public Improvements, Water and Wastewater Services and General Administrative Services.

**A. Reporting Entity**

The Mayor and Council are elected by the public and they have the authority to make decisions, appoint administrators and managers, and significantly influence operations. They also have the primary accountability for fiscal matters. Therefore, the City is a primary government as defined by the Governmental Accounting Standards Board ("GASB"). The accompanying financial statements comply with the provisions of GASB Statement No. 14 and 61. There are no component units which satisfy requirements for blending within the City's financial statements or for discrete presentation.

**Future GASB Statement Implementations**

GASB Statement No. 84, *Fiduciary Activities*, establishes criteria for identifying fiduciary activities of all state and local governments for accounting and financial reporting purposes and how those activities should be reported. The requirements of this Statement are effective for reporting periods beginning after December 15, 2018. The City has not yet determined the effect this Statement will have on its financial statements.

GASB Statement No. 87, *Leases*, establishes criteria for a single model for lease accounting and financial reporting for state and local governments. Under this Statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources. The requirements of this Statement are effective for reporting periods beginning after December 15, 2019. The City has not yet determined the effect this Statement will have on its financial statements.

GASB Statement No. 92, *Omnibus 2020* addresses a variety of topics and includes specific provisions for the effective date of Statement No. 87, *Leases*, and Implementation Guide No. 2019-3, *Leases*; the reporting of intra-entity transfers of assets between a primary government employer and a component unit defined benefit pension plan or defined benefit other postemployment benefit (OPEB) plan; the applicability of Statements No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68*, and *Amendments to Certain Provisions of GASB Statements 67 and 68*, as amended, and No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*, as amended, to reporting assets accumulated for postemployment benefits; the applicability of certain requirements of Statement No. 84, *Fiduciary Activities*, to postemployment benefit arrangements; the measurement of liabilities (and assets, if any) related to asset retirement obligations (AROs) in a government acquisition; the reporting by public entity risk pools for amounts that are recoverable from reinsurers or excess insurers; reference to nonrecurring fair value measurements of assets or liabilities in authoritative literature and terminology used to refer to derivative instruments.

The requirements of this Statement are effective after June 15, 2020 except for the requirements related to the effective date of Statement 87 and Implementation Guide 2019-3, reinsurance recoveries, and terminology used to refer to derivative instruments are effective upon issuance (January 2020). The City has not yet determined the effect this Statement will have on its financial statements.

**B. Government-wide and Fund Financial Statements**

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the primary government. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenue, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.



CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Cont'd)**

**B. Government-wide and Fund Financial Statements (Cont'd)**

The Statement of Net Position reflects both short-term and long-term assets and liabilities, as well as deferred inflows and outflows. In the Government-wide Statement of Net Position, governmental activities are reported separately from business-type activities. Long term assets, such as capital assets, long-term obligations, such as debt, and any deferred inflows and outflows, are reported in the statement of net position. The components of Net Position are presented in three separate categories: (1) net investment in capital assets, (2) restricted, and (3) unrestricted. Interfund receivables and payables within governmental and business-type activities have been eliminated in the government-wide Statement of Net Position, which minimizes the duplication within the governmental and business-type activities. The net amount of interfund transfers or interfund receivables/payables between governmental, proprietary and fiduciary funds is the balance reported in the Statement of Net Position.

The Statement of Activities demonstrates how a given function or segment that participate in programs the City operates have shared in the payment of the direct costs. The "charges for services" column includes payments made by parties that purchase, use, or directly benefit from goods or services provided by a given function or segment of the City. The "grants and contributions" columns include amounts paid by organizations outside the City to help meet the operational or capital requirements of a given function. If a revenue including contributions is not a program revenue, it is a general revenue used to support all of the City's functions. Taxes are always general revenues. Direct expenses are those that are clearly identifiable with a specific function or segment.

The fund financial statements provide information on the financial position and the change in fund balance for three fund categories - governmental, proprietary, and fiduciary. Since the resources in the fiduciary funds cannot be used for City operations, they are not included in the government-wide statements. The City considers some governmental and enterprise funds major and reports their financial condition and results of operations in a separate column.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues result from providing goods and services in connection with a proprietary fund's principal ongoing operations; they usually come from exchange or exchange-like transactions. All other revenues are non-operating. Operating expenses can be tied specifically to the production of the goods and services, such as materials and labor and direct overhead. Other expenses are non-operating.

**C. Measurement Focus, Basis of Accounting and Financial Statement Presentation**

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund and fiduciary fund financial statements, except for agency funds which have no measurement focus. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenue in the year for which they are levied as a lien attaches to the real property by operation of law. Grants are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Interfund activities between governmental funds and between governmental funds and proprietary funds appear as due to/due froms on the Governmental Fund Balance Sheet and Proprietary Fund Statement of Net Position and as other resources and other uses on the governmental fund Statement of Revenues, Expenditures and Changes in Fund Balance and on the Proprietary Fund Statement of Revenues, Expenses and Changes in Net Position. All interfund transactions between governmental funds are eliminated on the government-wide statements. Interfund activities between governmental funds and enterprise funds remain on the government-wide statements and appear on the government-wide Statement of Net Position as internal balances and on the Statement of Activities as interfund transfers. Interfund activities between governmental and fiduciary funds and between proprietary funds and fiduciary funds remain as due to/due froms on the government-wide Statement of Net Position.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. With this measurement focus, only current assets, current liabilities and fund balances are included on the balance sheet. Operating statements of these funds present net increases and decreases in current assets (i.e. revenues and other financing sources and expenditures and other financing uses).

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Cont'd)**

**C. Measurement Focus, Basis of Accounting and Financial Statement Presentation (Cont'd)**

The modified accrual basis of accounting recognizes revenues in the accounting period they are both measurable and available. Revenues, other than grants, are considered to be available by the City when they are available and expected to be collected within the current budgetary periods or within 60 days thereafter, to pay liabilities of the current period. Expenditures generally are recorded when a liability is incurred, regardless of the related cash flows. However, debt service expenditures, as well as expenditures related to compensated absences, pensions and claims and judgments, are recorded only when the liability is matured.

Revenues from local sources consist primarily of property taxes and sales taxes. Property, sales and other tax revenues and revenues received from the State are recognized under the "susceptible to accrual" concept, that is, when they are both measurable and available. The City's availability period is no more than 60 days beyond the end of the fiscal year. Revenues from state and federal grants are recorded as revenue when they are expected to be collected within the current budgetary period, or within 60 days thereafter, and all eligibility requirements have been met. Investment earnings are recorded as earned, since they are both measurable and available.

The Proprietary Funds and Fiduciary Funds are accounted for on a flow of economic resources measurement focus and utilize the accrual basis of accounting. This basis of accounting recognizes revenues in the accounting period in which they are earned and become measurable and expenses in the accounting period in which they are incurred, regardless of the timing of the related cash flow. With this measurement focus, all assets and all liabilities associated with the operation of these funds are included on the fund Statement of Net Position. The fund equity is segregated into investment in capital assets, restricted, and unrestricted net position.

**D. Fund Accounting**

The accounts of the City are organized on the basis of funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets and other debits, liabilities, fund balances and other credits, revenues and expenditures, or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the proceeds of revenue sources, those proceeds' restrictions or commitments for which they are to be spent and the means by which spending activities are controlled. The City has three types of funds: governmental, proprietary, and fiduciary. The fund financial statements provide more detailed information about the City's most significant funds, but not on the City as a whole. Major governmental and enterprise funds are reported separately in the fund financial statements. Nonmajor funds are aggregated in the fund financial statements and independently presented in the combining statements. The criteria used to determine if a governmental or enterprise fund should be reported as a major fund are as follows: the total assets and deferred outflows of resources, the total liabilities and deferred inflows of resources, revenues or expenditures/expenses of that individual governmental or enterprise fund are at least 10.0% of the corresponding element total for all funds of that category or type (that is, total governmental or total enterprise funds), and the same element that met the 10.0% criterion above in the governmental or enterprise fund is at least 5.0% of the corresponding element total for all governmental and enterprise funds combined.

The following is a brief description of the major governmental funds that are separately presented in the fund financial statements.

**The General Fund** - is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund.

**The Debt Service Fund** - is used to account for debt service on bonded obligations of the City.

**The Capital Projects Fund** - is used to pay for professional services to plan, design, the acquisition for rights-of-way and the construction and improvement of the following City Streets: Bunton Creek Road, North Burlison Street, Goforth Road, Lehman Road, and Marketplace Avenue funded by issuance of 2013 General Obligation, 2008 Certificate of Obligation Fund, 2014 Tax Notes and 2015 General Obligation.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Cont'd)**

**D. Fund Accounting (Cont'd)**

The City reports the following major enterprise fund:

**The Water Fund** - is used to account for the activities necessary for the provision of water services.

**The Wastewater Fund** – is used to account for the activities necessary for the provision of wastewater services.

**The Storm Drainage Fund** – is used to for the activities necessary for the provision of drainage improvement services and flood mitigation activities including capital improvements.

In addition, the City reports the following nonmajor fund types:

Governmental Funds:

**Special Revenue Funds** - are used to account for funds restricted to, or designated for, special purposes by the City or a grantor.

**Fiduciary Funds** - are used to account for resources held for others in a custodial capacity. The City's Trust fund is the Other Post Employment Benefits Fund (Retiree Health Insurance). The other post-employment benefit trust fund is used to account for the accumulation of resources for post-employment benefits to qualified plan participants.

**Agency Funds** – accounts for resources held by the City in a custodial capacity for other post employment benefits.

**E. Assets, Deferred Outflows, Liabilities, Deferred Inflows and Net Position or Fund Balance**

**Cash and Cash Equivalents**

For purpose of presenting the proprietary fund cash flow statement, cash and cash equivalents include cash, demand and time deposits and investments with a maturity date within three months of the date acquired by the City.

**Investments**

The City's investment practices are governed by state statutes and by the City's own investment policy. City cash is required to be deposited in Federal Insurance Corporations (FDIC) insured banks. A pooled cash strategy is utilized which enabled the City to have one central depository.

State statutes authorize the City to invest in (1) obligations of the United States or its agencies and instrumentalities; (2) direct obligations of the State of Texas or its agencies; (3) other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the State of Texas or the United States; (4) obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than "A" or its equivalent; (5) certificates of deposit issued by state and national banks domiciled in this state that are (a) guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor or, (b) secured by obligations that are described by (1); (4); or, (6) fully collateralized direct repurchase agreements having a defined termination date, secured by obligations described by (1), pledged with a third-party selected or approved by the City, and placed through a primary government securities dealer. Investments maturing within one year of date of purchase are stated at amortized cost. The City's policy is to report local government investment pools, and Securities and Exchange Commission ("SEC") registered money market mutual funds at fair value using net asset value (NAV) or amortized cost if the pool meets the requirements of GASB Statement No. 79. The City carries investments in debt securities with maturities in excess of one year at fair value using other observable significant inputs including but not limited to quoted prices for similar securities, interest rates, prepayment speeds, and fixed income security pricing models. The City carries investments in debt securities with original maturities of one year or less at the date of purchase at amortized cost.

CITY OF KYLE, TEXAS  
 NOTES TO FINANCIAL STATEMENTS  
 SEPTEMBER 30, 2019

**I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Cont'd)**

**E. Assets, Deferred Outflows, Liabilities, Deferred Inflows and Net Position or Fund Balance (Cont'd)**

**Short-term Interfund Receivables/Payables**

During the course of operations, numerous transactions occur between individual funds for goods provided or services rendered. These receivables and payables are classified as "due from other funds" or "due to other funds" on the balance sheet.

Transactions which constitute the transfer of resources from a fund receiving revenues to a fund through which the revenues are to be expended are separately reported as other financing sources/uses in the respective funds' operating statements.

Activity between funds that are representative of lending/borrowing arrangements at the end of the fiscal year are referred to as "due to/from other funds." Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances."

**Restricted Assets**

Certain assets of the Enterprise Funds and the Governmental Funds are classified as restricted assets because their use is restricted for capital improvements or debt service via externally imposed by bond ordinance or laws of other governments.

**Capital Assets**

Capital assets, which include property, plant, equipment and infrastructure assets (e.g. roads, bridges, sidewalks and similar items) are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. The City defines capital assets as assets with an initial, individual cost of more than \$5,000 (amount not rounded) and an estimated useful life in excess of one year. Such assets are recorded at historical cost if purchased or constructed. Donated capital assets are recorded at estimated acquisition value at the date of donation. Construction in progress will be capitalized once the project is completed and the related asset placed in service.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Major outlays for capital assets and improvements are capitalized as projects are constructed.

Property, plant and equipment is depreciated using the straight-line method over the following estimated useful lives:

<u>Assets</u>	<u>Years</u>
Buildings and improvements	25 to 40
Waterworks and wastewater systems	10 to 50
Infrastructure	20 to 33
Machinery and equipment	5 to 10

**Compensated Absences**

The City permits employees to accumulate earned but unused vacation pay benefits. Certain employees have carried forward unused sick leave benefits. Unused sick leave shall be not paid upon termination of employment, except as specifically provided as follows:

1. An employee that terminates employment for any reason other than death, or being granted a retirement or disability allowance by the Texas Municipal Retirement System (TMRS) or the Social Security Administration (SSA), shall not be paid for unused sick leave.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Cont'd)**

**E. Assets, Deferred Outflows, Liabilities, Deferred Inflows and Net Position or Fund Balance (Cont'd)**

**Compensated Absences (Cont'd)**

2. An employee having at least 10 years of service with the City who is granted a retirement or a disability allowance by TMRS or SSA, or who dies, is entitled to a partial payment for up to 480 hours of unused sick leave accrued to such employee. The partial payment to the employee or the employee's beneficiary shall be as follows: (A) an amount equal to thirty percent (30%) of the value of such accrued, unused sick leave will be paid for 10 years of service; and (B) the amount to be paid for such unused sick leave shall increase by 2% for each year of service as an employee of the City, if any, in excess of 10 years.
3. An employee covered under the agreement between the City and the Kyle Police Association may be paid for their unused sick leave, in accordance with the agreement.

No liability is reported for unpaid accumulated sick leave for the remaining employees. Vacation pay and certain sick leave benefits are accrued when incurred in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position. A liability for these amounts is reported in governmental funds only if they have matured, for example, as a result of employee resignations and retirements.

**Long-term Obligations**

In the government-wide financial statements and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as issuance costs during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts are reported as other financing uses. Issuance costs, even if withheld from the actual net proceeds received, are reported as expenditures in the period incurred.

**Fund Balance**

The City classifies governmental fund balances in the governmental fund financial statements as follows:

Non-spendable - The non-spendable category includes fund balance amounts that cannot be spent either because it is not in spendable form or because of legal or contractual constraints.

Restricted – The restricted fund balance includes fund balance amounts that are constrained for specific purposes which are externally imposed by providers, such as creditors or amounts constrained due to constitutional provisions or enabling legislation.

Committed – The committed fund balance includes amounts that can be used only for the specific purposes imposed by formal action (ordinance) of City Council. Those committed amounts cannot be used for other purposes unless City Council removes or changes the specified use by taking the same type of action it employed to previously commit those amounts.

Assigned – Amounts in the assigned fund balance are intended to be used by the City for specific purposes but do not meet the criteria to be classified as restricted or committed. In the General Fund assigned amounts represent intended uses established by City Council or City Manager, and Department Directors. The City Manager, and Department Directors are authorized to assign individual amounts up to \$15,000 and City Council is authorized to assign amounts over \$15,000.

Unassigned – The unassigned fund balance includes positive fund balances within the General Fund which has not been classified within the above-mentioned categories and negative fund balances in other governmental funds.



CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Cont'd)**

**E. Assets, Deferred Outflows, Liabilities, Deferred Inflows and Net Position or Fund Balance (Cont'd)**

At September 30, 2019, the City has the following fund balance classifications:

	General Fund	Debt Service Fund	Capital Projects Fund	Nonmajor Governmental Fund	Total
<b>Fund Balance</b>					
<b>Non-Spendable Prepays</b>	\$ 420	\$ -	\$ -	\$ -	\$ 420
<b>Restricted:</b>					
Capital Projects	\$ -	\$ -	\$ 18,651,822	\$ -	\$ 18,651,822
Debt Service	-	357,755	-	-	357,755
Road and Park Improvements	-	-	-	3,282,512	3,282,512
Public Safety	-	-	-	153,339	153,339
Economic Development, HOT	-	-	-	347,538	347,538
Other Development	-	-	-	614,311	614,311
	<u>\$ -</u>	<u>\$ 357,755</u>	<u>\$ 18,651,822</u>	<u>\$ 4,397,700</u>	<u>\$ 23,407,277</u>
<b>Unassigned:</b>					
Unassigned	\$ 15,537,158	\$ -	\$ -	\$ -	\$ 15,537,158
	<u>\$ 15,537,578</u>	<u>\$ 357,755</u>	<u>\$ 18,651,822</u>	<u>\$ 4,397,700</u>	<u>\$ 38,944,855</u>

The City requires restricted/committed amounts to be spent first when both restricted and unrestricted fund balance is available unless there are legal documents/contracts that prohibit doing this, such as a grant agreement requiring dollar for dollar spending. Additionally, the City would first use committed then assigned and lastly unassigned amounts of unrestricted fund balance when expenditures are made. For the Net Position, the City also requires restricted amounts be spent first when both restricted and unrestricted fund balances is available unless the restriction prohibits doing this.

The City Charter has a formal minimum general fund balance policy that requires a reserve of at least equal to 25% of operating budget.

Net position represents the difference between assets and deferred outflows and liabilities and deferred inflows. Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction or improvements of those assets, and adding back unspent proceeds. Net position is reported as restricted when there are limitations imposed on their use either through the enabling legislations adopted by the City or through external restrictions imposed by creditors, grantors or laws or regulations of other governmental units.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Cont'd)**

**E. Assets, Deferred Outflows, Liabilities, Deferred Inflows and Net Position or Fund Balance (Cont'd)**

**Pension**

For the purposes of measuring the net pension liability, deferred inflows/outflows of resources and pension expense, information about the fiduciary net position of the Texas Municipal Retirement System (TMRS) and additions to, or deductions from, TMRS's fiduciary net position have been determined on the same basis as they are reported by TMRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

**Other Postemployment Benefits**

The Net OPEB liability has been determined based on the flow of economic resources measurement focus and full accrual basis of accounting. This includes measuring the Net OPEB liability: deferred outflows of resources and deferred inflows of resources related to OPEB, OPEB expense, and information about benefit payments are recognized in the total liability calculation when due and payable in accordance with the benefit terms. The OPEB Trust and the investments which are reported at fair value, are reflected in the Statement of Fiduciary Net Position.

**Deferred Outflows and Inflows of Resources** – The City has classified as deferred outflows of resources certain items that represent a consumption of resources that applies to a future period and, therefore, will not be recognized as an expense until then. Deferred inflows of resources represent an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until then.

The City has classified all of the difference between the reacquisition price and the net carrying amount of the defeased debt as a deferred outflow of resources. The deferred outflow of resources is amortized over the term of the defeased bonds and recognized as a component of interest expense annually. The City has also deferred certain pension and OPEB related items in accordance with applicable pension standards as noted under Note V.

**Estimates**

The preparation of financial statements in conformity with accounting principles generally accepted in the US requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual amounts could differ from those estimates.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**II. RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS**

Explanation of Certain Differences Between the Governmental Fund Balance Sheet and the Government Statement of Net Position

Exhibit C-2 provides the reconciliation between the fund balance for total governmental funds on the governmental fund balance sheet and the net position for governmental activities as reported in the government-wide statement of net position. One element of that reconciliation explains that capital assets are not financial resources and are therefore not reported in governmental funds. In addition, long-term liabilities, including bonds payable and compensated absences, are not due and payable in the current period and are not reported as liabilities in the funds. The details of capital assets and long-term debt at the end of the year were as follows:

	<u>Historic Cost</u>	<u>Accumulated Depreciation</u>	<u>Net Value End of Year</u>	<u>Change in Net Position</u>
<u>Capital Assets - End of Year</u>				
Non-Depreciable Assets	\$ 19,167,582	\$ -	\$ 19,167,582	
Depreciable Assets	<u>170,067,624</u>	<u>54,242,517</u>	<u>115,825,107</u>	
Change in Net Position	<u>\$ 189,235,206</u>	<u>\$ 54,242,517</u>	<u>\$ 134,992,689</u>	134,992,689
 <u>Long-term Debt - End of Year</u>				
Bonds Payable			<u>\$ 78,098,656</u>	
Change in Net Position			<u>\$ 78,098,656</u>	<u>(78,098,656)</u>
Net Adjustment to Net Position				<u>\$ 56,894,033</u>

**Explanation of Certain Differences Between the Governmental Fund Statement of Revenues, Expenditures, and Changes in Fund Balances and the Government-wide Statement of Activities**

Another element of the reconciliation on Exhibit C-4 is described as various other reclassifications and eliminations necessary to convert from the modified accrual basis of accounting to accrual basis of accounting. This adjustment is the result of several items. The details for this element are as follows:

	<u>Amount</u>	<u>Adjustment to Change in Net Position</u>
Amortization of Bond Premiums	\$ 704,985	\$ 704,985
General Fund Contributed Capital	2,795,086	2,795,086
Compensated Absences	(56,239)	(56,239)
Deferred Inflows Property Tax	74,234	(74,234)
Pension Expense	(202,752)	(202,752)
Interest Accrual	24,038	24,038
OPEB Expense	11,862	<u>11,862</u>
		<u>\$ 3,202,746</u>

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**III. STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY**

**Budgetary Data**

The Council adopts an "appropriated budget" for the General Fund. The City is required to present the adopted and final amended budgeted revenues and expenditures for this fund. The City compares the final amended budget to actual revenues and expenditures. The General Fund Budget report appears in Exhibit G-1.

The following procedures are followed in establishing the budgetary data reflected in the general-purpose financial statements:

1. Sixty days prior to October 1st, the City prepares a budget for the next succeeding fiscal year beginning October 1. The operating budget includes proposed expenditures and the means of financing them.
2. A meeting of the City Council is then called for the purpose of adopting the proposed budget. At least ten days public notice of the meeting must be given.
3. Prior to the third Tuesday of September, the budget is legally enacted through passage of a resolution by the Council. Once a budget is approved, it can only be amended at the function and fund level by approval of a majority of the members of the Council. Amendments are presented to the council at its regular meetings. Each amendment must have Council approval. As required by law, such amendments are made before the fact, are reflected in the official minutes of the Council, and are not made after fiscal year end. Because the City has a policy of careful budgetary control, several amendments were necessary during the year.
4. The legal level of budgetary control is at the function level. Each budget is controlled by the budget coordinator at the revenue and expenditure function/object level. Budgeted amounts are as amended by the Council. All budget appropriations lapse at year end. Amounts encumbered prior to year-end will lapse 3 months after year end.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**IV. DETAILED NOTES ON ALL FUNDS**

**A. Deposits and Investments**

As of September 30, 2019, the City had the following Pooled cash, and investments:

	<b>Pooled cash and investments</b>	
	Unrestricted	Restricted
General Fund	\$ 12,993,604	\$ -
Debt Service	-	403,117
Capital Projects	9,121,318	10,640,566
Nonmajor governmental funds	1,014,759	3,420,790
Water Fund	9,814,269	6,317,354
Wastewater Fund	20,649,713	13,208,971
Storm Drainage Fund	847,837	-
Fiduciary Funds	-	1,548,918
	\$ 54,441,500	\$ 35,539,716
Total pooled cash, cash equivalents and investments	\$ 89,981,216	
Total Investments		
TexPool	\$ 33,382,035	
TexSTAR	37,552,879	
Mutual Fund	10,473,558	
United States Treasury Note	3,995,468	
Federal Home Loan Bank	2,997,854	
Total Investments	\$ 88,401,794	
ADD:		
Deposits	175,210	
	\$ 88,577,004	
OPEB Trust Investments	\$ 1,404,212	
Total pooled cash, and investments	\$ 89,981,216	



CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**IV. DETAILED NOTES ON ALL FUNDS (Cont'd)**

**A. Deposits and Investments (Cont'd)**

Texas Local Government Investment Pool

Texas Local Government Investment Pool (“TexPool”) is a public funds investment pool created pursuant to the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, and the Public Funds Investment Act, Texas Government Code, Chapter 2256. The State Comptroller of Public Accounts exercises oversight responsibility over TexPool. Oversight includes the ability to significantly influence operations, designation of management, and accountability for fiscal matters. Additionally, the State Comptroller has established an advisory board composed both of participants in TexPool and of other persons who do not have a business relationship with TexPool. The advisory board members review the investment policy and management fee structure. Finally, TexPool is rated AAAM by Standard & Poor’s and had a weighted average maturity of 34 days as of September 30, 2019.

TexPool meets the requirements of GASB Statement No. 79, and as such, measures and reports its investments at amortized cost. The City carries its investment in TexPool at amortized cost.

TexSTAR Investment Pool

TexSTAR is a local government investment pool organized under the authority of the Interlocal Cooperation Act, Chapter 791, of the Texas Government Code, and the Public Funds Investment Act, chapter 2256, of the Texas Government Code. The pool was created through a contract among its participating governmental units, and is governed by a board of directors to provide for the joint investment of participants’ public funds and funds under their control. TexSTAR is managed by J.P. Morgan Investment Management, Inc., an affiliate of JP Morgan Chase Bank, N.A. a national banking association, and First Southwest Asset Management, Inc., an affiliate of Texas based First Southwest Company. TexSTAR’s investment manager will maintain the dollar-weighted average maturity of sixty (60) days or less, and the maximum stated maturity for any obligation of the United States, its agencies, or instrumentalities is limited to 397 days for fixed rate securities and 24 months for variable rate notes. TexSTAR is rated AAAM by Standard and Poor’s and had a weighted average maturity of 36 days at September 30, 2019.

TexSTAR does meet the requirements of GASB Statement No. 79, and as such, has elected to measure and report its investments at fair value. The City carries its investment in TexSTAR at fair value measured using published NAV, which is based on fair values of the underlying investments.

The City utilizes various methods to measure the fair value of investments on a recurring basis. GASB Statement No. 72, Fair Value Measurement and Application, establishes a hierarchy that prioritizes inputs to valuation methods. The three levels of inputs are:

Level 1 – Unadjusted quoted prices in active markets for identical assets and liabilities that the City has the ability to access.

Level 2 – Observable inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly. These inputs include quoted prices for the identical instrument in an inactive market, and other significant inputs based on third party fixed-income pricing models.

Level 3 – Unobservable inputs for the asset or liability, to the extent relevant observable inputs are not available, representing the City’s own assumptions about the assumptions a market participant would use in valuing the asset or liability, and would be based on the best information available.

The availability of observable inputs can vary from security to security and is affected by a wide variety of factors, including, for example, the type of security, whether the security is new and not yet established in the marketplace, the liquidity of markets, and other characteristics particular to the security. To the extent that valuation is based on models or inputs that are less observable or unobservable in the market, the determination of fair value requires more judgment. Accordingly, the degree of judgment exercised in determining fair value is greatest for instruments categorized in Level 3.

The inputs used to measure fair value may fall into different levels of the fair value hierarchy. In such cases, for disclosure purposes, the level in the fair value hierarchy within which the fair value measurement falls in its entirety, is determined based on the lowest level input that is significant to the fair value measurement in its entirety.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**IV. DETAILED NOTES ON ALL FUNDS (Cont'd)**

**A. Deposits and Investments (Cont'd)**

The inputs or methodology used for valuing securities are not necessarily an indication of the risk associated with investing in those securities.

As of September 30, 2019, the City's investment of \$6,993,322 in agency securities and treasury notes are measured at amortized cost, as the original maturity of the security at the date of purchase was less than one year. Also, the City's investment in TexPool \$33,382,035 is carried at A+ amortized cost. Accordingly, the City is not required to disclose these investments within the GASB Statement No. 72 hierarchy for investments.

As of September 30, 2019, the City's investment of \$37,552,879 in TexSTAR is carried at fair value using published NAV which is based on fair value of the underlying investments. The City's investment in TexSTAR is classified in level 2.

The City's investment in the Wells Fargo Government Money Market Fund of \$10,473,558 is carried at fair value using published NAV of the fund. The City's investment in this fund is classified in level 1. This fund invests in fixed income securities seeking current income while preserving capital and liquidity. The City's OPEB Trust fund investment of \$1,404,212 are in mutual funds and are carried at fair value using published NAV. The City's OPEB Trust investments are classified in level 1.

**Interest Rate Risk:** Interest rate risk is the risk that the changes in interest rates will adversely affect the fair value of an investment. In accordance with its investment policy, the City manages its exposure to declines in fair market values by limiting the weighted average maturity of its investment portfolio to a maximum of 180 days. At September 30, 2019 the City holds \$6,993,322 of US Agency securities and US Treasuries, with a weighted average maturity of its investment portfolio of 105 days.

**Custodial Credit Risk:** In the case of deposits, this is the risk that in the event of a bank failure, the City's deposits may not be returned to it. State statutes require that all deposits in financial institutions be fully collateralized by U. S. Government obligations or its agencies and instrumentalities or direct obligations of Texas or its agencies and instrumentalities that have a fair value of not less than the principal amount of deposits. As of September 30, 2019, any deposit balance exceeding the \$250,000 covered by FDIC insurance was collateralized with securities held by the pledging financial institution in the City's name. Custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, the City will not be able to recover the value of its investment or collateral securities that are in the possession of an outside third party. Investment securities are exposed to custodial risk if the securities are uninsured, are not registered in the name of the City and are held by the counterparty, its trust or agent, but not in the City's name. The City's investment securities are not exposed to custodial risk because all securities held by the City's custodial banks are in the City's name.

**Credit Risk:** Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations to the City. It is the City's policy to limit its investments to investment types with an investment quality rating not less than A or its equivalent by a nationally recognized statistical rating organization. The City's investment pools and money market fund were rated AAAM by Standard & Poor's Investors Service and government securities were rated AA+. The City's trust fund investments are not rated.

**Concentration of Credit Risk:** Concentration of credit risk is the risk of loss attributed to the magnitude of the City's investment in a single issuer. The City's investment policy requires the investment portfolio be diversified in terms of investment instruments, maturities and financial institutions to reduce the risk of loss resulting from overconcentration of assets in a specific maturity or specific issuer. As of September 30, 2019, the City had no investments exposed to concentration of credit risk.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**IV. DETAILED NOTES ON ALL FUNDS (Cont'd)**

**B. Receivables**

Receivable as of year-end for the government's individual major funds and nonmajor funds in the aggregate, including the applicable allowances for uncollectible accounts are as follows:

	Governmental Funds						Total
	General	Debt Service	Other	Water	Wastewater	Storm Drainage	
Receivables:							
Accounts:							
Customers	\$ 941,258	\$ -	\$ -	\$ 2,442,278	\$ 1,289,312	\$ 245,948	\$ 4,918,794
Court Warrants Receivable	2,734,889	-	-	-	-	-	2,734,889
Developers	8,397	-	-	-	-	-	8,397
Property Tax	126,746	129,500	-	-	-	-	256,246
Sales Tax	1,617,318	-	-	-	-	-	1,617,318
Franchise/Access	454,359	-	-	-	-	-	454,359
Other	730,363	-	116,728	-	-	-	847,091
Gross Receivables	\$ 6,613,331	\$ 129,500	\$ 116,728	\$ 2,442,278	\$ 1,289,312	\$ 245,948	\$ 10,837,096
Less: Allowance for Uncollectibles	(2,833,409)	-	-	(451,003)	(279,435)	(15,354)	(3,579,201)
Net Receivables	<u>\$ 3,779,922</u>	<u>\$ 129,500</u>	<u>\$ 116,728</u>	<u>\$ 1,991,275</u>	<u>\$ 1,009,877</u>	<u>\$ 230,593</u>	<u>\$ 7,257,895</u>

**C. Property Taxes**

In accordance with Texas statutes, the City approves a tax rate and an order to levy property taxes in October of each year. Property taxes are billed by the county tax assessor collector as of October 1 in conformity with Subtitle E, Texas Property Tax Code. Taxes are payable on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. On January 1 of the year following the City's order to levy taxes (the assessment date), a tax lien attaches to property to secure the payment of all taxes, penalties, and interest ultimately imposed. The assessment date represents the date on which an enforceable legal claim arises and attaches as a lien on the assessed property. In the government-wide financial statements, property tax revenue is recognized as earned, net of an allowance for uncollectible taxes. In the Governmental Fund financial statements, property tax revenues are considered available when they become due and receivable within the current period.

The appraisal of property within the City is the responsibility of the Hays County Appraisal District. The Appraisal District is required under the Property Tax Code to assess all property within the appraisal district on the basis of 100 percent of its appraised value and is prohibited from applying any assessment ratios. The value of property within the appraisal district must be reviewed at least every five years. The City may challenge appraised values established by the Appraisal District through various appeals and, if necessary, legal action. Under this legislation, the City continues to set tax rates on property within the city limits. However, if the effective tax rate, excluding tax rates for bonds and other contractual obligations and adjusted for new improvements, exceeds the rate for the previous year by more than 8 percent, qualified voters of the City may petition for an election to determine whether to limit the tax rate to no more than 8 percent above the tax rate of the previous year.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**IV. DETAILED NOTES ON ALL FUNDS (Cont'd)**

**D. Capital Assets**

Capital asset activity for the year ended September 30, 2019, was as follows:

<u>Governmental Activities:</u>	<u>Balance 10/1/2018</u>	<u>Additions</u>	<u>Disposals/ Transfers</u>	<u>Balance 9/30/2019</u>
Capital assets not being depreciated:				
Land	\$ 3,318,837	\$ 889,973	\$ -	\$ 4,208,810
Construction in progress	6,049,870	8,908,714	-	14,958,585
Total capital assets not being depreciated	<u>\$ 9,368,708</u>	<u>\$ 9,798,687</u>	<u>\$ -</u>	<u>\$ 19,167,395</u>
Capital assets being depreciated:				
Buildings	\$ 17,243,564	\$ 127,151	\$ -	\$ 17,370,715
Improvements other than buildings	4,438,531	209,270	-	4,647,801
Infrastructure	140,106,383	1,979,426	-	142,085,808
Machinery and equipment	5,475,743	487,557	-	5,963,300
Total capital assets being depreciated	<u>\$ 167,264,222</u>	<u>\$ 2,803,404</u>	<u>\$ -</u>	<u>\$ 170,067,624</u>
Accumulated depreciation:				
Buildings	\$ (4,132,411)	\$ (484,267)	\$ -	\$ (4,616,678)
Improvements other than buildings	(2,697,423)	(264,597)	-	(2,962,020)
Infrastructure	(38,216,534)	(4,575,464)	-	(42,791,998)
Machinery and equipment	(3,514,958)	(356,863)	-	(3,871,821)
Total accumulated depreciation	<u>\$ (48,561,326)</u>	<u>\$ (5,681,191)</u>	<u>\$ -</u>	<u>\$ (54,242,517)</u>
Total capital assets being depreciated (net)	<u>\$ 118,702,896</u>	<u>\$ (2,877,787)</u>	<u>\$ -</u>	<u>\$ 115,825,107</u>
Governmental activities capital assets (net)	<u><u>\$ 128,071,604</u></u>	<u><u>\$ 6,920,900</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 134,992,502</u></u>

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**IV. DETAILED NOTES ON ALL FUNDS (Cont'd)**

**D. Capital Assets (Cont'd)**

<u>Business Type Activities:</u>	<u>Balance 10/1/2018</u>	<u>Additions</u>	<u>Disposals/ Transfers</u>	<u>Balance 9/30/2019</u>
Capital assets not being depreciated:				
Land				
Water	\$ 415,161	\$ -	\$ -	\$ 415,161
Wastewater	276,774	-	-	276,774
Construction in progress				
Water	860,777	435,109	-	1,295,886
Wastewater	4,892,126	5,718,997	-	10,611,124
Total capital assets not being depreciated	<u>\$ 6,444,838</u>	<u>\$ 6,154,106</u>	<u>\$ -</u>	<u>\$ 12,598,944</u>
Capital assets being depreciated:				
Buildings				
Water	\$ 14,071	\$ -	\$ -	\$ 14,071
Wastewater	3,099,552	-	-	3,099,552
Improvements other than buildings				
Water	38,541,901	1,314,016	-	39,855,917
Wastewater	42,151,491	1,731,894	-	43,883,385
Storm Drainage	12,150,821	3,766,618	-	15,917,439
Machinery and equipment				
Water	1,054,102	103,303	-	1,157,405
Wastewater	1,194,698	103,303	-	1,298,002
Storm Drainage	1,035,559	341,171	-	1,376,731
Total capital assets being depreciated	<u>\$ 99,242,196</u>	<u>\$ 7,360,307</u>	<u>\$ -</u>	<u>\$ 106,602,503</u>
Accumulated depreciation:				
Buildings				
Water	(11,282)	(2,195)	-	\$ (13,476)
Wastewater	(476,354)	(224,128)	-	(700,481)
Improvements other than buildings				
Water	(11,702,585)	(890,687)	-	(12,593,271)
Wastewater	(13,025,134)	(1,301,816)	-	(14,326,950)
Storm Drainage	(110,946)	(306,546)	-	(417,492)
Machinery and equipment				
Water	(651,210)	(84,634)	-	(735,844)
Wastewater	(726,618)	(102,587)	-	(829,205)
Storm Drainage	(77,523)	(112,733)	-	(190,256)
Total accumulated depreciation	<u>\$ (26,781,651)</u>	<u>\$ (3,025,325)</u>	<u>\$ -</u>	<u>\$ (29,806,976)</u>
Total capital assets being depreciated (net)	<u>\$ 72,460,545</u>	<u>\$ 4,334,982</u>	<u>\$ -</u>	<u>\$ 76,795,527</u>
Business type activities capital assets (net)	<u>\$ 78,905,383</u>	<u>\$ 10,489,088</u>	<u>\$ -</u>	<u>\$ 89,394,471</u>



CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**IV. DETAILED NOTES ON ALL FUNDS (Cont'd)**

**D. Capital Assets (Cont'd)**

Depreciation expense was charged to functions/programs of the government as follows:

Governmental Activities:	
General government	\$ 468,018
Public safety	199,642
Public works	4,569,338
Culture and recreation	444,193
Total Depreciation Expense - Governmental Activities	\$ 5,681,191
Business Type Activities:	
Water	\$ 977,516
Wastewater	1,628,530
Storm Drainage	419,279
Total Depreciation Expense - Business Type Activities	\$ 3,025,325

**E. Interfund Receivables, Payables and Transfers**

The composition of interfund balances as of September 30, 2019, is as follows:

Receivable Fund	Payable Fund	Amount
General Fund	Water and wastewater	\$ 454,245

Balances resulted from the time lag between the dates that 1) interfund goods and services are provided or reimbursable expenses occur, and 2) transactions are recorded in the accounting system, and 3) payments between funds are made.

Interfund and intrafund transfers during the year ended September 30, 2019, are as follows:

<b>Transfers In</b>	<b>Transfers out</b>							
	General Fund	Debt Service	Capital Projects	Nonmajor Governmental	Water Fund	Wastewater Fund	Storm Drainage	Total
General Fund	\$ -	\$ -	\$ -	\$ 336,506	\$ 650,000	\$ -	\$ -	\$ 986,506
Debt Service Fund	-	1,691,454	-	-	234,274	37,026	-	1,962,754
Capital Projects	7,641,908	-	-	-	2,500,000	-	-	10,141,908
Nonmajor Governmental	133,042	-	-	-	-	-	-	133,042
Water Fund	-	-	-	-	735,109	-	-	735,109
Wastewater Fund	5,000,000	3,500,000	-	-	-	8,568,996	-	17,068,996
Storm Drainage Fund	-	-	-	-	-	-	25,000	25,000
	\$ 12,774,950	\$ 5,191,454	\$ -	\$ 336,506	\$ 4,119,383	\$ 8,606,022	\$ 25,000	\$ 31,053,315

Transfers are used to 1) move revenues from the fund that statute or budget requires to collect them to the fund that statute or budget requires to expend them, 2) move receipts restricted to debt service from the funds collecting the receipts to the Debt Service Fund as debt service payments become due, and 3) use unrestricted revenues collected in the General Fund to finance various programs accounted for in other funds in accordance with budgetary authorizations.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**IV. DETAILED NOTES ON ALL FUNDS (Cont'd)**

**F. Long-term Liabilities**

Changes in Long-term Liabilities

Long-term liability activity for the year ended September 30, 2019, was as follows:

	Balance 10/1/2018	Additions	Reduction	Balance 9/30/2019	Due Within One Year
<b>Governmental Activities:</b>					
Bonded Indebtedness	\$ 39,115,002	\$ -	\$ 705,000	\$ 38,410,003	\$ 730,000
Premium on Bond Issuance	3,508,639	-	704,985	2,803,654	-
Refunding Bonds	41,415,000	-	4,530,000	36,885,000	4,700,000
Net Pension Liability	2,100,242	2,333,543	892,221	3,541,564	-
Net OPEB Liability	400,460	46,023	138,082	308,401	-
Total Governmental Activities	<u>\$ 86,539,343</u>	<u>\$ 2,379,566</u>	<u>\$ 6,970,288</u>	<u>\$ 81,948,622</u>	<u>\$ 5,430,000</u>
<b>Business Type Activities:</b>					
Net Pension Liability	\$ 722,901	\$ 803,201	\$ 307,101	\$ 1,219,001	\$ -
Net OPEB Liability	133,487	15,341	46,027	102,801	-
Total Business Type Activities	<u>\$ 856,388</u>	<u>\$ 818,542</u>	<u>\$ 353,128</u>	<u>\$ 1,321,802</u>	<u>\$ -</u>

The General Fund is responsible for liquidating liabilities for other post employment benefits and pensions in the governmental activities.

**Bonded Indebtedness**

The City has issued general obligation bonds whereby the proceeds were used to purchase capital assets reported in the Water and Wastewater Funds. All general obligation debt is expected to be service by the governmental activities and the Water and Wastewater Funds are not expected to service the general obligation debt. Accordingly, all the City's general obligation debt is reported in the governmental activities column.

The City issues certificates of obligation and tax notes to provide funds for the acquisition and construction of major capital facilities and equipment and to refund previous issues. Bonded indebtedness of the City is as follows:

Governmental Activities:

\$15,315,000 General Obligation Refunding Bonds - Series 2009, principal due annually in series through 2025, interest due semi-annually at 4.125%. \$ 1,780,000

\$4,290,000 Combination Tax and Revenue Certificates of Obligation - Series 2010, principal due annually in series through 2030, interest due semi-annually at 3.00% to 4.05%. 2,990,000

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**IV. DETAILED NOTES ON ALL FUNDS (Cont'd)**

**F. Long-term Liabilities (Cont'd)**

**Bonded Indebtedness (Cont'd)**

\$3,390,000 General Obligation Refunding Bonds - Series 2011, principal due annually in series through 2024, interest due semi-annually at 1.4% to 3.40%.	\$ 1,645,000
\$13,720,000 General Obligation Refunding Bonds - Series 2013, principal due annually in series through 2033, interest due semi-annually at 3.0% to 4.0%	11,750,000
\$5,520,000 General Obligation Bonds - Series 2013, principal due annually in series through 2033, interest due semi-annually at 1.75% to 4.0%	4,370,000
\$1,875,000 Tax Notes - Series 2014, principal due annually in series through 2021, interest due semi-annually at 2.0% to 3.0%	570,000
\$7,140,000 General Obligation Refunding Bonds - Series 2014, principal due annually in series through 2028, interest due semi-annually at 4.0%	6,970,000
\$42,525,000 General Obligation Refunding Bonds - Series 2015, principal due annually in series through 2035, interest due semi-annually at 2.0% to 4.0%	36,700,000
\$8,520,000 General Obligation Refunding Bonds - Series 2016, principal due annually in series through 2031, interest due semi-annually at 3.0% to 4.0%	8,520,000
	\$ 75,295,000

**Debt Service Requirements**

Annual debt service requirements are as follows:

Fiscal Year Ending	Principal	Interest	Total
September 30,			
2020	5,430,000	2,738,118	8,168,118
2021	5,630,000	2,545,913	8,175,913
2022	5,540,000	2,351,308	7,891,308
2023	5,750,000	2,152,213	7,902,213
2024	5,975,000	1,944,333	7,919,333
2025-2029	24,705,000	6,664,697	31,369,697
2030-2034	18,255,000	2,425,909	20,680,909
2035	4,010,000	71,400	4,081,400
	\$ 75,295,000	\$ 20,893,889	\$ 96,188,889

**G. Contingent Arbitrage Liabilities**

The City has invested a portion of GO bond proceeds as a reserve for the retirement of the bonds. Any excess of interest revenue earned on invested proceeds over interest paid on the bonds must be rebated to the federal government every five years. The City has no arbitrage liability as of September 30, 2019.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**V. OTHER INFORMATION**

**A. Risk Management**

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; employee health benefits; and other claims of various natures. The City participates in the Texas Municipal League Intergovernmental Risk Pool. As an insured, the City is not obligated to reimburse the pool for losses. The City has not had any significant reductions in insurance coverage, nor have insurance settlements for the last three fiscal years exceeded insurance coverage. Any losses reported, but unsettled or incurred and not reported, are believed to be insignificant to the City's financial statements.

**B. Commitments and Contingencies**

The City is a defendant in lawsuits occurring in the normal course of business. Although the outcome of these matters is not presently determinable, in the opinion of the City's attorney, their resolution will not have a material adverse effect on the financial condition of the City. Amounts received or receivable from grantor agencies are subject to audit and adjustment by such agencies. Any disallowed claims, including amounts already collected may constitute a liability of the applicable funds. The amount, if any, of expenditures which may be disallowed by the grantor cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

The City executed Water Supply Contracts with Guadalupe Blanco River Authority (GBRA) and a Regional Water Supply Contract with the Alliance Regional Water Authority (formerly Hays Caldwell Public Utility Agency "the Agency").

Under the raw water supply agreement with GBRA, the City agreed to pay on a take or pay basis for the appropriate share of debt service, debt service coverage and fixed Operation and Maintenance Expenses as defined in the agreement. Rates charged to the City for the treatment and delivery of treated water are determined pursuant to the terms of the Regional Agreement, plus GBRA's costs associated with any facilities required to convey the treated water. The City is also required under the agreement to pay on a take or pay basis as defined in the agreement for the treated water. For the period ending September 30, 2019, the City paid \$2,954,027 under the water supply agreement.

The Alliance Regional Water Authority (Agency) and Sponsoring Public Entities which includes the cities of Buda, Kyle and San Marcos and the Canyon Regional Water Authority have entered into a Regional Water Supply Contract dated January 15, 2008 as amended by amendment No. 1. The Agency agreed to design, finance, construct, own, acquire, maintain and operate the Project in a manner that will allow the Agency to deliver water to the Sponsoring Public Entities which includes the City. The City agreed to pay its share (28.17%) of the Project Costs and to make payments to or on behalf of the Agency in amount sufficient to meet all of the Agency's obligations under the Contract including its share of the Project Costs to allow the Agency own, operate and maintain the Project. For the period ending September 30, 2019, the City paid \$1,296,685 under the water supply contract.

**C. Benefit Plans**

The City participates as one of 887 plans in the nontraditional, joint contributory, hybrid defined benefit pension plan administered by the Texas Municipal Retirement System (TMRS). TMRS is an agency created by the State of Texas and administered in accordance with the TMRS Act, Subtitle G, Title 8, Texas Government Code (the "TMRS Act") as an agent multiple-employer retirement system for municipal employees in the State of Texas. The TMRS Act places the general administration and management of TMRS with a six-member Board of Trustees. Although the Governor, with the advice and consent of the Senate, appoints the Board, TMRS is not fiscally dependent on the State of Texas. TMRS's defined benefit pension plan is a tax-qualified plan under Section 401(a) of the Internal Revenue Code.

TMRS issues a publicly available comprehensive annual financial report that can be obtained at [www.tmrs.com](http://www.tmrs.com). All eligible employees of the City are required to participate in TMRS.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**Retirement Plan**

**Plan Description**

The City provides pension benefits for all its full-time employees through a nontraditional, joint contributory, hybrid defined benefit plan in the statewide Texas Municipal Retirement System (TMRS), an agent multiple- employer public employee retirement system. The plan provisions that have been adopted by the City are within the options available in the governing state statutes of TMRS.

TMRS issues a publicly available comprehensive annual financial report that includes financial statements and required supplementary information (RSI) for TMRS; the report also provides detailed explanations of the contributions, benefits and actuarial methods and assumptions used by TMRS. This report may be obtained by writing to TMRS, P.O. Box 149153, Austin, TX 78714-9153 or by calling 800-924-8677; in addition, the report is available on TMRS website at [www.TMRS.com](http://www.TMRS.com).

**Benefits Provided**

TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS.

At retirement, the benefit is calculated as if the sum of the employee's contributions, with interest, and the city-financed monetary credits with interest were used to purchase an annuity. Members may choose to receive their retirement benefit in one of seven payments options. Members may also choose to receive a portion of their benefit as a Partial Lump Sum Distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75% of the member's deposits and interest.

The City has adopted annuity increases at a rate equal to 70% of the increase in the Consumer Price Index – all Urban Consumers (CPI-U) between the December preceding the member's retirement date and the December one year before the effective date of the increase, minus any previously granted increases.

The plan provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS. Members can retire at age 60 and above with 5 or more years of service or with 20 years of service regardless of age. The Plan also provide death benefits and disability benefits. Effective January 1, 2002, members are vested after 5 years, unless the City opted to maintain 10-year vesting which it did until 2015. Members may work for more than one TMRS city during their career. If a member is vested in one TMRS city, he or she is immediately vested upon employment with another TMRS city. Similarly, once a member has met the eligibility requirements for retirement in a TMRS city, he or she is eligible in other TMRS cities as well.

**Employees covered by benefit terms**

At December 31, 2018, the following employee were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefits	25
Inactive employees entitled to but not yet receiving benefits	103
Active employees	<u>200</u>
Total	328



CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**Contributions**

Under the state law governing TMRS, the actuary annually determines the City contribution rate. This rate consists of the normal cost contribution rate and the prior service contribution rate, both of which are calculated to be a level percent of payroll from year to year. The normal cost contribution rate finances the currently accruing monetary credits due to the City matching percent, which are the obligation of the City as of an employee's retirement date, not at the time the employee's contributions are made. The normal cost contribution rate is the actuarially determined percent of payroll necessary to satisfy the obligation of the City to each employee at the time his/her retirement becomes effective. The prior service contribution rate amortizes the unfunded (overfunded) actuarial liability (asset) over the remainder of the plan's 25-year amortization period. Both the employees and the City make contributions monthly. Since the City needs to know its contribution rate in advance to budget for it, there is a one-year delay between the actuarial valuation that is the basis for the rate and the calendar year when the rate goes into effect (i.e. December 31, 2015, valuation is effective for rates beginning January 2016).

Employees for the City were required to contribute 7% of their annual gross earnings during the fiscal year. The contribution rates for the City were 12.49% for 2019. The City's contributions to TMRS for the year ended September 30, 2019, were \$1,479,117 and the required contributions were \$1,479,117.

**Funding Policy**

Cities are required to contribute at an actuarially determined rate; these rates are provided to the City on an annual basis, following the completion of the actuarial valuation.

**Net Pension Liability**

The City's net pension liability was measured as of December 31, 2018, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date.

**Actuarial assumptions:**

The total pension liability in the December 31, 2018 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.5% per year
Salary Increases	3.50% to 10.50 including inflation per year
Investment rate of return	6.75%, net of pension plan investment expense, including inflation

Salary increases were based on a service-related table. Mortality rates for active members, retirees, and beneficiaries were based on the gender-distinct RP2000 Combined Healthy Mortality Table, white blue-collar adjustments, with male rates multiplied by 109% and female rates multiplied by 103%. The rates are projected on a fully generational basis by scale BB to account for future mortality improvements.

For disabled annuitants, the gender-distinct RP2000 Combined Healthy Mortality Tables with Blue Collar Adjustment are used with male rates multiplied by 109% and female rates multiplied by 103% with a 3-year set-forward for both males and females. In addition, a 3% minimum mortality rate is applied to reflect the impairment for younger members who become disabled. The rates are projected on a fully generational basis by scale BB to account for future mortality improvements subject to the 3% floor.

Actuarial assumptions used in the December 31, 2018, valuation was based on the results of actuarial experience studies. The experience study in TMRS was for the period December 31, 2010 through December 31, 2014. The healthy annuitant post-retirement mortality rates and annuity purchase rates were based on a Mortality Experience Investigation Study covering 2009 through 2011 and dated December 31, 2013. These assumptions were first used in the December 31, 2013 valuation, along with a change to the Entry Age Normal (EAN) actuarial cost method. Assumptions are reviewed annually. No additional changes were made for the 2018 valuation.

CITY OF KYLE, TEXAS  
 NOTES TO FINANCIAL STATEMENTS  
 SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**Long-term expected rate of return:**

The long-term expected rate of return on pension plan investments is 6.75%. The pension plan's policy in regard to the allocation of invested assets is established and may be amended by the TMRS Board of Trustees. Plan assets are managed on a total return basis with an emphasis on both capital appreciation as well as the production of income, in order to satisfy the short-term and long-term funding needs of TMRS.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return (Arithmetic)</u>
Domestic Equity	17.50%	4.30%
International Equity	17.50%	6.10%
Core Fixed Income	10.00%	1.00%
Non-Core Fixed Income	20.00%	3.39%
Real Return	10.00%	78.00%
Real Estate	10.00%	4.44%
Absolute Return	10.00%	3.56%
Private Equity	5.00%	7.75%
Total	100.00%	

**Discount rate:**

The discount rate used to measure the Total Pension Liability was 6.75%. The projection of cash flows used to determine the discount rate assumed that employee and employer contributions will be made at the rates specified in statute. Based on that assumption, the pension plan's Fiduciary Net Position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the Total Pension Liability.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**Changes in Net Pension Liability / (Asset)**

The following table below presents the components used to calculate the NPL for the current reporting period.

	Increase (Decrease)		
	Total Pension Liability (a)	Fiduciary Net Position (b)	Net Pension Liability / (a) – (b)
<b>Balance at 10/1/2018</b>	\$ 21,701,318	\$ 18,878,178	\$ 2,823,140
Changes for the year:			
Service cost	1,978,017	-	1,978,017
Interest	1,517,366	-	1,517,366
Change of benefit terms	-	-	-
Difference between expected and actual experience	63,015	-	63,015
Changes of assumptions	-	-	-
Contributions - employer	-	1,405,910	(1,405,910)
Contributions - employee	-	793,019	(793,019)
Net investment income	-	(566,454)	566,454
Benefit payments, including refunds of employee contributions	(421,654)	(421,654)	-
Administrative expense	-	(10,929)	10,929
Other changes	-	(571)	571
Net changes	3,136,744	1,199,321	1,937,423
<b>Balance at 9/30/2019</b>	<b>\$ 24,838,062</b>	<b>\$ 20,077,500</b>	<b>\$ 4,760,562</b>

**Sensitivity of the net pension liability to changes in the discount rate:**

The following presents the net pension liability of the City, calculated using the discount rate of 6.75%, as well as what the City's net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.75%) or 1-percentage-point higher (7.75%) than the current rate:

	1 % Decrease 5.75%	Current Single Rate Assumption 6.75%	1% Increase 7.75%
City's Net Pension Liability	\$ 9,281,229	\$ 4,760,562	\$ 1,147,036

**Pension Plan Fiduciary Net Position**

Detailed information about the pension plan's Fiduciary Net Position is available in a separately-issued TMRS financial report. That report may be obtained on the Internet at [www.tmrs.org](http://www.tmrs.org).

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**Pension Expense**

For the year ended September 30, 2019, the City recognized pension expense of \$1,727,856, comprised as follows:

Total Service Cost	\$ 1,978,017
Interest on the Total Pension Liability	1,517,366
Current-Period Benefit Changes	-
Employee Contributions (Reduction of Expense)	(793,019)
Projected Earnings on Plan Investments (Reduction of Expense)	(1,274,277)
Administrative Expense	10,929
Other Changes in Fiduciary Net Position	571
Recognition of Current Year Outflow (Inflow) of Resources - Liabilities	9,862
Recognition of Current Year Outflow (Inflow) of Resources - Assets	368,146
Amortization of Current Year Outflow (Inflow) of Resources - Liabilities	(59,317)
Amortization of Current Year Outflow (Inflow) of Resources - Assets	<u>(30,422)</u>
Total Pension Expense	<u>\$ 1,727,856</u>

The funds used to liquidate the net pension obligations have been the general fund and the water/wastewater/storm drainage fund at a rate of 74% and 26% respectively, of the annual required contribution.

**Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions**

At September 30, 2019 the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual economic experience	\$ 68,152	\$ (266,315)
Changes in actuarial assumptions	2,460	-
Difference between projected and actual investment earnings	1,633,357	(651,013)
Contributions subsequent to the measurement date	1,128,106	-
Total	<u>\$ 2,832,075</u>	<u>\$ (917,328)</u>

The City reported \$1,128,106 as deferred outflows of resources related to pensions resulting from contributions made after the measurement date of the net pension liability but before the end of the fiscal year will be recognized as a reduction of the net pension liability for the year ending September 30, 2019. Amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year ended December 31:	
2019	262,316
2020	98,795
2021	96,162
2022	334,204
2023	(8,678)
Thereafter (4)	<u>3,843</u>
	<u>\$ 786,642</u>

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

The City participates in multiple OPEB Plans. The Supplemental Death Benefit Fund is a cost sharing multiple employer defined benefit and is part of the Texas Retirement System. The City also has a single employer defined benefit health insurance plan for retirees (Medical Plan). As of September 30, 2019, the following balance related to the OPEB liability:

	Medical Plan	SDBF	Total
OPEB Liability	\$ 195,566	\$ 215,637	\$ 411,203
Deferred Outflow of Resources	175,215	14,665	189,880
Deferred Inflow of Resources	(99,428)	(15,684)	(115,112)
OPEB Expense	85,397	30,281	115,678

**Post Retirement Supplemental Death Benefits (SDBF OPEB)**

**Plan Description:** The City participates in a single employer defined benefit group-term life insurance plan operated by the Texas Municipal Retirement System (TMRS) known as the SDBF. The City elected to provide group-term life insurance coverage to both current and retired employees. The death benefit for active employees provides a lump-sum payment approximately equal to the employee's annual salary (calculated based on the employee's actual earnings, for the 12-month period preceding the month of death). Retired employees are insured for \$7,500; this coverage is an "other post-employment benefit," or OPEB.

**Contribution:** The City contributes to the SDBF at a contractually required rate as determined by an annual actuarial valuation. The rate is equal to the cost of providing one-year term life insurance. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year; the intent is not to prefund retiree term life insurance during employees' entire careers. The City's contributions to the SDBF for the years ended September 30, 2019 was \$14,515, which equaled the required annual contributions.

TMRS issues a publicly available Comprehensive Annual Financial Report (CAFR) that includes financial and supplementary information for the SDBF. That report may be obtained from the TMRS website at [www.TMRS.com](http://www.TMRS.com).

**Post Retirement Health Insurance Plan (Health OPEB)**

**Plan Description:** The City maintains a single-employer defined benefit health insurance plan for retirees through the Texas Municipal League Intergovernmental Employee Benefits Pool (TML). The City elected to provide health insurance coverage to certain retired employees. Former full-time employees who have retired after 25 years of service and all full-time employees who have completed 5 years or more of continuous service by April 1, 2009, and who complete a total of 25 years or more of continuous service are entitled to the same group health insurance coverage provided to active employees. This coverage is completely paid by the City. Employees who have completed less than 5 years of continuous service as of April 1, 2009, and who complete 25 years or more of continuous service are entitled to the same group health insurance coverage provided to active employees. The City will pay \$300 (adjusted annually based on the CPI) toward this coverage. The employee is responsible for the balance. Any employee hired after April 1, 2009, is not entitled to group health insurance coverage after retirement. This plan is an "other postemployment benefit," or OPEB.



CITY OF KYLE, TEXAS  
 NOTES TO FINANCIAL STATEMENTS  
 SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**Benefits (Health OPEB)**

Employees in Group 1 are classified as participants with 5 or more years of continuous service on April 1, 2009 and 25 or more years of continuous service at retirement have the following benefits:

- Pre- Age 65: Medical, prescription drugs, dental, vision and \$2,000 life insurance – fully paid by the City for the retiree Post Age 65: Medicare supplement and prescription drugs.

Employees in Group 2 are classified as participants having fewer than 5 years of continuous service on 4/1/2009, and 25 or more years of continuous service at retirement.

- \$300 monthly stipend towards medical and prescription drug coverage (both before and after age 65). The \$300 amount is CPI indexed (\$346.45 as of 10/1/2018). The retiree pays any additional cost. The retiree pays the full cost of spouse's coverage.

Employees hired after April 1, 2009 are not eligible for benefits under the Plan.

**Medical plan provisions**

	Network	Non-Network
Calendar Year Deductible	\$250	\$500
Out-of-Pocket Limit	\$2,250 i/ \$4,000 f	None
Coinsurance	85%	55%
Preventive care and annual exam	100%	100%

**Contributions:** The annual premiums paid from the Trust for the period ending September 30, 2019 were \$5,953, and the City's contributions with the OPEB Trust were \$156,500.

As of the valuation date October 1, 2018, plan membership consisted of the following:

Active employees	51
Retired	<u>1</u>
Total	<u><u>52</u></u>

**Benefits: Supplemental Death Benefit Fund-** The death benefit for active employees provides a lump-sum payment approximately equal to the employee's annual salary (calculated based on the employee's actual earnings, for the 12-month period preceding the month of death). The death benefit for retirees is considered other postemployment benefit ("OPEB") and is a fixed amount of \$7,500. As the SDBF covers both active and retiree participants, with no segregation of assets, the SDBF is considered to be an unfunded OPEB plan (i.e. no assets are accumulated).

As of the measurement date of December 31, 2018, plan membership consisted of the following:

Inactive employees currently receiving or entitled to benefits	22
Inactive employees entitled to but not yet receiving benefits	16
Active employees	<u>200</u>
Total	238

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**Investments (Health OPEB)**

The long-term expected rate of return on OPEB plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation (3.0%) and deducting investment expenses. Best estimates of arithmetic real rates of return for each major asset class included in the OPEB plan's target asset allocation as of September 30, 2019 are summarized in the following table:

	Target Allocation	Real Return
Large Cap Stocks S&P 500	37%	5.70%
Mid/Small Cap Stocks Russell 2000	12%	6.50%
International Stocks MSCI EAFE	17%	5.40%
Bonds Barclays US	33%	2.50%
Multi-sector bonds	0%	3.50%
Real Estate	0%	4.80%
Cash Equivalents 3-month Treasury	1%	0.00%
	100%	

**Health OPEB (Cont'd)**

GASB 74 does not reduce the long-term rate of return for administrative expenses. Instead administrative expenses are an explicit component of annual OPEB expense bases of the administrative expense for the fiscal year. The resulting GASB 75 rate of return is 7.25%. The discount rate used to measure the total OPEB liability was 7.25 percent. The projection of cash flows used to determine the discount rate assumed that City contributions will be made as the same percentage of participant payroll as for the 2015-16 year or \$156,500 and that all future retiree medical benefits will be paid from the trust fund under the terms of the plan. Based on those assumptions, the OPEB plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total OPEB liability.

CITY OF KYLE, TEXAS  
 NOTES TO FINANCIAL STATEMENTS  
 SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**Sensitivity of the Net OPEB Liability to changes in the discount rate**

The following presents the Net OPEB Liability of the City, as well as what the City's Net OPEB Liability (asset) would be if it were calculated using a discount rate that is 1-percentage-point lower or 1-percentage point higher than the current discount rate:

	1% Decrease <u>6.25%</u>	Discount Rate <u>7.25%</u>	1% Increase <u>8.25%</u>
Net OPEB Liability (asset)	\$ 581,907	\$ 195,566	\$ (98,162)

**Sensitivity of the Net OPEB Liability to changes in the healthcare cost trend rates**

The following presents the Net OPEB Liability of the City, as well as what the City's Net OPEB Liability (asset) would be if it were calculated using healthcare cost trend rates that are 1 percentage-point lower or 1 percentage-point higher than the current healthcare cost trend rates:

	1% Decrease <u>5.09% Grading to 3.87%</u>	Trend Rates <u>6.09% Grading to 4.87%</u>	1% Increase <u>7.09% Grading to 5.87%</u>
Net OPEB Liability (asset)	(97,708)	195,566	583,552

The OPEB plan assets are measured at fair value, using the same valuation methods used by the OPEB Plan for purpose of preparing its statement of fiduciary net position. The money weighted rate of return is 4.40%.

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**Health OPEB (Cont'd)**

The components of net OPEB liability at September 30, 2019 were as follows:

Reconciliation of Total OPEB Liability	
Service cost	\$ 52,958
Interest on total pension liability	108,343
Differences between expected and actual experience	(122,181)
Change of Assumptions	28,137
Expected net benefit payments	<u>(5,893)</u>
Net change in total pension liability	\$ 61,364
Total OPEB Liability at beginning of year	<u>\$ 1,538,415</u>
Total OPEB Liability at end of year (a)	<u><u>\$ 1,599,779</u></u>
Fiduciary net position:	
Employer contributions	\$ 156,500
Member contributions	-
Investment income net of investment expense	59,309
Benefit payments/refunds of contributions	-
Administrative expenses	<u>(16,660)</u>
Net change in fiduciary net position	\$ 199,149
Fiduciary net position at beginning of year	<u>\$ 1,205,063</u>
Fiduciary net position at end of year (b)	<u>\$ 1,404,212</u>
Net OPEB liability/(asset) at end of year = (a) - (b)	<u><u>\$ 195,566</u></u>
Fiduciary net position as a % of total OPEB liability	87.78%
Covered payroll	\$3,184,000
Net OPEB liability as a % of covered payroll	6.14%

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The schedule of funding in progress, presented as required supplementary information following the notes to the financial statements, will present multiyear trend information about whether the actuarial value of the plan assets is increasing or decreasing over time relative to the actuarial accrued liabilities for benefits.

CITY OF KYLE, TEXAS  
 NOTES TO FINANCIAL STATEMENTS  
 SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**Health OPEB (Cont'd)**

The projections of benefits for financial reporting purposes are based on the benefits provided which are considered for accounting purposes to be provided in accordance with a substantive plan. A substantive plan is one in which the plan terms are understood by the City and plan members. This understanding is based on communications between the employers and plan members and the historical pattern of practice with regard to the sharing of benefit costs; it may not be a long term legal commitment. The actuarial methods and assumptions used include techniques that are designed to reduce the effects of short term volatility in actuarial accrued liabilities and actuarial value of assets, consistent with long term perspective of the calculations. Additional information as the latest valuation follows:

Key Assumptions for Net OPEB Liability

Valuation Date	10/1/18 valuation date (rolled forward to 9/30/19)
Actuarial cost method	Entry age
Amortization method	Level dollar
Asset valuation	Market value
Discount rate	7.25%
Salary scale	3.0%
Expected Return on Assets	7.25%
Healthcare Cost Trend Rates	6.09% grading to 4.87%; Group 1 retirees at 5% and Group 2 at 3% per year
Mortality	RP 2000 projected using scale AA

**Total SDBF OPEB Liability**

The City's total OPEB liability of \$215,637 was measured as of December 31, 2018 and was determined by an actuarial valuation as of that date.

**Changes in the SDBF Total OPEB Liability**

	Total OPEB Liability
Total OPEB Liability - beginning of year	\$ 200,595
Changes for the year:	
Service Cost	\$ 22,658
Interest	6,996
Difference between expected and actual experience	4,346
Change in assumptions or other inputs	(17,825)
Benefit Payments	(1,133)
Net Change	\$ 15,042
Total OPEB Liability - end of year	\$ 215,637



CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**Summary of Actuarial Assumptions**

Inflation	2.5%
Salary increases	3.50% to 10.5% including inflation
Discount rate*	3.71%
Retirees' share of benefit-related costs	\$0
Administrative expenses	All administrative expenses are paid through the Pension Trust and accounted for under reporting requirements under GASB Statement No. 68.
Mortality rates – service retirees	RP2000 Combined Mortality Table with Blue Collar Adjustment with male rates multiplied by 109% and female rates multiplied by 103% and projected on a fully generational basis with scale BB.
Mortality rates – disabled retirees	RP2000 Combined Mortality Table with Blue Collar Adjustment with male rates multiplied by 109% and female rates multiplied by 103% with a 3 year set-forward for both males and females. The rates are projected on a fully generational basis with scale BB to account for future mortality improvements subject to the 3% floor.

\*The discount rate was based on the Fidelity Index's "20-Year Municipal GO AA Index" rate as of December 31, 2018. The actuarial assumptions used in the December 31, 2018 valuation were based on the results of an actuarial experience study for the period December 31, 2010 to December 31, 2014.

**Sensitivity of the total OPEB liability to changes in the discount rate:** The following presents the total OPEB liability of the City as well as what the City's approximate total OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower or 1-percentage-point higher than the current discount rate:

	1 % Decrease 2.71%	Discount Rate 3.71%	1% Increase 4.71%
Total OPEB Liability	\$ 263,993	\$ 215,637	\$ 178,848

CITY OF KYLE, TEXAS  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

**OPEB Expense** – For the fiscal year ended September 30, 2019, the City recognized the following OPEB expense:

<b>Schedule of OPEB Expense</b>	<b>Total</b>	<b>SDBF</b>	<b>Health</b>
Total Service Cost	\$ 75,616	\$ 22,658	\$ 52,958
Interest on the Total OPEB Liability	115,339	6,996	108,343
Current-Period Benefit Changes	-	-	-
Employee Contributions (Reduction of Expense)	-	-	-
Projected Earning on Plan Investments (Reduction of Expense)	(97,668)	-	(97,668)
Administrative Expense	16,660	-	16,660
Other Changes in Fiduciary Net Position	-	-	-
Recognition of deferred outflows/inflows of resources:			
Actuarial (gains) and losses	3,870	-	3,870
Differences between expected and actual experience	522	522	-
Changes in assumptions or other inputs	2,417	105	2,312
Investments (gains) and losses	(1,078)	-	(1,078)
<b>Total OPEB Expense</b>	<b>\$ 115,678</b>	<b>\$ 30,281</b>	<b>\$ 85,397</b>

**SDBF and Health OPEB deferred outflows of resources and deferred inflows of resources:** For the fiscal year ended September 30, 2019, the City recognized OPEB expense of \$115,678. At September 30, 2019, the City reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following source:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ -	\$ -
Changes of assumptions or other inputs	25,825	(15,683)
Actuarial (Gains)/Losses	149,390	(112,142)
Net difference between projected and actual earnings on OPEB plan investments	-	-
OPEB Investment gains/losses	3,822	12,713
Employer contributions subsequent to the measurement date	10,843	-
<b>Total</b>	<b>\$ 189,880</b>	<b>\$ (115,112)</b>

CITY OF KYLE, TEXAS  
 NOTES TO FINANCIAL STATEMENTS  
 SEPTEMBER 30, 2019

**V. OTHER INFORMATION (Cont'd)**

**C. Benefit Plans (Cont'd)**

The City reported \$10,843 as deferred outflows of resources related to OPEB resulting from contributions made subsequent to the measurement date of the Net OPEB liability but before the end of the fiscal year will be recognized as reduction of Net OPEB liability for the year 9/30/2019. Amounts reported as the deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense over the average future service to retirement of plan participants as follows:

Years Ended September 30:	
2020	\$ 5,731
2021	5,729
2022	14,007
2023	14,480
2024	6,809
Thereafter	<u>17,169</u>
<b>Total</b>	<u><u>\$ 63,925</u></u>

**D. Tax Abatement**

The City of Kyle enters into sales and use tax and property tax abatement agreements with local businesses under Chapter 380 of the Texas Local Government Code. Under the Act, localities may grant sales and use and property tax abatements for the purpose of attracting or retaining businesses within their jurisdictions. The abatements may be granted to any business located within or promising to relocate to the City of Kyle.

For the fiscal year ended September 30, 2019, the City of Kyle abated sales and use taxes totaling \$873,290 and property taxes totaling \$26,423 under these programs, including the following tax abatement agreements that each exceeded 10 percent of the total amount abated:

- A 33 percent sales and use tax abatement to DDR, a developer, for taxable items collected on-site by the Retail Occupants and remitted to the State Comptroller. The abatement amounted to \$409,353.
- A 33 percent sales and use tax abatement to Seton Family of Hospitals for development of facility and increasing employment. The abatement amounted to \$463,596.
- A 67 percent sales and use tax abatement to Nomoland to promote commercial development and increase employment. The abatement amounted to \$341.
- A 50 percent property tax abatement to RR HPI, a developer, for assessed incremental property taxes above the base year. The abatement amounted to \$26,423.



**REQUIRED  
SUPPLEMENTARY  
INFORMATION  
(UNAUDITED)**



CITY OF KYLE  
 SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE -  
 BUDGET AND ACTUAL - GENERAL FUND  
 FOR THE YEAR ENDED SEPTEMBER 30, 2019

	Budgeted Amounts		Actual Amounts (GAAP BASIS)	Variance With Final Budget Positive or (Negative)
	Original	Final		
<b>REVENUES:</b>				
Taxes:				
Property Taxes	\$ 7,577,300	\$ 7,577,300	\$ 8,720,717	\$ 1,143,417
General Sales and Use Taxes	8,363,634	8,363,634	8,885,937	522,303
Franchise Tax	2,054,319	2,054,319	2,342,762	288,443
Other Taxes	90,000	90,000	92,439	2,439
Licenses and Permits	1,470,500	1,470,500	1,373,768	(96,732)
Intergovernmental Revenue and Grants	2,000	2,000	2,000	-
Charges for Services	4,785,493	4,785,493	4,450,059	(335,434)
Fines	525,000	525,000	661,736	136,736
Investment Earnings	400,000	400,000	2,165,430	1,765,430
Rents and Royalties	18,500	18,500	7,130	(11,370)
Contributions & Donations from Private Sources	35,000	35,000	40,000	5,000
Other Revenue	401,000	401,000	371,262	(29,738)
Total Revenues	<u>25,722,746</u>	<u>25,722,746</u>	<u>29,113,240</u>	<u>3,390,494</u>
<b>EXPENDITURES:</b>				
Current:				
General Government	7,801,131	7,825,206	6,857,899	967,307
Public Safety	7,532,817	7,532,817	7,186,604	346,213
Public Works	4,887,624	4,887,624	3,959,939	927,685
Culture and Recreation	2,803,298	2,848,298	2,673,633	174,665
Capital Outlay:				
Capital Outlay	666,000	663,000	547,091	115,909
Total Expenditures	<u>23,690,870</u>	<u>23,756,945</u>	<u>21,225,166</u>	<u>2,531,779</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	<u>2,031,876</u>	<u>1,965,801</u>	<u>7,888,074</u>	<u>5,922,273</u>
<b>OTHER FINANCING SOURCES (USES):</b>				
Transfers In	939,436	984,436	986,506	2,070
Transfers Out (Use)	(11,575,000)	(11,575,000)	(12,774,950)	(1,199,950)
Total Other Financing Sources (Uses)	<u>(10,635,564)</u>	<u>(10,590,564)</u>	<u>(11,788,444)</u>	<u>(1,197,880)</u>
Net Change	(8,603,688)	(8,624,763)	(3,900,370)	4,724,393
Fund Balance - October 1 (Beginning)	19,437,948	19,437,948	19,437,948	-
Fund Balance - September 30 (Ending)	<u>\$ 10,834,260</u>	<u>\$ 10,813,185</u>	<u>\$ 15,537,578</u>	<u>\$ 4,724,393</u>

The notes to the financial statements are an integral part of this statement.



**CITY OF KYLE**  
**NOTES TO THE BUDGETARY COMPARISON SCHEDULE**  
**FOR THE YEAR ENDED SEPTEMBER 30, 2019**

**Budgetary Information**

An annual general fund budget is prepared and adopted under the modified accrual basis of accounting prior to the beginning of each fiscal year for all revenue and expenditures. Prior to the third Tuesday of September, the budget is legally enacted through passage of a resolution by the Council. Once a budget is approved, it can only be amended at the function and fund level by approval of a majority of the members of the Council. Amendments are presented to the council at its regular meetings. Each amendment must have Council approval. As required by law, such amendments are made before the fact, are reflected in the official minutes of the Council, and are not made after fiscal year end. Because the City has a policy of careful budgetary control, several amendments were necessary during the year. The legal level of budgetary control is at the function level. Each budget is controlled by the budget coordinator at the revenue and expenditure function/object level. Budgeted amounts are as amended by the Council. All budget appropriations lapse at year end. Amounts encumbered prior to year-end will lapse 3 months after year end.

**REQUIRED SUPPLEMENTARY INFORMATION  
OTHER POST EMPLOYMENT BENEFIT PLANS  
SEPTEMBER 30, 2019**

**Schedule of OPEB Contributions**

<u>Year Ending September 30,</u>	<u>Actuarial Determined Contribution</u>	<u>Actual Employer Contribution</u>	<u>Contribution Deficiency (Excess)</u>	<u>Covered Payroll</u>	<u>Contributions as a Percentage of Covered Payroll</u>
2017	\$ 156,608	\$ 156,500	\$ 108	\$ 3,291,000	7.25%
2018	156,500	156,500	-	3,490,000	9.55%
2019	156,500	156,500	-	3,184,000	6.14%

Beginning fiscal year September 30, 2018, the ADC is calculated in accordance with the Employer's funding policy, if one exists. Prior to September 30, 2018 the ADC is equal to the Annual Required Contributions (ARC) calculated under GASB Statement No. 45.

Beginning fiscal year ending September 30, 2018, the ADC is calculated in accordance with the Employer's funding policy, if one exists. Prior to the current period, the ADC is equal to the Annual Required Contribution (ARC) calculated under GASB Statement No. 45.

Notes to Schedule	10/1/18 Valuation dated rolled to
Valuation date	September 30, 2019
Actuarial cost method	Entry Age normal
Asset valuation method	Market value
Discount rate	7.25%
Salary scale	3.00%
Expected Return on Assets	7.25%
Healthcare Cost Trend Rates	6.09% grading to 4.87%; Group 1 retires at 5% and Group 2 at 3% per year
Mortality	RP 2000 projected

This OPEB schedule in the required supplementary information is intended to show information for ten years. Additional information will be displayed as it becomes available.

**REQUIRED SUPPLEMENTARY INFORMATION**  
**Schedules of Changes in the Employers Net OPEB Liability and Related Ratios**  
**For the last two Fiscal Years**

	<u>2019</u>	<u>2018</u>	<u>2017</u>
Reconciliation of Total OPEB Liability			
Service cost	\$ 52,958	\$ 50,112	\$ 50,485
Interest on total pension liability	108,343	100,810	79,145
Differences between expected and actual experience	(122,181)	177,209	-
Change of Assumptions	28,137	-	-
Expected net benefit payments	<u>(5,893)</u>	<u>(5,875)</u>	<u>(5,123)</u>
Net change in total pension liability	\$ 61,364	\$ 322,256	\$ 124,507
Total OPEB Liability at beginning of year	<u>\$ 1,538,415</u>	<u>\$ 1,216,159</u>	<u>\$ 1,091,652</u>
Total OPEB Liability at end of year (a)	<u>\$ 1,599,779</u>	<u>\$ 1,538,415</u>	<u>\$ 1,216,159</u>
Fiduciary net position:			
Employer contributions	\$ 156,500	\$ 156,500	\$ 156,500
Member contributions	-	-	-
Investment income net of investment expense	59,309	83,045	109,860
Benefit payments/refunds of contributions	-	(2,303)	(5,123)
Administrative expenses	<u>(16,660)</u>	<u>(9,834)</u>	<u>(12,427)</u>
Net change in fiduciary net position	199,149	227,409	248,810
Fiduciary net position at beginning of year	<u>\$ 1,205,063</u>	<u>\$ 977,654</u>	<u>\$ 728,844</u>
Fiduciary net position at end of year (b)	<u>\$ 1,404,212</u>	<u>\$ 1,205,063</u>	<u>\$ 977,654</u>
Net OPEB liability/(asset) at end of year = (a) - (b)	<u>\$ 195,566</u>	<u>\$ 333,352</u>	<u>\$ 238,505</u>
Fiduciary net position as a % of total OPEB liability	87.78%	78.33%	80.39%
Covered payroll	\$ 3,184,000	\$ 3,490,000	\$ 3,291,000
Net OPEB liability as a % of covered payroll	6.14%	9.55%	7.25%

**REQUIRED SUPPLEMENTARY INFORMATION**  
**Schedules of Investment Returns - OPEB**  
**For the last two Fiscal Years**

Annual Money-Weighted Rate of Return	2017	2018	2019
Net Investment Expenses	11.21%	7.46%	4.40%

**REQUIRED SUPPLEMENTARY INFORMATION**  
**OPEB Schedule of Changes in Total Liability and Related Ratios**  
**For the Year Ended September 30, 2019**

**Total OPEB Liability for the Supplemental Death Benefit Fund**

<b>Schedule of OPEB Expense</b>	<b>2019</b>
Total Service Cost	22,658
Interest on the Total OPEB Liability	6,996
Current-Period Benefit Changes	-
Differences between expected and actual experience	4,344
Changes in assumptions or other inputs	(17,825)
Projected Earnings on Plan Investments (Reduction of Expense)	-
Benefit payments	(1,133)
<b>Net Change</b>	<b>15,040</b>
Total OPEB liability, beginning	<b>200,595</b>
Total OPEB liability, ending	<b>215,635</b>
Covered - employee payroll	11,328,847
Total liability as a percentage of covered - employee payroll	1.90%

Notes to Schedule:

The OPEB schedule in the required supplementary information is intended to show information for ten years. Additional information will be displayed as it becomes available.



**REQUIRED SUPPLEMENTARY INFORMATION  
RETIREMENT PLAN**

**Schedule of Changes in Net Pension Liability and Related Ratios  
For the Last Five Fiscal Years\***

	2019	2018	2017	2016	2015
<b>Total pension liability</b>					
Service Cost	\$ 1,978,017	\$ 1,749,440	\$ 1,565,958	\$ 1,315,411	\$ 1,137,933
Interest (on the Total Pension Liability)	1,517,366	1,342,527	1,192,749	1,090,180	950,075
Changes of benefit terms	-	-	-	6,942	-
Difference between expected and actual experience	63,015	(189,672)	(185,089)	(82,587)	59,381
Change of assumptions	-	-	-	6,064	-
Benefits Payments, including refunds of employee contributions	(421,654)	(431,097)	(461,759)	(254,208)	(228,929)
<b>Net Change in Total Pension Liability</b>	<u>\$ 3,136,744</u>	<u>\$ 2,471,198</u>	<u>\$ 2,111,859</u>	<u>\$ 2,081,802</u>	<u>\$ 1,918,460</u>
<b>Total Pension Liability - Beginning</b>	<u>21,701,318</u>	<u>19,230,120</u>	<u>17,118,263</u>	<u>15,036,461</u>	<u>13,118,001</u>
<b>Total Pension Liability - Ending (a)</b>	<u><u>\$ 24,838,062</u></u>	<u><u>\$ 21,701,318</u></u>	<u><u>\$ 19,230,120</u></u>	<u><u>\$ 17,118,263</u></u>	<u><u>\$ 15,036,461</u></u>
<b>Plan Fiduciary Net Position</b>					
Contributions - Employer	\$ 1,405,910	\$ 1,297,509	\$ 1,112,797	\$ 969,980	\$ 691,539
Contributions - Employee	793,019	715,726	639,540	582,777	528,470
Net Investment Income	(566,454)	2,109,464	882,061	17,316	581,772
Benefits Payments, including refunds of employee contributions	(421,654)	(431,097)	(461,759)	(254,208)	(228,929)
Administrative Expense	(10,929)	(10,916)	(9,950)	(10,543)	(6,071)
Other	(571)	(553)	(536)	(521)	(499)
<b>Net Change in Plan Fiduciary Net Position</b>	<u>1,199,322</u>	<u>3,680,133</u>	<u>2,162,153</u>	<u>1,304,801</u>	<u>1,566,282</u>
<b>Plan Fiduciary Net Position - Beginning</b>	<u>18,878,178</u>	<u>15,198,045</u>	<u>13,035,892</u>	<u>11,731,091</u>	<u>10,164,809</u>
<b>Plan Fiduciary Net Position - Ending (b)</b>	<u><u>\$ 20,077,500</u></u>	<u><u>\$ 18,878,178</u></u>	<u><u>\$ 15,198,045</u></u>	<u><u>\$ 13,035,892</u></u>	<u><u>\$ 11,731,091</u></u>
<b>Net Pension Liability - Ending (a) - (b)</b>	\$ 4,760,562	\$ 2,823,140	\$ 4,032,075	\$ 4,082,371	\$ 3,305,370
<b>Plan Fiduciary Net Position as a Percentage of Total Pension Liability</b>	80.83%	86.99%	79.03%	76.15%	78.02%
<b>Covered Payroll</b>					
<b>Net Pension Liability as a Percentage of Covered Payroll</b>	\$ 11,328,847	\$ 10,224,662	\$ 9,136,279	\$ 8,325,383	\$ 8,071,984
	42.02%	27.61%	44.13%	49.04%	40.95%

\* Schedules are intended to show information for ten years and the additional years' information will be displayed as it becomes available, amounts presented for the year end were determined as of December 31, the measurement date.

**REQUIRED SUPPLEMENTARY INFORMATION  
RETIREMENT PLAN**

**Schedule of Employer Contributions**

<b>Year Ending September 30,</b>	<b>Actuarially Determined Contribution</b>	<b>Actual Employer Contribution</b>	<b>Contribution Deficiency (Excess)</b>	<b>Pensionable Covered Payroll</b>	<b>Actual Contribution as a % of Covered Payroll</b>
2010	\$ 478,717	\$ 478,717	\$ -	\$ 5,415,229	8.8%
2011	482,584	482,584	-	5,801,502	8.3%
2012	524,649	524,649	-	6,165,072	8.5%
2013	532,591	532,591	-	6,665,732	8.0%
2014	627,943	627,943	-	7,550,582	8.3%
2015	953,338	936,923	16,415	8,686,216	10.8%
2016	1,160,869	1,116,031	44,838	9,207,541	12.1%
2017	1,225,528	1,240,665	(15,137)	9,868,892	12.6%
2018	1,391,093	1,414,894	(23,801)	11,149,680	12.7%
2019	1,479,117	1,479,117	-	11,149,680	13.3%

**Notes to Schedule of Contributions**

**Valuation Date:**

Notes Actuarially determined contribution rates are calculated as of December 31 and become effective in January 13 months later.

**Methods and Assumptions Used to Determine Contribution Rates:**

Actuarial Cost Method	Entry Age Normal
Amortization Method	Level Percentage of Payroll, Closed
Remaining Amortization Period	26 Years
Asset Valuation Method	10 Year smoothed market: 15% soft corridor
Inflation	2.5%
Salary Increases	3.50% to 10.5% including inflation
Investment Rate of Return	6.75%
Retirement Age	Experience-based table of rate that are specific to the City's plan of benefits. Last update for the 2015 valuation pursuant to an experience study of the Period 2010-2014
Mortality	RP2000 Combined Mortality Table with Blue collar Adjustment with male rates multiplied by 109% and female rates multiplied by 103% and projected on a fully generational basis with scale BB

**Other Information:**

Notes There were no benefit changes during the year.



# COMBINING STATEMENTS



CITY OF KYLE  
 COMBINING BALANCE SHEET  
 NONMAJOR GOVERNMENTAL FUNDS  
 SEPTEMBER 30, 2019

	Transportatio Fund	Plum Creek Phase II Special Fee	Public, Education & Gov't Access	Police Forfeiture
<b>ASSETS</b>				
Pooled Cash and Investments	\$ 9,398	\$ 6,625	\$ 152,833	\$ 50,461
Restricted Pooled Cash and Investments	-	-	-	-
Receivable (Net)	-	-	-	-
Total Assets	<u>\$ 9,398</u>	<u>\$ 6,625</u>	<u>\$ 152,833</u>	<u>\$ 50,461</u>
<b>LIABILITIES</b>				
Accounts Payable	-	-	-	-
Wages and Salaries Payable	-	-	-	-
Total Liabilities	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b>FUND BALANCES</b>				
Restricted Fund Balance:				
Restricted Fund Balance - Tourism and Other	9,398	6,625	152,833	50,461
Restricted Fund Balance - Capital Projects	-	-	-	-
Total Fund Balances	<u>9,398</u>	<u>6,625</u>	<u>152,833</u>	<u>50,461</u>
Total Liabilities and Fund Balances	<u>\$ 9,398</u>	<u>\$ 6,625</u>	<u>\$ 152,833</u>	<u>\$ 50,461</u>

The notes to the financial statements are an integral part of this statement.

Police Special Revenue	Court Special Revenue	General Government Grants	Hockey Rink Donations	Hotel Occupancy	Bunton Creek PID	Blanco River Ranch PID	SW Kyle PID #1
\$ 21,153	\$ 84,453	\$ 288,663	\$ 47,323	\$ 257,946	\$ 17,008	\$ 14,713	\$ 30,903
-	-	-	-	-	-	-	-
-	-	27,136	-	89,592	-	-	-
<u>\$ 21,153</u>	<u>\$ 84,453</u>	<u>\$ 315,799</u>	<u>\$ 47,323</u>	<u>\$ 347,538</u>	<u>\$ 17,008</u>	<u>\$ 14,713</u>	<u>\$ 30,903</u>
\$ -	\$ 2,728	\$ 501	\$ -	\$ -	\$ 40	\$ 7,201	\$ 5,834
-	-	(5)	-	-	-	-	-
-	2,728	496	-	-	40	7,201	5,834
21,153	81,725	315,303	47,323	347,538	16,968	7,512	25,069
-	-	-	-	-	-	-	-
<u>21,153</u>	<u>81,725</u>	<u>315,303</u>	<u>47,323</u>	<u>347,538</u>	<u>16,968</u>	<u>7,512</u>	<u>25,069</u>
<u>\$ 21,153</u>	<u>\$ 84,453</u>	<u>\$ 315,799</u>	<u>\$ 47,323</u>	<u>\$ 347,538</u>	<u>\$ 17,008</u>	<u>\$ 14,713</u>	<u>\$ 30,903</u>



CITY OF KYLE  
 COMBINING BALANCE SHEET  
 NONMAJOR GOVERNMENTAL FUNDS  
 SEPTEMBER 30, 2019

	Plum Creek North PID	KAYAC Outreach Fund	Total Nonmajor Special Revenue Funds	CIP Park Development Fund
<b>ASSETS</b>				
Pooled Cash and Investments	\$ 32,154	\$ 1,126	\$ 1,014,759	\$ -
Restricted Pooled Cash and Investments	-	-	-	1,480,708
Receivable (Net)	-	-	116,728	-
<b>Total Assets</b>	<u>\$ 32,154</u>	<u>\$ 1,126</u>	<u>\$ 1,131,487</u>	<u>\$ 1,480,708</u>
<b>LIABILITIES</b>				
Accounts Payable	\$ -	\$ -	\$ 16,304	\$ -
Wages and Salaries Payable	-	-	(5)	-
<b>Total Liabilities</b>	<u>-</u>	<u>-</u>	<u>16,299</u>	<u>-</u>
<b>FUND BALANCES</b>				
Restricted Fund Balance:				
Restricted Fund Balance - Tourism and Other	32,154	1,126	1,115,188	-
Restricted Fund Balance - Capital Projects	-	-	-	1,480,708
<b>Total Fund Balances</b>	<u>32,154</u>	<u>1,126</u>	<u>1,115,188</u>	<u>1,480,708</u>
<b>Total Liabilities and Fund Balances</b>	<u>\$ 32,154</u>	<u>\$ 1,126</u>	<u>\$ 1,131,487</u>	<u>\$ 1,480,708</u>

The notes to the financial statements are an integral part of this statement.

Road Improvement Fund	Total Nonmajor Governmental Funds
\$ -	\$ 1,014,759
1,940,082	3,420,790
-	116,728
<u>\$ 1,940,082</u>	<u>\$ 4,552,277</u>
\$ 138,278	\$ 154,582
-	(5)
<u>138,278</u>	<u>154,577</u>
-	1,115,188
1,801,804	3,282,512
<u>1,801,804</u>	<u>4,397,700</u>
<u>\$ 1,940,082</u>	<u>\$ 4,552,277</u>

CITY OF KYLE  
 COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN  
 FUND BALANCES - NONMAJOR GOVERNMENTAL FUNDS  
 FOR THE YEAR ENDED SEPTEMBER 30, 2019

	Transportatio Fund	Plum Creek Phase II Special Fee	Public, Education & Gov't Access	Police Forfeiture
<b>REVENUES:</b>				
Taxes:				
Franchise Tax	\$ -	\$ -	\$ 72,236	\$ -
Other Taxes	-	-	-	-
Intergovernmental Revenue and Grants	-	-	-	-
Charges for Services	-	325	-	-
Special Assessments	-	-	-	-
Investment Earnings	-	-	-	87
Contributions & Donations from Private Sources	-	-	-	-
Other Revenue	-	-	-	15,787
Total Revenues	<u>-</u>	<u>325</u>	<u>72,236</u>	<u>15,874</u>
<b>EXPENDITURES:</b>				
Current:				
General Government	-	-	36,747	-
Public Safety	-	-	-	573
Culture and Recreation	-	-	-	-
Capital Outlay:				
Capital Outlay	-	-	-	-
Total Expenditures	<u>-</u>	<u>-</u>	<u>36,747</u>	<u>573</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	<u>-</u>	<u>325</u>	<u>35,489</u>	<u>15,301</u>
<b>OTHER FINANCING SOURCES (USES):</b>				
Transfers In	9,398	6,300	117,344	-
Transfers Out (Use)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total Other Financing Sources (Uses)	<u>9,398</u>	<u>6,300</u>	<u>117,344</u>	<u>-</u>
Net Change in Fund Balance	9,398	6,625	152,833	15,301
Fund Balance - October 1 (Beginning)	<u>-</u>	<u>-</u>	<u>-</u>	<u>35,160</u>
Fund Balance - September 30 (Ending)	<u>\$ 9,398</u>	<u>\$ 6,625</u>	<u>\$ 152,833</u>	<u>\$ 50,461</u>

The notes to the financial statements are an integral part of this statement.

Police Special Revenue	Court Special Revenue	General Government Grants	Hockey Rink Donations	Hotel Occupancy	Bunton Creek PID	Blanco River Ranch PID	SW Kyle PID #1
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-	-	-	-	416,428	-	-	-
3,596	-	336,549	-	-	-	-	-
-	40,155	-	-	-	-	-	-
-	-	-	-	-	58,129	-	-
-	-	-	21,326	-	-	-	-
-	-	-	-	-	-	-	-
<u>3,596</u>	<u>40,155</u>	<u>336,549</u>	<u>21,326</u>	<u>416,428</u>	<u>58,129</u>	<u>-</u>	<u>-</u>
-	39,319	30,342	31	-	47,881	7,246	9,931
-	-	19,119	-	-	-	-	-
-	-	1,947	-	46,250	-	-	-
-	-	-	-	-	-	-	-
<u>-</u>	<u>39,319</u>	<u>51,408</u>	<u>31</u>	<u>46,250</u>	<u>47,881</u>	<u>7,246</u>	<u>9,931</u>
3,596	836	285,141	21,295	370,178	10,248	(7,246)	(9,931)
-	-	-	-	-	-	-	-
-	(22,860)	-	-	(311,576)	(2,070)	-	-
-	(22,860)	-	-	(311,576)	(2,070)	-	-
3,596	(22,024)	285,141	21,295	58,602	8,178	(7,246)	(9,931)
17,557	103,749	30,162	26,028	288,936	8,790	14,758	35,000
<u>\$ 21,153</u>	<u>\$ 81,725</u>	<u>\$ 315,303</u>	<u>\$ 47,323</u>	<u>\$ 347,538</u>	<u>\$ 16,968</u>	<u>\$ 7,512</u>	<u>\$ 25,069</u>

CITY OF KYLE  
 COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN  
 FUND BALANCES - NONMAJOR GOVERNMENTAL FUNDS  
 FOR THE YEAR ENDED SEPTEMBER 30, 2019

	Plum Creek North PID	KAYAC Outreach Fund	Total Nonmajor Special Revenue Funds	CIP Park Development Fund
<b>REVENUES:</b>				
Taxes:				
Franchise Tax	\$ -	\$ -	\$ 72,236	\$ -
Other Taxes	-	-	416,428	-
Intergovernmental Revenue and Grants	-	-	340,145	-
Charges for Services	-	-	40,480	641,787
Special Assessments	35,000	-	93,129	-
Investment Earnings	-	-	87	-
Contributions & Donations from Private Sources	-	-	21,326	-
Other Revenue	-	-	15,787	-
Total Revenues	<u>35,000</u>	<u>-</u>	<u>999,618</u>	<u>641,787</u>
<b>EXPENDITURES:</b>				
Current:				
General Government	2,846	-	174,343	-
Public Safety	-	-	19,692	-
Culture and Recreation	-	-	48,197	-
Capital Outlay:				
Capital Outlay	-	-	-	396,202
Total Expenditures	<u>2,846</u>	<u>-</u>	<u>242,232</u>	<u>396,202</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	<u>32,154</u>	<u>-</u>	<u>757,386</u>	<u>245,585</u>
<b>OTHER FINANCING SOURCES (USES):</b>				
Transfers In	-	-	133,042	-
Transfers Out (Use)	-	-	(336,506)	-
Total Other Financing Sources (Uses)	<u>-</u>	<u>-</u>	<u>(203,464)</u>	<u>-</u>
Net Change in Fund Balance	32,154	-	553,922	245,585
Fund Balance - October 1 (Beginning)	<u>-</u>	<u>1,126</u>	<u>561,266</u>	<u>1,235,123</u>
Fund Balance - September 30 (Ending)	<u>\$ 32,154</u>	<u>\$ 1,126</u>	<u>\$ 1,115,188</u>	<u>\$ 1,480,708</u>

The notes to the financial statements are an integral part of this statement.



Road Improvement Fund	Total Nonmajor Governmental Funds
\$ -	\$ 72,236
-	416,428
-	340,145
-	682,267
596,681	689,810
-	87
-	21,326
<u>690,670</u>	<u>706,457</u>
<u>1,287,351</u>	<u>2,928,756</u>
-	174,343
-	19,692
-	48,197
<u>648,009</u>	<u>1,044,211</u>
<u>648,009</u>	<u>1,286,443</u>
<u>639,342</u>	<u>1,642,313</u>
-	133,042
-	(336,506)
-	(203,464)
639,342	1,438,849
<u>1,162,462</u>	<u>2,958,851</u>
<u>\$ 1,801,804</u>	<u>\$ 4,397,700</u>

CITY OF KYLE  
STATEMENT OF CHANGES IN ASSETS AND LIABILITIES  
AGENCY FUND  
FOR THE YEAR ENDED SEPTEMBER 30, 2019

	BALANCE OCTOBER 1 2018	ADDITIONS	DEDUCTIONS	BALANCE SEPTEMBER 30 2019
<b>AGENCY FUND</b>				
Assets:				
Cash and Cash Equivalents	\$ 150,659	\$ 163,827	\$ 169,780	\$ 144,706
Cash with Fiscal Agent	5,841	5,953	-	11,794
Total Assets	<u>\$ 156,500</u>	<u>\$ 169,780</u>	<u>\$ 169,780</u>	<u>\$ 156,500</u>
Liabilities:				
Other Noncurrent Liabilities	<u>\$ 156,500</u>	<u>\$ 156,996</u>	<u>\$ 156,996</u>	<u>\$ 156,500</u>
 <b>TOTAL AGENCY FUNDS</b>				
Assets:				
Cash and Cash Equivalents	\$ 150,659	\$ 163,827	\$ 169,780	\$ 144,706
Cash with Fiscal Agent	5,841	5,953	-	11,794
Total Assets	<u>\$ 156,500</u>	<u>\$ 169,780</u>	<u>\$ 169,780</u>	<u>\$ 156,500</u>
Liabilities:				
Accounts Payable	<u>\$ 156,500</u>	<u>\$ 156,996</u>	<u>\$ 156,996</u>	<u>\$ 156,500</u>

The notes to the financial statements are an integral part of this statement.



# STATISTICAL SECTION



## STATISTICAL SECTION (Unaudited)

This part of the City of Kyle, Texas' comprehensive annual financial report presents multiple years of data to provide a historical perspective for understanding the information available in the financial statements, note, disclosures, and required supplementary information and for assessing the City's overall financial condition.

### Contents:

#### Financial Trends

These schedules contain trend information to help the reader understand how the City's financial performance and well-being have changed over time.

#### Revenue Capacity

These schedules contain trend information to help the reader assess the City's most significant local revenue resources. Property tax, sales tax and charges for services are the largest revenue sources for governmental activities. Water and wastewater charges are the largest sources for business-type activities

#### Debt Capacity

These schedules contain trend information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future.

#### Economic and Demographic Indicators

These schedules contain economic and demographic data to help the reader understand the environment within which the City's financial activities take place and to help make comparisons over time and with other governments.

#### Operating Information

These schedules contain service and infrastructure data to help the reader understand how the information in the City's financial report relates to the services and activities performed by the City.

Sources: Unless otherwise noted, the information in these schedules is derived from the annual financial report or comprehensive annual financial report for the relevant year.

**CITY OF KYLE, TEXAS**  
**NET POSITION BY COMPONENT**  
**LAST TEN FISCAL YEARS**

	Fiscal Year									
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Governmental activities:</b>										
Net Investment in Capital Assets	\$ 22,165,260	\$ 19,916,516	\$ 23,683,097	\$ 14,671,989	\$ 22,888,184	\$ 37,500,433	\$ 49,390,461	\$ 52,720,071	\$ 64,905,304	\$ 67,862,885
Restricted	7,675,097	8,732,402	9,356,577	12,634,224	11,015,147	1,426,961	1,450,855	2,149,427	4,035,118	1,427,943
Unrestricted	2,755,182	5,623,227	3,780,819	6,125,545	8,394,091	13,307,688	9,455,449	13,101,265	16,064,010	24,596,629
Total governmental activities net assets	\$ 32,595,539	\$ 34,272,145	\$ 36,820,493	\$ 33,431,758	\$ 42,297,422	\$ 52,235,082	\$ 60,296,765	\$ 67,970,763	\$ 85,004,432	\$ 93,887,457
<b>Business-type activities:</b>										
Net Investment in Capital Assets	\$ 47,161,919	\$ 47,325,520	\$ 46,132,410	\$ 47,840,753	\$ 48,085,808	\$ 50,651,024	\$ 54,243,210	\$ 63,915,105	\$ 78,905,383	\$ 89,394,468
Restricted	4,392,111	6,019,545	6,491,073	6,513,500	8,470,600	10,854,507	13,482,480	16,916,006	19,789,804	19,526,325
Unrestricted	5,509,710	2,397,371	1,490,060	3,384,379	6,520,462	8,480,255	9,305,819	14,298,489	21,075,053	30,577,878
Total business-type activities net assets	\$ 57,063,740	\$ 55,742,436	\$ 54,113,543	\$ 57,738,632	\$ 63,076,870	\$ 69,985,786	\$ 77,031,509	\$ 95,129,600	\$ 119,770,240	\$ 139,498,671
<b>Primary government:</b>										
Net Investment in Capital Assets	\$ 69,327,179	\$ 67,242,036	\$ 69,815,507	\$ 62,512,742	\$ 70,973,992	\$ 88,151,457	\$ 103,633,671	\$ 116,635,176	\$ 143,810,687	\$ 157,257,353
Restricted	12,067,208	14,751,947	15,847,650	19,147,724	9,858,328	12,281,468	14,933,335	19,065,433	23,824,922	20,954,268
Unrestricted	8,264,892	8,020,598	5,270,879	9,509,924	24,541,972	21,787,943	18,761,268	27,399,754	37,139,063	55,174,507
Total primary government net position	\$ 89,659,279	\$ 90,014,581	\$ 90,934,036	\$ 91,170,390	\$ 105,374,292	\$ 122,220,868	\$ 137,328,274	\$ 163,100,363	\$ 204,774,672	\$ 233,386,128



**CITY OF KYLE, TEXAS**  
**CHANGES IN NET POSITION**  
**LAST TEN FISCAL YEARS**

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>EXPENSES</b>										
Governmental Activities:										
General Government	\$ 4,394,186	\$ 3,904,284	\$ 4,538,616	\$ 4,995,981	\$ 5,939,271	\$ 7,265,995	\$ 6,749,251	\$ 7,209,505	\$ 7,048,673	\$ 7,992,803
Public Safety	3,551,788	3,982,409	4,282,402	4,918,997	5,052,323	5,687,000	6,196,660	7,101,534	7,589,067	7,429,713
Public Works	4,571,021	4,820,597	4,622,523	4,820,247	5,363,579	6,648,193	6,989,256	7,456,046	8,509,720	8,533,187
Transportation	14,556	-	-	-	-	-	-	-	-	-
Culture and Recreation/ Community services	1,613,611	1,711,714	1,873,292	2,032,591	2,095,111	2,497,592	2,765,839	3,006,348	3,112,324	3,168,959
Term Debt	2,900,787	2,735,822	2,916,954	2,194,889	2,873,587	2,167,498	3,640,280	3,327,722	3,117,190	2,202,445
Other Debt Service Fees	150,630	163,138	73,507	122,958	(3,842)	492,049	151,273	20,425	3,150	2,700
Total Governmental Activities Expenses	\$ 17,196,579	\$ 17,317,964	\$ 18,307,294	\$ 19,085,663	\$ 21,320,029	\$ 24,758,327	\$ 26,492,559	\$ 28,121,580	\$ 29,380,124	\$ 29,329,812
Business-Type Activities:										
Water Fund	\$ 7,709,085	\$ 7,986,821	\$ 7,986,821	\$ 9,743,280	\$ 10,340,478	\$ 10,728,373	\$ 10,524,295	\$ 6,585,910	\$ 7,620,212	\$ 8,773,738
Wastewater Fund	-	-	-	-	-	-	-	4,126,636	4,709,096	5,181,998
Storm Drainage Fund	-	-	-	-	-	-	-	536,786	880,842	1,236,063
Total Business-Type Activities Expenses	\$ 7,709,085	\$ 7,986,821	\$ 7,986,821	\$ 9,743,280	\$ 10,340,478	\$ 10,728,373	\$ 10,524,295	\$ 11,249,332	\$ 13,210,150	\$ 15,191,799
Total Primary Government Program Expenses	\$ 24,905,664	\$ 25,304,785	\$ 27,740,468	\$ 28,828,943	\$ 31,660,507	\$ 35,486,700	\$ 37,016,854	\$ 39,370,912	\$ 42,590,274	\$ 44,521,611
<b>PROGRAM REVENUES</b>										
Governmental Activities:										
Charges for Services:										
General Government	\$ 2,366,033	\$ 2,533,733	\$ 3,398,356	\$ 3,243,742	\$ 3,628,935	\$ 4,299,587	\$ 3,878,720	\$ 6,482,701	\$ 4,909,093	\$ 4,865,343
Public Safety	-	-	85,006	100,154	163,715	62,544	12,214	46,822	56,452	51,323
Public Works	-	-	297,231	281,481	263,493	449,310	630,368	373,322	3,757,258	3,666,559
Culture and Recreation/ Community Services	298,203	494,822	179,766	99,722	271,053	135,308	815,430	655,509	395,166	359,263
Operating Grants and Contributions	73,623	44,987	564,882	6,537,651	-	-	129,307	93,990	231,083	342,145
Capital Grants and Contributions	1,225,852	3,264,029	-	-	-	-	-	-	-	-
Total Governmental Activities Program Revenues	\$ 3,963,711	\$ 6,337,571	\$ 4,525,241	\$ 10,262,750	\$ 4,327,196	\$ 4,946,749	\$ 5,466,039	\$ 7,652,344	\$ 9,349,052	\$ 9,284,633
Business-Type Activities:										
Charges for Services:										
Water	\$ 6,092,391	\$ 7,208,355	\$ 10,533,330	\$ 12,761,147	\$ 15,523,262	\$ 16,226,692	\$ 17,675,893	\$ 10,189,754	\$ 10,833,153	\$ 11,117,332
Wastewater	-	-	-	-	-	-	-	6,414,361	6,500,255	7,380,327
Storm Drainage	-	-	-	-	-	-	-	1,238,345	1,481,462	1,522,468
Operating Grants and Contributions	N/A	N/A	N/A	N/A	-	-	-	-	-	-
Capital Grants and Contributions	1,117,699	1,504,003	357,518	2,660,316	1,563,847	3,509,187	1,717,379	9,934,823	14,337,952	6,812,529
Total Business-Type Activities Program Revenues	\$ 7,210,090	\$ 8,712,358	\$ 10,890,848	\$ 15,421,463	\$ 17,087,109	\$ 19,735,879	\$ 19,393,272	\$ 20,124,577	\$ 25,171,105	\$ 17,929,861
Total Primary Government Program Revenues	\$ 11,173,801	\$ 15,049,929	\$ 15,416,089	\$ 25,684,213	\$ 21,414,305	\$ 24,682,628	\$ 24,859,311	\$ 27,776,921	\$ 34,520,157	\$ 27,214,494

**CITY OF KYLE, TEXAS  
CHANGES IN NET POSITION  
(Continued)  
LAST TEN FISCAL YEARS**

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>NET (EXPENSE) REVENUES</b>										
Governmental Activities	\$ (13,232,868)	\$ (10,980,393)	\$ (13,782,053)	\$ (8,822,913)	\$ (16,992,833)	\$ (19,811,577)	\$ (16,992,833)	\$ (20,469,236)	\$ (20,031,072)	\$ (20,045,179)
Business-Type Activities	(498,995)	725,537	1,477,674	5,678,183	6,746,631	9,007,506	6,746,631	16,486,927	19,942,672	2,738,062
Total Primary Government Net Expense	\$ (13,731,863)	\$ (10,254,856)	\$ (12,304,379)	\$ (3,144,730)	\$ (10,246,202)	\$ (10,804,071)	\$ (10,246,202)	\$ (3,982,309)	\$ (88,400)	\$ (17,307,117)
<b>GENERAL REVENUES AND OTHER CHANGES IN NET POSITION</b>										
Governmental Activities:										
Taxes										
Property	\$ 6,020,859	\$ 6,198,567	\$ 7,280,721	\$ 8,013,734	\$ 8,919,432	\$ 9,753,418	\$ 8,919,432	\$ 14,270,496	\$ 15,521,498	\$ 17,204,168
Sales Taxes	2,462,043	3,160,944	3,540,287	4,008,733	4,611,401	6,676,810	4,611,401	7,227,633	7,955,612	8,885,937
Occupancy Tax/ Other	95,351	132,580	142,301	175,615	200,753	244,065	200,753	281,996	421,490	508,867
Franchise Taxes	701,786	764,347	912,112	973,391	1,042,212	1,149,213	1,042,212	1,435,270	2,430,996	2,414,998
Grants and Contributions Not Restrict	N/A	N/A	534	311,942	9,241,337	9,182,145	9,241,337	2,959,602	7,517,365	2,856,412
Miscellaneous Revenue	261,351	182,388	142,433	828,499	1,391,064	1,495,354	1,391,064	383,362	-	-
Investment Earnings	258,120	87,766	33,008	65,014	19,761	27,734	19,761	33,427	1,220,859	2,165,517
Transfers In (Out)	634,323	1,046,255	2,542,575	2,267,055	2,011,505	1,359,611	2,011,505	1,551,446	1,864,400	(5,078,700)
Total Governmental Activities	\$ 10,397,833	\$ 11,572,847	\$ 14,593,971	\$ 16,643,983	\$ 27,437,465	\$ 29,888,350	\$ 27,437,465	\$ 28,143,232	\$ 36,932,220	\$ 28,957,199
Business-Type Activities:										
Investment Earnings	\$ 72,358	\$ 36,957	\$ 17,221	\$ 12,201	\$ 9,109	\$ 9,602	\$ 9,109	\$ 72,365	\$ 40,351	\$ -
Miscellaneous Revenue	11,054	19,708	78,194	98,402	268,519	118,034	268,519	3,090,249	6,655,502	3,008,875
Transfers	(634,323)	(1,653,506)	(2,542,575)	(2,267,055)	(2,011,505)	(1,359,610)	(2,011,505)	(1,551,446)	(1,864,400)	5,078,700
Total Business-Type Activities	\$ (550,911)	\$ (1,596,841)	\$ (2,447,160)	\$ (2,156,452)	\$ (1,733,877)	\$ (1,231,974)	\$ (1,733,877)	\$ 1,611,168	\$ 4,831,453	\$ 8,087,575
Total Primary Government	\$ 9,846,922	\$ 9,976,006	\$ 12,146,811	\$ 14,487,531	\$ 25,703,588	\$ 28,656,376	\$ 25,703,588	\$ 29,754,400	\$ 41,763,673	\$ 37,044,774
<b>CHANGE IN NET POSITION</b>										
Governmental Activities	\$ (2,835,035)	\$ 1,226,606	\$ 811,918	\$ (3,388,731)	\$ 10,444,631	\$ 10,076,773	\$ 10,444,631	\$ 7,673,996	\$ 16,901,148	\$ 8,912,021
Business-Type Activities	(1,049,906)	(871,304)	(969,486)	3,521,731	5,012,753	7,775,532	5,012,753	18,098,095	24,774,125	19,728,432
Total Primary Government	\$ (3,884,941)	\$ 355,302	\$ (157,568)	\$ 133,000	\$ 15,457,384	\$ 17,852,305	\$ 15,457,384	\$ 25,772,091	\$ 41,675,273	\$ 28,640,452

**CITY OF KYLE, TEXAS  
FUND BALANCES  
GOVERNMENTAL FUNDS  
LAST TEN FISCAL YEARS**

	Fiscal Year									
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>General Fund</b>										
Nonspendable	\$ -	\$ -	\$ -	\$ -	\$ 1,543	\$ 544	\$ 274	\$ -	\$ -	\$ 420
Restricted	-	-	-	-	-	-	-	-	-	-
Committed	-	-	-	-	-	-	-	-	-	-
Assigned	2,395,901	-	-	-	-	-	-	-	-	-
Unassigned	-	2,987,923	4,499,032	6,042,113	9,197,439	10,792,030	10,525,733	13,190,179	19,437,948	15,537,158
<b>Total General Fund</b>	<b>\$ 2,395,901</b>	<b>\$ 2,987,923</b>	<b>\$ 4,499,032</b>	<b>\$ 6,042,113</b>	<b>\$ 9,198,982</b>	<b>\$ 10,792,574</b>	<b>\$ 10,526,007</b>	<b>\$ 13,190,179</b>	<b>\$ 19,437,948</b>	<b>\$ 15,537,578</b>
<b>All Other Governmental Funds</b>										
Nonspendable	\$ -	\$ -	\$ -	\$ 10,470,548	\$ 9,911,757	\$ -	\$ -	\$ -	\$ -	\$ -
Assigned	-	8,732,402	9,068,035	-	-	34,866,424	364,948	-	-	-
Committed	-	-	-	-	-	-	-	-	-	-
<b>Restricted Fund Balance:</b>										
Tourism and Other	(457,142)	-	-	2,163,676	1,103,400	447,064	-	248,725	561,266	1,115,188
Capital Projects Funds	7,463,344	-	-	-	-	-	28,863,631	19,826,457	19,107,509	21,934,334
Debt Service Funds	211,753	-	288,540	-	-	-	1,085,907	1,966,892	3,473,852	357,755
Unassigned	-	-	-	-	-	-	-	-	-	-
<b>Total All Other Governmental Funds</b>	<b>\$ 7,217,955</b>	<b>\$ 8,732,402</b>	<b>\$ 9,356,575</b>	<b>\$ 12,634,224</b>	<b>\$ 11,015,157</b>	<b>\$ 35,313,488</b>	<b>\$ 30,314,486</b>	<b>\$ 22,042,074</b>	<b>\$ 23,142,627</b>	<b>\$ 23,407,277</b>

**CITY OF KYLE, TEXAS  
CHANGES IN FUND BALANCES  
GOVERNMENTAL FUNDS  
LAST TEN FISCAL YEARS**

	Fiscal Year									
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>REVENUES</b>										
Taxes	\$ 9,324,804	\$ 10,256,438	\$ 11,875,421	\$ 13,171,473	\$ 14,773,798	\$ 17,742,969	\$ 20,291,629	\$ 23,040,103	\$ 26,053,682	\$ 28,812,290
Licenses and permits	385,522	433,095	490,914	658,889	1,133,789	1,364,274	1,288,899	1,853,819	1,427,924	1,373,768
Charges for Services	1,672,470	2,080,721	2,526,263	2,877,317	3,057,051	3,732,620	4,256,135	4,682,207	5,645,231	5,132,326
Fines	606,244	514,739	708,864	708,003	900,574	1,082,343	536,490	473,892	569,876	661,736
Intergovernmental	47,301	1,668,149	438,887	-	-	-	-	-	-	-
Claims and Reimbursements	-	-	-	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-	-	-	-
Investment Earnings	258,120	87,766	33,008	65,014	19,761	27,734	162,331	383,362	1,220,859	2,165,517
Rents and Royalties	55,964	103,230	77,020	10,170	9,541	12,193	9,990	33,426	32,180	7,130
Contributions	26,322	26,900	354,746	196,974	270,600	157,900	57,000	73,526	130,555	61,326
Grants	-	-	-	154,391	271,054	135,309	134,307	93,990	231,084	342,145
Special Assessments	-	-	85,005	100,154	163,715	62,543	630,368	373,323	483,024	689,810
Other Revenues	205,387	79,158	34,960	99,343	182,537	52,822	222,085	175,114	959,734	1,077,719
<b>TOTAL REVENUES</b>	<b>\$ 12,582,134</b>	<b>\$ 15,250,196</b>	<b>\$ 16,625,088</b>	<b>\$ 18,041,728</b>	<b>\$ 20,782,420</b>	<b>\$ 24,370,707</b>	<b>\$ 27,589,234</b>	<b>\$ 31,182,762</b>	<b>\$ 36,754,149</b>	<b>\$ 40,323,767</b>
<b>EXPENDITURES</b>										
General Government	\$ 4,128,677	\$ 3,483,039	\$ 4,164,638	\$ 4,625,183	\$ 4,775,580	\$ 7,945,084	\$ 6,619,422	\$ 7,070,047	\$ 7,114,113	\$ 7,032,364
Public Safety	3,381,478	3,747,172	4,032,622	4,585,521	4,688,313	5,301,677	5,779,585	6,680,928	6,594,076	7,206,296
Public Works	2,277,370	2,309,052	2,078,689	2,271,857	2,516,122	3,190,093	3,268,313	3,546,183	4,217,587	3,959,939
Planning	-	-	-	-	-	-	-	-	-	-
Transportation	14,556	-	-	-	-	-	-	-	-	-
Culture and Recreation	1,469,421	1,529,912	1,652,530	1,635,161	1,759,972	2,080,956	2,360,247	2,541,596	2,630,338	2,721,830
Other - Non Departmental	-	-	-	-	-	-	-	-	-	-
Capital Outlay	7,442,027	4,363,776	1,818,360	2,444,921	3,824,684	6,098,985	9,574,476	10,403,129	3,189,782	9,807,190
Debt Service	-	-	-	-	-	-	-	-	-	-
Interest	2,225,634	2,275,777	2,439,260	2,214,346	2,907,943	2,212,231	3,894,605	3,258,430	5,045,000	2,931,468
Principal	2,145,000	2,390,000	2,630,000	3,045,000	2,735,000	3,490,000	4,400,000	4,879,999	3,115,730	5,235,000
Other Fees	85,300	1,990	3,000	494,036	(3,842)	492,049	151,273	20,425	3,150	2,700
<b>TOTAL EXPENDITURES</b>	<b>\$ 23,169,463</b>	<b>\$ 20,100,718</b>	<b>\$ 18,819,099</b>	<b>\$ 21,316,025</b>	<b>\$ 23,203,772</b>	<b>\$ 30,811,075</b>	<b>\$ 36,047,921</b>	<b>\$ 38,400,737</b>	<b>\$ 31,909,776</b>	<b>\$ 38,896,791</b>

**CITY OF KYLE, TEXAS  
CHANGES IN FUND BALANCES  
GOVERNMENTAL FUNDS  
(Continued)  
LAST TEN FISCAL YEARS**

	Fiscal Year									
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<u>\$ (10,587,329)</u>	<u>\$ (4,850,522)</u>	<u>\$ (2,194,011)</u>	<u>\$ (3,274,297)</u>	<u>\$ (2,421,351)</u>	<u>\$ (6,440,401)</u>	<u>\$ (8,458,687)</u>	<u>\$ (7,217,975)</u>	<u>\$ 4,844,373</u>	<u>\$ 1,426,976</u>
<b>OTHER FINANCING SOURCES (USES)</b>										
Bond Issuance Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 49,665,000	\$ 8,520,000	\$ -	\$ -	\$ -
Bond sales	-	4,290,000	-	19,240,000	1,875,000	-	-	-	-	-
Proceeds from Capital Leases	-	-	-	-	-	-	-	-	-	-
Premium or Discount on Debt Issued	-	-	-	511,683	72,641	3,795,604	1,048,867	-	-	-
Payment to Refunded Bond Escrow Agre	-	-	-	-	-	(22,487,886)	(9,418,419)	-	-	-
Transfers In	3,673,032	3,108,550	3,573,832	3,854,840	4,429,076	4,285,338	8,482,551	5,003,297	5,374,432	13,224,210
Transfers Out	(1,212,128)	(1,455,044)	(1,031,257)	(1,587,785)	(2,417,571)	(2,925,727)	(5,439,881)	(3,451,851)	(3,510,032)	(18,302,910)
Other (Uses)	-	-	-	(13,923,709)	-	-	-	-	-	-
<b>Total Other Financing Sources (Uses)</b>	<u>\$ 2,460,904</u>	<u>\$ 5,943,506</u>	<u>\$ 2,542,575</u>	<u>\$ 8,095,029</u>	<u>\$ 3,959,146</u>	<u>\$ 32,332,329</u>	<u>\$ 3,193,118</u>	<u>\$ 1,551,446</u>	<u>\$ 1,864,400</u>	<u>\$ (5,078,700)</u>
<b>NET CHANGES IN FUND BALANCES</b>	<u>\$ (8,126,425)</u>	<u>\$ 1,092,984</u>	<u>\$ 348,564</u>	<u>\$ 4,820,732</u>	<u>\$ 1,537,795</u>	<u>\$ 25,891,928</u>	<u>\$ (5,265,569)</u>	<u>\$ (5,666,529)</u>	<u>\$ 6,708,773</u>	<u>\$ (3,651,724)</u>
<b>DEBT SERVICE AS A PERCENTAGE OF NONCAPITAL EXPENDITURES</b>	<u>28%</u>	<u>30%</u>	<u>30%</u>	<u>30%</u>	<u>26%</u>	<u>23%</u>	<u>31%</u>	<u>29%</u>	<u>28%</u>	<u>28%</u>



**CITY OF KYLE, TEXAS  
 ASSESSED VALUE AND ESTIMATED ACTUAL VALUE OF TAXABLE PROPERTY  
 LAST TEN FISCAL YEARS**

FISCAL YEAR	Real Property Estimated Actual Value	Personal Property Estimated Actual Value	Less: Exemptions	Total Taxable Assessed Value	Total Direct Tax Rate	Estimated Actual Tax Collected
2010	\$ 1,360,483,304	\$ 45,995,398	\$ 119,010,849	\$ 1,287,467,853	\$ 0.424000	\$ 5,458,864
2011	\$ 1,453,209,263	\$ 90,011,627	\$ 196,362,851	\$ 1,346,858,039	\$ 0.415399	\$ 5,594,835
2012	\$ 1,485,776,573	\$ 92,074,324	\$ 194,548,307	\$ 1,383,302,590	\$ 0.484500	\$ 6,702,101
2013	\$ 1,561,358,772	\$ 96,042,503	\$ 224,334,342	\$ 1,433,066,933	\$ 0.524400	\$ 7,515,003
2014	\$ 1,628,227,793	\$ 99,641,364	\$ 227,393,506	\$ 1,500,475,651	\$ 0.548300	\$ 8,227,108
2015	\$ 1,806,482,931	\$ 107,149,372	\$ 273,333,638	\$ 1,640,298,665	\$ 0.548300	\$ 8,993,758
2016	\$ 2,091,111,878	\$ 117,752,483	\$ 261,882,926	\$ 1,946,981,435	\$ 0.584800	\$ 11,385,947
2017	\$ 2,425,335,695	\$ 136,504,189	\$ 338,955,635	\$ 2,283,013,455	\$ 0.574800	\$ 13,122,761
2018	\$ 3,122,139,551	\$ 131,875,391	\$ 263,434,455	\$ 2,990,580,487	\$ 0.541600	\$ 16,196,984
2019	\$ -	\$ -	\$ -	\$ -		

Source: Hays County Appraisal District/ Assessment Roll Grand Totals Approved; City of Kyle Financial Services Department

**CITY OF KYLE, TEXAS  
WATER UTILITY RATE COMPARISON  
LAST TEN FISCAL YEARS**

Fiscal Year	Residential (5/8" and 3/4")		Multi-Family/ Commercial (2")		Irrigation (1 1/2")		Construction (3")	
	Base Charge	1000 gallon	Base Charge	1000 gallon	Base Charge	1000 gallon	Charge	1000 gallon
2010	\$ 17.75	\$ 2.35	\$ 88.73	\$ 4.24	\$ 44.36	\$ 4.95	\$ 141.96	\$ 4.24
2011	\$ 17.75	\$ 2.35	\$ 88.73	\$ 4.24	\$ 44.36	\$ 4.95	\$ 141.96	\$ 4.24
2012	\$ 23.08	\$ 3.06	\$ 115.35	\$ 5.51	\$ 57.76	\$ 6.44	\$ 184.55	\$ 5.51
2013	\$ 27.69	\$ 3.67	\$ 138.42	\$ 6.61	\$ 69.20	\$ 7.72	\$ 221.46	\$ 6.61
2014	\$ 33.23	\$ 4.40	\$ 166.10	\$ 7.94	\$ 83.04	\$ 9.27	\$ 265.75	\$ 7.94
2015	\$ 33.23	\$ 4.40	\$ 166.10	\$ 7.94	\$ 83.04	\$ 9.27	\$ 265.75	\$ 7.94
2016	\$ 33.23	\$ 4.40	\$ 166.10	\$ 7.94	\$ 83.04	\$ 9.27	\$ 265.75	\$ 7.94
2017	\$ 33.23	\$ 4.40	\$ 166.10	\$ 7.94	\$ 83.04	\$ 9.27	\$ 265.75	\$ 7.94
2018	\$ 33.23	\$ 4.40	\$ 166.10	\$ 7.94	\$ 83.04	\$ 9.27	\$ 265.75	\$ 7.94
2019	\$ 33.23	\$ 4.40	\$ 166.10	\$ 7.94	\$ 83.04	\$ 9.27	\$ 265.75	\$ 7.94

**CITY OF KYLE, TEXAS**  
**WATER UTILITY**  
**ANNUAL BILLED AMOUNT COMPARISON**  
**LAST TEN FISCAL YEARS**

FISCAL YEAR	Residential	Commercial	Total Billed
2010	\$ 2,711,226	\$ 746,337	\$ 3,457,563
2011	\$ 3,348,985	\$ 1,082,257	\$ 4,431,242
2012	\$ 4,142,899	\$ 1,321,486	\$ 5,464,385
2013	\$ 4,041,171	\$ 1,583,061	\$ 5,624,231
2014	\$ 2,683,000	\$ 1,625,286	\$ 4,308,286
2015	\$ 2,620,354	\$ 1,305,255	\$ 3,925,610
2016	\$ 2,709,726	\$ 1,548,330	\$ 4,258,056
2017	\$ 2,784,796	\$ 1,650,374	\$ 4,435,170
2018	\$ 3,033,638	\$ 3,694,795	\$ 6,728,433
2019	\$ 2,962,881	\$ 2,941,825	\$ 5,904,706

**CITY OF KYLE, TEXAS**  
**WATER UTILITY**  
**TOTAL BILLED CONSUMPTION COMPARISON**  
**LAST TEN FISCAL YEARS**  
**(Totals in Gallons)**

FISCAL YEAR	Residential	Commercial	Total Billed Consumption
2010	492,748,500	178,422,903	671,171,403
2011	540,554,250	211,750,300	752,304,550
2012	523,772,450	207,926,400	731,698,850
2013	537,766,800	206,600,100	744,366,900
2014	511,808,500	189,038,400	700,846,900
2015	495,135,628	164,364,300	659,499,928
2016	525,859,900	180,930,600	706,790,500
2017	540,212,800	207,635,700	747,848,500
2018	579,876,700	535,422,400	1,115,299,100
2019	565,397,700	353,834,700	919,232,400

**CITY OF KYLE, TEXAS  
WASTEWATER UTILITY RATE COMPARISON  
LAST TEN FISCAL YEARS**

Fiscal Year	Residential		Multi-Family/ Commercial	
	Base Charge	Wastewater per 1000 gallon	Base Charge	Wastewater per 1000 gallon
2010	\$ 9.08	\$ 1.76	\$ 9.08	\$ 1.98
2011	\$ 10.90	\$ 2.11	\$ 10.90	\$ 2.11
2012	\$ 13.63	\$ 2.64	\$ 13.63	\$ 2.98
2013	\$ 16.35	\$ 3.17	\$ 16.35	\$ 3.57
2014	\$ 17.99	\$ 3.48	\$ 17.99	\$ 3.93
2015	\$ 17.99	\$ 3.48	\$ 17.99	\$ 3.93
2016	\$ 17.99	\$ 3.48	\$ 17.99	\$ 3.93
2017	\$ 17.99	\$ 3.48	\$ 17.99	\$ 3.93
2018	\$ 17.99	\$ 3.48	\$ 17.99	\$ 3.93
2019	\$ 19.79	\$ 3.83	\$ 19.79	\$ 4.32



**CITY OF KYLE, TEXAS  
WASTEWATER UTILITY  
ANNUAL BILLED AMOUNT COMPARISON  
LAST TEN FISCAL YEARS**

FISCAL YEAR	Residential	Commercial	Total Billed
2010	\$ 1,922,014	\$ 213,776	\$ 2,135,789
2011	\$ 2,006,249	\$ 322,319	\$ 2,328,568
2012	\$ 2,268,508	\$ 512,167	\$ 2,780,675
2013	\$ 3,164,765	\$ 615,426	\$ 3,780,191
2014	\$ 2,571,502	\$ 675,661	\$ 3,247,163
2015	\$ 2,673,836	\$ 556,597	\$ 3,230,432
2016	\$ 2,939,865	\$ 633,991	\$ 3,573,856
2017	\$ 3,046,286	\$ 647,438	\$ 3,693,724
2018	\$ 3,076,463	\$ 957,395	\$ 4,033,858
2019	\$ 3,559,088	\$ 1,200,333	\$ 4,759,421

**CITY OF KYLE, TEXAS**  
**TEN LARGEST WATER CUSTOMERS**  
**September 30, 2016**

Customer	Consumption (in gallons)	Amount Billed	% of Total Consumption
KYLE CORRECTIONAL CENTER	28,754,800	\$ 228,313	3.13%
ALSCO CORPORATION	15,956,300	\$ 126,693	1.74%
SETON MEDICAL CENTER- HAYS	12,541,700	\$ 99,581	1.36%
KYLE BLUEBONNET MHC, LLC	11,907,200	\$ 94,543	1.30%
VISTA AT PLUM CREEK	8,919,500	\$ 70,821	0.97%
TXKY AZTEC OAKHILL MHP LLC	8,878,600	\$ 70,496	0.97%
HAYS JUNCTION PHASE I, LLC	7,659,400	\$ 60,816	0.83%
SADDLECREEK APARTMENTS	6,470,100	\$ 51,373	0.70%
MADRONE VENTURES, LLC	5,830,100	\$ 46,291	0.63%
WATER WORKS AUTO SPA	5,617,700	\$ 44,605	0.61%

**CITY OF KYLE, TEXAS  
SALES TAX COLLECTIONS BY MONTH  
LAST TEN FISCAL YEARS**

<b>Fiscal Year</b>	<b>October</b>	<b>November</b>	<b>December</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>Total</b>
2010	\$ 190,866	\$ 287,557	\$ 193,086	\$ 198,193	\$ 329,379	\$ 183,839	\$ 186,005	\$ 307,208	\$ 227,390	\$ 250,891	\$ 322,535	\$ 224,068	\$ 2,901,017
2011	\$ 216,921	\$ 333,590	\$ 216,162	\$ 226,155	\$ 377,557	\$ 199,597	\$ 179,339	\$ 316,730	\$ 257,077	\$ 249,528	\$ 380,685	\$ 202,592	\$ 3,155,933
2012	\$ 269,861	\$ 334,179	\$ 237,532	\$ 245,372	\$ 393,544	\$ 224,751	\$ 237,156	\$ 368,315	\$ 269,170	\$ 295,375	\$ 377,378	\$ 287,654	\$ 3,540,287
2013	\$ 304,269	\$ 366,291	\$ 299,073	\$ 286,436	\$ 440,059	\$ 275,360	\$ 270,778	\$ 413,730	\$ 302,670	\$ 318,477	\$ 418,723	\$ 312,867	\$ 4,008,733
2014	\$ 306,735	\$ 439,337	\$ 321,293	\$ 334,830	\$ 492,820	\$ 299,643	\$ 320,355	\$ 505,339	\$ 405,019	\$ 315,129	\$ 496,713	\$ 374,188	\$ 5,016,420
2015	\$ 362,331	\$ 521,872	\$ 416,690	\$ 387,232	\$ 597,254	\$ 383,110	\$ 338,851	\$ 576,976	\$ 493,472	\$ 446,136	\$ 642,442	\$ 485,237	\$ 5,651,604
2016	\$ 424,152	\$ 601,054	\$ 450,182	\$ 477,871	\$ 722,526	\$ 448,593	\$ 444,310	\$ 661,516	\$ 506,314	\$ 508,767	\$ 653,235	\$ 519,583	\$ 6,418,103
2017	\$ 491,669	\$ 655,907	\$ 515,743	\$ 536,291	\$ 746,924	\$ 510,619	\$ 490,365	\$ 695,240	\$ 568,871	\$ 564,812	\$ 701,981	\$ 629,767	\$ 7,108,190
2018	\$ 556,684	\$ 710,336	\$ 602,893	\$ 618,416	\$ 783,687	\$ 547,964	\$ 519,729	\$ 774,628	\$ 611,531	\$ 640,777	\$ 786,619	\$ 647,441	\$ 7,800,705
2019	\$ 618,822	\$ 803,104	\$ 737,462	\$ 598,596	\$ 860,520	\$ 596,816	\$ 661,431	\$ 765,828	\$ 715,225	\$ 726,804	\$ 813,732	\$ 792,205	\$ 8,690,545

**CITY OF KYLE, TEXAS  
DIRECT AND OVERLAPPING PROPERTY TAX RATES  
LAST TEN FISCAL YEARS**

FISCAL YEAR	City Direct Rates				Overlapping Rates						Total Direct & Overlapping Rate
	Operating	Debt Service	Total	School District	County	Special Road	Emergency Services	ACC	Plum Creek Conservation	Plum Creek Groundwater	
2010	0.173100	0.200000	0.373100	1.461300	0.374900	0.080100	0.085000	0.000000	0.019500	0.095000	2.488900
2011	0.183000	0.241000	0.424000	1.461300	0.418100	0.051100	0.092500	0.000000	0.018500	0.018500	2.484000
2012	0.216073	0.199326	0.425399	1.461300	0.424800	0.044400	0.095300	0.094800	0.020000	0.020000	2.585999
2013	0.236100	0.248400	0.484500	1.461300	0.425100	0.044000	0.100000	0.094800	0.020000	0.020000	2.649700
2014	0.270300	0.254100	0.524400	1.461300	0.425200	0.043800	0.100000	0.094900	0.022000	0.022000	2.693600
2015	0.270300	0.278000	0.548300	1.537700	0.425200	0.043800	0.100000	0.094200	0.220000	0.022000	2.991200
2016	0.270300	0.278000	0.548300	1.537700	0.423200	0.043800	0.100000	0.100500	0.022500	0.021500	2.797500
2017	0.239500	0.335300	0.574800	1.537700	0.401200	0.043800	0.100000	0.100800	0.023200	0.021400	2.802900
2018	0.254800	0.286800	0.541600	1.537700	0.389900	0.043800	0.100000	0.104800	0.023200	0.021400	2.762400
2019	0.315400	0.226200	0.541600	1.467700	0.389900	0.033800	0.108700	0.104900	0.022500	0.020700	2.689800

**CITY OF KYLE, TEXAS  
PRINCIPAL PROPERTY TAXPAYERS  
CURRENT YEAR AND FIVE YEARS AGO**

<b>2019</b>		
Taxpayer	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value
SETTLEMENT BRES LLC	\$ 32,790,731	1.04%
IVT KYLE MARKETPLACE 1031 LLC	\$ 32,500,000	1.03%
CM KYLE III LP	\$ 31,237,964	0.99%
4925 CROMWELL LLC	\$ 28,500,000	0.90%
OAKS ON MARKETPLACE LP	\$ 28,192,766	0.89%
KYLE CROSSING HOLDING LLC	\$ 27,600,009	0.87%
MADRONE VENTURES LLC	\$ 25,428,436	0.80%
OAKS OF KYLE ICG LLC	\$ 22,798,295	0.72%
PLUM CREEK VUE LTD	\$ 19,545,779	0.62%
HAYS JUNCTION PHASE 1 LLC	\$ 19,283,104	0.61%
Total	<u>\$ 267,877,084</u>	<u>8.48%</u>
<b>2014</b>		
Taxpayer	Taxable Assessed Value	Percentage of Total City Taxable Assessed Value
SETTLEMENT BRES LLC	\$ 27,045,171	2.46%
DDR DB KYLE LP	\$ 23,223,075	2.11%
COLE MT KYLE TX LLC	\$ 21,873,970	1.99%
AM KYLE LLC	\$ 20,600,000	1.88%
SCC KYLE PARTNERS LTD	\$ 9,943,170	0.91%
LOWE'S HOME CENTERS INC	\$ 7,614,450	0.69%
BREMNER, DUKE	\$ 7,203,864	0.66%
TARGET CORPORATION	\$ 7,000,000	0.64%
TST KYLE MOB LLC	\$ 6,411,840	0.58%
STRIPES LLC	\$ 6,391,322	0.58%
Total	<u>\$ 137,306,862</u>	<u>12.72%</u>

Source: Hays County Appraisal District

**CITY OF KYLE, TEXAS  
PROPERTY TAX LEVIES AND COLLECTIONS  
LAST TEN FISCAL YEARS**

Fiscal Year Ended	Taxes Levied for the Fiscal year	Collected Within the Fiscal Year of the Levy		Collections in Subsequent Years	Total Collections to Date	
		Amount	Percentage of Levy		Amount	Percentage of Levy
2010	\$ 5,657,998.02	\$ 5,602,149.59	99.01%	\$ 48,000.85	\$ 5,650,150.44	99.86%
2011	\$ 5,782,063.25	\$ 5,728,465.59	99.07%	\$ 42,067.15	\$ 5,770,532.74	99.80%
2012	\$ 6,928,118.28	\$ 6,881,454.44	99.33%	\$ 23,851.83	\$ 6,905,306.27	99.67%
2013	\$ 7,710,301.90	\$ 7,614,186.51	98.75%	\$ 7,733.64	\$ 7,621,920.15	98.85%
2014	\$ 8,468,076.05	\$ 8,418,435.10	99.41%	\$ 17,021.64	\$ 8,435,456.74	99.61%
2015	\$ 9,112,282.80	\$ 9,064,585.82	99.48%	\$ 6,301.96	\$ 9,070,887.78	99.55%
2016	\$ 11,834,067.14	\$ 11,764,070.36	99.41%	\$ 11,475.29	\$ 11,775,545.65	99.51%
2017	\$ 13,470,082.98	\$ 13,407,982.47	99.54%	\$ 140,136.95	\$ 13,548,119.42	100.58%
2018	\$ 14,654,646.26	\$ 14,584,039.00	99.52%	\$ 16,943.03	\$ 14,600,982.03	99.63%
2019	\$ 16,250,638.60	\$ 16,161,867.81	99.45%	\$ 26,125.83	\$ 16,187,993.64	99.61%

Source: City of Kyle Internal Reports

Note: Subsequent years includes penalties



**CITY OF KYLE, TEXAS**  
**RATIOS OF OUTSTANDING DEBT BY TYPE**  
**LAST TEN FISCAL YEARS**

Fiscal Year	Governmental Activities			Business-type Activities			Total	
	Certificates of Obligation	General Obligation Bonds	State Infrastructure Loan	Deferred Interest Payable	Capital Leases	Compensated Absences	Total Primary Government	Per Capita
2010	\$ 41,073,068	\$ 15,290,000	\$ 11,000,000	\$ 175,300	\$ 3,548,230	\$ 66,792	\$ 71,086,598	\$ 2,537.36
2011	\$ 40,105,425	\$ 18,430,000	\$ 11,000,000	\$ 642,000	\$ 3,259,467	\$ 78,799	\$ 73,437,692	\$ 1,838.15
2012	\$ 37,885,750	\$ 18,010,000	\$ 11,000,000	\$ 1,130,169	\$ 2,952,895	\$ 93,124	\$ 71,165,888	\$ 2,099.29
2013	\$ 33,890,000	\$ 36,660,000	\$ 44,865	\$ -	\$ 2,952,895	\$ 64,514	\$ 73,612,274	\$ 2,165.07
2014	\$ 34,150,000	\$ 35,540,000	\$ -	\$ -	\$ 2,850,115	\$ -	\$ 72,540,115	\$ 2,133.53
2015	\$ 11,750,000	\$ 83,605,000	\$ -	\$ -	\$ 2,650,491	\$ -	\$ 98,005,491	\$ 2,882.51
2016	\$ 6,860,000	\$ 83,595,000	\$ -	\$ -	\$ -	\$ -	\$ 90,455,000	\$ 2,660.44
2017	\$ 5,215,000	\$ 80,360,000	\$ -	\$ -	\$ -	\$ -	\$ 85,575,000	\$ 2,171.95
2018	\$ 4,045,000	\$ 76,485,000	\$ -	\$ -	\$ -	\$ -	\$ 80,530,000	\$ 1,854.80
2019	\$ 3,560,000	\$ 71,735,000	\$ -	\$ -	\$ -	\$ -	\$ 75,295,000	\$ 1,585.16

Note: Certificates of Obligation Premium On Bond Issuance are combined  
Source: Notes to Financial Statements - Long Term Debt

**CITY OF KYLE, TEXAS**  
**RATIOS OF NET GENERAL BONDED DEBT OUTSTANDING**  
**LAST TEN FISCAL YEARS**

Fiscal Year	General Bonded Debt Outstanding		
	Gross Bonded Debt	Percentage of Actual Taxable Value of Property	Per Capita
2010	\$ 61,860,798	4.80%	\$ 2,208.05
2011	\$ 70,837,951	5.26%	\$ 2,299.93
2012	\$ 68,207,951	4.93%	\$ 2,012.03
2013	\$ 70,550,000	4.92%	\$ 2,075.00
2014	\$ 69,690,000	4.86%	\$ 2,049.71
2015	\$ 95,355,000	6.65%	\$ 2,804.56
2016	\$ 90,455,000	6.31%	\$ 2,660.44
2017	\$ 85,575,000	5.97%	\$ 2,171.95
2018	\$ 80,530,000	2.69%	\$ 1,854.80
2019	\$ 75,295,000	2.38%	\$ 1,585.16

**CITY OF KYLE, TEXAS  
LEGAL DEBT MARGIN INFORMATION  
LAST TEN FISCAL YEARS**

Legal Debt Margin Calculation for Fiscal Year 2019

Assessed value	\$	3,160,375,667
Debt limit (6% of assessed value)	\$	189,622,540
Debt applicable to limit:		
Total Bonded Debt	\$	75,295,000
Less: Amount set aside for repayment of general obligation debt	\$	4,530,000
Total net debt applicable to limit	\$	70,765,000
Legal debt margin	\$	118,857,540

	Fiscal Year									
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Debt Limit	\$ 77,248,071	\$ 80,811,482	\$ 82,998,155	\$ 85,984,016	\$ 90,028,539	\$ 189,622,540	\$ 116,818,886	\$ 136,980,807	\$ 179,434,829	\$ 189,622,540
Net Debt Applicable to Limit	\$ 56,363,068	\$ 58,535,425	\$ 55,895,750	\$ 70,082,849	\$ 68,260,000	\$ 70,765,000	\$ 88,035,000	\$ 81,700,000	\$ 75,780,000	\$ 70,765,000
Legal Debt Margin	\$ 20,885,003	\$ 22,276,057	\$ 27,102,405	\$ 15,901,167	\$ 21,768,539	\$ 118,857,540	\$ 28,783,886	\$ 55,280,807	\$ 103,654,829	\$ 118,857,540
Net Debt as a % of Debt Limit	73%	72%	67%	82%	76%	37%	75%	60%	42%	37%

Note: Assessed Value is City Limits only. TIRZ not included. The City adopted a formal Debt Management Policy in FY 2010.

Source: Debt Service Fund Balance Sheet (Governmental Funds Balance Sheet)  
Gross Bonded Debt  
Assessed Value - Taxable Value

**CITY OF KYLE, TEXAS  
DEMOGRAPHIC AND ECONOMIC STATISTICS  
LAST TEN FISCAL YEARS**

<u>Fiscal Year</u>	<u>Population</u>	<u>Average Household Income</u>	<u>Unemployment Rate</u>
2010	28,016	\$ 65,100	5.5%
2011	29,300	\$ 65,100	5.3%
2012	30,700	\$ 65,100	4.9%
2013	32,100	\$ 65,100	4.2%
2014	33,500	\$ 71,063	5.4%
2015	34,413	\$ 77,406	2.5%
2016	36,800	\$ 77,406	2.5%
2017	39,400	\$ 82,872	3.3%
2018	43,417	\$ 82,872	2.9%
2019	47,500	\$ 82,872	3.0%

Sources: Unemployment Rates: <http://www.tracer2.com/cgi/dataAnalysis/LabForceReport>;  
Population: <http://kyleed.com/community-profile/population>

**CITY OF KYLE, TEXAS  
PRINCIPAL EMPLOYERS  
CURRENT**

Employer	2019	
	Employees	Percentage of Total City Employment
Hays County Independent School District	2,383	11.45%
Seton Medical Center Hays	610	2.93%
City of Kyle	228	5.56%
HEB Plus	208	1.00%
Legend Oaks Healthcare & Rehabilitation	116	0.56%
Lowes	108	0.52%
Warm Springs Rehab Hospital	100	0.48%
Home Depot	100	0.48%
Austin Community College at Hays	80	0.38%
RSI, Inc	58	0.28%
Construction Metal Products	40	0.19%
Sothwestern Pneumatic	40	0.19%
Miscellaneous Steel Industries	30	0.14%
<b>Total</b>	<b>4,101</b>	<b>24%</b>
<b>Total Employed within Kyle, Texas</b>	<b>20,809</b>	

**CITY OF KYLE, TEXAS**  
**FULLTIME EQUIVALENT CITY GOVERNMENT EMPLOYEES**  
**BY FUNCTION/PROGRAM**  
**LAST TEN FISCAL YEARS**

Function Program	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
General Government										
Administration	7.00	6.00	5.00	5.00	5.00	7.00	7.00	7.00	6.00	7.00
Human Resources	2.75	2.75	3.50	3.50	3.50	2.50	2.50	2.50	2.50	3.00
Finance	4.00	5.50	5.50	5.50	6.50	6.50	6.50	6.50	6.50	8.00
Municipal Court	3.50	4.00	4.50	4.50	4.00	4.00	4.00	4.00	4.00	4.00
IT	2.00	3.00	3.00	3.00	4.00	4.00	4.00	4.00	4.00	5.00
Planning	3.00	3.00	3.00	3.00	3.00	3.00	3.00	4.00	4.00	4.00
Economic Development	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Building	7.00	6.00	6.00	6.00	6.00	6.00	6.00	6.00	7.00	7.00
Street Department	7.35	6.00	6.75	6.00	6.00	12.50	12.50	15.38	15.38	20.00
Police										
Administration	9.00	12.00	12.00	14.50	14.50	17.50	17.50	17.50	17.00	20.00
Operations	37.00	35.50	38.00	38.50	38.50	56.00	58.00	58.00	60.00	60.00
Public Works										
Administration	9.65	8.75	8.25	8.25	8.00	8.50	8.50	9.82	11.14	7.00
Water	7.00	14.00	14.50	12.50	12.50	12.50	12.50	12.90	12.90	15.00
Wastewater	7.00	5.00	5.50	5.50	5.50	10.50	10.50	10.90	10.90	12.00
Storm Drainage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11.00	12.18	14.00
Engineering	0.00	0.00	1.00	1.00	0.50	4.00	4.00	3.00	3.50	4.00
Parks and Recreation										
Administration	3.00	5.00	4.00	4.00	4.50	5.50	6.00	6.00	6.00	6.00
Parks Maintenance	12.00	12.00	12.00	12.00	12.00	14.00	14.00	12.00	12.00	14.00
Facilities Maintenance	3.00	3.50	4.00	4.00	4.00	4.00	4.00	4.00	4.00	5.00
Library	7.00	8.00	7.00	7.00	7.00	11.00	11.00	11.00	11.00	11.00
Utility Billing	5.00	5.00	5.00	7.00	7.00	7.00	7.00	8.00	9.00	9.00
<b>Total</b>	<b>138.25</b>	<b>147.00</b>	<b>150.50</b>	<b>152.75</b>	<b>154.00</b>	<b>198.00</b>	<b>200.50</b>	<b>215.50</b>	<b>221.00</b>	<b>237.00</b>

Item # 21

Source: City of Kyle  
Note: Does not include Mayor Council



**CITY OF KYLE, TEXAS**  
**OPERATING INDICATORS BY FUNCTION/ PROGRAM**  
**LAST TEN FISCAL YEARS**

Function Program	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>General Government</b>										
Building permits issued	431	289	244	324	537	635	684	777	643	618
<b>Police</b>										
Violations	4,709	4,360	6,961	8,670	10,111	5,447	3,345	5,225	5609	5805
Citations	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Other Public Works</b>										
Street resurfacing (miles)	N/A	N/A	N/A	16	10	2	3	17	0.62	0.00
Potholes repaired	N/A	672	718	926	1,053	2,007	3,253	2,752	5,359	1,915
Street Sweeping - Miles	2,623	2,613	343	1,898	1,970	2,308	1,619	2,132	1,523	4,002
<b>Parks and Recreation</b>										
Facility Rental Bookings (Guests)	13,786	15,512	42,791	36,092	45,602	52,447	52,533	16,415	37,002	40,339
Summer Camp	3,255	6,105	5,275	5,500	5,800	4,675	4,285	5,170	3,325	3,565
Pool (patron count)	30,254	32,078	36,511	37,000	37,000	41,813	31,852	28,126	41,141	10,751
<b>Library</b>										
Circulation Count	99,129	100,121	125,715	144,904	155,860	165,175	188,222	191,275	214,419	232,035
Patron Count	95,371	91,207	119,194	126,824	133,154	138,458	139,501	153,998	158,378	160,381
Library Cards Issued	1,799	1,746	3,730	2,218	3,200	2,784	2,837	2,952	3,049	2,789
<b>Water</b>										
New Connections	2,007	1,900	2,188	2,402	2,773	3,024	2,276	3,167	3,083	3,064
Water leaks	70	117	80	91	126	108	99	78	53	71
Average Daily Consumption (millions of gallons)	2.0891	1.6391	2.1225	2.443	1.9200	2.4190	2.5920	2.2522	2.4261	2.5242
<b>Wastewater</b>										
Average Daily Sewage Treatment (millions of gallons)	1.5626	2.2684	1.7207	1.838	1.6950	2.3000	2.4570	2.4590	2.3649	2.7861

Item # 21

Source: City of Kyle  
Departmental Reports, City of Kyle

Note: New Connections are by Calendar Year not Fiscal Year

**CITY OF KYLE, TEXAS**  
**CAPITAL ASSET STATISTICS BY FUNCTION/ PROGRAM**  
**LAST TEN FISCAL YEARS**

Function Program	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Police										
Stations/ Sub-Stations	1	1	1	2	2	2	2	2	2	2
Patrol Units	18	24	29	27	27	21	21	20	22	27
Fire										
Stations	1	2	2	2	2	2	2	2	2	2
Parks and Recreation										
Acreage	462	466	466	569	577	612	612	612	612	677
Streets										
Streets - Linear Feet	580,748	591,248	595,248	610,518	623,170	641,396	739,493	796,818	835,430	840,343
Water										
Fire Hydrants	833	847	859	891	905	936	993	1093	1,137	1,196
New Water Lines - Linear Feet	7,142	2,653	1,894	6,703	9,963	16,950	28,080	37,045	21,740	24,695
Ground Water Storage	8	8	8	8	8	8	8	8	8	8
Elevated Water Storage	6	6	6	6	6	6	6	6	6	6
Wastewater										
New Wastewater Lines - Linear Ft	7,770	3,890	1,555	20,059	13,286	16,127	15,799	41,340	39,348	30,855
New Storm Sewers (miles)	2,945	3,937	423	14,245	7,334	13,573	9,610	21,964	31,450	17,786
Lift Stations	10	10	9	9	9	11	11	13	13	14
Treatment Capacity (millions of gallons)	3	3	3	3	3	3	3	3	3	3



RSM US LLP

## Independent Auditor's Report

Honorable Mayor and Members of the City Council  
City of Kyle, Texas

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of Kyle, Texas (the City) as of and for the year ended September 30, 2019, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, as listed in the table of contents.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

### Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City as of September 30, 2019, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## **Other Matters**

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis; the Schedule of Revenues, Expenditures and Changes in Fund Balance—Budget and Actual—General Fund; Notes to the Budgetary Comparison Schedule; the Schedule of OPEB Contributions; the Schedule of Changes in the Net OPEB Liability and Related Ratios; the Schedule of Investment Returns—OPEB; the Schedule of Changes in the Total OPEB Liability and Related Ratios—SDBF OPEB; the Schedule of Changes in Net Pension Liability and Related Ratios—Retirement Plan and the Schedule of Employer Contributions—Retirement Plan, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### ***Other Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining financial statements, as listed in the table of contents, are presented for the purpose of additional analysis and are not a required part of the basic financial statements. The combining financial statements are the responsibility of management and were derived from, and relate directly to, the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements, or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining financial statements, as listed in the table of contents, are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The accompanying Introductory and Statistical Sections, as listed in the table of contents, are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

*RSM US LLP*

Austin, Texas  
March 6, 2020



RSM US LLP

811 Barton Springs Rd  
Suite 550  
Austin, TX 78704

T +1 512 476 0717  
F +1 512 476 0462

[www.rsmus.com](http://www.rsmus.com)

March 6, 2020

Honorable Mayor and Members of the City Council  
City of Kyle, Texas  
Kyle, Texas

Attention: Honorable Mayor and Members of the City Council

This letter is to inform the Mayor, City Council and management of City of Kyle, Texas (the City) about significant matters related to the conduct of our audit as of and for the year ended September 30, 2019, so that it can appropriately discharge its oversight responsibility and we comply with our professional responsibilities.

The following summarizes various matters that must be communicated to you under auditing standards generally accepted in the United States of America.

#### **The Respective Responsibilities of the Auditor and Management**

Our responsibility under auditing standards generally accepted in the United States of America has been described to you in our arrangement letter dated June 19, 2019. The audit of the financial statements does not relieve management or those charged with governance of their responsibilities, which are also described in that letter.

#### **Overview of the Planned Scope and Timing of the Financial Statement Audit**

We have issued a separate communication, dated June 19, 2019, regarding the planned scope and timing of our audit and have discussed with you our identification of significant risks of material misstatement.

#### **Significant Accounting Practices, Including Policies, Estimates and Disclosures**

In our meeting with you, we will discuss our views about the qualitative aspects of the City's significant accounting practices, including accounting policies, accounting estimates and financial statement disclosures. The following is a list of the matters that will be discussed, including the significant estimates, which you may wish to monitor for your oversight responsibilities of the financial reporting process:

- Fair value of investments
- Assumptions for pension plans and related net pension liabilities
- Assumptions for other postemployment benefits other than pension
- Depreciable useful lives of capital assets

#### **Uncorrected Misstatements**

We are not aware of any uncorrected misstatements other than misstatements that are clearly trivial.

THE POWER OF BEING UNDERSTOOD  
AUDIT | TAX | CONSULTING

**Consultation With Other Accountants**

We are not aware of any consultations management had with other accountants about accounting or auditing matters.

**Other Matters**

Our responsibility for other information in documents containing the City's Comprehensive Annual Financial Report (CAFR) is to read the information and consider whether its content or manner of its presentation is materially inconsistent with the financial information covered by our auditor's report or whether it contains a material misstatement of fact.

Thus, in regards to the CAFR, specifically the introductory and statistical sections of this report, we read the introductory and statistical sections and consider whether the information or the manner in which it is presented is materially inconsistent with information or the manner of presentation of the basic financial statements. Based on our reading, we will determine if the information or manner of presentation requires any revisions.

**Management Representations**

Attached is a copy of the management representation letter.

**Closing**

We will be pleased to respond to any questions you have about the foregoing. We appreciate the opportunity to continue to be of service to the City.

This report is intended solely for the information and use of the Mayor, City Council and management and is not intended to be, and should not be, used by anyone other than these specified parties.

*RSM US LLP*





# CITY OF KYLE

100 W. Center Street • Kyle, Texas 78640 • Tel (512) 262-1010 • Fax (512) 262-3800

March 6, 2020

RSM US LLP  
811 Barton Springs Rd, Suite 500  
Austin, Texas 78704

This representation letter is provided in connection with your audit of the financial statements of the City of Kyle, Texas as of and for the year ended September 30, 2019, for the purpose of expressing an opinion on whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

We confirm, to the best of our knowledge and belief, that as of March 6, 2020

## **Financial Statements**

1. We have fulfilled our responsibilities, as set out in the terms of the audit arrangement letter dated June 19, 2019 for the preparation and fair presentation of the financial statements referred to above in accordance with U.S. GAAP.
2. We acknowledge our responsibility for the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
3. We acknowledge our responsibility for the design, implementation and maintenance of internal control to prevent and detect fraud.
4. Significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable and reflect our judgment based on our knowledge and experience about past and current events, and our assumptions about conditions we expect to exist and courses of action we expect to take.
5. There are no related-party transactions, including those with other organizations for which the nature and significance of their relationship with City of Kyle are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete, joint ventures in which City of Kyle has an interest, and jointly governed organizations in which City of Kyle participates, and interfund transactions, including interfund accounts and advances receivable and payable, sale and purchase transactions, interfund transfers, long-term loans, leasing arrangements and guarantees, have been recorded in accordance with the economic substance of the transaction and appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP.
6. There are no events subsequent to the date of the financial statements for which U.S. GAAP requires adjustment or disclosure.

7. The effects of all known actual or possible litigation and claims have been accounted for and disclosed in accordance with U.S. GAAP.
8. We have no direct or indirect legal or moral obligation for any debt of any organization, public or private, or to special assessment bond holders that is not disclosed in the financial statements.
9. We have complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance. In connection therewith, we specifically represent that we are responsible for determining that we are not subject to the requirements of the Single Audit Act because we have not received, expended or otherwise been the beneficiary of the required amount of federal awards during the period of this audit.
10. We have no knowledge of any uncorrected misstatements in the financial statements.

**Information Provided**

11. We have provided you with:
  - a. Access to all information of which we are aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation and other matters;
  - b. Additional information that you have requested from us for the purpose of the audit;
  - c. Unrestricted access to persons within the City from whom you determined it necessary to obtain audit evidence; and
  - d. Minutes of the meetings of the City Council and committees, or summaries of actions of recent meetings for which minutes have not yet been prepared.
12. All transactions have been recorded in the accounting records and are reflected in the financial statements.
13. We have disclosed to you the results of our assessment of risk that the financial statements may be materially misstated as a result of fraud.
14. We have no knowledge of allegations of fraud or suspected fraud affecting the City's financial statements involving:
  - a. Management.
  - b. Employees who have significant roles in internal control.
  - c. Others where the fraud could have a material effect on the financial statements.
15. We have no knowledge of any allegations of fraud or suspected fraud affecting the City's financial statements received in communications from employees, former employees, analysts, regulators, or others.

16. We have no knowledge of noncompliance or suspected noncompliance with laws and regulations whose effects were considered when preparing financial statements.
17. We are not aware of any pending or threatened litigation and claims whose effects should be considered when preparing the financial statements.
18. We have disclosed to you the identity of the City's related parties and all the related-party relationships and transactions of which we are aware.
19. We are aware of no significant deficiencies, or material weaknesses in the design or operation of internal controls that could adversely affect the City's ability to record, process, summarize and report financial data.
20. We are aware of no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
21. During the course of your audit, you may have accumulated records containing data that should be reflected in our books and records. All such data have been so reflected. Accordingly, copies of such records in your possession are no longer needed by us.

**Supplementary Information**

22. With respect to supplementary information presented in relation to the financial statements as a whole:
  - a. We acknowledge our responsibility for the presentation of such information.
  - b. We believe such information, including its form and content, is fairly presented in accordance with U.S. GAAP.
  - c. The methods of measurement or presentation have not changed from those used in the prior period.
  - d. When supplementary information is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance of the supplementary information and the auditor's report thereon.
23. With respect to Management Discussion and Analysis; Pension and Other Post Employment Schedules presented as required by the Governmental Accounting Standards Board to supplement the basic financial statements:
  - a. We acknowledge our responsibility for the presentation of such required supplementary information.
  - b. We believe such required supplementary information is measured and presented in accordance with guidelines prescribed by U.S. GAAP

RSM US LLP  
Representation Letter  
March 6, 2020

- c. The methods of measurement or presentation have not changed from those used in the prior period.

City of Kyle, Texas



Perwez A. Moheet, CPA, Director of Finance



Andy Alejandro, Accounting Manager



# CITY OF KYLE, TEXAS

## Annual Racial Profiling Report

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** Presentation of the 2019 Annual Racial Profiling Report. ~ *Jeff Barnett, Chief of Police*

**Other Information:**

**Legal Notes:**

**Budget Information:**


---

### **ATTACHMENTS:**

#### **Description**

- Racial Profiling and Bias Policy 2.2 KPD
- 2019 Racial Profiling Report for TCOLE
- Racial Profiling Complaint and Analysis Memo - Capt Hernandez
- Racial Profiling Memo 2019 Data



<p style="text-align: center;">GENERAL ORDER</p>  <p style="text-align: center;">Kyle Police Department</p>	Effective: 07-09-15	<b>Chapter 2.2</b>
	Section: Professional Standards and Conduct	Subject: <b>Racial Profiling and Bias Reduction</b>
	Approved: <i>Jeff Barnett</i>	
	Revised: 08-30-17 Reference TBP: 2.01	

**I. POLICY**

We are committed to the support of constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, national origin, ethnicity, age, or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

**II. PURPOSE**

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

**III. DEFINITIONS**

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. **Bias:** Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. **Biased policing:** Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. **Ethnicity:** A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.



- D. Gender: The state of being male or female (typically used with reference to social and cultural differences rather than biological ones).
- E. Probable cause: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense is about to be, has been, or is being committed, and that the suspect has committed it.
- F. Race: A category of people of a particular decent, including Caucasian, African, Hispanic, Middle Eastern, Asian, or Native American descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.
- G. Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Articulate, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is an investigative detention.

#### IV. PROCEDURES

##### A. General responsibilities

1. Officers are prohibited from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age or cultural group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)
2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
  - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
  - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.



4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
  - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and should actively provide referrals to other appropriate agencies.
  - b. Personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department.
5. When feasible, personnel should offer explanations of the reasons for enforcement actions or other decisions that bear on an individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel may thank him or her for cooperating.
6. When feasible, all personnel shall identify themselves by rank and name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Requirements for Traffic Stops:

1. A peace officer who makes a traffic stop which results in the issuance of a warning, citation, or an arrest shall record and report the following information:
  - a. The race or ethnicity of the individual detained; and
  - b. Whether the officer conducted a search as a result of the stop, and if so, whether the authorized person consented to the search.
  - c. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual.
  - d. Response to resistance that resulted in bodily injury during a traffic stop.
  - e. Location of the stop
  - f. Reason for the stop

C. Retention Period:

- a. The Department shall retain the video and audio equipment documentation of each traffic or pedestrian stop for at least 180 days after the date of the stop.
- b. If a complaint is filed with the department alleging that a Kyle Police Officer has engaged in racial profiling with respect to a traffic or pedestrian stop, the department shall retain the video and audio recording of the stop until final disposition of the complaint.

D. Review Process:



1. Sworn supervisors and the Patrol Lieutenant shall periodically review randomly selected sampling of video and audio recordings made recently by all peace officers employed by this department.
2. In addition to reviewing stops and arrests pursuant to the statutory requirements, reviewing supervisors will also assess the individual officer's violator approach, interpersonal skills, officer safety skills, positioning of the patrol vehicle etc. for training purposes, employee coaching or discipline. Any specific incident meriting further consideration for racial profiling review by this process shall be forwarded to the Chief of Police for an Internal Affairs unit review.
3. By March 1 of each year, an annual administrative review of agency practices, collected data, and citizen complaints of racial profiling will be performed by the Chief of Police or his designee.

**E. Supervisory responsibilities**

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify, document and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.
5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.

**F. Disciplinary consequences**

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

**G. Training (TBP: 2.01)**

1. Officers shall complete all training required by state law regarding bias based profiling.

**V. COMPLAINTS**

- A. The department shall publish "How to Make a Complaint" information and make this available at the police department. The department's complaint process will be posted on the department's

website. Whenever possible, the media will be used to inform the public of the department's policy and complaint process.

1. Racial-Profilng complaints may be made in the following manner:

a. In person:

Kyle Police Department  
111 N Front Street  
Kyle, TX 78640

b. By telephone (512)268-0859

c. By email: [kylepd@cityofkyle.com](mailto:kylepd@cityofkyle.com)

d. By mail:

Kyle Police Department  
P.O. Box 40  
Kyle, TX 78640

B. Written and signed complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.

C. Complainants will be notified of the results of the investigations when such investigation is completed.

## VI. RECORD KEEPING

A. The department will maintain all required records on traffic stops where a citation is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.

B. The information collected above will be reported to the city council annually.

C. The information will also be reported to TCOLE in the required format.

# Racial Profiling Report | Full

---

Reporting Date: 03/11/2020

Agency Name: KYLE POLICE DEPT.  
TCOLE Agency Number: 209202

Chief Administrator: JEFFREY B. BARNETT

Agency Contact Information:  
Phone: (512) 268-0859  
Email: kylepd@cityofkyle.com

Mailing Address:  
111 North Front Street  
KYLE, TX 78640

This Agency filed a full report

KYLE POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1.) clearly defines acts constituting racial profiling;
- 2.) strictly prohibit peace officers employed by the KYLE POLICE DEPT. from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the KYLE POLICE DEPT. if the individual believes that a peace officer employed by the KYLE POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4.) provides public education relating to the agency's complaint process;
- 5.) requires appropriate corrective action to be taken against a peace officer employed by the KYLE POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the KYLE POLICE DEPT. policy adopted under this article;
- 6.) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
  - a.) the race or ethnicity of the individual detained;
  - b.) whether a search was conducted and, if so, whether the individual detained consented to the search; and
  - c.) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- 7.) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision(6) to:
  - a.) the Commission on Law Enforcement; and
  - b.) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

Executed by: Pedro F. Hernandez Jr, Captain

Date: 03/11/2020

Total stops: 13255

---

**Gender**

Female	5162
Male	8093

**Race / Ethnicity**

Black	1232
Asian / Pacific Islander	136
Hispanic / Latino	6223
White	5578
Alaska Native / American	86

**Was race or ethnicity known prior to stop?**

Yes	154
No	13101

**Reason for stop?**

Violation of law	207
Preexisting knowledge	102
Moving traffic violation	6669
Vehicle traffic violation	6275

**Street address or approximate location of the stop**

City street	7057
US highway	4544
County road	445
State highway	1144
Private property or other	63

**Was a search conducted?**

Yes	590
No	12665

**Reason for Search?**

consent	128
contraband	21
probable	352
inventory	56



incident to arrest	33
<b>Was Contraband discovered?</b>	
Yes	388
No	202
<b>Description of contraband</b>	
Drugs	302
Currency	2
Weapons	5
Alcohol	59
Stolen property	3
Other	63
<b>Result of the stop</b>	
Verbal warning	6630
Written warning	1441
Citation	4889
Written warning and arrest	11
Citation and arrest	72
Arrest	210
<b>Arrest based on</b>	
Violation of Penal Code	193
Violation of Traffic Law	20
Violation of City Ordinance	0
Outstanding Warrant	80
<b>Was physical force resulting in bodily injury used during stop?</b>	
Yes	4
No	13251

Submitted electronically to the



The Texas Commission on Law  
Enforcement



# KYLE POLICE DEPARTMENT

## Memorandum

Date: March 11, 2020

To: Dr. Jeff Barnett  
Chief of Police

From: Pedro F. Hernandez Jr.  
Police Captain

A handwritten signature in blue ink, appearing to be "P. Hernandez", is written over the name in the "From" field.

Re: 2019 Racial Profiling Report

---

During 2019 calendar year our agency conducted 13,255 stops. During this same calendar year, we received three complaints alleging racial profiling. All three complaints were investigated through the departments Internal Affairs Complaint process and were deemed to be unfounded.

A further review of stop data supports that our Department is in compliance with racial profiling laws. The data indicates that our Department does not engage in improper targeting or enforcement actions against persons of any specific race or ethnicity.



# KYLE POLICE DEPARTMENT

## Memorandum

To: Scott Sellers, City Manager

Cc: James Earp, Assistant City Manager  
Jennifer Vetrano, City Secretary

From: Jeff Barnett, Chief of Police

Date: March 11, 2020

Re: 2019 Annual Racial Profiling Report

---

The Kyle Police Department is submitting the 2019 Racial Profiling Report as required by the Texas Code of Criminal Procedure. Please find the following documents for your review and presentation to the City Council:

Kyle Police Department Racial Profiling Policy Chapter 2.2;  
Kyle Police Department Annual Report – 2019 Data  
Memorandum from Captain Hernandez

As you may recall, the State of Texas enacted a law requiring certain actions on behalf of the local agency and the individual law enforcement officers when conducting traffic or pedestrian stops. The Kyle Police Department has a policy that prohibits officers from engaging in racial profiling as defined by state law, and our officers are directed to capture certain types of data pertaining to traffic and pedestrian detentions with members of the public. The Kyle Police Department police vehicles that routinely engage in traffic and pedestrian stops are outfitted with audio and video recording equipment. Additionally, patrol and traffic officers are outfitted with body worn cameras for additional recording. These videos are retained for a period of not less than 90 days, and they are reviewed throughout the year by supervisory staff as required by the statute.

The Kyle Police Department does have a publicly promoted process by which an individual may file a complaint if the individual believes that a Kyle Police Officer has engaged in racial profiling. Furthermore, the Kyle Police Department received only one complaint from a citizen stopped for a traffic violation at night that was believed to have been initiated due to the race of the driver. It was determined that the officer did not know that the race of the driver prior to approaching the vehicle during the actual the stop.

# KYLE POLICE DEPARTMENT

## Memorandum

In reviewing the data, the Kyle Police Department conducted a total of 13,255 motor vehicle and pedestrian stops. The following table represents the percentage of individuals stopped by race/ethnicity as categorized and defined by the State of Texas:

<b>Race/Ethnicity</b>	<b>Percent of Total Stops</b>
Black	9.29%
Asian/Pacific Islander	1.03%
Caucasian	46.95%
Hispanic/Latino	42.08%
Alaska Native/ American Indian	0.65%

An analysis of the data was conducted by the Captain Hernandez, and the findings of adherence to policies and state law are outlined in his memorandum. A brief overview of the data collected is described below. Of the 13,255 stops that resulted in an arrest, citation, or written or verbal warning, 590 vehicle searches were conducted. Of those 590 searches, 128 were consensual while 352 of them were based upon probable cause and 33 were incident to arrest. 21 of the searches were due to contraband in plain view of the officer and 56 were inventory searches. Of the same 590 searches, 388 categories of contraband were located and as identified in the following categories: alcohol (59); currency (2); drugs (302); other (63); stolen property (3); and weapons (5).

Of the same 13,255 traffic stops, only in 154 of the instances was the race/ethnicity of the vehicle operator known to the police officer prior to the vehicle stop. The results of the traffic stops were as follows: arrest (210); citation (4889); citation and arrest (72); verbal warning (6630); written warning (1441); and written warning with arrest (11). Of those 210 arrests, the reason for arrest was based on the following: outstanding warrant (80); violation of penal code (193); and violation of traffic law (20).

This report has been filed with the Texas Commission on Law Enforcement. Please let me know if you would like any further information concerning this report. Thank you very much.



# CITY OF KYLE, TEXAS

## OSR Tree

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** Recommendation regarding Old Stagecoach Road Tree. ~ *David Vaughn, ArborVaughan Consult, LLC*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- ☐ Kyle TX assessment 2-25-20

February 24, 2020

The city of Kyle, Texas is developing plans to expand the width of Old Stage Coach Road. There is a 51- inch diameter Live Oak (*Quercus fusiformis*) that is within 6 inches of the existing road. It currently restricts traffic flow with south bound traffic having to yield to north bound traffic at the pinch point caused by this Live Oak. Leon Barba, City Engineer of Kyle, requested an assessment of the current condition of this Live Oak, an assessment of its potential to tolerate the planned expansion of the road, and an assessment of the amount of soil and space the tree would need to survive the construction and continue to be an asset to the community.

There are several ways to determine condition. I used three different methods so we could get a comparison. The International Society of Arboriculture (ISA) has a Best Management Practices for Managing Trees During Construction. Its general conservation suitability worksheet considers seven categories of the existing tree to provide guidance on the tree's suitability for surviving and remaining relatively healthy after construction. Of a total possible score of 100, the 51-inch Live Oak received a score of 56. Any score below 59 is considered a tree that generally would not be a candidate for preservation. There is room for an arborist's judgement to override this score, however I am in agreement. In addition, a low score in the category of Root Cut/Fill Distance From Trunk, states that if the distance is less than a certain amount that this tree would not be a candidate for preservation based on this one category alone. This tree's rating in this category was one out of a possible score of 15. The rating for this tree using this method is that it is not a candidate for preservation. This tree would be expected to decline after construction regardless of any management provided to the tree.

Secondly, there is a condition rating used for tree appraisal. It considers 5 areas of the tree and has a rating of 1 to 4 in each category for health and structure. Condition is stated as a percentage. Using this method, no tree can have a rating below 25%. This tree rated a 50% condition rating with a low rating in root structure and health. According to this rating system, the tree's condition is poor.

The last method used involves Tree Risk Assessment. It is an intense method considering many things including likelihood of failure of the tree or parts of the tree, likelihood of impacting a target, and consequences of that failure. The current risk rating of this tree was moderate risk. That rating would change after the proposed construction to a rating between high risk and extreme risk.

A general guide line is there should be no tree roots cut within 5X the trunk diameter of a mature tree. For this 51-inch Live Oak, that would be no roots cut within 225 inches or about 19 feet, measured from the center of the trunk. We expect more than 95% of the root system of this tree to be within 12 inches of the soil surface. Any cut or digging that goes 12 inches deep or more will remove all of the roots of this tree at the cut edge. The 19 feet restriction leaves enough root system to keep the tree standing. Cutting closer than 19 feet reduces the stability of the tree, increasing risk of failure into the high to extreme rating.

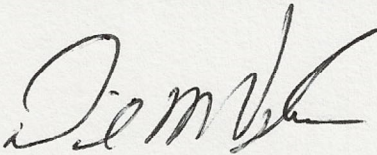


Crowngall, a bacterial disease, is present in the two groups of Live Oaks just north of the 51-inch Live Oak. An infected tree is within about 50 feet of the 51-inch Live Oak. In my experience, Crowngall does not kill mature Live Oaks. It is a stress. It can be moved by trenching or digging equipment by moving contaminated soil to a freshly cut root. If you decide to keep the 51-inch Live Oak you will need to be careful about infecting this tree with Crowngall.

There is a guideline for the amount of soil volume required to keep a mature tree healthy, based on trunk diameter of the tree. A 51-inch tree needs 3,200 cubic feet of soil, more as it gets larger. You can expect all of the roots of this tree to be in the top 12 inches of soil. To keep it healthy, your construction design will need to provide 3200 cubic feet of soil considering only the top 12 inches.

Two large limbs will need to be removed on the east side of the Live Oak to provide enough clearance over the new section of the street. In the tree's current condition, it should tolerate the removal of that percentage of its canopy. It will be less tolerant if part of its root system is removed during construction of the improved road.

In my opinion, the 51-inch Live Oak is a poor candidate for preservation.



David M Vaughan

Certified Arborist TX 0118



# CITY OF KYLE, TEXAS

Deersa LLC. - Zoning (Z-20-0054)

Meeting Date: 4/7/2020

Date time: 7:00 PM

**Subject/Recommendation:** *(First Reading)* An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.023 acres of land from Retail Service District 'RS' to Telecommunication/Utility 'T/U' for property located at 23100 IH-35, in Hays County, Texas. (Deersa, LLC. - Z-20-0054) ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 6-0 to recommend approval of the request.*

- Public Hearing

**Other Information:** Please see attachments.

**Legal Notes:** N/A

**Budget Information:** N/A

---

## ATTACHMENTS:

### **Description**

- Staff Memo
- Ordinance with Exhibit A & B
- Application and Summary Letter
- Project Location Map



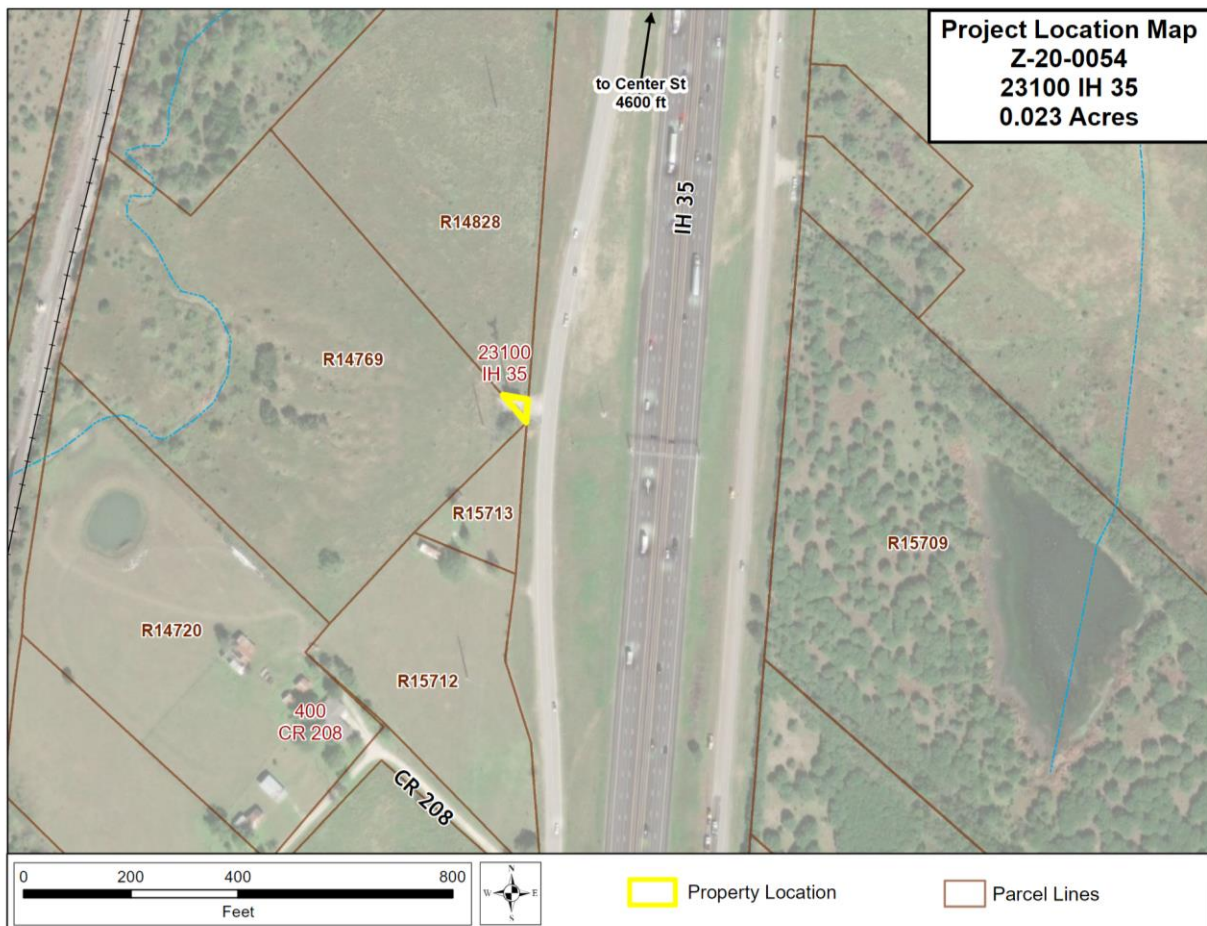
**Property Location** CR 208 and S IH-35 Frontage Road, Kyle, TX 78640

**Owner** J. Stephen Smith (Manager)  
Deersa, LLC  
8800 Appaloosa Run  
Austin, TX 78737

**Agent** Hugo Elizondo, Jr., P.E.  
3601 Kyle Crossing, Ste. A  
Kyle, TX 78640

**Request** Rezone 0.023-Acres RS (Retail/Services) to T/U  
(Transportation/Utility)

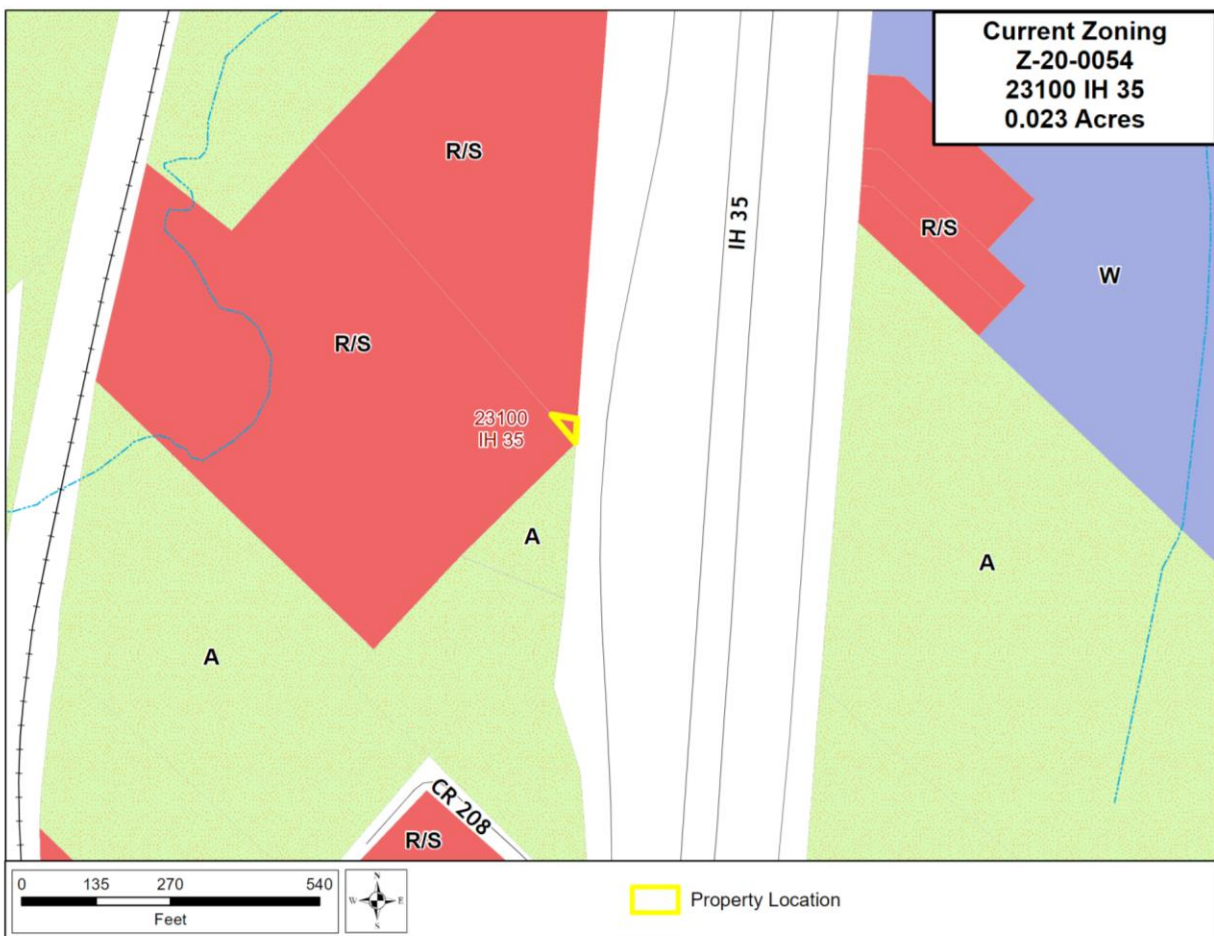
**Vicinity Map**



## Site Description

The site is located on a vacant parent lot that is zoned “RS” or Retail/Services. The proposed minor parcel is situated at the southern corner of the southbound IH-35 access road and the parent parcel, ID R14828. IH-35 is directly adjacent to and east of the site. To the south is land zoned “A” and used for agricultural purposes. To the west is land zoned “RS” and remains undeveloped.

The applicant seeks to rezone the property from “RS” (Retail/Services) to “T/U” (Transportation/Utility).



## Current Zoning

### R/S (Retail/Services)

#### **Sec. 53-480. - Purpose and permitted uses.**

This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in section 53-1230.

#### **Requested Zoning**

### T/U (Transportation/Utility)

#### **Sec. 53-610. - Purpose and permitted uses.**

The transportation and utilities district allows airports, utilities, and communication towers as provided in section 53-1230.

#### **Sec. 53-33(k)(Chart 1)**

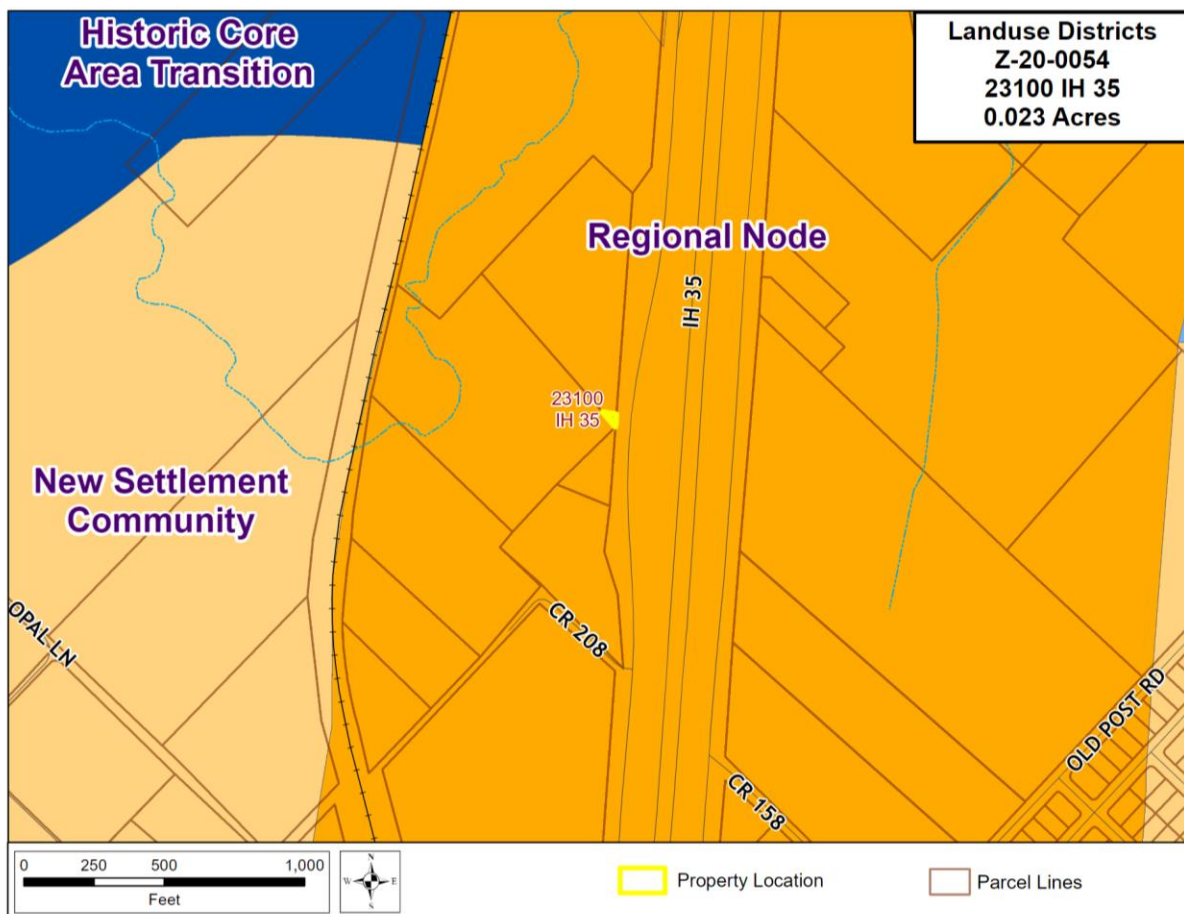
TU	25	7	15	15	15	(10)	(10)	(10)
----	----	---	----	----	----	------	------	------

(10) The conditions, limitations, setbacks and lot requirements shall be determined by the planning commission as part of the site development approval process subsequent to review and recommendation by staff.

## **Conditions of the Zoning Ordinance**

### **Sec. 53-1205 Amendments**

- (d) *Referral of amendment to planning and zoning commission.* Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.
- (e) *Action by the planning and zoning commission.* The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...



**Comprehensive Plan Text**



The subject site is located in the “Regional Node”. The “T/U” zoning district is not considered in the “Regional Node” land use district.

## **Current Land Use Chart**

### Regional Node

Recommended Zoning Categories: R-1-C, R-3-2, R-3-3, CC, NC, R/S, MXD

Conditional Zoning Categories: CBD-1, CBD-2, E, HS, R-3-1, O/I

## **Regional Node**

‘Character’: Regional Nodes should have regional scale retail and commercial activity complimented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers. Regional Nodes are scaled and designed as activity centers where users not only secure goods and services, but also congregate and remain for extended periods, unlike Local Nodes which are designed around quick turnaround convenience retail. The Regional Nodes located along I-35 at the northern and southern boundaries of Kyle should be designed as entryways into Kyle with elements that are symbolic of Kyle and serve to attract I-35 travelers into Kyle. Transitions between Regional Nodes and surrounding districts must be carefully constructed to avoid abrupt shifts in land uses. Trails and sidewalks should be present throughout all Regional Nodes and should connect to surrounding neighborhoods.

‘Intent’: The primary goal of the Regional Nodes is to capture commercial opportunities necessary to close Kyle’s tax gap. To achieve this goal, these Nodes should draw down upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location. Regional Nodes should provide a mixture of uses that compliments regional commercial activity, as well as encourage high density residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to grow toward Hwy 21, SH 45 and SH 130. The anchor of each Regional Node should be regional commercial uses, and Regional Nodes should have a high level of development intensity.

## **Analysis**

The property is a pre-existing cellular tower site. The applicant desires to subdivide this minor parcel away from the remaining parent parcel. In order to do so, a district that will allow for such minor lot dimensions must be instituted. Other zoning districts that allow cellular towers are RS (Retail/Services), W (Warehouse), CM (Construction/Manufacturing), E (Entertainment) and T/U. While other zoning districts may better follow the comprehensive plan's recommendation for this region, they do not allow the dimensional flexibility for this proposed land division. In this case, the issue with the current and other zoning districts to consider, will be that the minimum lot area required would be too large.

- RS = 6,000 Sq. Ft.
- W = 9,000 Sq. Ft.
- CM = 43,500 Sq. Ft.
- E = 6,000 Sq. Ft.
- T/U = P&Z determination = .023-acres/1,039 Sq. Ft. (Approximately).

The "T/U" zoning district allows for the Planning & Zoning Commission to determine appropriate bulk standards (setbacks, lot area, etc.). As the site is pre-existing, staff believes creating the lot as shown in the exhibit, will create a code compliant lot. If new structures are constructed on site, they'll have to comply with the setbacks shown in Chart 1 of Sec. 53-33(k).

Relating to the comprehensive plan, the "T/U" zoning district is generally not considered in the "Regional Node" land use district. In the case of this cell tower site, the applicant and staff are trying to make the proposed parcel legally conforming. The site is already legally non-conforming because of the location of the communications infrastructure on the lot as it exists today; and because the land uses proposed on this site with this zoning are exactly equal to those that would be allowed with a recommended zoning district, staff has no issue with applying T/U zoning in an effort to make the lot lawful and conforming to modern-day standard.

## **Recommendation**

In conclusion, staff supports the rezoning from R/S (Retail/Services) to the T/U (Transportation/Utility) district. At the Planning & Zoning Commission meeting on March 10, 2020, the Commission favorably voted 6-0, recommending the zoning change matching the lease, to the Mayor and Council.

---

## **Attachments**

- Application
- Location Map
- Land Use Districts Map

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

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.023 ACRES OF LAND FROM RETAIL SERVICE DISTRICT 'RS' TO TELECOMMUNICATION/UTILITY 'T/U' FOR PROPERTY LOCATED AT 23100 IH-35, IN HAYS COUNTY, TEXAS. (DEERSA, LLC. – Z-20-0054); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 0.023 acres of land from Retail Service District 'RS' to Telecommunication/Utility 'T/U', as shown on the property location map labeled Exhibit B.

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

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

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

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

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Travis Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Vetrano, City Secretary

*TRACT TO BE REZONED.*

**FIELD NOTES  
LEASE SITE**

1253 551

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE Z. HINTON SURVEY NO. 12, HAYS COUNTY, TEXAS; BEING A PORTION OF A 6.29-ACRE TRACT AS CONVEYED TO J. STEPHEN SMITH BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 1128, PAGE 457 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4" iron pipe found on the west right-of-way line of Interstate Highway 35 at the most southerly corner of the above described Smith 6.29-acre tract for the most southerly corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the southwest line of said Smith 6.29-acre tract along a wire fence, N40°31'13"W a distance of 67.45 feet to a 1/2" iron rod set with cap stamped TERRA FIRMA for the most southerly corner of this tract;

THENCE S80°18'15"E a distance of 48.12 feet to a 1/2" iron rod set with cap stamped TERRA FIRMA on the west right-of-way line of Interstate Highway 35 for the northeast corner of this tract,

THENCE, with the west right-of-way line of Interstate Highway 35 along a wire fence, S04°47'00"W a distance of 43.32 feet to the POINT OF BEGINNING, and

*J. Stephen Smith*





EXHIBIT "A2"  
DEPICTION OF LEASED PROPERTY  
SAB 4503-1 - KYLE

Page 3 of 3

containing 1,039 square feet of land, more or less.

1253 552

I HEREBY CERTIFY that these notes were prepared by Terra Firma from a survey made on the ground on July 11 and 23, 1996 under the supervision of William D. O'Hara, R.P.L.S. No. 4878, and are true and correct to the best of my knowledge.

*Craig C. Cregar*



Craig C. Cregar  
Registered Professional Land Surveyor No. 3336

8/5/96  
Date

Client: PCS PrimeCo, L.P.  
Date: August 5, 1996  
WO No.: 0819-07-02  
FB: 203  
Disk: PRIMECO.907

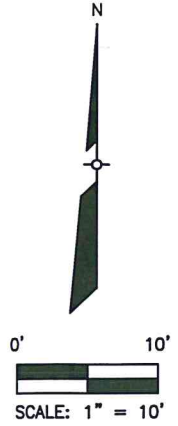
*J. Stephen Sw*



SEP 13 1996

DEERSA, LLC  
TRACT 1  
(6.29 ACRES)  
DOC. NO. 17018337

NOTE:  
EXISTING BILLBOARD IS  
NOT WITHIN LEASE  
TRACT BOUNDARY.



S80° 18' 15"E 48.12'

TELECOMMUNICATIONS  
TOWER

DEERSA, LLC  
TRACT 2  
(9.95 ACRES)  
DOC. NO. 17018337

EXISTING BACKUP  
POWER GENERATOR

STONE/GRAVEL  
SURFACE

EXISTING  
BUILDING

EXISTING  
12" WIDE  
DOUBLE GATE

EXISTING  
CONCRETE  
DRIVEWAY

N40° 31' 13"W 67.45'

S04° 47' 00"W 43.32'

ELECTRICAL  
PANEL

ELECTRIC  
SOURCE  
POLE

MARY ANN MENDOZA  
(0.75 ACRES)  
342/705

INTERSTATE HIGHWAY 35 R.O.W.

SKETCH SHOWING IMPROVEMENTS  
AT EXISTING PCS PRIMECO, L. P.  
(SMITH CELL TOWER SITE)

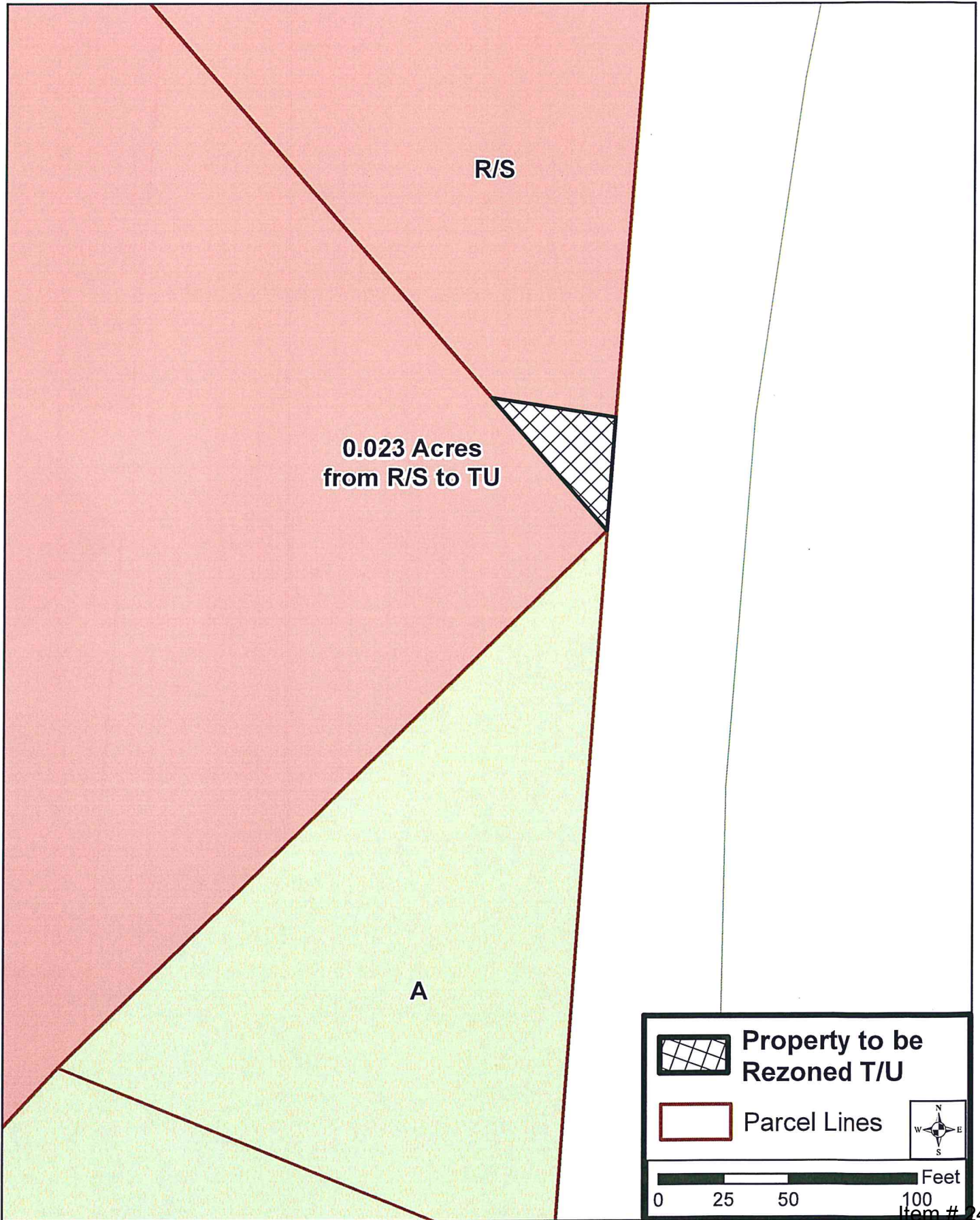
SOUTH I.H. 35  
CITY OF KYLE  
HAYS COUNTY, TEXAS

**4 CUATRO**  
Consultants, LTD

3601 Kyle Crossing, Suite A Phone: (512) 312-5040 Fax: (512) 312-5399  
Kyle, Texas 78640 e-mail: cuatro@cuatroconsultants.com

# Exhibit B

Z-20-0054 23100 IH 35 0.023 Acres





APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: Deersa, LLC

February 7, 2020

(Name of Owner)

(Submittal Date)

INSTRUCTIONS: 2-20-0054

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City’s website at [www.cityofkyle.com](http://www.cityofkyle.com) or at City Hall. City ordinances can be obtained from the City of Kyle.

**REQUIRED ITEMS FOR SUBMITTAL PACKAGE:**

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

- 1. Completed application form with owner’s original signature.
- 2. Letter explaining the reason for the request.
- 3. **Application Fee:** \$428.06, plus \$3.62 per acre or portion thereof.  
**Newspaper Publication Fee:** \$190.21 **Sign Notice Fee:** \$127.00

RECEIVED  
 FEB 11 2020  
 BY: [Signature]

**Total Fee: \$748.89**

- 4. A map or plat showing the area being proposed for rezoning.
- 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- 6. Certified Tax certificates: County      School      City
- 7. Copy of Deed showing current ownership.

\*\*\* A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.

**1. Zoning Request:**

Current Zoning Classification: RS, Retail Sales

Proposed Zoning Classification: T/U, Transportation/Utility

Proposed Use of the Property: Existing Cell Tower

Acreage/Sq. Ft. of Zoning Change: 0.023/1,039

**2. Address and Legal Description:**

**Provide certified field notes describing the property being proposed for rezoning.**  
Provide complete information on the location of the property being proposed for rezoning.

Street Address: W IH 35, Kyle TX  
Subdivision Name/Lot & Block Nos.: \_\_\_\_\_

Property Recording Information:  Hays County  
Volume/Cabinet No. Document No. 17018337 Page/Slide No. \_\_\_\_\_

**3. Ownership Information:**

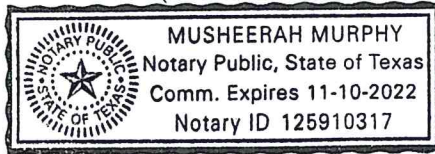
Name of Property Owner(s): Deersa, LLC  
J. Stephen Smith, Manager

**Certified Public Notary:**

This document was acknowledged before me on the 2<sup>nd</sup> day of February, 2020, by  
J. Stephen Smith, Manager of DEERSA, LLC (Owner(s)).

Musheerah Murphy  
Notary Public State of Texas

(Seal)



(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: 8800 Appaloosa Run  
Austin, TX 78737  
Phone Number: 512-789-6010  
Fax Number: \_\_\_\_\_  
Email Number: smith78737@gmail.com

I hereby request that my property, as described above, be considered for rezoning:

Signed: J. Stephen Smith

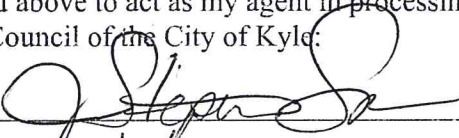
Date: 2/2/20

**4. Agent Information:**

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Hugo Elizondo, Jr., P.E.  
Agent's Address: 3601 Kyle Crossing, Suite A  
Kyle, TX 78640  
Agent's Phone Number: 512-312-5040, ext. 1  
Agent's Fax Number: \_\_\_\_\_  
Agent's Mobile Number: 512-565-9040  
Agent's Email Number: hugo@cuatroconsultants.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature:   
Date: 12/2/20



Do Not Write Below This Line  
Staff Will Complete

Tax Certificates:  County  School  City

Certified List of Property Owners Within 200'

All Fees Paid:  Filing/Application  Mail Out Costs

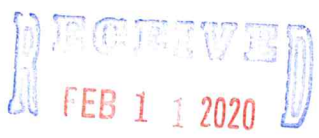
Attached Map of Subject Property

Accepted for Processing By: Hebbie A. Juvera Date: EX: .....

Date of Public Notification in Newspaper: 2/19/20

Date of Public Hearing Before Planning and Zoning Commission: 3/10/20

Date of Public Hearing Before City Council: 3/17/20



**4 CUATRO**  
Consultants, LTD.  
Firm Registration No. F-3524

February 6, 2020

Debbie Guerra, Planning Technician  
City of Kyle  
100 W. Center St.  
Kyle, TX 78640

**RE:** *0.023 ac.*  
~~0.23~~ ACRE TRACT – WEST IH 35  
CCL 20-205

**Subject:** ZONING CHANGE REQUEST LETTER  
FROM RS TO T/U

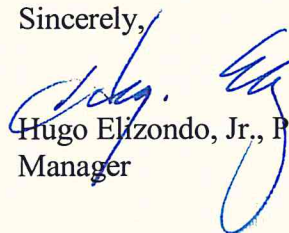
Dear Ms. Guerra:

On behalf of the Landowner, Deersa, LLC, we hereby request this zoning change from R/S-Retail Services to T/U-Telecommunication/Utility for an existing cell tower lease area.

The Landowners wish to designate an existing Cell Tower site lease area as T/U Telecommunication/Utility as a precursor to platting this Site as a Legal Lot.

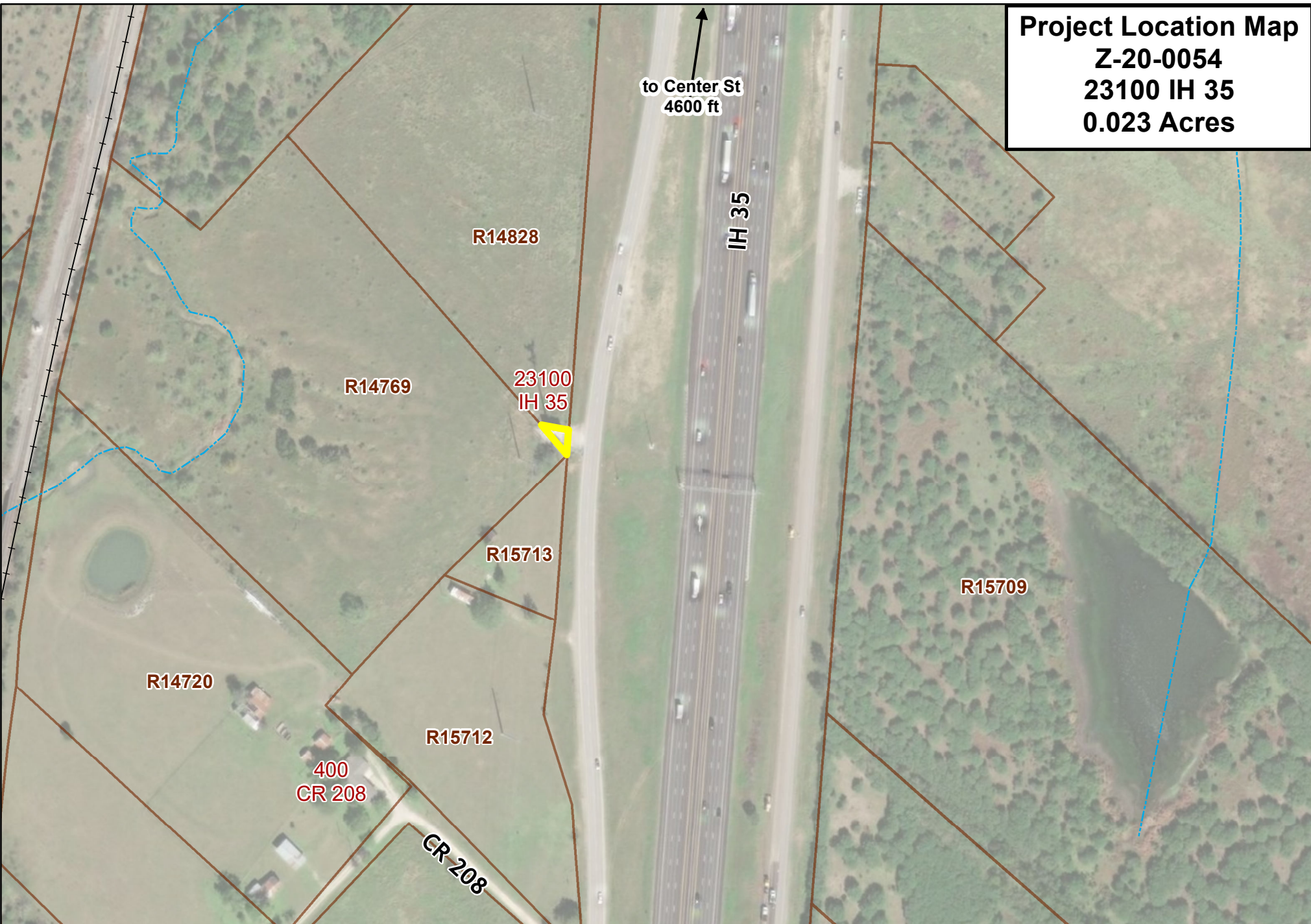
Please advise if you have any questions concerning this matter.

Sincerely,

  
Hugo Elizondo, Jr., P.E.  
Manager

Attachments

**Project Location Map**  
**Z-20-0054**  
**23100 IH 35**  
**0.023 Acres**







# CITY OF KYLE, TEXAS

## Momark waiver

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** Consider a request to waive the 7.5-foot front Public Utility Easements, as required by Chapter 41, Exhibit A, Section 12 (D)(1), for Final Plat, Plum Creek Uptown 1A (SUB-19-0098). ~ *Howard J. Koontz, Director of Planning and Community Development*

**Other Information:** Please see attached.

**Legal Notes:** N/A

**Budget Information:** N/A

---

### **ATTACHMENTS:**

#### **Description**

- Staff Memo
- Waiver Request
- Plat



# CITY OF KYLE

## Community Development Department

---



### MEMORANDUM

**TO:** Mayor & City Council

**FROM:** Howard J. Koontz- Director of Planning & Community Development

**DATE:** Tuesday, April 7, 2020

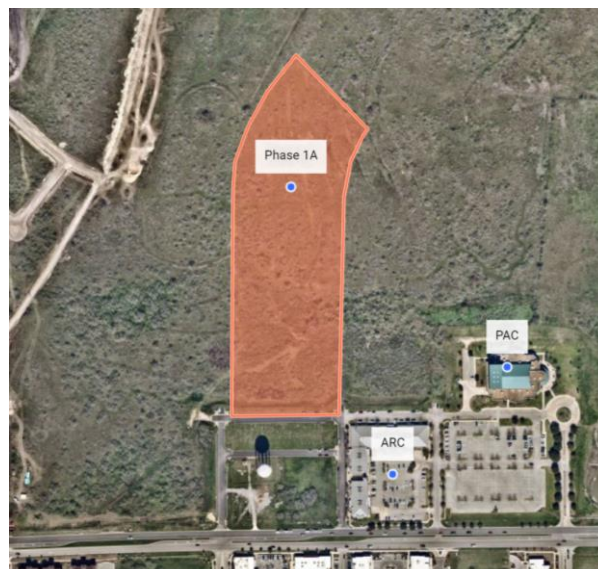
**SUBJECT:** Uptown at Plum Creek Waiver Request (Final Plat, Plum Creek Uptown Phase 1A)

### REQUEST

The applicant requests to forgo the required front 7.5' Public Utility Easement (P.U.E.) required in the Plum Creek subdivision code (Ch. 41, Exhibit A, Sec. 12(D)(1)). A waiver will be required from the Mayor and Council to allow not dedicating a P.U.E.

### LOCATION

The property consists of Block A (Lots 1 & 2), Block B (Lots 1 & 2), with a total of 11.486-acres between the two blocks. Burnham & Benner streets flank both lots (east & west). Dougherty is the southern street, un-named ROW splits Block A & B, and additional un-named ROW forms the northern boundary of Block B. This project will be slightly northwest of Austin Regional Clinic in Plum Creek.



## **TEXT OF THE ZONING ORDINANCE**

Chapter 41 – Subdivisions, Exhibit A. – Regulations for Platting and Subdividing Within the Plum Creek PUD, Sec. 12. - Standards and specifications.

(D) *Utilities easements.*

- (1) **Each block that does not abut an alley as provided for in paragraph (C) of this section shall have utility easements platted on each lot adjacent to the right-of-way of each street abutting the block.** Such easements shall be reserved for the use of all public utility lines, conduits, and equipment. **These utility easements shall be 7½ feet in width, shall be continuous for the entire length of the block and shall parallel the street line frontage of the block.** Such easements shall be considered a part of the lot area for purposes of minimum lot-size requirements of this ordinance. Normal curb exposure shall be required where utility easements intersect streets.

## **ANALYSIS**

Cardinal Group is working with Momark Development (Plum Creek) and the City of Kyle to construct the first large scale multifamily and vertical mixed-use project in the Uptown District in Plum Creek. During discussion between staff & engineers designing the site and adjacent road network, it was found appropriate to ensure that all utilities will be in the streets rights-of-way (ROW). This is standard for urban settings, as buildings are intentionally set up against the property line. This helps activate the streetscape from a pedestrian level.

As the intent of the Uptown District & the Plum Creek Mixed-Use zoning district is to create an urban streetscape that provides for connectivity and push buildings to be taller/higher density, the lots don't have to be as large. This helps gain efficiencies, when constructing new sites. As the utilities will be in the ROW, the 7.5-foot P.U.E is redundant and should not be required.

## **RECOMMENDATION**

Staff supports the request to not require the 7.5-foot P.U.E. Staff asks the Mayor and Council to consider granting the waiver.

## **ATTACHMENTS**

1. Request letter (email)
2. Proposed subdivision layout



**From:** Megan Shannon <megan@momarkdevelopment.com>  
**Sent:** Thursday, January 16, 2020 4:29 PM  
**To:** William Atkinson <watkinson@cityofkyle.com>  
**Subject:** Uptown Phase IA Plat Comments

Hello Will, Happy New Year. I hope this message finds you well. We continue to make good progress on the Uptown Phase 1 construction plans. We have two plat comments that we would like to seek an administrative variance for in order to facilitate the development of the mixed-use urban village that we all envision. Please review my justifications below and advise on the variance process for these items.  
Best, Megan

1. Plat Comment: *As the site is designed to have a vertical mixed use component, the setbacks will be 0' on all sides. This by default means the 7.5' PUE required around the ROW edge cannot be in place (avoiding conflict). Plum Creek subdivision code states that if you have an alley (public or private), then the 7.5' PUE is not required. It would be wise, to place an access easement/private alley/PUE on the plat for each block, to avoid the perimeter PUE. It could align with the two access points for the parking area.*
  - a. As you mentioned, because the vertical mixed use buildings will be sited along the right of way line with 0' setbacks, there is no space for the traditional 7.5' PUE on all sides of each lot. After some study, we determined that neither can we locate a 7.5' PUE through an alley in the middle of each lot of the plat because of future intentions to convert the surface parking area into structured parking garages once the market demand exists. However, fortunately we are constructing all public utilities in the right of way, and so I don't see a need for an additional 7.5' PUE outside of the right of way area. Please advise on how we may seek approvals of a variance from the 7.5' PUE requirement. We may also seek to amend the subdivision ordinance since all public utilities in Uptown will be in the right of way.
  
2. Plat Comment: *"Minimum lot depth for the PC MXD zoning district is 100'. Please adjust rear lot lines of Lot 1, Block A & Lot 1, Block B."*
  - a. We would like a variance for narrower lot depths for these two blocks in question. The builder of the apartments is facing challenges with its lender, which they have articulated below for your consideration:  
"The project was originally designed as a single lot with 400 units. The lender demanded that only 300 units be built. Phase IA, which is financed at 300 units, can be created on only Lot 2 of Blocks A and Block B. The builders will utilize Lot 1 of Block A and Block B for future Phase IB, which will be approximately 100 units. Over 90% of the parking for Phase 1B will be constructed as part of the construction of Phase 1A, and a reciprocal parking easement allowing the units on both Phase 1A and Phase 1B to share the parking will be in place. To accommodate the lender's demand that the first phase only be 300 units on the original one lot parcel instead of the originally designed 400 units, the building heights would have had to be reduced down to two and three story buildings (rather than the current form of three and four story buildings). We have been working with the City for several years to design an urban form for this new mixed-use center. To revert to two and three story buildings would be defeating the work done to date to increase the density and set the tone for the project. The benefit of having the 300 units of Phase IA located on Lot 2 of Block A and Block B is that it allows for more of this urban form of 3 and 4 story buildings, thus creating more density

through a smaller land area. If the 300 units had to be spread out over Lots 1 and 2 of each block, the density would likely only be two to three stories and minimize the urban form the City wants us to build here, which is very necessary to create a robust, walkable, urban, town center environment. Again, the narrow lot (Phase 1B) will be served by parking located on Phase 1A and additional tuck under parking with the apartments. Prior to construction, we can provide a reciprocal parking easement guaranteeing that right to park.”

Thank you for your consideration and guidance on seeking these variances in order to facilitate the urban environment we all envision.

Sincerely,  
Megan  
512.391.1789

FINAL PLAT  
PLUM CREEK UPTOWN PHASE 1A  
CITY OF KYLE, HAYS COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT WE, UPTOWN AT PLUM CREEK PHASE 1A, LLC A TEXAS LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT TEXAS, BEING THE OWNER OF 15.036 ACRES OF LAND, MORE OR LESS, BEING ALL OF THOSE CERTAIN TRACTS DESCRIBED IN A WARRANTY DEED TO UPTOWN AT PLUM CREEK PHASE 1A, LLC, OF RECORD IN DOCUMENT NO. \_\_\_\_\_ OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND ALL OF THOSE CERTAIN TRACTS DESCRIBED IN A WARRANTY DEED TO UPTOWN AT PLUM CREEK PHASE 1A, LLC, OF RECORD IN DOCUMENT NO. \_\_\_\_\_ OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

DO HEREBY SUBDIVIDE SAID 15.036 ACRES AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE PLUM CREEK UPTOWN PHASE 1A 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 UPTOWN AT PLUM CREEK PHASE 1A, LLC A TEXAS LIMITED LIABILITY COMPANY, OWNER, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS MANAGING MEMBER, MG-CARDINAL UPTOWN AT PLUM CREEK, LLC A TEXAS LIMITED LIABILITY COMPANY,

UPTOWN AT PLUM CREEK PHASE 1A, LLC  
A TEXAS LIMITED LIABILITY COMPANY

BY: MG-CARDINAL UPTOWN AT PLUM CREEK, LLC  
A TEXAS LIMITED LIABILITY COMPANY, MANAGING MEMBER

BY: \_\_\_\_\_ A MEMBER/MANAGER

ITS: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, \_\_\_\_\_ OF MG-CARDINAL UPTOWN AT PLUM CREEK, LLC, A TEXAS LIMITED LIABILITY COMPANY, MANAGING MEMBER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

BY: \_\_\_\_\_ NOTARY PUBLIC

BEARING BASIS:

THE BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH, AND ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (2011). THE COORDINATES SHOWN HEREON ARE GRID.

FLOODPLAIN NOTE:

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X", (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, AS SHOWN ON COMMUNITY-PANEL MAP NUMBER 48209C0270F, WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2005. THERE MAY BE ADDITIONAL INFORMATION (LETTER OF MAP REVISIONS, LETTER OF MAP AMENDMENTS, OR LETTER OF MAP CHANGES) NOT PROVIDED TO, NOR RESEARCHED BY THE UNDERSIGNED SURVEYOR, THAT COULD AFFECT THE SUBJECT PROPERTY. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

SURVEYOR'S CERTIFICATION:

I, COLEEN M. JOHNSON, 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, COMPLIES WITH ORDINANCE #439, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

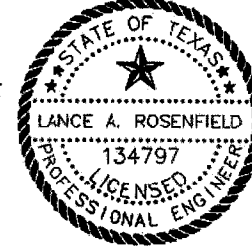
Coleen M. Johnson  
DATE: Oct. 30, 2019  
COLEEN M. JOHNSON  
TEXAS REGISTRATION NO. 4871  
WANTMAN GROUP, INC.  
2021 EAST 5TH STREET, SUITE 200  
AUSTIN, TEXAS 78702  
TBPELS SURVEY FIRM NO. 10194451 & NO. 10194509  
Phone No. 512.669.5560



ENGINEER'S CERTIFICATION:

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.

Lance A. Rosenfield, P.E.  
DATE: 10.30.2019  
LANCE A. ROSENFIELD P.E.  
TEXAS REGISTRATION NO. 134797  
WANTMAN GROUP, INC.  
2021 EAST 5TH STREET, SUITE 200  
AUSTIN, TEXAS 78702  
512.669.5560



NOTES:

- 1. THE TOTAL AREA OF PUBLIC STREET RIGHT-OF-WAY TO BE DEDICATED IN THIS SUBDIVISION IS 2.412 ACRES.
- 2. TOTAL ACREAGE: 15.036 ACRES
- 3. TOTAL NUMBER OF LOTS: 5
- 4. THIS PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCES 308 AND 311.
- 5. NO OBJECT INCLUDING BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERRECTED WITHIN DRAINAGE EASEMENTS.
- 6. OFFSITE WATER AND WASTEWATER LINES MUST BE CONSTRUCTED AND ACCEPTED BY CITY PRIOR TO OCCUPANCY OF ANY BUILDING(S) ON THIS PROPERTY.
- 7. A FIFTEEN (15) FOOT PUE IS HEREBY DEDICATED ADJACENT TO ALL STREET ROW, A FIVE (5) FOOT PUE IS HEREBY DEDICATED ALONG EACH SIDE LOT LINE AND A TEN (10) FOOT PUE IS HEREBY DEDICATED ADJACENT TO ALL REAR LOT LINES ON ALL LOTS.
- 8. SETBACKS NOT SHOWN ON LOTS SHALL CONFORM TO THE CITY OF KYLE ZONING ORDINANCE.
- 9. THIS SUBDIVISION SHALL COMPLY WITH THE CENTRAL BUSINESS DISTRICT OF THE CITY OF KYLE.
- 10. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF BENNER, AVENUE A AND BURNHAM. THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED. WHERE THERE ARE DOUBLE FRONTAGE LOTS, SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREETS IN THE SUBDIVISION ARE CONSTRUCTED. (ORD. # 439, ARTICLE V, SEC. 10; KYLE CODE)

PUBLIC UTILITY INFORMATION:

THIS SUBDIVISION IS SERVICED BY THE FOLLOWING UTILITIES:

WATER:  
CITY OF KYLE  
101 BURLISON  
KYLE, TEXAS 78640

ELECTRIC:  
PEDERNALES ELECTRIC COOP.  
1810 F.M. 150 WEST  
KYLE, TEXAS 78640

WASTEWATER:  
CITY OF KYLE  
101 BURLISON  
KYLE, TEXAS 78640

GAS:  
RELIANT ENERGY  
328 CHEATHAM STREET  
SAN MARCOS, TEXAS 78666

TELEPHONE:  
VERIZON  
6601 F.M. 3237  
WIMBERLEY, TEXAS 78738

I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING & ZONING COMMISSION OF THE CITY OF KYLE, HEREBY CERTIFIES THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH THE COMMISSION'S APPROVAL IS REQUIRED.

BY: \_\_\_\_\_ CHAIRPERSON

REVIEWED BY:

LEON BARBA, CITY ENGINEER

REVIEWED BY:

HARPER WILDER, DIRECTOR OF PUBLIC WORKS

THIS PLAT (PLUM CREEK UPTOWN, PHASE 1A) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

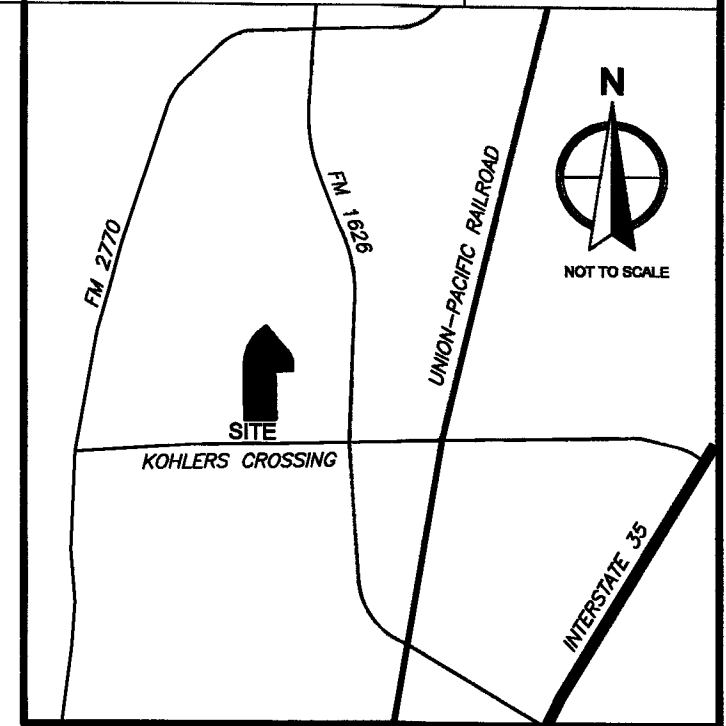
BY: \_\_\_\_\_ ATTEST:

SECRETARY



2021 EAST 5TH STREET, SUITE 200, AUSTIN, TX 78702  
Phone No. 512.669.5560 www.wginc.com  
TBPELS Survey Firm # 10194509 TBPELS Eng. Firm # F-15085

DATE:	10-29-2019
PROJECT:	30194242.00
SCALE:	1" = 100'
CHECK/QC:	CMJ
TECH:	MRG
FIELD CREW:	JA
SURVEY DATE:	10-2019
SHEET:	1 OF 2



LOCATION MAP  
PROJECT LOCATED IN  
CITY OF KYLE, HAYS COUNTY, TEXAS

BY: OWNERS: PLUM CREEK DEVELOPMENT PARTNERS, LTD.  
ADDRESS: 4040 BROADWAY STREET, SUITE 501  
SAN ANTONIO, TEXAS 78209

PHONE: (512) 391-1788 FAX: \_\_\_\_\_

ACREAGE: 15.036

SURVEY: M. M. McCARVER SURVEY NO. 4, ABST. NO. 10

NUMBER OF LOTS AND PROPOSED USE (IF MORE THAN ONE USE IS PLANNED FOR THE LOTS, PROVIDE LAND USE SUMMARY SHOWING # OF LOTS ARE PLANNED FOR EACH USE): 5 LOTS - MULTI-FAMILY RESIDENTIAL

DATE: October 29, 2019

SURVEYOR: COLEEN JOHNSON, R.P.L.S.

PHONE: 512-669-5580 FAX: \_\_\_\_\_

ENGINEER: LANCE ROSENFIELD, P.E.

PHONE: 512-669-5560 FAX: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

THAT, ELAINE H. CARDENAS, CLERK OF HAYS COUNTY COURT, DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDS IN MY

OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, A.D., IN THE PLAT

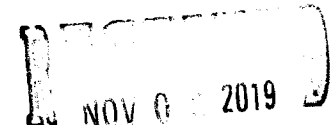
RECORDS OF SAID COUNTY AND STATE IN DOCUMENT # \_\_\_\_\_ WITNESS MY HAND AND SEAL OF OFFICE OF COUNTY CLERK OF SAID COUNTY ON

THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019 A.D. FILED FOR RECORD AT

\_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, A.D.

BY:

ELAINE H. CARDENAS  
COUNTY CLERK  
HAYS COUNTY, TEXAS



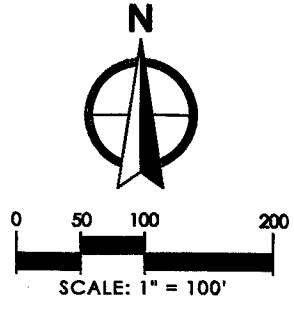
EY: .....

**FINAL PLAT**  
**PLUM CREEK UPTOWN PHASE 1A**  
 CITY OF KYLE, HAYS COUNTY, TEXAS

LINE #	BEARING	LENGTH
L1	N00°44'59"W	60.00'
L3	N00°44'59"W	16.24'
L4	S01°11'10"E	75.00'

DATE: 10-29-2019  
 PROJECT: 30194242.00  
 SCALE: 1" = 100'  
 CHECK/GC: CMJ  
 TECH: MRG  
 FIELD CREW: JA  
 SURVEY DATE: 10-2019  
 SHEET: 2 OF 2

**WGI**  
 2021 EAST 5TH STREET, SUITE 200, AUSTIN, TX 78702  
 Phone No. 512.669.5560 www.wginc.com  
 TBPELS Survey Firm # 10194509 TBPELS Eng. Firm # F-15085



- SYMBOLS LEGEND:**
- FOUND 1/2" IRON ROD (AS NOTED)
  - SET 5/8" IRON ROD AND CAP STAMPED "WGI 10194509" UNLESS NOTED
  - ◆ BENCHMARK

- ABBREVIATIONS LEGEND:**
- BM BENCHMARK
  - CAB. CABINET
  - E EASTING
  - ELEV. ELEVATION
  - IR IRON ROD
  - IR&C IRON ROD AND CAP
  - N NORTHING
  - OPRHCTX OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
  - PRHCTX PLAT RECORDS OF HAYS COUNTY, TEXAS
  - PG. PAGE
  - P.O.B. POINT OF BEGINNING
  - P.O.C. POINT OF COMMENCEMENT
  - RPLS REGISTERED PROFESSIONAL LAND SURVEYOR
  - R/W RIGHT-OF-WAY
  - SF/NF SEARCHED FOR/NOT FOUND
  - VOL. VOLUME
  - WGI WANTMAN GROUP INC.

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	584.82'	665.00'	50°23'16"	N24°26'39"E	566.16'
C2	213.14'	311.00'	39°15'58"	S20°44'43"E	208.99'
C3	190.72'	215.00'	50°23'16"	N24°13'34"E	184.52'
C4	252.81'	285.00'	50°23'16"	S24°13'34"W	244.60'
C5	70.19'	160.00'	25°08'04"	N11°27'16"E	69.63'
C6	249.41'	550.00'	25°58'54"	N37°00'45"E	247.27'

A REMAINDER OF TRACT 2 OF EXHIBIT "A" DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. (VOL. 2297, PG. 139 OPRHCTX)

A REMAINDER OF TRACT 2 OF EXHIBIT "A" DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. (VOL. 2297, PG. 139 OPRHCTX)

A REMAINDER OF TRACT 2 OF EXHIBIT "A" DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. (VOL. 2297, PG. 139 OPRHCTX)

A REMAINDER OF TRACT 2 OF EXHIBIT "A" DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. (VOL. 2297, PG. 139 OPRHCTX)

A PORTION OF TRACT 3, PARCEL ONE OF EXHIBIT "A" SPECIAL WARRANTY DEED TO PC OPERATING PARTNERS, LTD. (VOL. 5233, PG. 198 OPRHCTX)

**LEGAL DESCRIPTION**

BEING 15.036 ACRES OF LAND OUT OF AND A PART OF THE M.M. McCARVER SURVEY NO. 4, ABSTRACT NO. 10, IN THE CITY OF KYLE, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT DESCRIBED AS TRACT NO. 2 IN A DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME 2297, PAGE 139, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); ALSO BEING A PORTION OF THAT CERTAIN CALLED 5.002 ACRE TRACT DESCRIBED AS TRACT THREE, PARCEL ONE IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO PC OPERATING PARTNERS, LTD., OF RECORD IN VOLUME 5233, PAGE 198, O.P.R.H.C.T.; SAID 15.036 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING FOR REFERENCE** at a 1/2-inch iron rod found at the intersection of the west right-of-way line of Benner, a public right-of-way (ROW), and the north right-of-way line of Doherty, a public ROW, both dedicated by Plum Creek Phase II, Section 1A, a subdivision of record in Cabinet 14, Pages 225-226, Plat Records of Hays County, Texas, same being the for the southwesterly corner of the tract described herein;

**THENCE**, with the north right-of-way line of said Doherty, same being the south line of said 5.002 acre tract, North 88°48'55" East, a distance of 70.00 feet to a 1/2-inch iron rod found with a cap stamped "BCG", for the southwest corner and POINT OF BEGINNING of the tract described herein;

**THENCE**, with the west line of the tract described herein, over and across said 5.002 acre tract, and over and across a remainder of said Tract 2, North 00°44'59" West, a distance of 762.07 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509" in the south line of proposed Avenue A;

**THENCE**, continuing with the west line of the tract described herein, over and across a remainder of said Tract 2 described in Volume 2297, Page 139, O.P.R.H.C.T., the following four (4) courses and distances:

1. North 00°44'59" West, over and across said proposed Avenue A, a distance of 60.00 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509";
2. North 00°44'59" West, a distance of 16.24 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509" at the beginning of a curve to the right;
3. 584.82 feet along the arc of said curve, with a radius of 665.00 feet, a central angle of 50°23'16", and whose chord bears, North 24°26'39" East, a distance of 566.16 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509"; and
4. North 49°38'17" East, a distance of 122.89 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509" for the most northerly corner of the tract described herein;

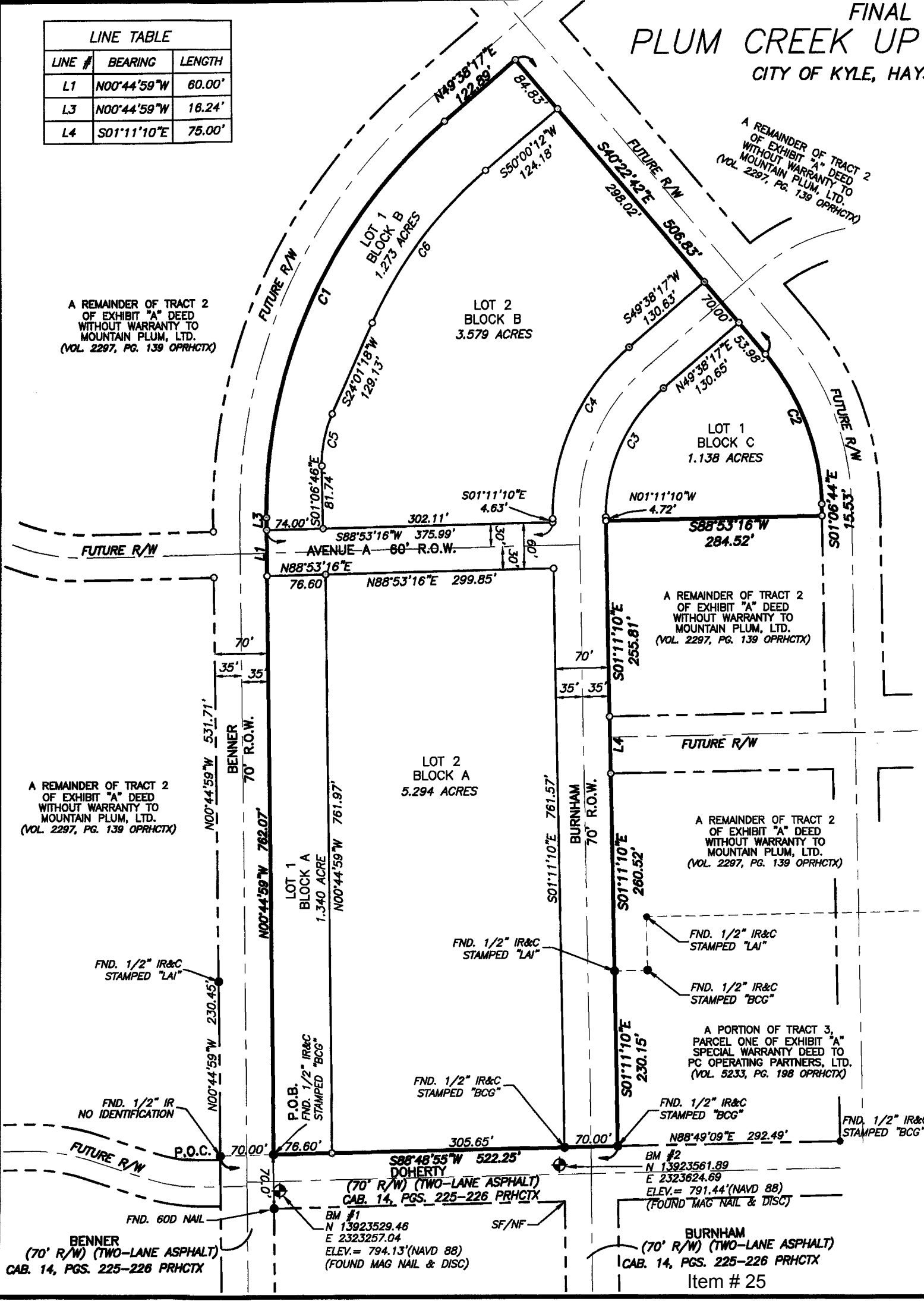
**THENCE**, with the east line of the tract described herein, continuing over and across said Tract 2, the following nine (9) courses and distances:

1. South 40°22'42" East, a distance of 382.85 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509";
2. South 40°22'42" East, a distance of 70.00 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509";
3. South 40°22'42" East, a distance of 53.98 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509" at the beginning of a curve to the right;
4. 213.14 feet along the arc of said curve, with a radius of 311.00 feet, a central angle of 39°15'58", and whose chord bears, South 20°44'43" East, a distance of 208.99 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509";
5. South 01°06'44" East, a distance of 15.53 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509" for an ell corner of the tract described herein;
6. South 88°53'16" West, a distance of 284.52 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509" for an ell corner of the tract described herein;
7. South 01°11'10" East, a distance of 255.81 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509";
8. South 01°11'10" East, a distance of 75.00 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509"; and
9. South 01°11'10" East, a distance of 260.52 feet to a 1/2-inch iron rod found with cap stamped "LAT" in the north line of said 5.002 acre tract;

**THENCE**, continuing with the east line of the tract described herein, over and across said 5.002 acre tract, South 01°11'10" East, a distance of 230.15 feet to a 1/2-inch iron rod found with cap stamped "BCG" in said north right-of-way line of Doherty, for the southeast corner of the tract described herein;

**THENCE**, with the south line of the tract described herein, with said north right-of-way line of Doherty, South 88°48'55" West, at a distance of 70.00 feet passing a 1/2-inch iron rod found with cap stamped "BCG", a total distance of 452.25 feet to the POINT OF BEGINNING and containing 15.036 acres of land within these metes and bounds.

Drawing Name: C:\pwworking\wginc\johnson\1502277424200\_Plat.dwg User: Coleen.LJohnson Oct 30, 2019 - 9:33am



**BURNHAM**  
 (70' R/W) (TWO-LANE ASPHALT)  
 CAB. 14, PGS. 225-226 PRHCTX  
 Item # 25



# CITY OF KYLE, TEXAS

## Endeavor waiver

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** Consider a request to waive the 5-foot Municipal Utility Easements, as required by Section 41-141 (a), for Kyle Towne Center, Replat of Lot 1A, Block A (SUB-20-0105). ~ *Howard J. Koontz, Director of Planning and Community Development*

**Other Information:** Please see attachments.

**Legal Notes:** N/A

**Budget Information:** N/A

---

### ATTACHMENTS:

#### **Description**

- Staff Memo
- Kyle - Dry River District (MUE Waiver Request)
- Kyle Town Centre MUE Exhibit A
- Kyle Town Centre MUE Exhibit B
- Plat



# CITY OF KYLE

## Community Development Department

---



### MEMORANDUM

**TO:** Mayor & City Council

**FROM:** Howard J. Koontz- Director of Planning & Community Development

**DATE:** Tuesday, April 7, 2020

**SUBJECT:** Endeavor M.U.E. Waiver Request (Kyle Towne Center, Replat of Lot 1-A, Block A)

### REQUEST

The applicant (Daniel Campbell, Endeavor) requests to forgo the required side Municipal Utility Easements (M.U.E.'s) required in the City of Kyle's subdivision code (Sec. 41-141(a)). If an applicant does not want side M.U.E.'s, a waiver is required from the Mayor and City Council.

### LOCATION

The property is bounded by IH-35 & Kyle Crossing in an east/west manner and Kyle Crossing & Kohler's Crossing from north to south. The site is approximately 65-acres.





## TEXT OF THE ZONING ORDINANCE

### Sec. 41-141 – Municipal Utility Easements

- (a) *Rear and side lots.* Each block that does not contain an alley, shall contain or have access to a municipal utility easement at the rear of each lot, and/or at other appropriate locations on each lot, as determined by the city's engineer and/or public works director and/or their designees. The easement(s) will be reserved for the use of all public utility lines, conduits and equipment. Programming for utility locations in the easements will be reserved to the city, and placement of utilities in municipal utility easements require expressed, written prior authorization from the city. In the case of rear lot locations, the utility easements shall be no less than ten feet in width. For properties with required building rear yards, the rear yard easement will be no less than ten feet in width, or the width of any applicable setback, whichever is less. **In side lot locations, the utility easements shall be no less than five feet in width. For properties with required building side yards, any required side yard easement will be no less than five feet in width, or the width of any applicable setback, whichever is less.** Unless abutting an alley, water and wastewater utility easements in the rear are not favored and will not be approved except under special circumstances.

## ANALYSIS

The Endeavor site is a large parcel, undergoing review by city staff. The site will be a large-scale shopping center, complete with anchor strip retail stores, detached pad site retail, restaurants, office uses, and a multi-family residential site along Kyle Crossing. The applicant's request for waiving side M.U.E.'s is part of the subdivision process, as this is where M.U.E.'s are typically dedicated. Following approval of the subdivision, the site plan will be approved.

The applicant requests exemption from required side lot line M.U.E.'s, for the purpose of greater flexibility for the placement and configuration of future minor parcels. After a subdivision is recorded, a potential tenant may show interest in a particular lot. However, were the lot incorrectly configured for the intended purpose, and lot lines had to be moved, the M.U.E. will not automatically move with the new lot line. To remove or relocate it would require vacation of the easement by the Planning & Zoning Commission. This adds an additional step, and an associated time constraint, to what otherwise could be an administrative approval by staff.

Also of note, in the case of this particular project, the City will not provide water services. This area is within the Monarch Utilities I L.P. (SouthWest Water Company) service area, and the City will not have public water lines internal to the site. The City of Kyle will, however, be the waste water utility provider and subsequently will maintain the public utility lines that service the site.

While not requiring side M.U.E.'s may increase flexibility from a development stand point, there are additional considerations to be made:

- Dedicating all the required M.U.E.'s will allow the City and/or their contractors access for utility maintenance and installation at later dates, if necessary. In the absence of these easements for access, the city will likely have to purchase these easements.
- All M.U.E.'s are at the perimeter of all lots, outside of the allowable building envelope, and will not interfere with encroachment of buildings. Landscaping and parking is allowed to be within the easements, as one can still install utilities if necessary.

### **RECOMMENDATION**

Staff asks the Mayor and Council to consider the request and the staff report to make a determination.

### **ATTACHMENTS**

1. Request letter
2. Proposed subdivision layout

March 30, 2020

Mr. William Atkinson  
City Planner  
City of Kyle  
100 W. Center Street  
Kyle, Texas 78640

RE: Waiver Request  
Kyle Towne Center-Final Plat (SUB-20-0105)

Dear Mr. Atkinson:

This letter is in reference to your most recent comment letter dated February 24, 2020 regarding the above referenced project. It is our understanding that the City of Kyle's Subdivision Ordinance requires the dedication of a 15' Municipal Utility Easement (MUE) along all front lot lines, a 5' MUE alongside lot lines and a 10' MUE at all rear lot lines.

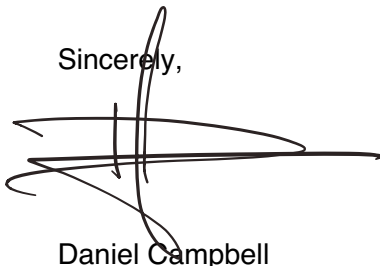
It is our view that this requirement will create future hardships for the project and other horizontally mixed-use developments. As these types of developments progress, lot lines often require adjustment to suit the end user and will be subject to change as leasing and pad sale activity occurs. The process to vacate these easements is cumbersome and any utility installed within them would have to be relocated as a result. Based on the aforementioned information, we respectfully request that the City waive the requirement for a 5' MUE at all side lots.

The attached exhibit shows the MUE dedications along the front and back of lots that we are willing to dedicate by plat.

We appreciate the City of Kyle's assistance in moving the project forward to this point and are excited to be able to contribute to the community.

Should you have any questions or require additional information, please feel free to contact me

Sincerely,



Daniel Campbell



**MUE LEGEND**

- CURRENT PUE/MUE's
- STAFF REQUESTED MUE's (VARIANCE REQUEST)
- DEDICATED MUE's

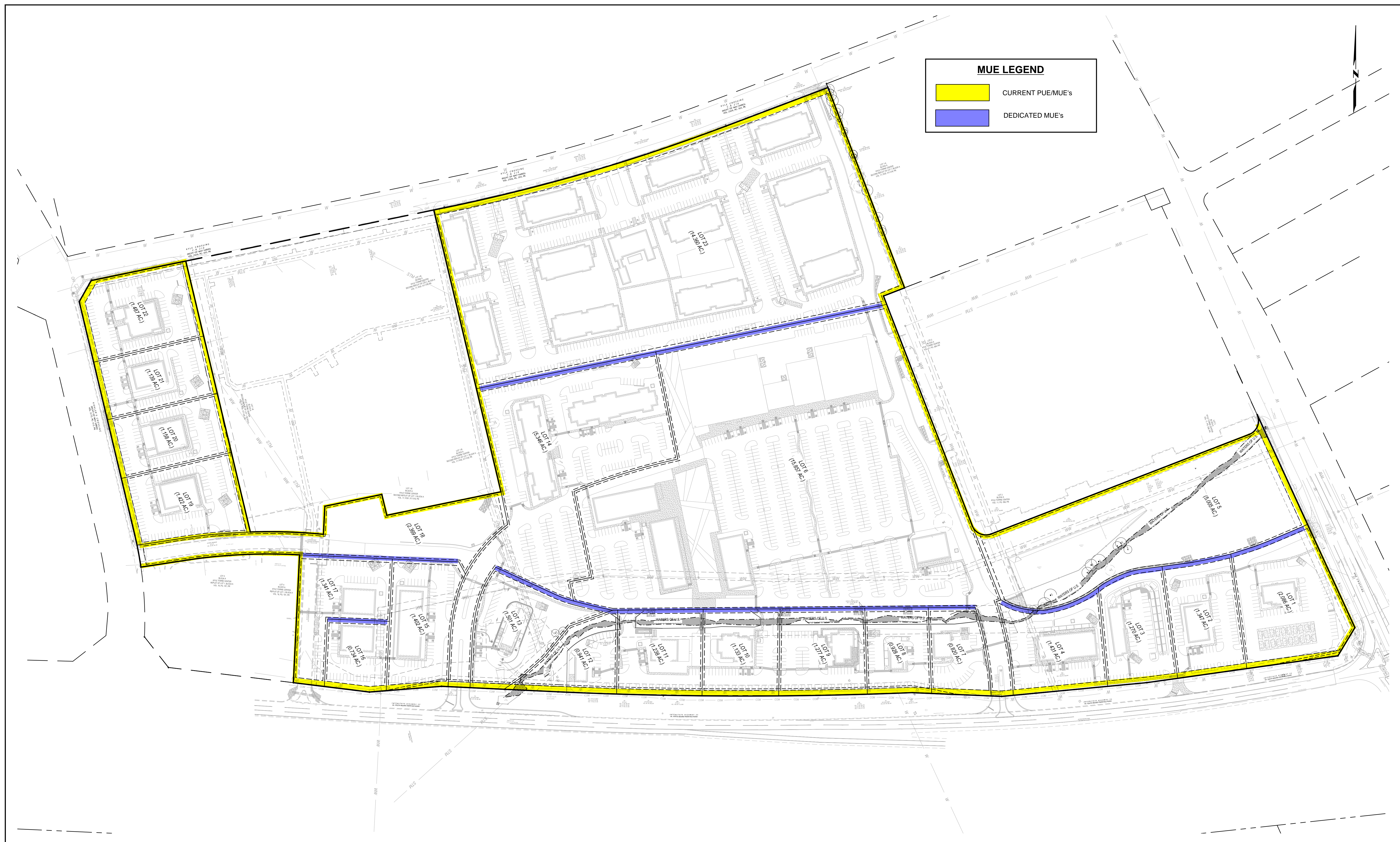


PROJECT: **KYLE, TEXAS**

TITLE: **KYLE TOWN CENTRE  
OVERALL MUE MAP**

**CA** Cunningham | Allen, Inc.  
 Engineers • Surveyors • Planners  
 Tel: (512) 226-2996  
 www.cunninghamallen.com  
 TBPE REG. NO. F-284  
 TBPLS FIRM NO. 10000900





PROJECT:

# KYLE, TEXAS

TITLE:

# KYLE TOWN CENTRE

## CURRENT & DEDICATED MUE'S

Cunningham | Allen, Inc.  
 Engineers • Surveyors • Planners  
 Tel: (512) 226-2966  
 www.cunninghamallen.com  
 TBPE REG. NO. F-284  
 TBPLS FIRM NO. 10000900



# KYLE TOWNE CENTER REPLAT OF LOT 1-A, BLOCK A 18200 I-35 SOUTH KYLE TEXAS, 78610

## FIELD NOTE DESCRIPTION:

DESCRIPTION OF A 65.591 ACRES OF LAND LOCATED IN THE THOMAS G. ALLEN SURVEY NO. 1, ABSTRACT NO. 26, HAYS COUNTY, TEXAS, BEING ALL OF LOT 1-A, BLOCK A, KYLE TOWNE CENTER, SECOND REPLAT OF LOT 1, BLOCK A, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 17, PAGE 317, PLAT RECORDS HAYS COUNTY, TEXAS, SAID 1-A, BLOCK A, BEING CONVEYED TO STERLING BARCOCK & BROWN LP IN A DEED RECORDED IN VOLUME 2982, PAGE 314, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS; SAID 65.591 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 1/2 INCH IRON ROD WITH CAP STAMPED "DOUCET & ASSOC" FOUND IN THE NORTH LINE OF SAID LOT 1-A AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35 AS DEDICATED TO THE HAYS COUNTY TEXAS IN A DONATION DEED RECORDED IN VOLUME 3889, PAGE 119, OF SAID OFFICIAL PUBLIC RECORDS AND SOUTH RIGHT-OF-WAY LINE OF KYLE CROSSING, AS DEDICATED BY PLAT OF KYLE TOWNE CENTER, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 11, PAGE 356, OF SAID PLAT RECORDS;

THENCE, WITH THE COMMON LINE OF SAID INTERSTATE HIGHWAY NO. 35 AND SAID LOT 1-A THE FOLLOWING EIGHT (8) COURSES AND DISTANCES:

1. SOUTH 33° 12' 33" EAST, A DISTANCE OF 89.33 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "DOUCET & ASSOC" FOUND;
2. SOUTH 20° 46' 54" WEST, A DISTANCE OF 524.97 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "DOUCET & ASSOC" FOUND;
3. SOUTH 23° 21' 42" WEST, A DISTANCE OF 396.71 FEET TO 1/2 INCH IRON ROD (TXDOT TYPE III WITH ALUMINUM CAP) FOUND;
4. SOUTH 31° 10' 21" WEST, A DISTANCE OF 244.60 FEET TO 1/2 INCH IRON ROD WITH CAP STAMPED "CUNNINGHAM-ALLEN INC" SET AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;
5. WITH SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 11229.19 FEET, AN ARC LENGTH OF 962.81 FEET, A DELTA ANGLE OF 07° 54' 45", AND A CHORD WHICH BEARS SOUTH 28° 54' 43" WEST, A DISTANCE OF 962.52 FEET TO A TXDOT TYPE I CONCRETE MONUMENT FOUND AT THE END OF SAID CURVE;
6. SOUTH 31° 29' 11" WEST, A DISTANCE OF 317.29 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "DOUCET & ASSOC" FOUND;
7. SOUTH 29° 15' 03" WEST, A DISTANCE OF 197.22 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND;
8. SOUTH 35° 48' 11" WEST, A DISTANCE OF 208.33 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE COMMON EAST CORNER OF SAID LOT 1-A AND LOT 4, BLOCK A, KYLE TOWNE CENTER REPLAT OF LOT 1, BLOCK A, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 16, PAGE 191, OF SAID PLAT RECORDS;

THENCE, WITH THE COMMON LINE OF SAID LOT 1-A AND SAID LOT 4 THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. NORTH 58° 27' 44" WEST, A DISTANCE OF 348.22 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;
2. WITH SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1489.40 FEET, AN ARC LENGTH OF 300.77 FEET, A DELTA ANGLE OF 11° 04' 13", AND A CHORD WHICH BEARS SOUTH 25° 14' 43" WEST, A DISTANCE OF 300.20 FEET TO THE END OF SAID CURVE;
3. SOUTH 43° 05' 54" WEST, A DISTANCE OF 133.12 FEET TO A STEEL NAIL WITH ALUMINUM WASHER STAMPED "CHAPARRAL BOUNDARY" FOUND IN THE CURVING NORTH RIGHT-OF-WAY LINE OF KOHLER'S CROSSING, SAME BEING THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED DEDICATION OF RIGHT-OF-WAY RECORDED IN VOLUME 3172, PAGE 312, OF SAID OFFICIAL PUBLIC RECORDS, FOR THE COMMON SOUTH CORNER OF SAID LOT 1-A AND SAID LOT 4;

THENCE, WITH THE COMMON LINE OF SAID LOT 1-A AND KOHLER'S CROSSING THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. WITH A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1000.00 FEET, AN ARC LENGTH OF 87.36 FEET, A DELTA ANGLE OF 05° 01' 05", AND A CHORD WHICH BEARS NORTH 72° 03' 32" WEST, A DISTANCE OF 87.33 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND AT THE END OF SAID CURVE;
2. NORTH 74° 38' 13" WEST, A DISTANCE OF 654.32 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND;
3. NORTH 31° 34' 37" WEST, A DISTANCE OF 65.88 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND AT THE INTERSECTION OF SAID COMMON LINE WITH THE EAST RIGHT-OF-WAY LINE OF KYLE CROSSING (AKA CR 210) AS DEDICATED BY PLAT OF KYLE TOWNE CENTER SECOND REPLAT OF LOT 1A, BLOCK A;

THENCE, NORTH 17° 07' 58" EAST, WITH THE COMMON LINE OF SAID LOT 1-A AND SAID KYLE CROSSING (AKA CR 210), A DISTANCE OF 262.63 FEET TO A STEEL NAIL WITH ALUMINUM WASHER STAMPED "CHAPARRAL BOUNDARY" FOUND FOR A COMMON OF SAID LOT 1-A AND LOT 1-B, BLOCK A, KYLE TOWNE CENTER SECOND REPLAT OF LOT 1A, BLOCK A;

THENCE, DEPARTING THE EAST RIGHT-OF-WAY LINE OF KYLE CROSSING (AKA CR 210), WITH THE COMMON LINE OF SAID LOT 1-A AND SAID LOT 1-B THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

1. SOUTH 74° 37' 43" EAST, A DISTANCE OF 757.64 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;
2. WITH SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1505.09 FEET, AN ARC LENGTH OF 199.15 FEET, A DELTA ANGLE OF 07° 34' 32", AND A CHORD WHICH BEARS NORTH 30° 37' 30" EAST, A DISTANCE OF 199.00 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND AT THE END OF SAID CURVE;
3. NORTH 58° 18' 33" WEST, A DISTANCE OF 76.51 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND;
4. NORTH 17° 03' 27" EAST, A DISTANCE OF 158.21 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND;
5. SOUTH 74° 40' 25" EAST, A DISTANCE OF 58.27 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND;
6. NORTH 17° 08' 16" EAST, A DISTANCE OF 317.16 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND;
7. NORTH 74° 37' 28" WEST, A DISTANCE OF 788.28 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND IN SAID EAST LINE OF KYLE CROSSING (AKA CR 210);

THENCE, WITH THE COMMON LINE OF SAID LOT 1-A AND SAID KYLE CROSSING (AKA CR 210) THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. NORTH 17° 02' 28" EAST, A DISTANCE OF 29.69 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;
2. WITH SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 5040.00 FEET, AN ARC LENGTH OF 798.57 FEET, A DELTA ANGLE OF 09° 04' 42", AND A CHORD WHICH BEARS NORTH 12° 35' 39" EAST, A DISTANCE OF 797.73 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND AT THE END OF SAID CURVE;
3. NORTH 09° 03' 39" EAST, A DISTANCE OF 296.26 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND FOR THE NORTHWEST CORNER OF SAID LOT 1-A BEING IN THE SOUTH LINE OF THAT 10.00 ACRE TRACT OF LAND CONVEYED TO 3700 KYLE CROSSING, LLC IN A DEED RECORDED IN VOLUME 4202, PAGE 678, OF SAID OFFICIAL PUBLIC RECORDS;

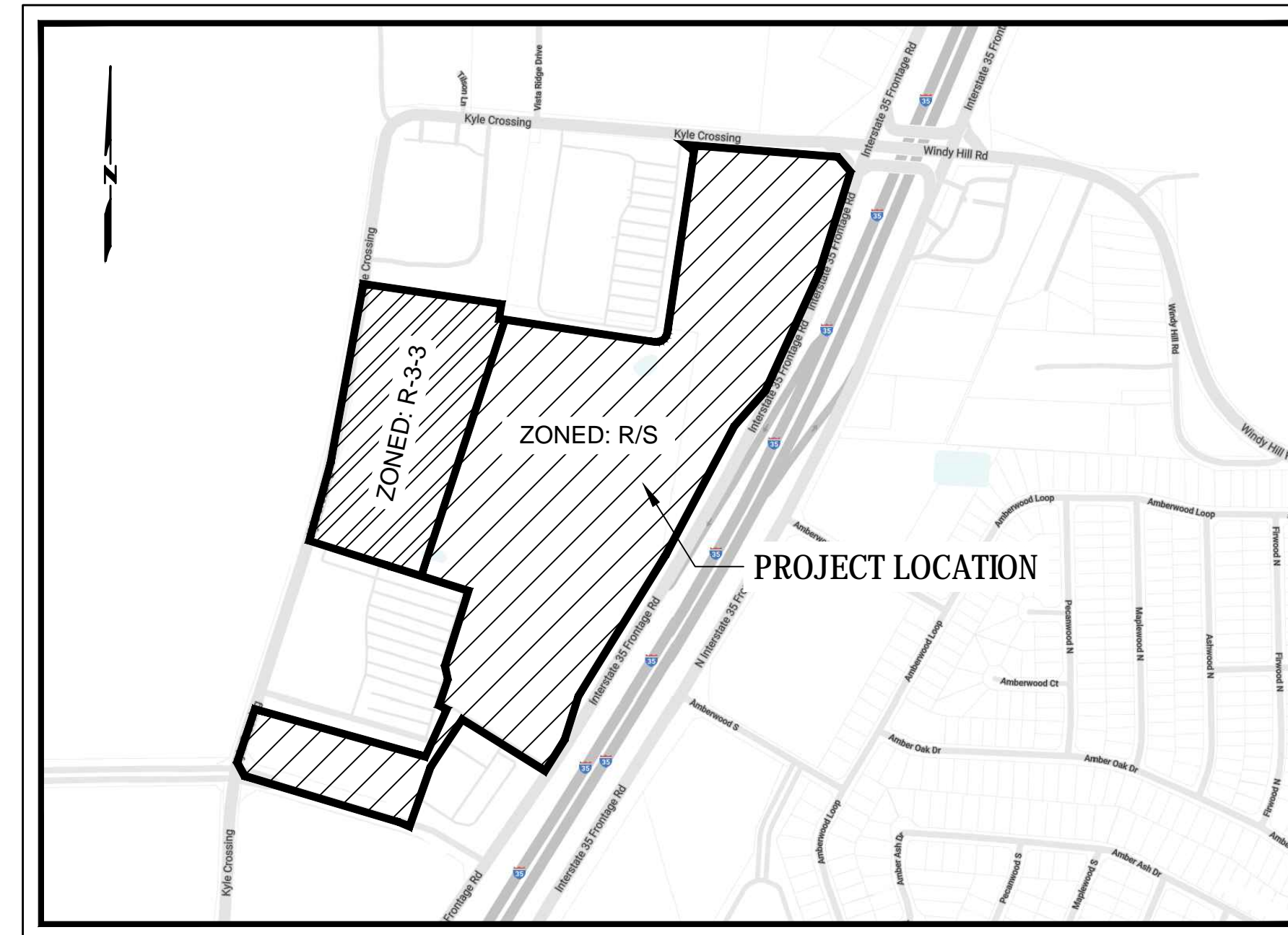
THENCE, SOUTH 82° 08' 50" EAST, WITH THE COMMON LINE OF SAID LOT 1-A AND SAID 10.00 ACRE TRACT, A DISTANCE OF 583.51 FEET TO A 1/2 INCH IRON ROD FOUND IN THE WEST LINE OF LOT 2, BLOCK A, OF SAID KYLE TOWNE CENTER, FOR THE SOUTHEAST CORNER OF SAID 10.00 ACRE TRACT;

THENCE, WITH THE COMMON LINE OF SAID LOT 1-A AND SAID LOT 2, THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

1. SOUTH 07° 35' 15" WEST, A DISTANCE OF 61.38 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CHAPARRAL BOUNDARY" FOUND;
2. SOUTH 82° 20' 33" EAST, A DISTANCE OF 670.80 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "DOUCET & ASSOC" FOUND AT THE BEGINNING OF NON-TANGENT CURVE TO THE LEFT;
3. WITH SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 40.00 FEET, AN ARC LENGTH OF 61.12 FEET, A DELTA ANGLE OF 87° 32' 28", AND A CHORD WHICH BEARS NORTH 52° 07' 14" EAST, A DISTANCE OF 55.34 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "DOUCET & ASSOC" FOUND;
4. NORTH 07° 40' 47" EAST, A DISTANCE OF 752.84 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "DOUCET & ASSOC" FOUND AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;
5. WITH SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 40.00 FEET, AN ARC LENGTH OF 64.95 FEET, A DELTA ANGLE OF 93° 01' 48", AND A CHORD WHICH BEARS NORTH 38° 50' 59" WEST, A DISTANCE OF 58.04 FEET TO THE COMMON NORTH CORNER OF SAID LOT 1-A AND SAID LOT 2, BEING THE SOUTH RIGHT-OF-WAY LINE OF KYLE CROSSING (AKA CR 210), FROM WHICH A PUNCHMARK IN CONCRETE FOUND, BEARS NORTH 59° 04' EAST, A DISTANCE OF 0.75 FEET;

THENCE, SOUTH 89° 51' 01" EAST, WITH THE COMMON LINE OF SAID LOT 1-A AND SAID KYLE CROSSING (AKA CR 210), A DISTANCE OF 637.45 FEET TO THE POINT OF BEGINNING CONTAINING 65.591 ACRES OF LAND WITHIN THESE METES AND BOUNDS.

Table of Contents	
Sheet Number	Sheet Title
1	COVER SHEET
2	PRELIMINARY PLAN (1 of 2)
3	PRELIMINARY PLAN (2 of 2)
4	WATER PLAN (1 of 2)
5	WATER PLAN (2 of 2)
6	WASTEWATER PLAN (1 of 2)
7	WASTEWATER PLAN (2 of 2)
8	STORM SEWER PLAN (1 of 2)
9	STORM SEWER PLAN (2 of 2)



## LOCATION MAP

SCALE: N.T.S.

OWNERS: CERCO DEVELOPMENT  
ADDRESS: 500 W 5TH ST. SUITE 700  
AUSTIN TEXAS, 78701

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

ACREAGE: 65.53 TOTAL IMPERVIOUS COVER 63%

LEGAL DESCRIPTION: THE SUBJECT TRACT CONSISTS OF 65.53 ACRES BY LOT 1A, BLOCK A OF KYLE TOWNE CENTER VOL. 17 PAGES 317-320

ADDRESS: 18200 I-35 SOUTH, KYLE TEXAS, 78610

LAND USE SUMMARY: SQ.FT. OF EACH USE AND # OF MF UNITS

DATE: 1/10/2020

PERSON PREPARING PLANS: RICHARD G. COUCH

COMPANY: CUNNINGHAM-ALLEN, INC.  
ADDRESS: 3103 BEE CAVES ROAD, SUITE 202  
AUSTIN, TEXAS 78746

PHONE: (512) 327-2946 FAX: (512) 327-2973

COMPANY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

## PROPOSED WATER AND WASTEWATER UTILITIES:

WASTEWATER	CITY OF KYLE
WATER	MONARCH WATER COMPANY
	COUNTY LINE WATER SUPPLY CORPORATION
	PRIVATE WELLS
	SEPTIC TANKS OR OTHER INDIVIDUAL SEWAGE TREATMENT SYSTEM
	OTHER _____

## GENERAL NOTES:

1. TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION PONDS AND RIGHT OF WAYS TO THE PAVEMENT TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY AND/OR HOME OWNERS ASSOCIATIONS.
2. SIDEWALKS, PEDESTRIAN CROSSINGS AND OTHER PUBLIC AMENITIES THAT ARE TO BE DEDICATED TO THE CITY OF KYLE SHALL MEET OR EXCEED ALL 2010 ADA STANDARDS OF ACCESSIBILITY DESIGN AND ALL CURRENT FEDERAL AND STATE LAWS REGARDING ACCESS FOR PEOPLE WITH DISABILITIES FOR TITLE II ENTITIES.
3. POST-CONSTRUCTION STORMWATER CONTROL MEASURES SHALL HAVE A MAINTENANCE PLAN. THE MAINTENANCE PLAN MUST BE FILED IN THE REAL PROPERTY RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED. THE OWNER OR OPERATOR OF ANY NEW DEVELOPMENT OR REDEVELOPED SITE SHALL DEVELOP AND IMPLEMENT A MAINTENANCE PLAN ADDRESSING MAINTENANCE REQUIREMENTS FOR ANY STRUCTURAL CONTROL MEASURES INSTALLED ON SITE. OPERATION AND MAINTENANCE PERFORMED SHALL BE DOCUMENTED AND RETAINED ON SITE, SUCH AS AT THE OFFICES OF THE OWNER OR OPERATOR, AND MADE AVAILABLE FOR REVIEW BY THE CITY.

## SURVEYOR'S NOTES:

A FIFTEEN (15) FOOT PUE IS HEREBY DEDICATED ADJACENT TO ALL STREET ROW, A FIVE (5) FOOT PUE IS HEREBY DEDICATED ALONG EACH SIDE LOT LINE AND A SEVEN AND TEN (10) FOOT PUE IS HEREBY DEDICATED ADJACENT TO ALL REAR LOT LINES ON ALL LOTS.

SETBACKS NOT SHOWN ON LOTS SHALL CONFORM TO THE CITY OF KYLE ZONING ORDINANCE.

SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF [INSERT STREET NAME(S)]. THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED. WHERE THERE ARE DOUBLE FRONTAGE LOTS, SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREETS IN THE SUBDIVISION ARE CONSTRUCTED.

OBSTRUCTIONS ARE PROHIBITED WITHIN DRAINAGE EASEMENTS.

ALL EASEMENT OF WHICH THE SURVEYOR IS AWARE ARE EITHER SHOWN OR NOTED ON THIS PRELIMINARY PLAN.

TOMMY P. WATKINS, R.P.L.S. NO. 4549

## KYLE TOWN CENTRE PRELIMINARY PLAN

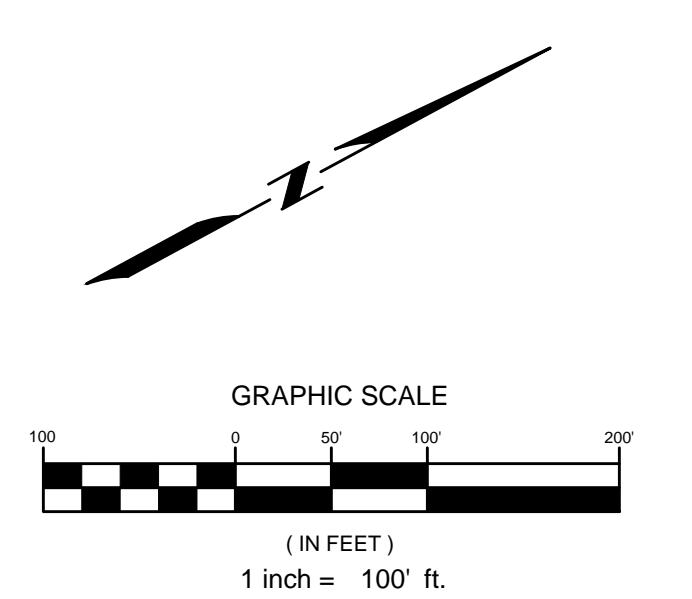
18200 I-35 SOUTH  
KYLE TEXAS, 78610

COVER SHEET

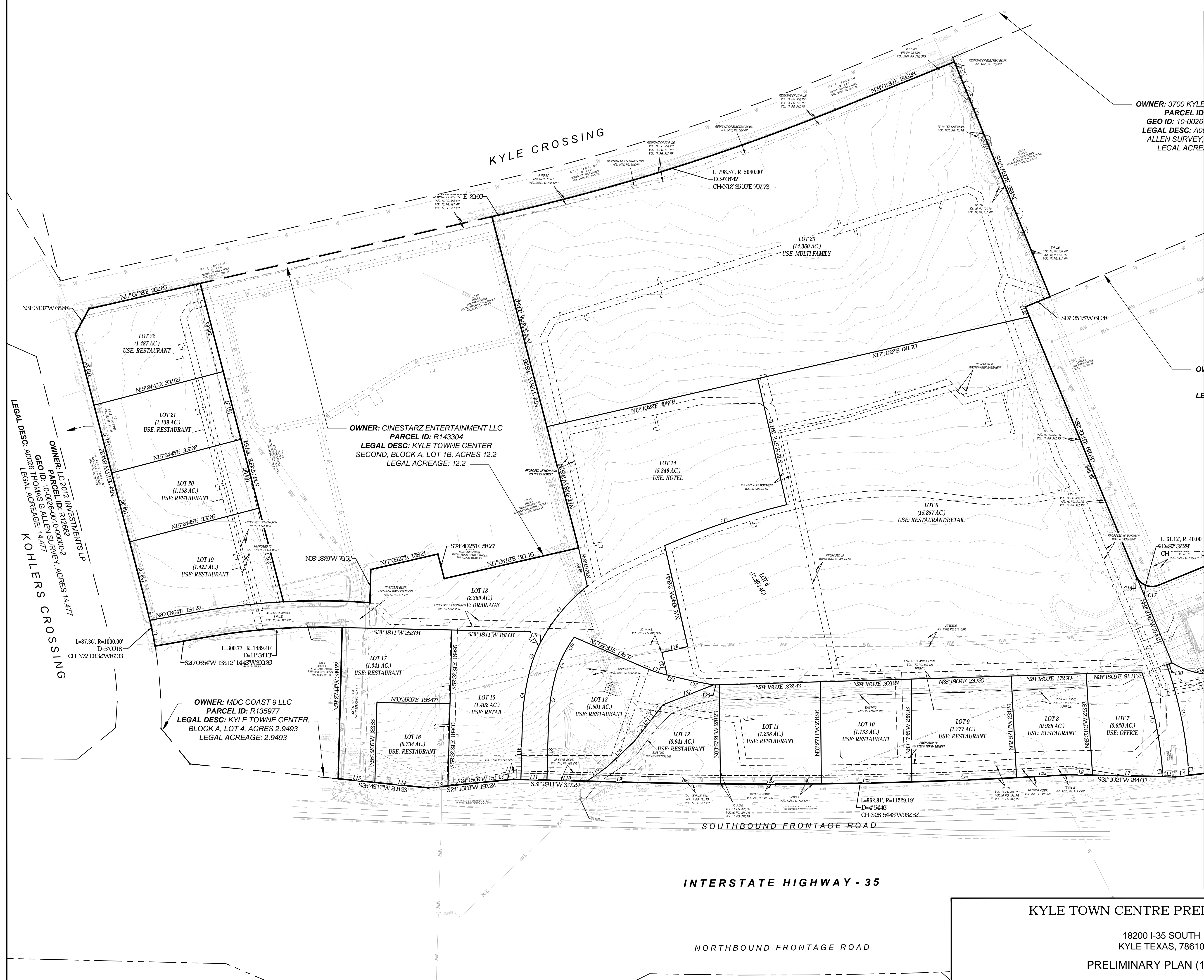
DATE:	02/27/2018
PROJECT No.:	2773702
CREW & F.B.:	1
DRAWN BY:	PDB
ALT. SHEET NO.	C1
	OF 9

SUB-18-0083





OWNER: 3700 KYLE  
 PARCEL ID:  
 GEO ID: 10-0026  
 LEGAL DESC: A0  
 ALLEN SURVEY  
 LEGAL ACRE:

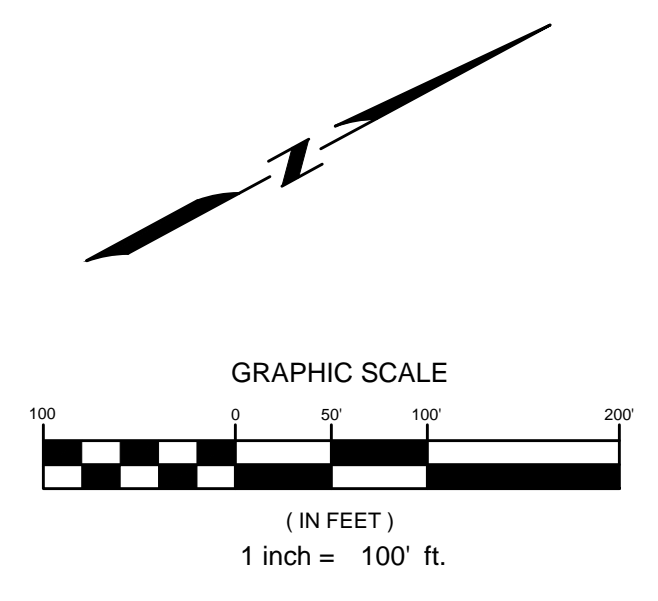
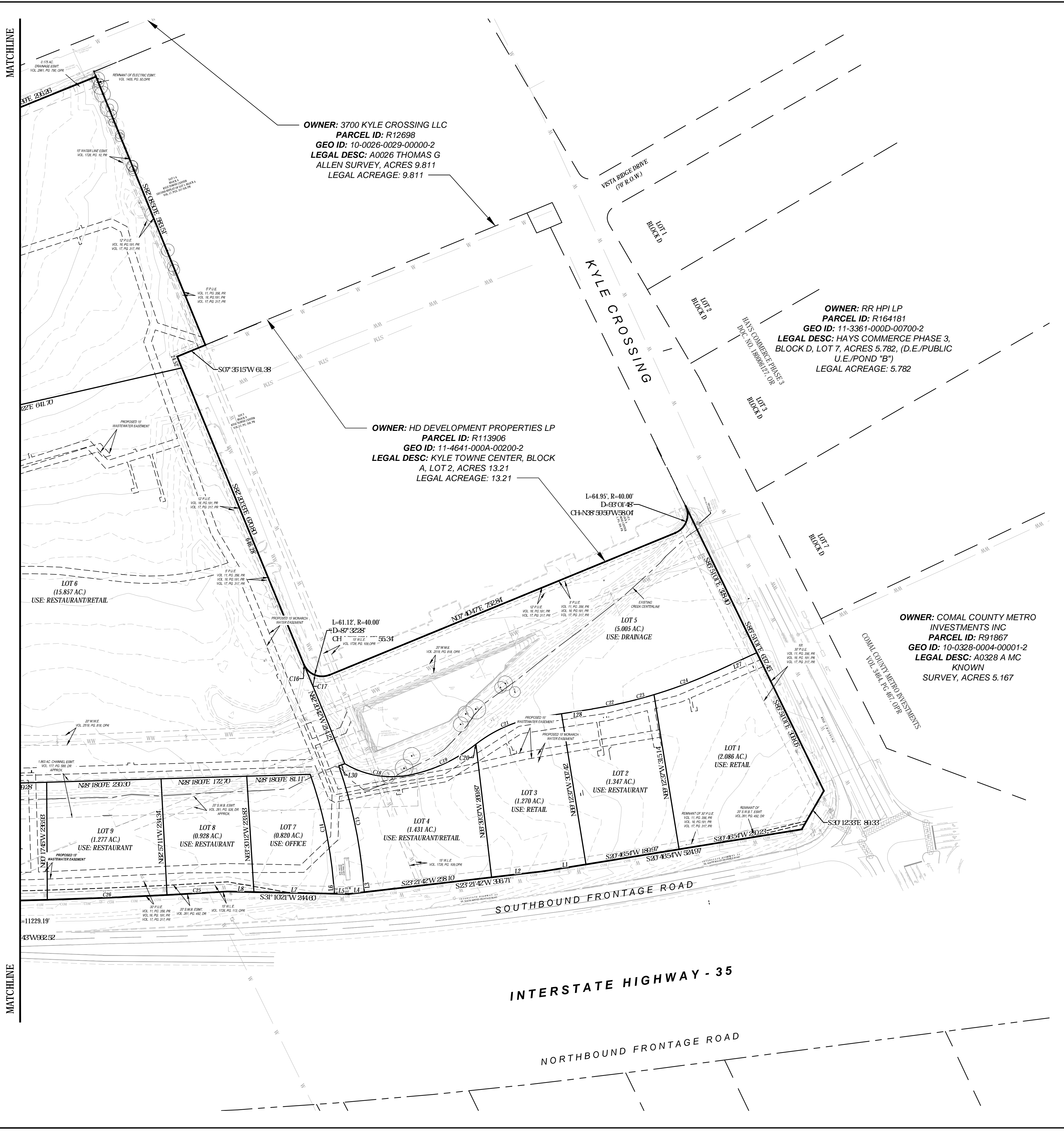


**CA**  
**Cunningham | Allen**  
 Engineers • Surveyors  
 3103 BEE CAVES ROAD,  
 SUITE 202  
 AUSTIN, TEXAS 78746  
 TEL.: (512) 327-2946  
 FAX: (512) 327-2973  
 www.cunningham-allen.com  
 TBPELS Reg. No. F-284  
 TBPELS Firm No. 10009900

© COPYRIGHT 2019 CUNNINGHAM-ALLEN, INC.

<b>KYLE TOWN CENTRE PRELIMINARY PLAN</b>	
18200 I-35 SOUTH KYLE TEXAS, 78610	
<b>PRELIMINARY PLAN (1 OF 2)</b>	
DATE: 02/27/2018	PROJECT No.: 2773702
CREW & F.B.:	
DRAWN BY: PDB	<b>2</b>
ALT. SHEET No. C2	OF 9





CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG.	CHORD
C1	1000.00'	60.70'	3°28'40"	N71°17'43"W	60.69'
C2	1000.00'	26.66'	1°31'38"	N73°47'52"W	26.66'
C3	1550.07'	175.76'	6°29'49"	N23°42'03"E	175.67'
C4	530.00'	128.09'	13°50'51"	N51°38'28"W	127.78'
C5	300.00'	54.67'	10°28'31"	S33°27'47"E	54.60'
C6	300.00'	12.80'	2°28'41"	S33°01'11"E	12.80'
C7	400.00'	165.83'	23°45'14"	N19°55'13"W	164.65'
C8	470.00'	113.59'	13°50'51"	N51°38'28"W	113.32'
C9	240.00'	53.98'	12°53'12"	N38°14'28"W	53.87'
C10	340.00'	43.92'	7°24'04"	N28°05'48"W	43.89'
C11	315.00'	54.65'	9°38'27"	N48°24'17"E	54.58'
C12	1705.00'	88.67'	2°58'47"	S41°44'58"W	88.66'
C13	1813.00'	296.20'	9°21'38"	N11°27'22"E	295.87'
C14	878.00'	221.43'	14°28'59"	S72°13'32"E	220.84'
C15	938.00'	233.37'	14°15'18"	N72°07'41"W	232.77'
C16	40.00'	1.61'	2°18'17"	S85°15'40"E	1.61'
C17	40.00'	59.51'	85°14'11"	N03°38'03"E	54.17'
C18	185.00'	137.13'	42°28'14"	N29°43'12"E	134.01'
C19	310.00'	145.11'	28°49'14"	N28°04'28"E	143.79'
C20	272.82'	2.09'	0°35'20"	N08°03'31"W	2.09'
C21	272.82'	139.72'	29°20'35"	N03°48'39"E	138.20'
C22	969.50'	73.43'	4°20'22"	N18°37'00"E	73.41'
C23	969.50'	53.91'	3°11'11"	N14°51'13"E	53.91'
C24	969.50'	131.73'	7°47'05"	N09°22'05"E	131.62'
C25	11229.19'	121.31'	0°37'05"	S28°45'55"W	121.31'
C26	11229.19'	241.25'	1°13'51"	S27°41'25"W	241.24'
C27	11229.19'	208.60'	1°03'52"	S28°50'16"W	208.60'
C28	11229.19'	232.40'	1°11'03"	S29°57'48"W	232.40'
C29	11229.19'	159.25'	0°48'45"	S30°57'44"W	159.25'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S20°45'41"W	84.77'
L2	S23°21'42"W	107.03'
L3	N28°00'22"W	26.93'
L4	S23°21'42"W	31.58'
L5	S31°10'21"W	28.60'
L6	S65°00'02"E	24.76'
L7	S31°10'21"W	162.26'
L8	S31°10'21"W	53.74'
L9	S31°29'11"W	147.79'
L10	S31°29'11"W	92.17'
L11	S31°29'11"W	60.00'
L12	S31°29'11"W	17.33'

LINE TABLE		
LINE	BEARING	DISTANCE
L13	S28°15'06"W	45.79'
L14	S35°48'11"W	123.41'
L15	S35°48'11"W	84.92'
L16	N28°31'53"W	129.53'
L17	N28°31'53"W	38.05'
L18	N28°31'53"W	129.54'
L19	N28°15'57"W	56.63'
L20	N13°12'55"W	85.35'
L21	N21°44'38"W	107.68'
L22	N28°32'35"E	124.64'
L23	N28°18'00"E	14.05'
L24	S43°27'02"W	20.30'

LINE TABLE		
LINE	BEARING	DISTANCE
L25	N22°49'41"W	53.45'
L26	N17°10'16"E	61.00'
L27	N25°28'33"E	92.20'
L28	N21°20'45"E	63.00'
L29	N21°20'45"E	45.60'
L30	N10°53'45"E	12.90'

**KYLE TOWNE CENTRE PRELIMINARY PLAN**

18200 I-35 SOUTH  
KYLE TEXAS, 78610

**PRELIMINARY PLAN (2 OF 2)**

DATE: 02/27/2018

PROJECT No.: 2773702

CREW & F.B.:

DRAWN BY: PDB

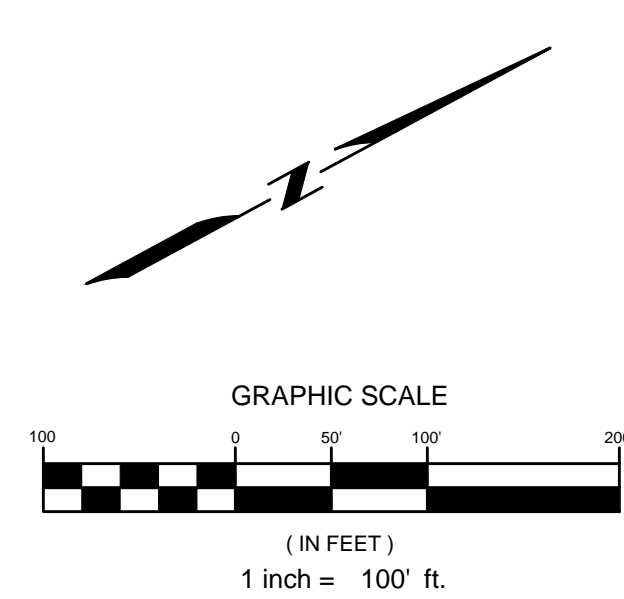
ALT. SHEET NO. C3

**3**

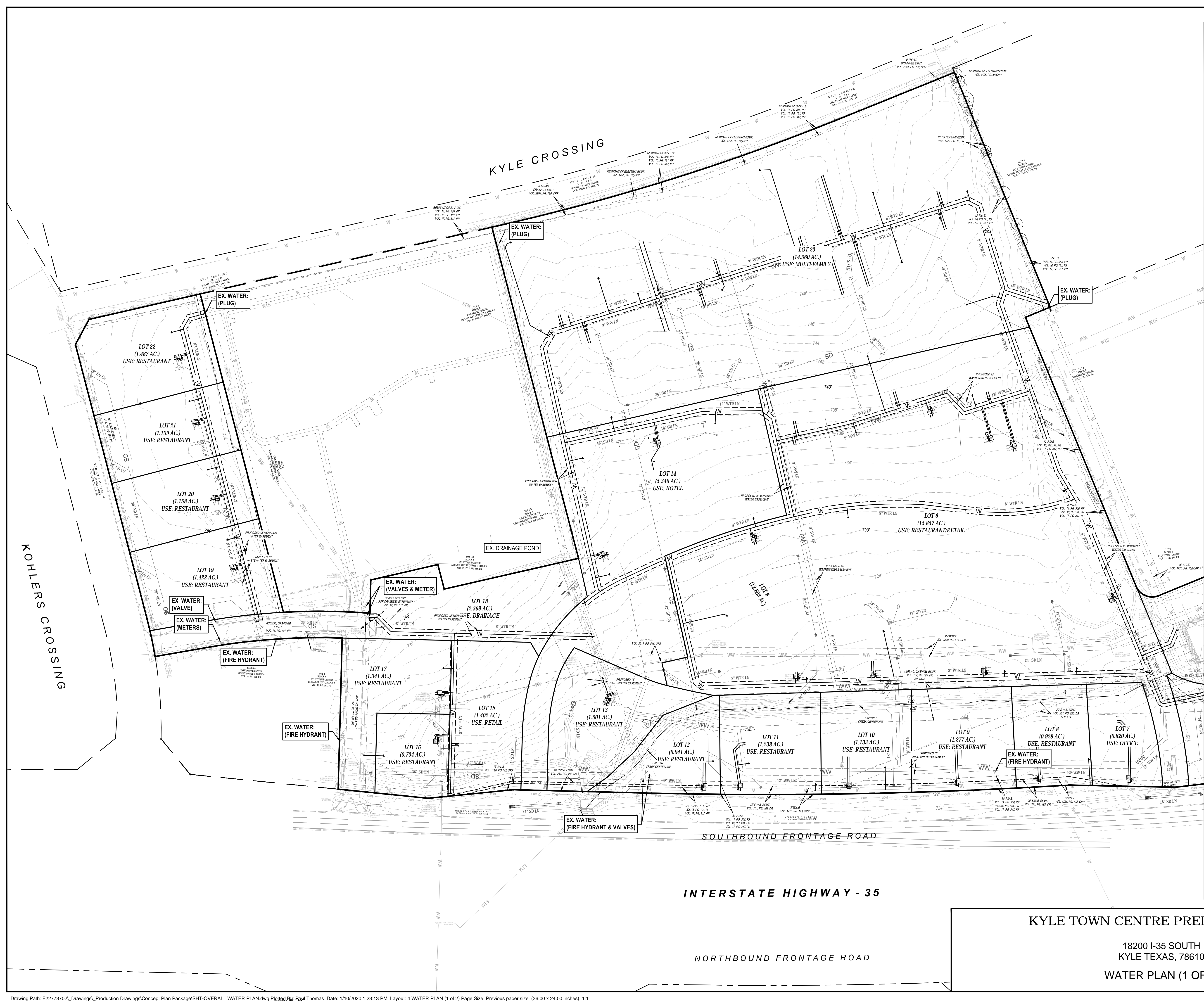
OF 9

**Cunningham | Allen**  
Engineers • Surveyors  
3103 BEE CAVES ROAD,  
SUITE 202  
AUSTIN, TEXAS 78746  
TEL.: (512) 327-2946  
FAX: (512) 327-2973  
www.cunningham-allen.com  
TBPELS Reg. No. F-284  
TBPELS Firm No. 10009900





LEGEND	
	FIRE HYDRANTS
	WATER VALVE
	MANHOLE (STORM)
	MANHOLE (WW)
	INLET
	WATER
	WASTEWATER
	STORM SEWER
	FIRE HYDRANTS
	WATER VALVE
	MANHOLE (STORM)
	MANHOLE (WW)
	INLET
	WATER
	WASTEWATER
	STORM SEWER



KOHLEERS CROSSING

KYLE CROSSING

INTERSTATE HIGHWAY - 35

NORTHBOUND FRONTAGE ROAD

SOUTHBOUND FRONTAGE ROAD

**KYLE TOWN CENTRE PRELIMINARY PLAN**

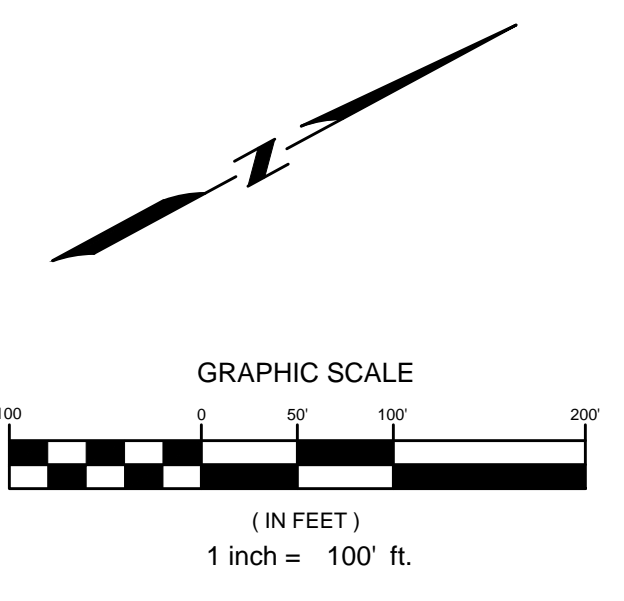
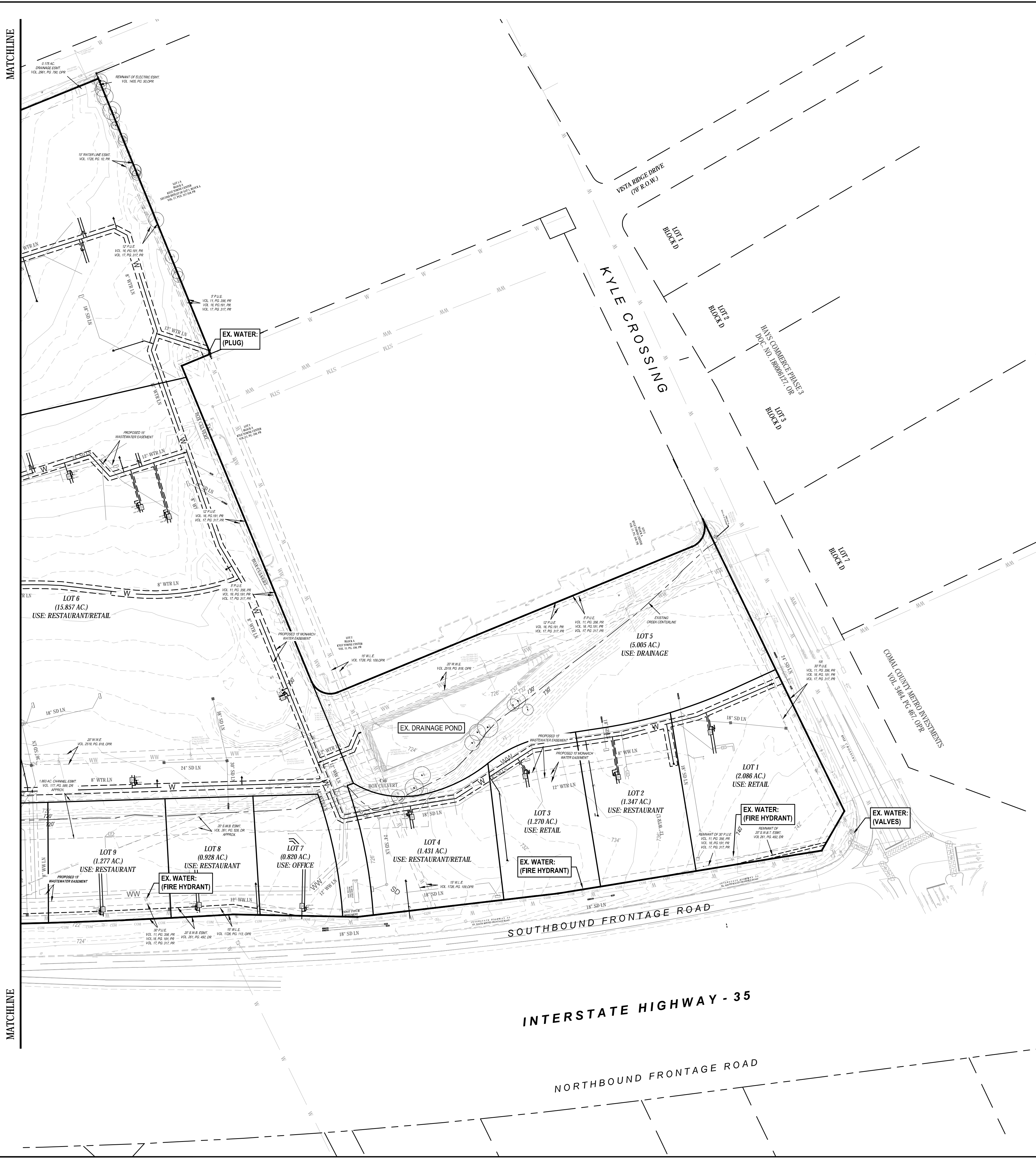
18200 I-35 SOUTH  
KYLE TEXAS, 78610  
WATER PLAN (1 OF 2)

**CA**  
Cunningham | Allen  
Engineers • Surveyors  
3103 BEE CAVES ROAD,  
SUITE 202  
AUSTIN, TEXAS 78746  
TEL.: (512) 327-2946  
FAX: (512) 327-2973  
www.cunningham-allen.com  
TBPELS Reg. No. F-284  
TBPELS Firm No. 10009900

© COPYRIGHT 2019 CUNNINGHAM-ALLEN, INC.

DATE:	02/27/2018
PROJECT No.:	2773702
CREW & F.B.:	
DRAWN BY:	PDB
ALT. SHEET NO.	C4
	4
	OF 9





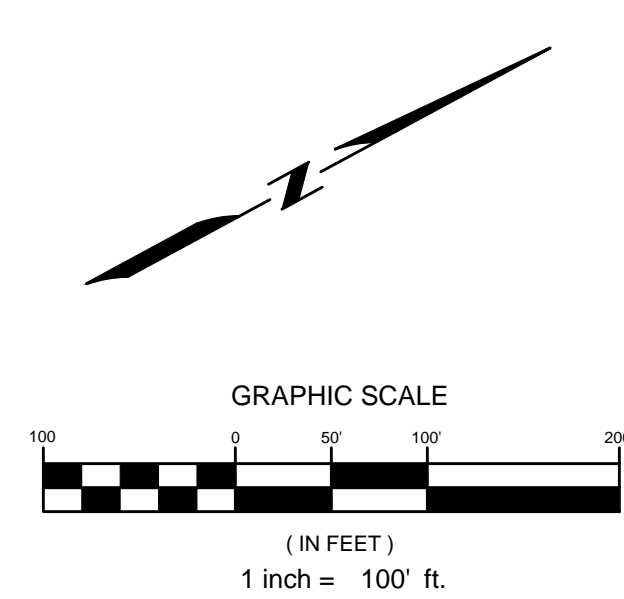
LEGEND	
PROPOSED UTILITIES:	EXISTING UTILITIES:
FIRE HYDRANTS	FIRE HYDRANTS
WATER VALVE	WATER VALVE
MANHOLE (STORM)	MANHOLE (STORM)
MANHOLE (WW)	MANHOLE (WW)
INLET	INLET
WATER	WATER
WASTEWATER	WASTEWATER
STORM SEWER	STORM SEWER

**CA**  
**Cunningham | Allen**  
 Engineers • Surveyors  
 3103 BEE CAVES ROAD,  
 SUITE 202  
 AUSTIN, TEXAS 78746  
 TEL.: (512) 327-2946  
 FAX: (512) 327-2973  
 www.cunningham-allen.com  
 TBPELS Reg. No. F-284  
 TBPELS Firm No. 1000990

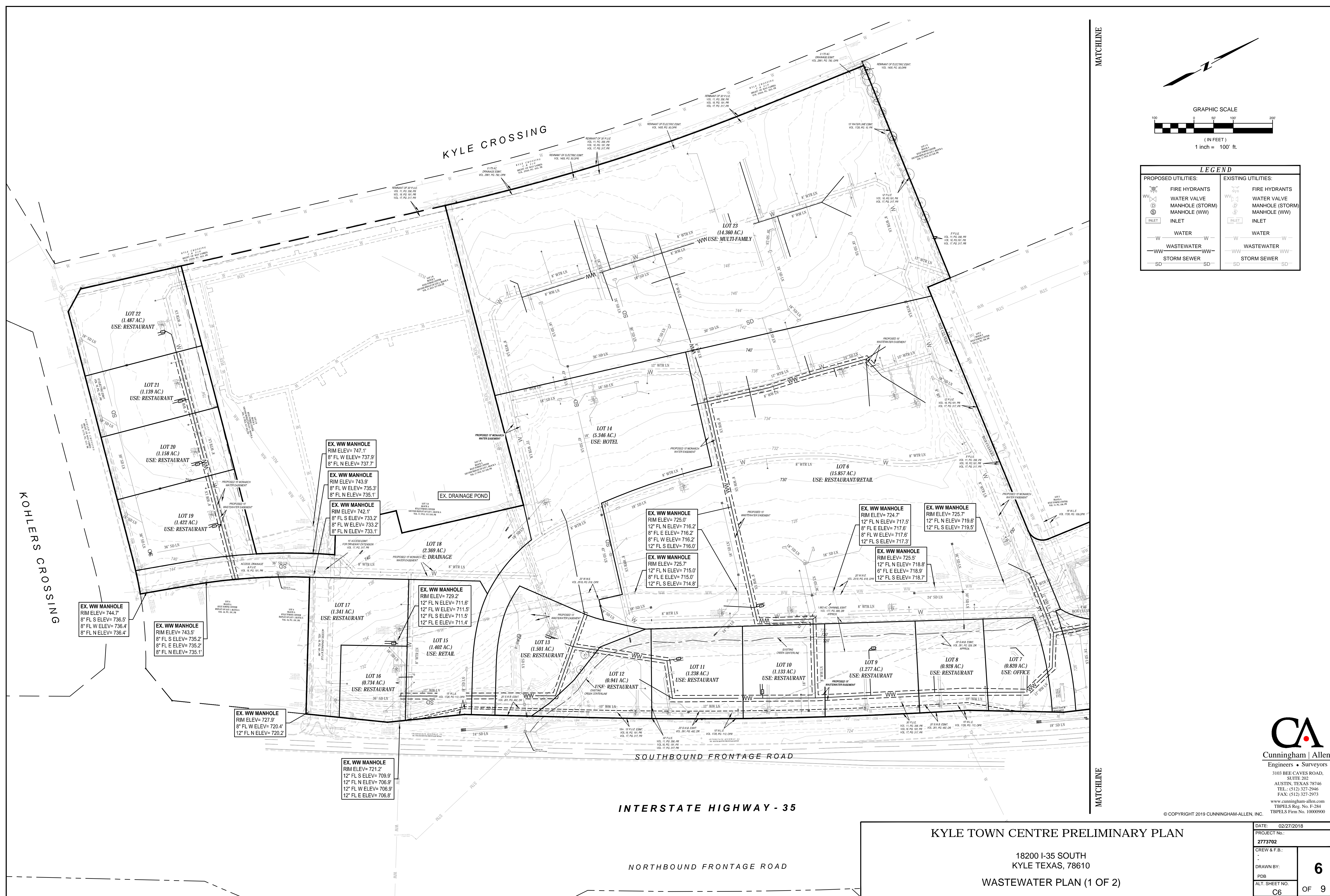
© COPYRIGHT 2019 CUNNINGHAM-ALLEN, INC.

<b>KYLE TOWN CENTRE PRELIMINARY PLAN</b>	
18200 I-35 SOUTH KYLE TEXAS, 78610	
WATER PLAN (2 OF 2)	
DATE: 02/27/2018	PROJECT No.: 2773702
CREW & F.B.:	
DRAWN BY: PDB	<b>5</b>
ALT. SHEET NO. C5	OF 9





LEGEND	
<b>PROPOSED UTILITIES:</b>	<b>EXISTING UTILITIES:</b>
FIRE HYDRANTS	FIRE HYDRANTS
WATER VALVE	WATER VALVE
MANHOLE (STORM)	MANHOLE (STORM)
MANHOLE (WW)	MANHOLE (WW)
INLET	INLET
WATER	WATER
WASTEWATER	WASTEWATER
STORM SEWER	STORM SEWER



MATCHLINE

MATCHLINE

KOHLEERS CROSSING

KYLE CROSSING

INTERSTATE HIGHWAY - 35

NORTHBOUND FRONTAGE ROAD

SOUTHBOUND FRONTAGE ROAD

**KYLE TOWN CENTRE PRELIMINARY PLAN**

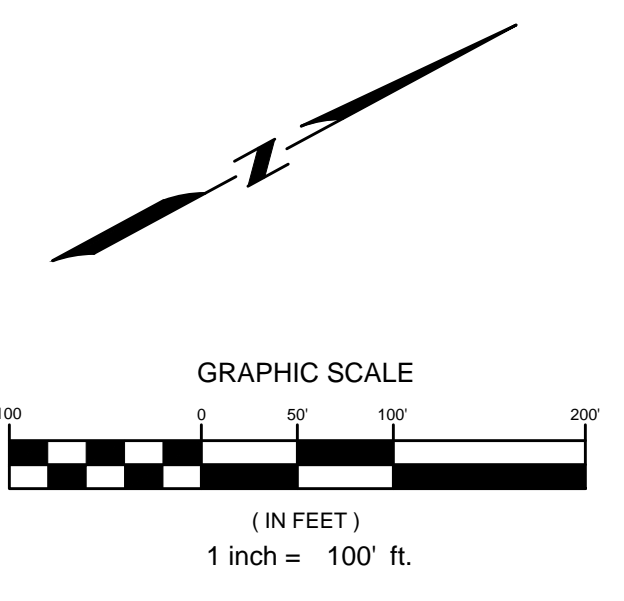
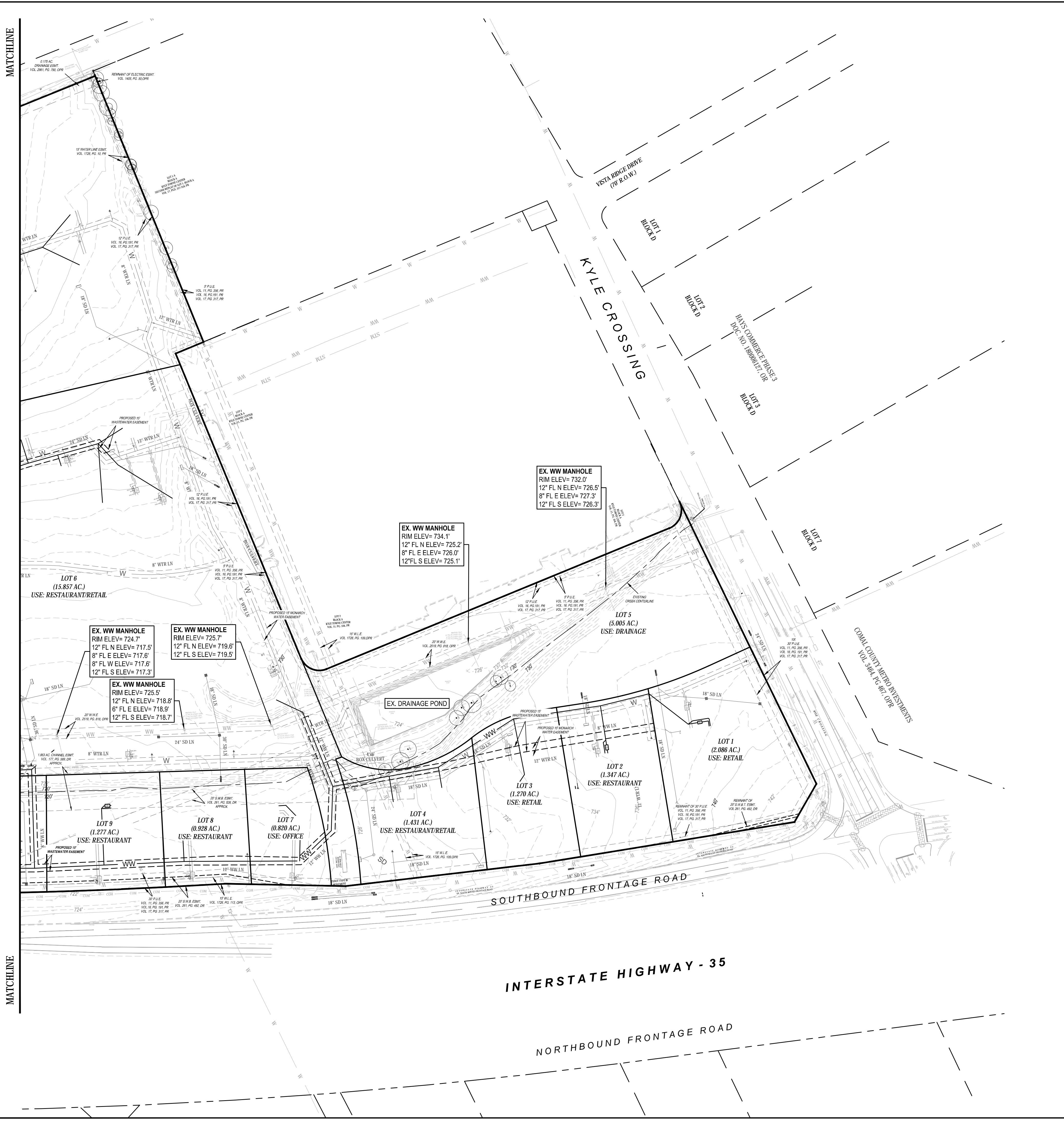
18200 I-35 SOUTH  
KYLE TEXAS, 78610  
WASTEWATER PLAN (1 OF 2)

**CA**  
Cunningham | Allen  
Engineers • Surveyors  
3103 BEE CAVES ROAD,  
SUITE 202  
AUSTIN, TEXAS 78746  
TEL.: (512) 327-2946  
FAX: (512) 327-2973  
www.cunningham-allen.com  
TBP/ELS Reg. No. F-284  
TBP/ELS Firm No. 10009900

© COPYRIGHT 2019 CUNNINGHAM-ALLEN, INC.

DATE:	02/27/2018
PROJECT No.:	2773702
CREW & F.B.:	
DRAWN BY:	PDB
ALT. SHEET NO.:	C6
	<b>6</b>
	OF 9





LEGEND	
PROPOSED UTILITIES:	EXISTING UTILITIES:
FIRE HYDRANTS	FIRE HYDRANTS
WATER VALVE	WATER VALVE
MANHOLE (STORM)	MANHOLE (STORM)
MANHOLE (WW)	MANHOLE (WW)
INLET	INLET
WATER	WATER
WASTEWATER	WASTEWATER
STORM SEWER	STORM SEWER

MATCHLINE

MATCHLINE

**KYLE TOWN CENTRE PRELIMINARY PLAN**

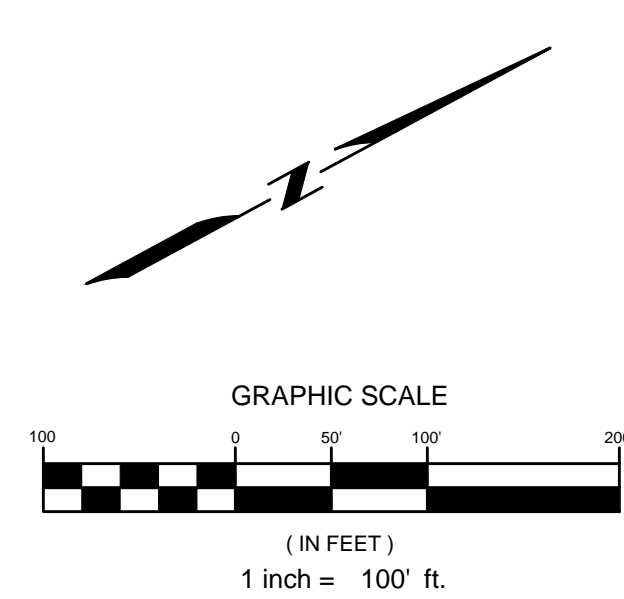
18200 I-35 SOUTH  
 KYLE TEXAS, 78610  
 WASTEWATER PLAN (2 OF 2)

DATE:	02/27/2018
PROJECT No.:	2773702
CREW & F.B.:	
DRAWN BY:	PDB
ALT. SHEET NO.:	C7
	7 OF 9

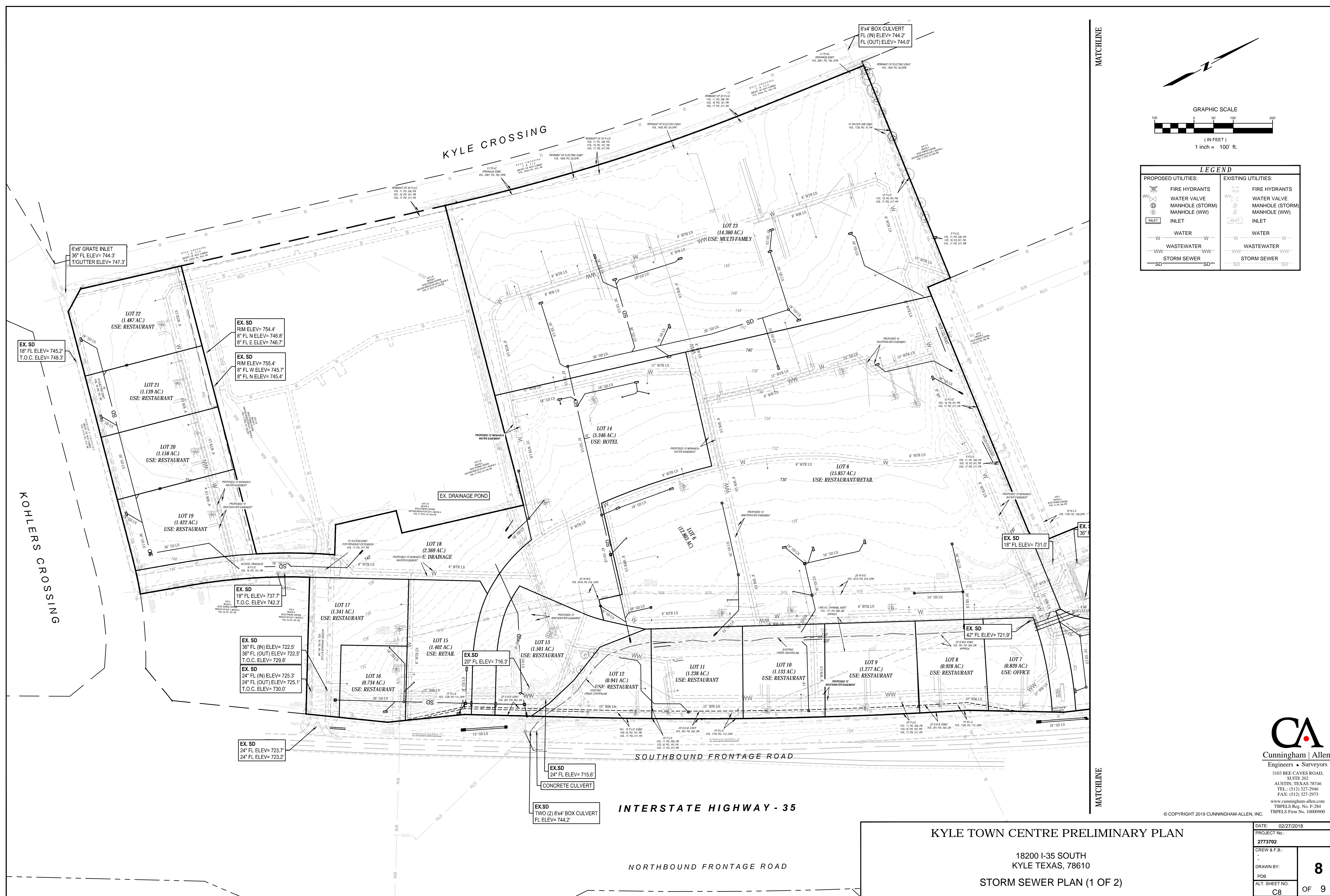
**CA**  
 Cunningham | Allen  
 Engineers • Surveyors  
 3103 BEE CAVES ROAD,  
 SUITE 202  
 AUSTIN, TEXAS 78746  
 TEL.: (512) 327-2946  
 FAX: (512) 327-2973  
 www.cunningham-allen.com  
 TBPELS Reg. No. F-284  
 TBPELS Firm No. 10009900

© COPYRIGHT 2018 CUNNINGHAM-ALLEN, INC.





LEGEND	
<b>PROPOSED UTILITIES:</b>	<b>EXISTING UTILITIES:</b>
FIRE HYDRANTS	FIRE HYDRANTS
WATER VALVE	WATER VALVE
MANHOLE (STORM)	MANHOLE (STORM)
MANHOLE (WW)	MANHOLE (WW)
INLET	INLET
WATER	WATER
WASTEWATER	WASTEWATER
STORM SEWER	STORM SEWER



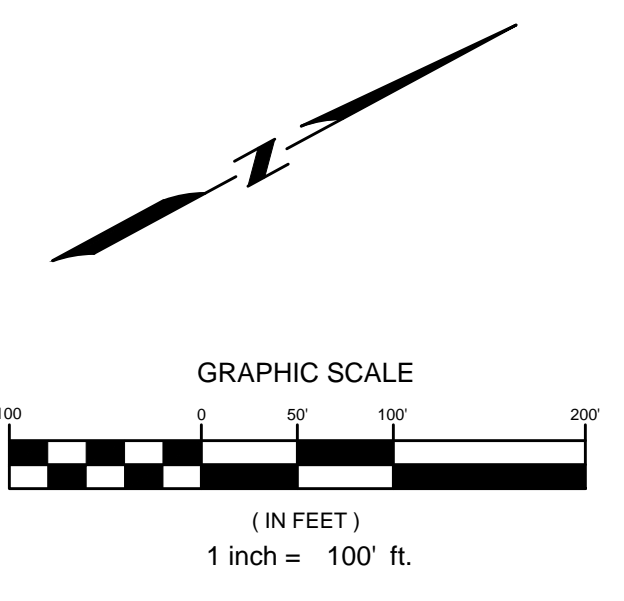
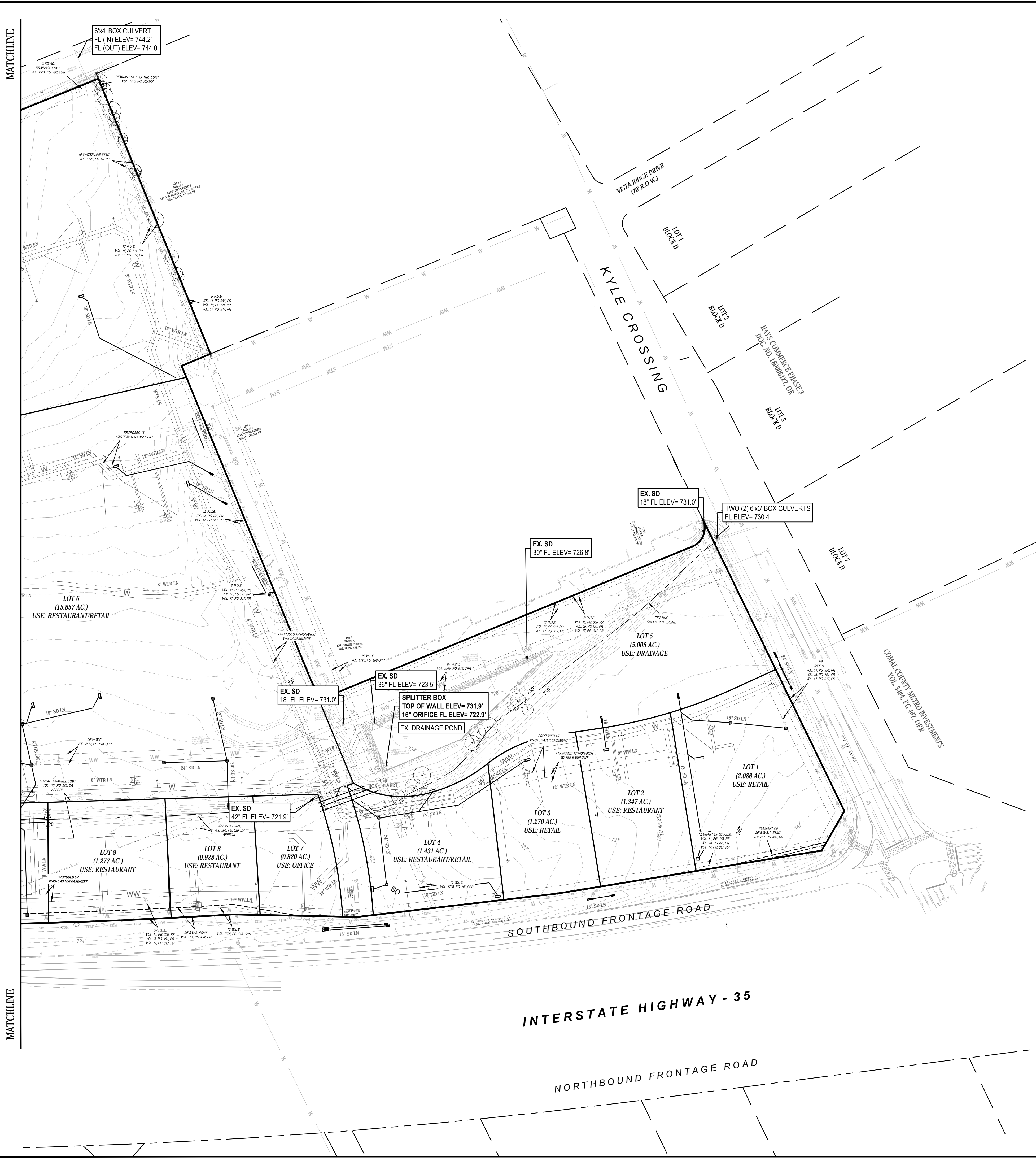
**KYLE TOWN CENTRE PRELIMINARY PLAN**

18200 I-35 SOUTH  
 KYLE TEXAS, 78610  
**STORM SEWER PLAN (1 OF 2)**

**CA**  
 Cunningham | Allen  
 Engineers • Surveyors  
 3103 BEE CAVES ROAD,  
 SUITE 202  
 AUSTIN, TEXAS 78746  
 TEL: (512) 327-2946  
 FAX: (512) 327-2973  
 www.cunningham-allen.com  
 TBPELS Reg. No. F-284  
 TBPELS Firm No. 10009900

DATE:	02/27/2018
PROJECT No.:	2773702
CREW & F.B.:	
DRAWN BY:	PDB
ALT. SHEET NO.:	C8
	8 OF 9





LEGEND	
PROPOSED UTILITIES:	EXISTING UTILITIES:
FIRE HYDRANTS	FIRE HYDRANTS
WATER VALVE	WATER VALVE
MANHOLE (STORM)	MANHOLE (STORM)
MANHOLE (WW)	MANHOLE (WW)
INLET	INLET
WATER	WATER
WASTEWATER	WASTEWATER
STORM SEWER	STORM SEWER

**CA**  
**Cunningham | Allen**  
 Engineers • Surveyors  
 3103 BEE CAVES ROAD,  
 SUITE 202  
 AUSTIN, TEXAS 78746  
 TEL.: (512) 327-2946  
 FAX: (512) 327-2973  
 www.cunningham-allen.com  
 TBPELS Reg. No. F-284  
 TBPELS Firm No. 1000990

© COPYRIGHT 2019 CUNNINGHAM-ALLEN, INC.

<b>KYLE TOWN CENTRE PRELIMINARY PLAN</b>	
18200 I-35 SOUTH KYLE TEXAS, 78610	
<b>STORM SEWER PLAN (2 OF 2)</b>	
DATE: 02/27/2018	PROJECT No.: 2773702
CREW & F.B.:	
DRAWN BY: PDB	<b>9</b>
ALT. SHEET NO. C9	OF 9



# CITY OF KYLE, TEXAS

## Residential Style Guide - Text Amendments

Meeting Date: 4/7/2020

Date time: 7:00 PM

**Subject/Recommendation:** *(Second Reading)* An Ordinance of the City of Kyle, Texas, amending Section 53-930 (3), 53-933 (b)(d)(e), and Section 53-934 (d)(e) of Chapter 53 "Zoning", of the City of Kyle Code of Ordinances, by editing Neighborhood Design, Garage Requirements and Design (as described herein). ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission had no objections to the proposed changes.*

**Other Information:** Please see attached.

**Legal Notes:** N/A

**Budget Information:** N/A

---

### ATTACHMENTS:

#### **Description**

- Staff Memo
- Ordinance
- Text Change - Red lined





# CITY OF KYLE

## Community Development Department

---



### MEMORANDUM

**TO:** Mayor & Council

**FROM:** Howard J. Koontz- Director of Planning & Community Development

**DATE:** Tuesday, April 7, 2020

**SUBJECT:** Discussion of Home Design

On November 19, 2019, the Mayor and Council asked staff to bring forward edits to the Residential Style Guide, in order to affect a higher standard of residential development. Planning Staff brought edits forward to the Planning & Zoning Commission on January 14, 2020. The Commission recommended approval of Planning Staff's edits, 5-1. Staff brought the same edits and the Commission's recommendation vote to the Mayor & Council on January 21, 2020. The City Council took no issue with portions of the edits, except for the change in the alley loading requirements. Please see a summary of the discussion below.

### RECOMMENDATION

At the March 10, 2020 Planning & Zoning Commission meeting, the Commission had no objections to the changes made (no discussion). Staff seeks approval of the changes below.

### TEXT OF THE ZONING ORDINANCE

Sec. 53-930(3) – Neighborhood design and improvements.

#### **Added for 3/10/2020**

- (3) Install amenities which serve a dual purpose. Stormwater management detention (dry ponds) can be utilized as sports fields, as Kyle on average only experiences 49 days per year of measurable precipitation. Retention ponds (wet ponds) can be designed as a source of local irrigation, and also as a focal point or gathering place for a passive recreation park or trail. Street-side tree plantings are generally required every fifty (50) feet on center, depending on the species; street trees serve as traffic calming, provide shade and cooling for pedestrians, provide protections in the form of a buffer between pedestrians and vehicle traffic, and



recent studies show the shade provided by the over-story canopy actually shades the sidewalk and road pavement, which reduces the expansion and contraction cycle of the hard surfaces, leading to longer time periods between necessary resurfacing (street infrastructure resiliency). Easements for underground utilities which cannot be built upon with structures can be used for trail systems and bike/pedestrian connections. [The applicant/developer will work with easement owners to allow trail networks. If this is not possible, the applicant/developer will construct a trail network when found appropriate.](#)

**\*The Mayor & Council had no objection to the above edits (in blue).**

**\* Added flexibility based on tree species.**

### **Added for 3/10/2020**

(7) Short-term off-street parking should be provided. 90-degree and angled off-street parking spaces located throughout a residential project allow for occasional, temporary parking without taking up room in a private driveway, nor blocking travel lanes in violation of Kyle's life safety requirements for the unobstructed widths of streets. The provision for excess parking off-street also allows streets to be paved with less width required, which fulfills a traffic calming design function, reduces site-wide impervious surface area, and lowers overall development costs.

**\*Commissioner McHutchion has concerns relating to streets being too narrow in Plum Creek. Plum Creek was designed and built prior to the current fire code requirements. Current code allows streets to be as little as 28-feet wide. Fire code states that if the street is less than 32-feet wide, parking is limited to one side of the street only. This allows adequate room for emergency vehicles to pass.**

**Another way to help solve this concern is to incorporate more short-term off-street parking (Sec. 53-930(7)). Both the street width and the off-street parking will be addressed as part of the construction plan review.**

**Staff believes that the code adequately accounts for street parking, and no changes are necessary.**

### **Sec. 53-933 Same --- Siting**

(a)

Respect the scale of homes along the same block. Do not place two homes of disparate scale/height alongside one another without appropriate separation, as that breaks up the predominant rhythm of the block from a pedestrian scale. No structure may exceed the height of an adjacent structure by more than one floor. Similarly, front building setbacks shall be complimentary along the block.

### **Added for 3/10/2020**

(b)

Alley loading is required for all homes on lots less than [65](#) feet in width\*, and should be encouraged for all new housing projects, similar to the housing pattern established in Kyle's downtown. The greatest and most obvious benefit to this development style is a much-reduced reliance on front-loaded, auto-oriented dwelling units.

\*Cul-de-sac lots notwithstanding. [New homes that are built in pre-existing subdivisions, can be reviewed and approved by staff for alternative compliance.](#)

**\*This to account for subdivisions that do not have infrastructure or design to allow alley loaded homes, or certain architectural garage designs.**

(c)

Detached garages or other accessory structures must be located in the rear yard.

(d)

[Front facing, attached](#) garages are not allowed in any one- or two-family zoning district. Driveways will provide adequate room for parking without the need to block any sidewalks.

(e)

In no case, should the enclosed garage be the portion of the home closest to the front property line. A designation of front wall can be given to a load-bearing wall that defines an inhabitable area on-grade. This designation does not require the front wall to be fully enclosed, but it shall dominate the non-garage opening portion of the front elevation, such as the load-bearing portion of a covered front porch, or the load-bearing portion of a front porch where there is a covered balcony overhead. Uncovered areas in front of the home will not count as a front wall. Final determination of what does and does not constitute the designation of front wall shall be determined by the planning director ("director") or designee.

(f)

Corner lots at the intersection of streets with different classification shall take vehicular access from the more minor of the two intersecting streets, if not alley or rear loaded.

**\*Sec. 53-933(b)(d) currently says that all lots less than 50' in width requires alley loading. Staff's recommendation is to set the bar at 65' due to the lot width minimums per zoning districts (R-1-3 = 50', R-1-2 = 50'). This is an effort to require developers to do more than the minimum. Per the Council discussion on January 21, 2020, a majority of the discussion centered on greater flexibility between 50'-65' wide lots (not just alley loaded). The Council was generally ok with, front facing detached garages, side loading garages, and other unique housing ideas, that do not create garage dominating architecture. Additionally, they discussed perhaps a percentage of lots per project, could be alley loaded. Sec. 53-933(e) simplifies the design requirements of front-loaded homes by removing the reference for Ord. No. 928. Ord. No. 928 is extremely complicated and cumbersome to administer. The Mayor & Council had no objection to the removal of the reference.**

**Sec. 53-934. - Same—Materials/construction.**

(a)

All homes will feature exteriors of a masonry material on all sides. This includes brick, natural stone, stucco, cementitious siding/panels, or other approved masonry cladding. Doors, windows, door and window casings, porch decking, roofs, and other architectural accent features are not required to be made from masonry materials.

(b)

As new technologies emerge in the building industry, materials may be introduced that resemble traditional building materials in appearance, especially regarding exterior cladding. New, composite materials, including a combination of wood, cement, and plastic fibers, may be considered for selected, specific uses, as long as they can meet or exceed the performance of the material they are imitating. It is important that alternate materials closely replicate original materials in size, texture, profile and surface treatment.

(c)

The application of faux veneer panels as a primary cladding, such as brick veneer sheeting, Dryvit, EIFS, and engineered plywood is prohibited.

**Added for 3/10/2020**

(d)

All single-family and two-family structures are not required to provide a garage for the dwelling unit(s). If one does provide a garage, the minimum size for garages shall be 380 square feet; homes with garages that measure fewer than 430 square feet shall additionally provide an on-site storage structure, with floor area of no less than 140 square feet; homes with garages that measure at least 430 but less than 480 square feet shall additionally provide an on-site storage structure, with floor area of no less than 80 square feet; homes with garages that measure 480 or more square feet shall have no such requirement to provide any additional on-site storage structure. Adequate off-street parking will be provided per residence, as stipulated in Sec. 53-33(Chart 4). This can be accomplished through providing garages, driveways/parking pads, or a combination of both.

**\* Staff believes reiteration of existing code is adequate, and review of home must account for the required parking ratios.**



(e)

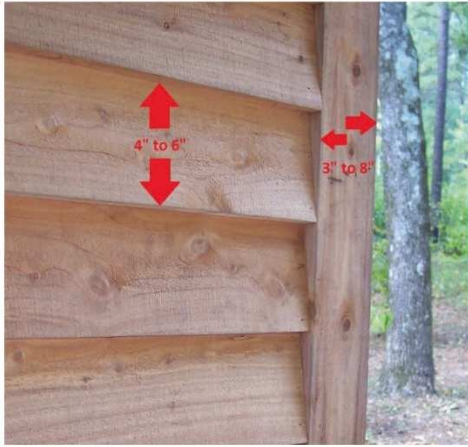
The architectural dominance of the garage door(s) on front [facing](#) home architecture shall not be allowed above all else. Kyle alternately requires or at the least strongly encourages alley-loaded, rear-facing garage type products, and the consistent use of side-loading garages, as well as garages located in the rear of the property but accessed from the front of the property.

(f)

Forward facing garage door(s) shall be clad in a neutral color, noticeably darker so as not to draw primary attention to the façade, and yet complimentary to the overall aesthetic of the home. The door(s) shall present architectural features like hinge straps, windows, awning/roofs, and/or decorative handles. No front-facing garage façade or combination of garage façades may comprise more than half the overall width of the home's front façade.

(g)

All façades of a building shall contain a combination of architectural treatments, windows, returns, awnings, stoops, porches, and doors such that the maximum allowable unbroken façade distance for each building or side of building shall be 20 feet. Such controls shall pertain to both the vertical and horizontal elevations. "Blank façades" that do not feature windows, doors, or the above architectural treatments are strictly prohibited. Exposed vents, electric meter boxes, storm gutters and similar utility conduits do not qualify as architectural treatments. It should be noted that for fire-rated walls, penetrations are not required to meet this standard, so the standard is still valid in all cases.



(h)

The reveal (exposed portion) of siding will be a minimum of four inches and shall not exceed six inches. Corner boards should have the same width and depth as the siding reveal, and are not permitted to be more than two inches greater than the siding reveal, or more than one inch less than the siding reveal.

(i)

If appropriate to the architectural style, covered front porches shall be fully-functional, habitable areas and be of at least 120 square feet and at least eight feet in depth.

(j)

Window shutters, whether functional or decorative, shall be scaled as if to cover the window to which they are adjacent.



(k)

When utilizing asphalt shingles as a roofing cover, the shingles will be 3-tab "architectural" or "dimensional" style shingles.

**\*The Mayor & Council had no objection to keeping the materials section in the ordinance, for reference purposes only. The Mayor & Council had no objection to the removal of requiring garages for one and two family residences (Sec. 53-**



**934(d)). Sec. 53-934(e) was edited to remove the word “loading” and add the word “facing”. This follows the same edits from Sec. 53-933(d).**

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

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING SEC. 53-930(3), SEC. 53-933(b)(d)(e), & SEC. 53-934(d)(e) OF CHAPTER 53 “ZONING”, OF THE CITY OF KYLE CODE OF ORDINANCES, BY EDITING NEIGHBORHOOD DESIGN, GARAGE REQUIREMENTS AND DESIGN (AS DESCRIBED HEREIN).**

**WHEREAS**, the City of Kyle is authorized to regulate property development by establishing the strict guidelines for the manner, and place of certain improvements; and

**WHEREAS**, the City of Kyle has adopted zoning regulations which spell out general development principles;

**WHEREAS**, amendments to the Residential Style Guide, relating to neighborhood design, and garage requirements & design, have been found appropriate;

**WHEREAS**, the City of Kyle seeks to provide direct guidance regarding development within the public and private realm through the Zoning Ordinance.

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

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

**Section 2. Amendment of Zoning Ordinance.** City of Kyle Ordinance No. 962 (Residential Style Guide), as amended, Sec. 53-930(3) – Neighborhood Design & Improvements, Sec. 53-933(b)(d)(e) – Same - Siting, & Sec. 3-934(e) – Same – Materials/construction, is hereby modified and amended by adding limited uses, providing for a process to allow future uses, and requiring land use buffers as set forth in Section 3.

**Section 3. Conditions and limitations of the Residential Style Guide.** Those changes noted in the attached Exhibit A are affected by this text amendment.

**Section 4. Effective Date.** This Ordinance language will be in full force and effective on the date of final approval by the City of Kyle Mayor and City Council.

**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, Chapter 51, Texas Local Government Code.

**PASSED AND APPROVED on first reading, this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.**

**PASSED AND APPROVED on second reading, this the \_\_\_\_ day of \_\_\_\_\_, 2020.**

\_\_\_\_\_

Jennifer A. Vetrano, City Secretary

Date: \_\_\_\_\_

\_\_\_\_\_

Travis Mitchell, Mayor

Date: \_\_\_\_\_

## EXHIBIT 'A'

### **Sec. 53-930. - Neighborhood design and improvements.**

(3)

Install amenities which serve a dual purpose. Stormwater management detention (dry ponds) can be utilized as sports fields, as Kyle on average only experiences 49 days per year of measurable precipitation. Retention ponds (wet ponds) can be designed as a source of local irrigation, and also as a focal point or gathering place for a passive recreation park or trail. Street-side tree plantings are generally required every fifty (50) feet on center, depending on the species; street trees serve as traffic calming, provide shade and cooling for pedestrians, provide protections in the form of a buffer between pedestrians and vehicle traffic, and recent studies show the shade provided by the over-story canopy actually shades the sidewalk and road pavement, which reduces the expansion and contraction cycle of the hard surfaces, leading to longer time periods between necessary resurfacing (street infrastructure resiliency). Easements for underground utilities which cannot be built upon with structures can be used for trail systems and bike/pedestrian connections. The applicant/developer will work with easement owners to allow trail networks. If this is not possible, the applicant/developer will construct a trail network when found appropriate.

### **Sec. 53-933. – Same---Siting.**

(b)

Alley loading is required for all homes on lots less than 65 feet in width\*, and should be encouraged for all new housing projects, similar to the housing pattern established in Kyle's downtown. The greatest and most obvious benefit to this development style is a much-reduced reliance on front-loaded, auto-oriented dwelling units.

\*Cul-de-sac lots notwithstanding. New homes that are built in pre-existing subdivisions, can be reviewed and approved by staff for alternative compliance.

(c)

Detached garages or other accessory structures must be located in the rear yard.

(d)

Front facing, attached garages are not allowed in any one- or two-family zoning district. Driveways will provide adequate room for parking without the need to block any sidewalks.

(e)

In no case, should the enclosed garage be the portion of the home closest to the front property line. A designation of front wall can be given to a load-bearing wall that defines an inhabitable area on-grade. This designation does not require the front wall to be fully enclosed, but it shall dominate the non-garage opening portion of the front elevation, such as the load-bearing portion of a covered front porch, or the load-bearing portion of a front porch where there is a covered balcony overhead. Uncovered areas in front of the home will not count as a front wall. Final determination of what does and does not constitute the designation of front wall shall be determined by the planning director ("director") or designee.

(f)

Corner lots at the intersection of streets with different classification shall take vehicular access from the more minor of the two intersecting streets, if not alley or rear loaded.

**Sec. 53-934. - Same—Materials/construction.**

(a)

All homes will feature exteriors of a masonry material on all sides. This includes brick, natural stone, stucco, cementitious siding/panels, or other approved masonry cladding. Doors, windows, door and window casings, porch decking, roofs, and other architectural accent features are not required to be made from masonry materials.

(b)

As new technologies emerge in the building industry, materials may be introduced that resemble traditional building materials in appearance, especially regarding exterior cladding. New, composite materials, including a combination of wood, cement, and plastic fibers, may be considered for selected, specific uses, as long as they can meet or exceed the performance of the material they are imitating. It is important that alternate materials closely replicate original materials in size, texture, profile and surface treatment.

(c)

The application of faux veneer panels as a primary cladding, such as brick veneer sheeting, Dryvit, EIFS, and engineered plywood is prohibited.

(d)

All single-family and two-family structures must provide are not required to provide a garage for the dwelling unit(s). If one does provide a garage, the minimum size for garages shall be 380 square feet; homes with garages that measure fewer than 430 square feet shall additionally provide an on-site storage structure, with floor area of no less than 140 square feet; homes with garages that measure at least 430 but less than 480 square feet shall additionally provide an on-site storage structure, with floor area of no less than 80 square feet; homes with garages that measure 480 or more square feet shall have no such requirement to provide any additional on-site storage structure. Adequate off-street parking will be provided per residence, as stipulated in Sec. 53-33(Chart 4). This can be accomplished through providing garages, driveways/parking pads, or a combination of both.





(e)

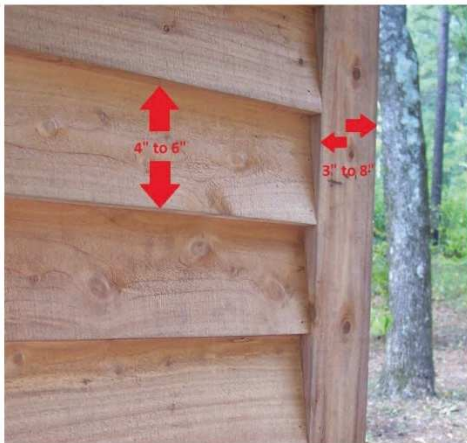
The architectural dominance of the garage door(s) on front facing home architecture shall not be allowed above all else. Kyle alternately requires or at the least strongly encourages alley-loaded, rear-facing garage type products, and the consistent use of side-loading garages, as well as garages located in the rear of the property but accessed from the front of the property.

(f)

Forward facing garage door(s) shall be clad in a neutral color, noticeably darker so as not to draw primary attention to the façade, and yet complimentary to the overall aesthetic of the home. The door(s) shall present architectural features like hinge straps, windows, awning/roofs, and/or decorative handles. No front-facing garage façade or combination of garage façades may comprise more than half the overall width of the home's front façade.

(g)

All façades of a building shall contain a combination of architectural treatments, windows, returns, awnings, stoops, porches, and doors such that the maximum allowable unbroken façade distance for each building or side of building shall be 20 feet. Such controls shall pertain to both the vertical and horizontal elevations. "Blank façades" that do not feature windows, doors, or the above architectural treatments are strictly prohibited. Exposed vents, electric meter boxes, storm gutters and similar utility conduits do not qualify as architectural treatments. It should be noted that for fire-rated walls, penetrations are not required to meet this standard, so the standard is still valid in all cases.



(h)

The reveal (exposed portion) of siding will be a minimum of four inches and shall not exceed six inches. Corner boards should have the same width and depth as the siding reveal, and are not permitted to be more than two inches greater than the siding reveal, or more than one inch less than the siding reveal.

(i)

If appropriate to the architectural style, covered front porches shall be fully-functional, habitable areas and be of at least 120 square feet and at least eight feet in depth.

(j)

Window shutters, whether functional or decorative, shall be scaled as if to cover the window to which they are adjacent.



(k)

When utilizing asphalt shingles as a roofing cover, the shingles will be 3-tab "architectural" or "dimensional" style shingles.

Sec. 53-930(3) – Neighborhood design and improvements.

- (3) Install amenities which serve a dual purpose. Stormwater management detention (dry ponds) can be utilized as sports fields, as Kyle on average only experiences 49 days per year of measurable precipitation. Retention ponds (wet ponds) can be designed as a source of local irrigation, and also as a focal point or gathering place for a passive recreation park or trail. Street-side tree plantings are generally required every fifty (50) feet on center, depending on the species; street trees serve as traffic calming, provide shade and cooling for pedestrians, provide protections in the form of a buffer between pedestrians and vehicle traffic, and recent studies show the shade provided by the over-story canopy actually shades the sidewalk and road pavement, which reduces the expansion and contraction cycle of the hard surfaces, leading to longer time periods between necessary resurfacing (street infrastructure resiliency). Easements for underground utilities which cannot be built upon with structures can be used for trail systems and bike/pedestrian connections. The applicant/developer will work with easement owners to allow trail networks. If this is not possible, the applicant/developer will construct a trail network when found appropriate.

**Sec. 53-933 Same --- Siting**

(b)

Alley loading is required for all homes on lots less than ~~50~~65 feet in width\*, and should be encouraged for all new housing projects, similar to the housing pattern established in Kyle's downtown. The greatest and most obvious benefit to this development style is a much-reduced reliance on front-loaded, auto-oriented dwelling units.

\*Cul-de-sac lots notwithstanding. New homes that are built in pre-existing subdivisions, can be reviewed and approved by staff for alternative compliance.

(c)

Detached garages or other accessory structures must be located in the rear yard.

(d)

~~Front loaded garages shall not be located any closer than 20 feet to a front property line in any district.~~ Front facing, attached garages are not allowed in any one- or two-family zoning district. Driveways will provide adequate room for parking without the need to block any sidewalks.

(e)

In no case, should the enclosed garage be the portion of the home closest to the front property line ~~unless the home complies with Ord. No. 928 as passed on January 17, 2017.~~ A designation of front wall can be given to a load-bearing wall that defines an inhabitable area on-grade. This designation does not require the front wall to be fully enclosed, but it shall dominate the non-garage opening portion of the front elevation, such as the load-bearing portion of a covered front porch, or the load-bearing portion of a front porch where there is a covered balcony overhead. Uncovered areas in front of the home will not count as a front wall. Final determination of what does and does not constitute the designation of front wall shall be determined by the planning director ("director") or designee.

(f)

Corner lots at the intersection of streets with different classification shall take vehicular access from the more minor of the two intersecting streets, if not alley or rear loaded.

**Sec. 53-934. - Same—Materials/construction.**

(d)

All single-family and two-family structures ~~must provide a garage for the dwelling unit(s)~~ are not required to provide a garage for the dwelling unit(s). If one does provide a garage, the minimum size for garages shall be 380 square feet; homes with garages that measure fewer than 430 square feet shall additionally provide an on-site storage structure, with floor area of no less than 140 square feet; homes with garages that measure at least 430 but less than 480 square feet shall additionally provide an on-site storage structure, with floor area of no less than 80 square feet; homes with garages that measure 480 or more square feet shall have no such requirement to provide any additional on-site storage structure. Adequate off-street parking will be provided per residence, as stipulated in Sec. 53-33(Chart 4). This can be accomplished through providing garages, driveways/parking pads, or a combination of both.



(e)

The architectural dominance of the garage door(s) on front-loaded ~~facing~~ home architecture shall not be allowed above all else. Kyle alternately requires or at the least strongly encourages alley-loaded, rear-facing garage type products, and the consistent

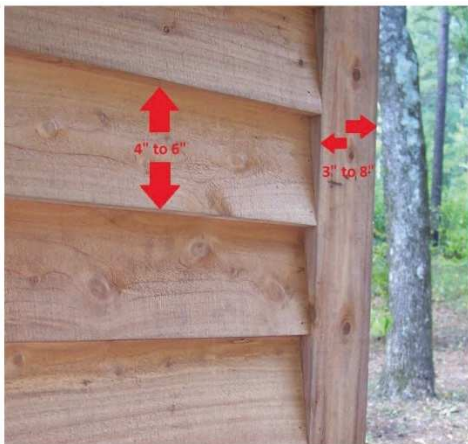
use of side-loading garages, as well as garages located in the rear of the property but accessed from the front of the property.

(f)

Forward facing garage door(s) shall be clad in a neutral color, noticeably darker so as not to draw primary attention to the façade, and yet complimentary to the overall aesthetic of the home. The door(s) shall present architectural features like hinge straps, windows, awning/roofs, and/or decorative handles. No front-facing garage façade or combination of garage façades may comprise more than half the overall width of the home's front façade.

(g)

All façades of a building shall contain a combination of architectural treatments, windows, returns, awnings, stoops, porches, and doors such that the maximum allowable unbroken façade distance for each building or side of building shall be 20 feet. Such controls shall pertain to both the vertical and horizontal elevations. "Blank façades" that do not feature windows, doors, or the above architectural treatments are strictly prohibited. Exposed vents, electric meter boxes, storm gutters and similar utility conduits do not qualify as architectural treatments. It should be noted that for fire-rated walls, penetrations are not required to meet this standard, so the standard is still valid in all cases.



(h)

The reveal (exposed portion) of siding will be a minimum of four inches and shall not exceed six inches. Corner boards should have the same width and depth as the siding reveal, and are not permitted to be more than two inches greater than the siding reveal, or more than one inch less than the siding reveal.

(i)

If appropriate to the architectural style, covered front porches shall be fully-functional, habitable areas and be of at least 120 square feet and at least eight feet in depth.



(j)

Window shutters, whether functional or decorative, shall be scaled as if to cover the window to which they are adjacent.



(k)

When utilizing asphalt shingles as a roofing cover, the shingles will be 3-tab "architectural" or "dimensional" style shingles.



# CITY OF KYLE, TEXAS

## Stormwater Regulations Unnecessary Distribution of Printed Materials

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** *(First Reading)* An Ordinance amending Article IX, Chapter 50, Stormwater Regulations to include restrictions upon the unnecessary distribution of printed materials.  
~ *Kathy Roecker, Stormwater Management Plan Administrator and Aaron McInnes, Management Intern*

**Other Information:** This ordinance amendment is intended to reduce litter throughout the city and increase compliance with MS4 program requirements to protect our waterways and drainage ways from excess litter and debris.

**Legal Notes:** N/A

**Budget Information:** N/A

---

### ATTACHMENTS:

#### **Description**

- Amendment to Stormwater Regulations

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

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, THAT  
ESTABLISHES RESTRICTIONS UPON THE UNNECESSARY  
DISTRIBUTION OF PRINTED MATERIALS**

**WHEREAS**, it is the city’s intent to reduce litter throughout the city; and

**WHEREAS**, Kyle strives to protect its citizens’ private property; and

**WHEREAS**, this ordinance will increase compliance with MS4 program requirements to protect our waterways and drainage ways from excess litter and debris.

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

**Section 1.** Article IX, Stormwater Regulations, Section 50-406(c) is hereby added to Chapter 50 “Utilities” of the Code of Ordinances, and is hereby amended to read and be as follows:

**Section 50-406.** – Prohibitions.

(c) *Prohibit the placement of certain printed materials*

- (1) It shall be unlawful for any person to distribute, or cause to be distributed, within the city any handbill, phone book, advertisement or printed or written material by placing, or causing such handbill or printed or written material to be placed in any yards, driveways, walkways or porches of any structure within the city.
- (2) The provisions of this section shall not apply to any newspaper, or to any publication containing printed or written material, to which the occupants of the subject premises pay money (United States currency) in return for receiving such material.
- (3) This section is not intended, nor shall it be construed to prohibit distribution of printed or written material utilizing any means of distribution which does not cause such materials to be placed or deposited in any yards, driveways, walkways or porches of any structure within the city which means of distribution shall include, but shall not be limited to, the following:
  - a. The U.S. mail;
  - b. Personally, handing such material to persons willing to accept the same on streets, sidewalks, parks or at their residences; or
  - c. Utilizing doorknobs or mailbox hanging devices in a manner which reasonably ensures that such material shall not be placed or caused to become placed or deposited upon any yards, driveways or porches of any structure within the city.

(d) Allowable discharges.

- (1) A discharge authorized by, and in full compliance with, a TPDES permit;
- (2) A discharge or flow resulting from firefighting by the fire department;
- (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances;
- (4) Agricultural stormwater runoff;
- (5) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by super chlorination or other means unless the total residual chlorine (TRC) has been reduced to less than 1.0 mg/l and it contains no harmful quantity of chlorine or any other chemical used in line disinfection;
- (6) A discharge or flow from lawn watering, or landscape irrigation, or other irrigation water;
- (7) A discharge or flow from a diverted stream or natural spring;
- (8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
- (9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(20)) to the MS4;
- (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, footing drain, or sump pump;
- (11) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
- (12) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
- (13) A discharge or flow from individual residential car washing;
- (14) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
- (15) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
- (16) Swimming pool water that has been dechlorinated so that total residual chlorine (TRC) is less than 1.0 mg/l and that contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning.

**Section 2. Violations and Penalty**

Violations of this section shall be punishable as stated in Sec. 50-418. - Penalties.

PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 2020.

FINALLY PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 2020.

**The City of Kyle, Texas**

\_\_\_\_\_  
Travis Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer A. Vetrano, City Secretary





# CITY OF KYLE, TEXAS

Hays Street

Meeting Date: 4/7/2020

Date time: 7:00 PM

**Subject/Recommendation:** Discussion and possible action regarding Hays Street. ~ *Robert Rizo, Council Member*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- ☐ Gonzales and Hays Road Improvements



Gonzales and Hays Streets / Initial Project Impact Streets

Zapala St

Cineros St

Saucedo St

W U S Hays St

W Center St to Market Road 450

Google Earth

Item # 29

© 2020 Google

1995

Imagery Date: 11/22/2019 29°53'21.49" N 97°53'07.22" W elev 749 ft eye alt 1974 ft





# CITY OF KYLE, TEXAS

## Transportation and Economic Resilience

Meeting Date: 4/7/2020

Date time: 7:00 PM

**Subject/Recommendation:** Transportation and Economic Resilience Planning Study. ~ *Dex Ellison, Council Member*

**Other Information:** This Transportation and Economic Resilience Study will identify opportunities and impediments for creating an economically resilient and sustainable transportation system for Kyle that integrates low speed vehicles (LSVs) as practical, affordable options for Kyle's residents, businesses, and visitors.

The goal is to lay the groundwork for Kyle to emerge from this unprecedented economic disruption stronger and more sustainable, without leaving anyone behind. This report will position Kyle for state and federal economic stimulus funds that may be available in the aftermath of this economic disruption.

The Institute for Community Micromobility proposes a budget of \$2,500 with \$300 for reimbursable expenses. Deliverables will include a draft report for City review the week of May 18, 2020. Two weeks after receiving feedback from the City regarding the report, a final report will be provided.

**Legal Notes:** N/A

**Budget Information:**

---

### ATTACHMENTS:

#### **Description**

- ☐ Low Emission Alternative Network (LEAN) mobility proposal

# Institute | Community for | Micromobility

April 2, 2020

Kathy Roecker  
Stormwater Management Plan Administrator  
City of Kyle  
100 W. Center St.  
Kyle, Texas 78640

Dear Kathy,

Thank you so much for the opportunity to submit this proposal. This is a modification of our proposal for a more comprehensive Low Emission Alternative Network (LEAN) mobility plan that we submitted in February. Considering the current COVID-19 crisis, we are proposing a smaller scope of work with a rapid schedule.

## **PROJECT SCOPE AND DELIVERABLE.**

We propose to produce a **Transportation and Economic Resilience Study** for the City of Kyle. The deliverable will be a report that will identify the opportunities and impediments for creating an economically resilient and sustainable transportation system for Kyle that integrates low speed vehicles (LSVs) as practical, affordable options for Kyle's residents, businesses, and visitors. Attached is a list of anticipated project tasks.

Our goal is to lay the groundwork for Kyle to emerge from this unprecedented economic disruption stronger and more sustainable, without leaving anyone behind. The report will position Kyle for state and federal economic stimulus funds that may be available in the aftermath of this economic disruption.

The report will provide direction for Kyle's next steps. Included in our work are several interviews that will be scheduled by, or facilitated by introductions from, City of Kyle staff, using Zoom. Kathy, you or others are welcome and encouraged to attend. These include:

- Other City of Kyle officials
- TX DOT staff
- Hays Consolidated ISD officials
- Real estate developers
- Kyle residents in focus group
- Any others that you think could provide instructive insights

## PROPOSED SCHEDULE AND BUDGET

Upon acceptance, we will begin work the week of April 13, 2020 and deliver a draft report for City review the week of May 18, 2020. Two weeks after receiving feedback from the City regarding the report, we will provide a final report.

We propose a budget of \$2,500 for our time and \$300 for reimbursable expenses. In different times, we would price this work at \$8,000+ depending on scope. Please know that we understand your budget challenges because we are living through this economic crisis as well. We are committed to the project regardless of Kyle's capacity to pay at this extraordinary moment in time.

Attached are bios for our team, Katie Kam, PhD, P.E. and myself. Katie and I are honored at this opportunity to work with your talented team, and we appreciate all you have done to advance this initiative.

Thank you so much for your consideration.

Sincerely,

*Susan Engelking*

Susan Engelking  
Executive Director  
Institute for Community MicroMobility  
P.O. Box 5122  
Austin, TX 78763

cc: Katie Kam, PhD, P.E.

### Attachments

- A. Our Team
- B. Anticipated Project Tasks



Attachment B  
Our Team

**KATIE KAM, PHD, P.E.** has over 20 years combined experience and education in civil engineering and city planning. She is founder and president of Wheels & Water LLC, a civil engineering and transportation planning firm, with expertise in land development and transportation/traffic engineering. She co-authored the book *The Economics of Transportation Systems: A Reference for Practitioners* and other published transportation research articles. She is also faculty research associate for The University of Texas at Arlington, engaged in transportation research. The dissertation for her PhD in civil engineering was a feasibility study of a network for LSVs as a mobility alternative, which revealed LSV drivers during peak hours can "get there faster by going slower." She also has master's degrees in both Community and Regional Planning and Civil Engineering.

**SUSAN ENGELKING** is founder and executive director of the new Institute for Community MicroMobility. She is also founder and CEO of Tiny Transit Strategies LLC. Her background is economic development. Early in her career, Susan was Director of National Marketing and later, National Public Relations, in the Economic Development Division of the Austin Chamber of Commerce. She has the distinction of having served as project manager or senior editor for each of the three consecutive long-range economic development plans for Austin from 1980s through 2000s.

As principal of Engelking Communications LLC since 1998, Susan has performed numerous projects for a wide range of clients. As an associate with M. Crane & Associates, Inc., she assists in developing strategic plans for Austin area nonprofits, including at present The Trail Foundation.

As a civic leader, Susan served three terms as president of the Austin Children's Museum, raised over \$3 million for its expansion, and was instrumental in its evolution to become the Thinkery. She was Treasurer for Nan McRaven's winning campaigns for trustee for Austin Community College. She served as aide to Austin City Council Member Lee Cooke prior to his election as mayor. Susan has been named Austin Communicator of the Year by Women Communicators of Austin.

As a thought leader, Susan organized a panel, *Six Ways Micromobility Revolutionizes Design*, that was selected by SXSW 2020. Her articles on economic development have been published in national journals including the New York Academy of Sciences. Susan was selected for The Author Incubator, Washington, D.C., 2019-2020 cohort. She is the author of *Tiny Transit: Cut Carbon Emissions In Your City Before It's Too Late*. (Morgan James Publishing, May 2020). She is working on her next book, *Resilience: The New Livability Playbook for Mayors*, to be released in June 2020.

Susan has a Master's degree from the LBJ School of Public Affairs at the University of Texas at Austin and B.S. in education, also from UT Austin, magna cum laude, with concentrations in English and history. She has two children, Tyler and Jack, both in high school.

Attachment B  
Anticipated Project Tasks

Project Task	Task Description
1.0	<b><i>Foundation Analysis</i></b>
1.1	Conduct comprehensive analysis and commentary on Codes, design standards, and plans from other jurisdictions and identify those for the City of Kyle to consider.
1.2	Provide a high-level analysis of economic, geographic, and demographic data for City of Kyle applicable to research.
2.0	<b><i>Opportunity Identification</i></b>
2.1	Identify real estate development currently under or about to enter permit review. Review submitted or conceptual plans. Discuss with developer opportunities to include infrastructure for other transportation modes.
2.2	Identify pending public works projects, review plans, and discuss with City and TxDOT staff feasibility of including LEAN infrastructure.
2.3	Create maps, tables, and commentary for creating a network for affordable, practical LSVs. Examine with high-level analysis and discussions with City and TxDOT staff potential challenges and opportunities for different types of roadways (at this stage, not road-segment specific). This task will not be a plan for implementation; rather, this provides foundation for development of LEAN plan as next step after development of this proposed research report.
2.4	Discuss potential role of LSVs for transportation to schools and opportunities and obstacles (Hays Consolidated ISD officials). Describe how other school districts (e.g., Peachtree City, GA and Lincoln, CA) support LSV use.
2.5	Discuss potential role of LSVs for businesses within Kyle with representatives of business community.
2.6	List potential funding sources for next phase of project to support development and implementation of a full LSV mobility plan.
3.0	<b><i>Recommendations</i></b>
3.1	Develop list of recommended actionable items for next phase of this effort. Such recommendations will include public outreach (e.g., demos of LSVs), demonstration LEAN route, and funding.
3.2	Develop recommended work plan for next phase of planning effort.



# CITY OF KYLE, TEXAS

## Center Street Crosswalks

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** Discussion and possible action regarding Center Street Crosswalks. ~ *Dex Ellison, Council Member*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## COVID Eviction Ordinance

**Meeting Date: 4/7/2020**

**Date time:7:00 PM**

**Subject/Recommendation:** *(First Reading)* An Ordinance requiring a landlord to provide a notice of proposed eviction prior to a notice to vacate as a result of the COVID-19 pandemic; creating an offense and penalty; and declaring an emergency. ~ *Dex Ellison, Council Member*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- Anti-Eviction Ordinance
- Anti-Eviction Ordinance.Revised

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

**AN ORDINANCE REQUIRING A LANDLORD TO PROVIDE A NOTICE OF PROPOSED EVICTION PRIOR TO A NOTICE TO VACATE AS A RESULT OF THE COVID-19 PANDEMIC; CREATING AN OFFENSE AND PENALTY; AND DECLARING AN EMERGENCY.**

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

PART 1. FINDINGS. The City Council finds:

- (1) The COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and
- (2) On March 13, 2020, Governor Abbott issued a Declaration of State of Disaster to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and
- (3) On March 15, 2020, the Centers for Disease Control and Prevention (“CDC”) recommended that organizers (whether groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States; and
- (5) On March 16, 2020, President Trump released strict new guidelines to limit people’s interactions, including that Americans should avoid groups of more than 10 people; and
- (6) On March 19, 2020, Governor Abbott issued Executive Order GA 08 relating to COVID-19 Preparedness and Mitigation stating people shall avoid social gatherings in groups of more than 10 people and closed all schools until April 3, 2020;
- (7) On March 19, 2020, Mayor Travis Mitchell of the City of Kyle issued a Declaration of Disaster Due to Public Health Emergency which allowed the City to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Kyle residents and imposed further requirements on social gatherings and business operations;
- (8) On March 25, 2020, Judge Becerra issued Orders that imposed stay at home/residence requirements on individuals and limited business operations;
- (9) In order to comply with Stay at Home orders of the county & city, Governor Abbott’s Executive Order, and federal guidance; and to avoid person-to-person contact, individuals may be unable to work, which will impact a tenant’s ability to pay rent, fees, or other charges associated with the tenant’s lease;
- (10) If a tenant is unable to timely pay rent, fees, or other charges related to residential or commercial property because of COVID-19 and therefore loses their ability to maintain housing, such a result is likely to increase person-to-person contact that spreads COVID-19; and



(11) If a landlord provides a proposed notice of eviction, a tenant will have an opportunity to cure overdue rent, fees, or other charges associated with the tenant's lease before the tenant loses housing, which will reduce person-to-person contact with individuals outside of the tenant's household.

PART 2. DEFINITIONS. In this ordinance, the following definitions apply:

(1) DELINQUENT PAYMENT means rent, fee, or other charge owed under the lease that is not paid timely.

(2) IMPACTED TENANT means a person, or a member of their household, who is authorized by a lease to occupy property to the exclusion of others and loses wages, revenue, or income during the local disaster.

(3) LANDLORD means a person who rents real property to a tenant. This term also includes an owner's agent.

(4) LOCAL DISASTER means the COVID-19 pandemic that is the subject of the Local Disaster Declaration, dated March 19, 2020.

(5) NOTICE OF PROPOSED EVICTION means the notice that precedes a notice to vacate described in Texas Property Code Section 24.005(e) and complies with the requirements found in Part 4 of this ordinance.

(6) NOTICE TO VACATE means the statutory notice to vacate required by Texas Property Code Section 24.005 that must precede the filing of an eviction suit.

(7) PERSON means an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity, but does not include the City.

PART 3. APPLICABILITY. This ordinance applies to a landlord who may evict an impacted tenant because the impacted tenant incurs delinquent payments beginning on the effective date of this ordinance and ending on May 8, 2020.

PART 4. REQUIREMENTS.

(A) A landlord shall give a tenant a notice of proposed eviction prior to giving an impacted tenant a notice to vacate.

(B) A notice of proposed eviction must be in writing and shall include the following:

(1) a right for the impacted tenant to respond, which includes curing any delinquent payments, and:

(2) the time period to respond.

(C) A notice of proposed eviction must be provided to an impacted tenant in a manner that is authorized by Texas Property Code Section 24.005 for a notice to vacate.

(D) The minimum time period described in Subsection (B)(2) is 60 days.

#### PART 5. OFFENSE AND PENALTY.

(A) A person commits an offense if the person fails to provide a notice of proposed eviction or if the person fails to comply with any other requirement imposed in this ordinance.

(B) A person who violates this ordinance commits a separate offense for each day the violation continues.

(C) A culpable mental state is not required for the commission of an offense under this ordinance and need not be proved.

(D) Each offense is punishable by a fine not to exceed \$1,000.

PART 6. It is declared to be the intention of the City Council that the phrases, sentences, paragraphs and sections of this ordinance are severable. If any part of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, sentences, paragraphs and sections.

PART 7. The COVID-19 pandemic and related emergency declarations and orders restricting the operation of various businesses jeopardize Kyle residents' ability to maintain housing and constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the preservation of the public peace, health, and safety.

PART 8. This ordinance expires the 61st day after May 8,2020.

PART 9. This ordinance is effective immediately upon passage due to the emergency identified in Part 7.

PASSED AND APPROVED on this the \_\_\_\_\_ day of April, 2020.

FINALLY PASSED AND APPROVED on this the \_\_\_\_\_ day of April, 2020.

**The City of Kyle, Texas**

---

Travis Mitchell, Mayor

ATTEST:

---

Jennifer A. Vetrano, City Secretary

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

AN ORDINANCE REQUIRING A LANDLORD TO PROVIDE A NOTICE OF PROPOSED EVICTION PRIOR TO A NOTICE TO VACATE AS A RESULT OF THE COVID-19 PANDEMIC; CREATING AN OFFENSE AND PENALTY; AND DECLARING AN EMERGENCY.

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

PART 1. FINDINGS. The City Council finds:

- (1) The COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and
- (2) On March 13, 2020, Governor Abbott issued a Declaration of State of Disaster to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and
- (3) On March 15, 2020, the Centers for Disease Control and Prevention (“CDC”) recommended that organizers (whether groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States; and
- (5) On March 16, 2020, President Trump released strict new guidelines to limit people’s interactions, including that Americans should avoid groups of more than 10 people; and
- (6) On March 19, 2020, Governor Abbott issued Executive Order GA 08 relating to COVID-19 Preparedness and Mitigation stating people shall avoid social gatherings in groups of more than 10 people and closed all schools until April 3, 2020;
- (7) On March 19, 2020, Mayor Travis Mitchell of the City of Kyle issued a Declaration of Disaster Due to Public Health Emergency which allowed the City to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Kyle residents and imposed further requirements on social gatherings and business operations;
- (8) On March 25, 2020, Judge Becerra issued Orders that imposed stay at home/residence requirements on individuals and limited business operations;
- (9) In order to comply with Stay at Home orders of the County and City, Governor Abbott’s Executive Order, and federal guidance; and to avoid person-to-person contact, individuals may be unable to work, which will impact a tenant’s ability to pay rent, fees, or other charges associated with the tenant’s lease;
- (10) If a tenant is unable to timely pay rent, fees, or other charges related to residential property because of COVID-19 and therefore loses their ability to maintain housing, such a result is likely to increase person-to-person contact that spreads COVID-19; and
- (11) The Texas Supreme Court has issued orders delaying or suspending certain proceedings related to eviction lawsuits through April 30, 2020, and May 7, 2020; and

(12) If a landlord provides a proposed notice of eviction, a tenant will have an opportunity to cure overdue rent, fees, or other charges associated with the tenant's lease before the tenant loses housing, which will reduce person-to-person contact with individuals outside of the tenant's household.

PART 2. DEFINITIONS. In this ordinance, the following definitions apply:

(1) DELINQUENT PAYMENT means rent, fee, or other charge owed under the lease that is not paid timely.

(2) IMPACTED TENANT means a person, or a member of their household, who is authorized by a lease to occupy property to the exclusion of others and loses wages, revenue, or income during the local disaster.

(3) LANDLORD means a person who rents real property to a tenant for residential use. This term also includes an owner's agent.

(4) LOCAL DISASTER means the COVID-19 pandemic that is the subject of the Local Disaster Declaration, dated March 19, 2020.

(5) NOTICE OF PROPOSED EVICTION means the notice that precedes a notice to vacate described in Texas Property Code Section 24.005(e) and complies with the requirements found in Part 4 of this ordinance.

(6) NOTICE TO VACATE means the statutory notice to vacate required by Texas Property Code Section 24.005 that must precede the filing of an eviction suit.

(7) PERSON means an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity, but does not include the City.

PART 3. APPLICABILITY. This ordinance applies to a landlord who may evict an impacted tenant because the impacted tenant incurs delinquent payments beginning on the effective date of this ordinance and ending on May 18, 2020.

PART 4. REQUIREMENTS.

(A) A landlord shall give a tenant a notice of proposed eviction prior to giving an impacted tenant a notice to vacate.

(B) A notice of proposed eviction must be in writing and shall include the following information:



(1) a right for the impacted tenant to respond, which includes curing any delinquent payments, and:

(2) that the tenant shall have until at least May 18, 2020 to respond. The deadline for the response shall be stated in the notice of proposed eviction.

(C) A notice of proposed eviction must be provided to an impacted tenant in a manner that is authorized by Texas Property Code Section 24.005 for a notice to vacate.

(D) A notice to vacate shall not be provided until the deadline for the response set forth in Part 4(B)(2) has expired.

(E) A landlord shall give tenants notice of this Ordinance by either mailing and emailing a copy of the Ordinance to the tenants or by posting a copy of the Ordinance in a prominent location at the building housing the tenants, such as the mail room, the lobby, or the entrance to the building.

#### PART 5. OFFENSE AND PENALTY.

(A) A person commits an offense if the person fails to provide a notice of proposed eviction or if the person fails to comply with any other requirement imposed in this ordinance.

(B) A person who violates this ordinance commits a separate offense for each day the violation continues.

(C) A culpable mental state is not required for the commission of an offense under this ordinance and need not be proved.

(D) Each offense is punishable by a fine not to exceed \$500.

PART 6. It is declared to be the intention of the City Council that the phrases, sentences, paragraphs and sections of this ordinance are severable. If any part of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, sentences, paragraphs and sections.

PART 7. The COVID-19 pandemic and related emergency declarations and orders restricting the operation of various businesses jeopardize Kyle residents' ability to maintain housing and constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the preservation of the public peace, health, and safety.

PART 8. This Ordinance is being adopted by one reading pursuant to Section 4.07 of the City Charter due to the emergency described in Part 1 and Part 7. This Ordinance is effective immediately. This ordinance shall be automatically repealed within sixty (60) days unless reenacted by the City Council. The City

Secretary is hereby authorized and directed to cause the publication of the caption of this Ordinance in two successive issues of a newspaper of general circulation in the City.

PART 9. This ordinance is effective immediately upon passage due to the emergency identified in Part 7.

PASSED AND APPROVED



# CITY OF KYLE, TEXAS

## Daycares, Gas Station Ordinance

**Meeting Date: 4/7/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** *(First Reading)* An Ordinance providing for the closure of day cares and enacting occupancy limits and sanitation measures for gas stations and gas station customers; declaring an emergency, and providing for related matters. ~ *Travis Mitchell, Mayor*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- ☐ Order.4.Close.Daycares.Gas.Station.ver.1

**ORDER NUMBER 4 AND PROCLAMATION BY THE MAYOR OF  
THE CITY OF KYLE**

**WHEREAS**, on March 17, 2020, the Mayor of the City of Kyle issued a disaster declaration declaring a local state of disaster for the City of Kyle due to COVID-19 posing an imminent threat of disaster in the City;

**WHEREAS**, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster, the President of the United States of America declared a national emergency;

**WHEREAS**, the Texas Department of State Health Services determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

**WHEREAS**, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) recommends an “All of Community” approach focused on slowing the transmission of COVID-19; and

**WHEREAS**, gatherings of individuals without necessary mitigation for the spread of infection may pose a risk for the spread of infectious disease; and

**WHEREAS**, the CDC advises that current evidence suggests that COVID-19 may remain viable for hours to days on surfaces made from a variety of materials; and

**WHEREAS**, on March 31, 2020, the Governor of the State of Texas issued Executive Order No. GA-14 (“GA-14”) implementing Essential Services and Activities Protocols for the entire State of Texas; and

**WHEREAS**, on March 28, 2020, the Director of Cybersecurity and Infrastructure Security Agency issued a Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response which states that local governments are responsible for implementing and executing response activities, that officials should use their own judgement in issuing implementation directives and guidance, and that individual jurisdictions should add or subtract essential workforce categories based on their own requirements and discretion; and

**WHEREAS**, GA-14 suspended Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, only to the extent necessary to ensure that local officials do not impose

restrictions inconsistent with the same, and provided that local officials may enforce GA-14, as well as other local restrictions that are consistent with GA-14; and

**WHEREAS**, Governor Abbott was quoted in the Texas Tribune as stating that local officials "still have flexibility to impose standards that they consider to be more strict" — as long as they do not conflict with his latest executive order"; and

**WHEREAS**, pursuant to Section 418.193, Texas Government Code, I consulted with the Texas Attorney General's Office regarding the content of this Order; and

**WHEREAS**, in order to protect the life and health of local residents, it is reasonable and necessary to extend the Order issued by the Mayor on March 19, 2020, closing day care facilities, and Order No. 3, implementing sanitation measures and occupancy limits for gas stations and gas station customers;

**NOW THEREFORE, I, MAYOR OF THE CITY OF KYLE, TEXAS, PURSUANT TO THE AUTHORITY VESTED IN ME BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND, ORDER, AND PROCLAIM THAT:**

**Section 1.** The findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

**Section 2.** Effective as of 11:59 p.m. on April 3, 2020, and continuing until 11:59 p.m. on April 30, 2020, Order by the Mayor of the City of Kyle effective on March 19, 2020 ("Order No. 1"), and Order Number 3 and Proclamation by the Mayor, effective on March 24, 2020, ("Order No. 3") are hereby continued and shall remain in full force and effect until April 30, 2020; provided that Order No. 3 is amended as provided herein. The provisions of Order No. 1 and Order No. 3 addressing closure of day care facilities and occupancy limits and sanitation measures for gas stations (as amended) are set forth herein.

(a) Order No. 1 provides as follows:

All day care centers, child-care facilities, and family homes, as those terms are defined by Chapter 42, Texas Human Resources Code, within the City of Kyle are hereby ORDERED to be temporarily closed.

(b) Order No. 3, as amended, provides as follows:

It hereby ORDERED that the owner, operator, manager, or person in charge of a gas station shall:

1. Limit occupancy of the building to 10 customers, and cause customers to maintain a minimum of six feet in distance from other customers.
2. Allow entry to the building only at entrances that have a hand sanitizer station and an attendant in place.



3. Locate a hand sanitation station at at least one entrance to the building and require all customers to sanitize their hands upon entering the building. Customers may sanitize their hands using the hand sanitation station, their own sanitizer in presence of the attendant. The City will cause at least one hand sanitation stations and sanitizer product to be provided to each gas station.
4. Post an attendant near the hand sanitation station to ensure that customers sanitize their hands and maintain a distance of six feet from each other.
5. Methods of enforcing the six-foot distance requirements may include, but are not limited to, placing markers on the floor in locations where customers stand in line.
6. The door providing entry to the building shall either: a) remain open in accordance with Order No. 2; or b) in the alternative the attendant may open the door for customers.

It is further ORDERED that gas station customers shall:

1. Sanitize their hands at the hand sanitation station located outside of the building or with their own hand sanitizer before entering.
2. Maintain a distance of at least six feet from other customers while on gas station premises.
3. Refrain from entering a gas station store that has reached the maximum occupancy limit of ten people.

**Section 3.** The Kyle Police Department, the Fire Marshal, and other peace officer are authorized to enforce this Order. A violation of this Order is a misdemeanor punishable by fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days.

**Section 4.** The City will post this Order on its website and the Order shall be widely advertised to help accomplish the public health and safety objectives of the City of Kyle. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

**Section 5.** If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity.

**Section 6.** This Order continues in effect Order No. 1 and Order No. 3, amended as provided herein, and all previous orders or declaration on the matter of the operation and occupancy of day cares, day care centers, child-care facilities, and family homes and the matter of gas stations that are in conflict or inconsistent with its terms, are amended to the extent of any conflict by this Order, and this Order shall remain in effect and in full force until 11:59 p.m. on April 30, 2020, subject to being extended, modified, amended, rescinded, or superseded by me or by a succeeding Mayor.

Ordered and proclaimed this the 3<sup>rd</sup> day of April, 2020, in the City of Kyle, Texas.

---

Travis Mitchell, Mayor  
City of Kyle, Texas

Attest:

---

Jennifer Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## City Manager's Report

Meeting Date: 4/7/2020

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. ~ *J. Scott Sellers, City Manager*

- Charter Review Commission
- Kyle Community Survey
- COVID-19/Coronavirus Update

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Executive Session-Convene

Meeting Date: 4/7/2020

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.
  - o Old Stagecoach Road
  - o Pipeline Ordinance
  - o 104 S. Burlison Street Property
  - o County Line Water CCN
  - o FM-150/Anthem Water Facilities Construction Agreement
  - o Plum Creek License Agreement
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
  - o Wastewater Easement Acquisition
3. Personnel matters pursuant to Section 551.074.
4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
  - o Project Just Peachy
  - o Project Indigo
  - o Project Ultra Pink

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

Reconvene

Meeting Date: 4/7/2020  
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