

CITY OF KYLE

Notice of Regular City Council Meeting



<https://www.cityofkyle.com/kyletv/kyle-10-live> OR
Spectrum10

SPECIAL NOTE: Pursuant to the March 16, 2020 proclamation issued by Governor Abbott, this meeting will be held by videoconference in order to advance the public health goal of limiting face-to-face meetings (also called 'social distancing') to slow the spread of COVID-19. City Council members will attend the meeting via videoconferencing. This meeting can be viewed live online at <https://www.cityofkyle.com/kyletv/kyle-10-live> OR Spectrum10.

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on September 15, 2020, at <https://www.cityofkyle.com/kyletv/kyle-10-live> OR Spectrum10, for the purpose of discussing the following agenda.

Posted this 11th day of September, 2020, prior to 2:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. City Council Special Meeting Minutes - August 25, 2020. ~ *Jennifer Holm, City Secretary*
2. City Council Special Meeting Minutes - September 1, 2020. ~ *Jennifer Holm, City Secretary*
3. City Council Meeting Minutes - September 1, 2020. ~ *Jennifer Holm, 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.

4. Members of the public that wish to provide citizen comment must submit the

online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign> to attend virtually. Registration must be received by 12 p.m. on the day of the meeting.

IV. Appointments

5. Consideration of nominations for appointment to the Kyle Public Library Advisory Board to fill vacancies. ~ *Paul Phelan, Library Director*
 - Jessie Ramirez
 - Henry Siller
6. Selection of naming committee for West RM 150. ~ *Samantha Armbruster, Communications Director*

V. Presentation

7. Hispanic Heritage City Council Proclamation. ~ *Alex Villalobos, Council Member*
8. September 11th City Council Proclamation. ~ *Robert Rizo, Council Member*
9. Selection of Labor Day Photo Contest Winners. ~ *Tracy Scheel, Council Member*
10. Discussion by ReOpen Task Force regarding opening of City Hall and other operational changes. ~ *J. Scott Sellers, City Manager*
11. Presentation on LinkedIn Learning at Kyle Public Library. ~ *Dex Ellison, Council Member*
12. Presentation regarding launch of Uber Kyle \$3.14 program. ~ *Rick Koch, Mayor Pro Tem*
13. Presentation on creation of a new division focused on the maintenance and upkeep of Kyle's rights-of-ways and green spaces. ~ *James R. Earp, Assistant City Manager*
14. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

VI. Consent Agenda

15. Waiver to the City's 100 year flood design for Heroes Memorial Park. ~ *J. Scott Sellers, City Manager*
16. Approve the conveyance of a water line easement to the City of Kyle from Mountain Plum, Ltd. ~ *Leon Barba, P.E., City Engineer*

17. A Resolution of the City Council of the City of Kyle, Texas accepting the Bunton Creek, Phase 3 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*
18. Approve a resolution authorizing the City Manager to execute separate agreements with the following five (5) firms to provide consulting services for general civil engineering projects for all city departments: CP&Y, INC., Austin, Texas, K FRIESE & ASSOCIATES, Austin, Texas, COBB, FENDLEY & ASSOCIATES, INC., San Marcos, Texas, PAPE-DAWSON ENGINEERS, INC., San Antonio, Texas, and LJA ENGINEERING, INC., Austin, Texas providing that the meeting at which this Resolution is passed is open to the public in compliance with the Open Meetings Act; providing an effective date; making findings of fact; and providing for related matters herein. ~ *Leon Barba, P.E., City Engineer*
19. Authorize the Police Department to sell surplus equipment, namely one Kawasaki Mule. ~ *Jeff Barnett, Chief of Police*
20. Authorize award and execution of a Purchase Order to NUECES POWER EQUIPMENT in an amount not to exceed \$123,060.56 for the purchase of one (1) new Hamm HD-70V V Dual Drum Roller through the BuyBoard Purchasing Cooperative for the Street Department in Public Works Department. ~ *Harper Wilder, Director of Public Works*
21. Authorize award and execution of a Purchase Order to SANTEX TRUCK CENTERS LTD., in an amount not to exceed \$161,445.00 for the purchase of one (1) new International HX620 6X4 Haul Truck through the HGAC Purchasing Cooperative for the Street Department in Public Works Department. ~ *Harper Wilder, Director of Public Works*
22. Authorize award and execution of a Purchase Order to PUMP SOLUTIONS, INC., Hutto, Texas in an amount not to exceed \$17,402.00 for the purchase and installation of one new (1) KSB 30 HP lift station pumps located at the wastewater treatment plant for the Public Works Department. ~ *Tim Samford, Division Manager Treatment Operations*
23. Authorize award and execution of a Purchase Order to DERKSEN PORTABLE BUILDINGS, Blanco, TX in an amount not to exceed \$25,548.00 for the purchase, delivery and setup of a portable building to be located at the Public Works Facility for the Public Works Department. ~ *Tim Samford, Division Manager Treatment Operations*
24. Authorize award and execution of a Purchase Order to RDO EQUIPMENT CO., Pflugerville, Texas in an amount not to exceed \$48,109.27 for the purchase of one new (1) 2020 John Deere 324G skid steer, one new (1) 2020 JRB FORKS48 through the BuyBoard Purchasing Cooperative for the Treatment Operations Department in Public Works Department. ~ *Tim Samford, Division Manager Treatment Operations*

25. Authorize the expenditure of previously approved contingency funds for the Buie contract. ~ *Robert Rizo, Council Member*

VII. Consider and Possible Action

26. *(First and Final Reading)* Approve an Ordinance authorizing the issuance in a principal amount not to exceed \$4,590,000 of “City of Kyle, Texas, General Obligation Refunding Bonds, Series 2020”; the refunding of approximately \$4.6 million of certain outstanding obligations; levying a continuing direct ad valorem tax on all taxable property within the City to pay the interest on said bonds and to create a sinking fund for the redemption thereof and the assessment and collection of such taxes; the delivery of an escrow agreement; the sale of such bonds; and enacting provisions incident and related to the issuance of said bonds. ~ *Perwez A. Moheet, CPA, Director of Finance*

- Public Hearing

27. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 128.58 acres of land from Agriculture ‘AG’ to Single Family Residential-3 ‘R-1-3’ and approximately 30.27 acres of land to Residential Townhome ‘R-1-T’ and approximately 20.37 acres of land to Community Commercial ‘CC’ for property located off of E. Post Road, just north of Quail Ridge Subdivision, in Hays County, Texas. John H. Spooner Revocable Trust - Z-20-0061) ~ *Howard J. Koontz, Director of Planning and Community Development*

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

- Public Hearing

28. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 4.66 acres of land from Retail Service District ‘RS’ to Residential Condominium District ‘R-1-C’ for property located on Bebee Road, just west of Dacy Lane, in Hays County, Texas. (Dacy Lane LLC - Z-20-0062) ~ *Howard J. Koontz, Director of Planning and Community Development*

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

- Public Hearing

29. Consider a request by Shrenik Shah to not construct additional parking for Phase Two of the Kyle Parkway expansion project (SD-20-0077). ~ *Howard J. Koontz, Director of Planning and Community Development*

30. *(Second Reading)* An Ordinance of the City of Kyle, Texas, Amending Chapter

23 – Miscellaneous Offenses, Chapter 29 – Sign Standards and Permits, and Chapter 47 – Local Traffic Regulations, of the Code of Ordinances; Providing for Property Maintenance Requirements and the Right to Inspect and Abate Noncompliant Conditions, Assessment of the City’s Costs related to Abatement, Collection of Costs, and the Ability to Appeal City’s Determination regarding Noncompliance; Amending Procedures related to the Abatement of Junk Vehicles; Permitting the use of Certain Moving Signs; Prohibiting the Parking of Trailers on Public Streets unless official work is being performed or a delivery is being made at the location of the parked trailer; Providing for repeal of conflicting ordinances; Providing for an effective date, savings clause and an open meetings clauses; and Providing for related matters. ~ *Gary Bickford, Code Enforcement Officer*

City Council voted 7-0 to approve on first reading with amendments.

31. Approve award and execution of a 1-year landscape maintenance services contract with WLE, LLC in an amount of \$234,504.13 of a total contract amount of \$597,197.71 with two optional annual extensions subject to future appropriations. ~ *James R. Earp, Assistant City Manager*
32. An Amendment to the Meet and Confer Agreement between the City of Kyle and Kyle Law Enforcement Association to adopt physical fitness standards in accordance with the conditional approval of the agreement. ~ *James R. Earp, Assistant City Manager*

VIII. City Manager's Report

33. 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*
 - 2021 Legislative Agenda
 - Proposition A Bond Open Houses
 - Ash Pavilion

IX. Executive Session

34. 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.
 - Heroes Memorial Park Base Flood Elevation
 - Development Standards Rough proportionality determination for Paramount Section 1
 - Coronavirus Relief Fund and Subrecipient Agreements
 - 104 S. Burlison
 - Bunton Lane Development Agreement
 - Anthem Electrical

- Buie Contract
 - West RM 150 Access
 - Prairie Lakes
 - Marketplace Avenue
 - Landscape Maintenance Contract
 - LDG Development
 - North Trails Property Acquisition
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - North Trails Property 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 Indigo
 - Project Cranberry
 - Project Shamrock
 - Project Candy Cane
 - Project Wild Blue
 - 104 S. Burleson
35. Take action on items discussed in Executive Session.

X. Adjourn

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

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



CITY OF KYLE, TEXAS

2020 0825 Special Minutes

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: City Council Special Meeting Minutes - August 25, 2020. ~ *Jennifer Holm, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2020 0825 DRAFT Special Meeting Minutes

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on August 25, 2020 and due to COVID-19, some members attended virtually (v) at Spectrum 10; [https://www.cityofkyle.com/kyletv/kyle-10-live with](https://www.cityofkyle.com/kyletv/kyle-10-live-with) the following persons present:

Mayor Travis Mitchell (v)
Mayor Pro Tem Rick Koch (v)
Council Member Dex Ellison (v)
Council Member Tracy Scheel
Council Member Robert Rizo
Council Member Alex Villalobos
Council Member Michael Tobias
Scott Sellers, City Manager
James Earp, Assistant City Manager (v)
Paige Saenz, City Attorney (v)
Jerry Hendrix, Chief of Staff (v)
Jennifer Holm, City Secretary
Perwez Moheet, Finance Director
Andy Alejandro, Accounting Manager
Sandra Duran, HR Director (v)
Matt Dawson, IT Director
Leon Barba, City Engineer
Yvonne Gil-Vallejo, Project Manager
Kathy Roecker, SWMP Administrator
Diana Torres, Economic Dev Director
Perwez Moheet, Finance Director
Samantha Armbruster, Communications Dir.
Danielle Harvey, IT Technician
Marco Forti, IT Technician
Kayleigh Soukup, IT Technician
Adrian Gooden, IT Technician
Paul Phelan, Library Director
Mariana Espinoza, PARD Director
Howard Koontz, Community Dev Director
Jeff Barnett, Chief of Police
Pedro Hernandez, Police Captain
Harper Wilder, Director of Public Works

Frank Molina
Iona Olive
Chevo Pastrano, Jr.
Joseph Fenity
Rebecca Chapa
Sandra Rouch
Steven Guzman
Abigail Silva
Peter Parcher
Evangelina Chapa
Debra Martin
Sandra Tenorio
Max Vasquez
Jamie Fulenwider
David Abdel

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

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

IV. Consider and Possible Action

5. Reconsideration of the vote on the Resolution of the City of Kyle Renaming Rebel Drive to Support and Promote Community Camaraderie and Tranquility; to a Name which will be Advantageous to all Diversities; to a Propitious Title for all of the Citizens of Kyle; Holding a Public Hearing and Providing for Related Matters in accordance with the City of Kyle, Code of Ordinances, Secs. 38-332, 38-333, and 38-334. ~ *Michael Tobias, Council Member; Alex Villalobos, Council Member; Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 5, out of order just after calling the meeting to order.

Mayor Mitchell moved to reconsider the vote on the Resolution of the City of Kyle Renaming Rebel Drive. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

2. Conduct a public hearing on the recent renaming of Rebel Drive to Fajita Drive. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward discussion on Item No. 5 along with Item No. 2 together.

Mayor Mitchell opened the public hearing at 7:32p.m.

Frank Molina was called to speak. He stated that he lives in Hometown Kyle and has lived here for 30 years. He stated that when he heard Rebel Drive was changed to Fajita Drive, he thought it was fake news. He was also surprised that it passed unanimously. He stated that though the action was done with good intentions, he feels it wasn't thought out well. He stated that in the military, he learned to keep things simple. His recommendation is to change it to FM 150.

Iona Olive was called to speak virtually. She stated she voiced her support for renaming the road and although it was a good idea, the thoughts and consequences have been acknowledged. She said she was in support of the participatory process in naming the road. Ms. Olive suggested to put the cost into perspective by presenting supportable facts for the businesses and residents.

Chevo Pastrano, Jr. was called to speak. He stated that he grew up in this town, he watched his father serve on the City Council. He doesn't live here anymore but owns property on FM 150. He spoke about text messages with Mayor Mitchell and Mayor Pro Tem Koch. He stated that they ordered signs, and this was going on since at least June. He spoke about the expenditures being approved before the approval of council.

Joseph Fenity was called to speak virtually. He thanked the Council for allowing the time for Citizens to speak. He stated that he graduated from Hays/Live Oak Academy. He stated that his Rebel roots remain firmly planted in Kyle, which he owns property along Rebel Road. He spoke about the history of Kyle and mentioned the names Mr. Kyle and Mr. Hays. He mentioned several ways to honor Fajita King Sonny Falcon other than the renaming Rebel Drive to Fajita Drive.

Rebecca Chapa was called to speak. She stated that her conversations with family and friends have not been favorable for changing Rebel Drive to Fajita Drive. She respects the idea of changing the name from Rebel Drive. She understands the idea of bringing in some heritage influences and suggested having a fajita contest and incorporating during one of the annual events. Ms. Chapa

stated that she had previously requested Council to continue community open communications with its citizens during the Main Street discussions.

Sandra Rouch was called to speak virtually. Ms. Rouch thanked the Council for the opportunity to speak publicly. Ms. Rouch stated she's a property owner and small business owner on Rebel Drive. She stated that businesses are going out of business in the thousands every day, and to do anything that will affect businesses is unconscionable in her opinion. She stated that the City can continue to celebrate Sonny Falcon and fajitas every August 18th without having to put businesses at risk due to undue expense of an address change. She mentioned city expenses and said the timing could not be worse financially.

Steven Guzman was called to speak. He is a business owner on Rebel Drive, Deep Roots Animal Clinic. He has enjoyed serving the citizens of Kyle and their pets. He spoke about the expense of changing addresses on countless accounts and said he is voicing the concern on behalf of several other business owners along the stretch of roadway.

Abigail Silva was called to speak virtually. Ms. Silva talked about being a property owner and appreciated the platform to allow for citizen input. She stated that the Council missed the mark on this renaming. She suggested to rename to something in comparison to Burleson and Fergus Drive. Ms. Silva mentioned it seemed everyone had their best intentions at heart renaming the road but urged Council to reconsider the Fajita name and listen to the Citizens voices.

Peter Parcher was called to speak. He stated he is speaking on behalf of many residents. Some people want to express their willingness to honor Sonny, Sonny Drive or Freedom Drive. He stated that it wasn't so much the name, but the way it was done. He stated that it was brought up by the mayor in mid-June. He stated that he thought the Council would talk about it, then put it out to the citizens. He encouraged Council to not make a name decision tonight but reach out to the residents.

Lila Knight was called to speak virtually. She stated that the Council seems to have already decided that the new name will be RM 150. She stated that Council does this all the time. She stated that the Council does not engage its citizens when making decisions. She spoke on behalf of a neighbor who stated, "Leave the road name alone."

Evangelina Chapa was called to speak. She stated that she does not appreciate the name Fajita Drive - it does not do honor to the person it is named for, and a simple FM 150 will do. She stated that the mayor's Facebook post in June upset her during the time of protests. She stated renaming the road was a must and that she was not in support of placing the item on the November ballot, but she had hoped the Council would make a better decision renaming the road. She talked about the hours the Council has put in and feels this was a mistake. She hopes we can all work together and keep on going.

Deborah Martin was called to speak. She said she appreciated the opportunity to speak. She said what she thought was community camaraderie as a definition, it sounded more like a promotion for a fajita festival. Ms. Martin talked about the cancel culture and said Rebel has a lot of meaning and opposes the name change to anything. Ms. Martin mentioned concern for the small businesses and the associated cost in renaming the road.

Sandra Tenorio was called to speak. She stated that she would like a point of clarification regarding the motion to reconsider the renaming of Rebel Drive. She thanked Council Member Tobias for bringing this item back. She feels that the fajita is not identified with Kyle. Ms. Tenorio talked about growing up in Kyle and did not agree with the fajita being part of its history and culture. She would like the Council to make a motion not to name anything, roads or fields to fajita in the future so that citizens don't have to watch everything.

Max Vasquez was called to speak. He has lived here for 26 years. He stated that he is representing his veteran brothers and neighbors. He stated that this town doesn't celebrate Veteran's Day. He stated that other neighboring cities celebrate their veterans and we don't even have a memorial. He spoke about fighting a war that no one wanted and coming back to an ungrateful nation. He spoke of his PTSD. Mr. Vasquez suggested possibly renaming the road to something honoring Veteran's.

Council Member Rizo spoke about the Veteran's Memorial that is currently in the works.

Mayor Mitchell asked if anyone else wished to speak and City Secretary Jennifer Holm stated that one person had text that they were disconnected. Mayor Mitchell stated that Council would leave the Public Hearing open to see whether they can reconnect.

Council discussion continued about the item.

Jamie Fulenwider was called to speak virtually at 8:34 p.m. She has been a resident of Kyle for nearly 20 years. She stated that this issue is a symptom of a bigger problem. She spoke about the City being the gateway to the hill country, then the pie capital and now this fajita. She spoke about Fajita Fields, the Hays County Bond election and the City of Kyle Bond election. She spoke about transparency, clarity, and communication.

David Abdel was called to speak virtually. He stated that he is a candidate for mayor. He spoke about taxes and fees during unprecedented financial crisis. He stated that this demonstrates that Council is out of touch.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 8:43 p.m.

Council discussion continued.

Council Member Rizo moved to form a committee to reach out to the citizens to find an appropriate name for Rebel Drive. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Rizo stated that the Council has learned a lesson and the citizens should make the decision. He would like the committee to bring back three choices and then allow a vote for the name. Council Member Tobias stated that he agrees. He stated that the road name is controversial, and the committee should work on a time frame, and the cost to the businesses, including possibly a reimbursement program at the city. He continued that the committee can have meetings, public input, work with staff, and historians in the area. Council Member Scheel stated that in a couple of years there will be the FM 150 realignment, which should also be considered. She stated that she is in favor of the committee but thinks the Council should establish the timeline more spaced out to consider when the realignment will happen. She too is interested in the costs for businesses to change their addresses. She would like to see something

but acknowledged that the budget adoption is near. She suggested maybe in next year's budget they could include some assistance for that. Council Member Villalobos stated the committee should comprise of a diverse group of business and landowners to make sure we have equal representation and consideration. Council Member Tobias stated that the people will be affected now, whether the name is changed to 150 or Fajita Drive. He would like to move to rescind the vote and keep Rebel Drive until the committee is going. He does not think the people on that road have the finances to make that change right now. Mayor Mitchell stated that there is a motion on the floor about the committee, so a vote needs to be taken on that. He stated that currently it is Fajita Drive, so they will need to change it back. City Attorney Paige Saenz stated that is correct, an Ordinance is in place. In order to change the name back to Rebel Drive, it will require a motion vote on the item. Mayor Mitchell stated that with the establishment of the committee council needs to consider how many, north/east/south/west, gender, race, etc. He stated this motion needs clarification. Council Member Rizo suggested that each council member appoint one person and then have the Chamber appoint two business members. Council Member Tobias stated that he has a different idea, to use the application process. His idea is to have the City promote this, a 14-day window to accept applications. Set parameters for meetings, schedules, dates and times, where people could withdraw their applications if they are not able to serve. He is proposing a group of seven. It is providing an opportunity to provide input, see how government works, and may help with voter turnout. He continued that then the Council can set the timeline - six weeks for example. Council Member Rizo stated that he likes the suggestion but wants to require committee members be residents of the City of Kyle. Council Member Tobias continued that this could begin a process for future name changes. Council Member Scheel stated that this sounds like an ad hoc committee and that is governed by Charter, which will need to be followed. City Manager Scott Sellers spoke about the boards, commissions and ad hoc committee ordinances. Council Member Villalobos stated that he would like staff to bring back a proposal for Council review.

Council Member Rizo withdrew his motion.

Council Member Rizo moved to give direction to staff to bring back parameters for a committee to bring a recommendation for renaming Rebel Drive. Council Member Tobias seconded the motion.

There was discussion on the motion. Council Member Ellison asked whether the Council needs to still take action on the road name. Mayor Mitchell stated yes.

All votes aye; motion carried 7-0.

Council Member Tobias moved to rescind the vote that previously by Ordinance renamed Rebel Road to Fajita Drive. Council Member Villalobos seconded the motion.

There was discussion on the motion. Mayor Mitchell asked Ms. Saenz to explain what this motion would do. Ms. Saenz stated, what the motion would do if it is successful would result in the road going back to the prior name Rebel Drive. Council Member Ellison asked Ms. Saenz if there was a way to remove the name Fajita Drive and not default back to Rebel Drive. Ms. Saenz stated the motion would need to be amended to include what the new name would be or get through this motion and pose a new motion with an interim name. Council Member Rizo stated that he would like to remind Council that any change of the name will adversely affect the businesses. Council

Member Villalobos stated that was the intent of formulating a committee to understand liability and cost by commissioning the citizens for input and involvement. Council Member Ellison stated that he is looking to not change it back to Rebel Drive, but still allow time for the committee. Council Member Scheel asked whether if they keep it FM 150 if that would require businesses to change their addresses. Ms. Saenz stated that the question would need to be asked of the Post Office to find out whether Rebel Drive and FM 150 will be interchangeable. Council Member Villalobos stated that this could have the effect of forcing two changes of the name on the community. Chevo Pastrano, Jr. stated that the Council's intent is not to reinstate Rebel, but just maintain status quo for the time frame of forming the committee and going forward from there. Council Member Villalobos stated that yes, he is trying to avoid a double burden. City Manager Scott Sellers stated in order to rename the street it will require an ordinance and two readings in the future. He stated that the City will need to work with the Post Office on this item. Council Member Scheel stated that she wishes there was a way to allow businesses to keep Rebel Drive and change the signs to something else. Council Member Villalobos stated that Council should rescind Fajita, leave it Rebel with the understanding that it will be changing with the appointment of the committee. Council Member Ellison stated that he has not done a great job to articulate that this is not about offending the community. He will support rescinding and changing the name back to Rebel. Council Member Scheel stated she would like to amend the motion and rescind the name until the committee can determine the name. Mayor Mitchell stated that the committee could bring back a recommendation to keep it Rebel Drive. He stated that he will not vote to rename it Rebel Drive. He looks forward to citizen input. He stated that he would rather rename it Road to Market 150 and then allow the community to discuss a name organically. Council Member Villalobos stated that he thinks naming it RM 150 is making the same mistake by not giving it to the citizens. Mayor Mitchell stated that he is aware and has had to go through the process of changing his address as a small business owner. He stated he respects everyone's opinion but for himself he cannot vote to reinstate Rebel Drive. Mayor Pro Tem Koch stated that he is confused because there are some signs that say 150, at the intersection of FM 2770, he cannot see how changing it to RM 150 when it already says that, changes anything. Ms. Saenz stated that we do not have enough information to know what the impact will be. Council Member Scheel asked what the impact of was for changing Goforth to Philomena. Cost and processes discussed. Mayor Mitchell stated that he does not want the name to continue as Rebel Drive. Mr. Sellers recommended that Council remove the Rebel Drive signs. The implementation could wait until after the committee convenes. Discussion continued about whether they can remove the name Rebel Drive without an ordinance attached. Mr. Sellers proposed that if legal is amenable to have the first reading of the removal of Rebel Drive. It would leave the road name W FM 150. We would delay until a name is brought forward then implement that action at that time. Technically the name will not be Rebel, but in practice for the businesses it will remain Rebel, until the committee makes its recommendation. Council Member Tobias asked for clarification regarding the name of the road. He stated the street name would still say Rebel Drive if this goes through, but Rebel Drive will be the phantom name until the committee is formed and makes its recommendation. Council Member Rizo asked Ms. Saenz what the steps would be moving forward. Ms. Saenz stated that Council can implement the proposed plan in front of them. 1. rescind Fajita Drive. 2. take first vote on removing Rebel name, second reading by ordinance to complete that, and part of that motion to delay implementation. Council Member Villalobos said that Council needs to make the motion appropriately, so that we

are headed in the right direction. Mayor Mitchell stated that he would prefer to combine it in one motion. Council Member Scheel stated that it can be done in two separate motions.

Motion carried 6-1 with Mayor Mitchell dissenting.

Council Member Scheel moved to set up an ordinance to rename Rebel Drive to RM 150 and then delay that until the committee can make a recommendation. Council Member Tobias seconded the motion.

There was discussion on the motion. Mayor Mitchell restated the intent of the motion is to, delay changing signs, address until such time that the committee responds. Ms. Saenz affirmed. Mayor Mitchell stated that removing Rebel Drive will come back for second reading on 9/1/2020, and there will be no impact on business owners until such a time when the item is brought back.

All votes aye; motion carried 7-0.

Mayor Mitchell proposed an 11-minute break, to return at 10:00.

Mayor Mitchell called the meeting back to order at 10:05 p.m.

III. Public Hearings

3. Conduct a public hearing on the City's Proposed Budget for Fiscal Year 2020-2021, as amended by City Council on August 1, 2020, totaling approximately \$134.2 million for all City Funds, including a tax rate of \$0.5201 per \$100 assessed valuation, a 10.0% increase in water service rates, a 10.0% increase in wastewater service rates, no change in storm drainage fees, a 2.5% increase in solid waste service charges (trash collection) per contract terms, limited changes in other fees and charges, and the addition of 22.0 new full-time positions for a total of 279.0 full-time equivalent positions. ~ *J. Scott Sellers, City Manager*

Council Member Scheel brought forward Item No. 3.

Mayor Mitchell opened the public hearing at 10:07 p.m.

Lila Knight was called to speak. She stated, as we all know we are still in a pandemic. She stated that people are losing their jobs, businesses are failing, and she is disappointed in the budget. She asked whether there is emergency planning in place. She stated that her neighbor Alfred Zambrano asked her to comment on his behalf. "I do not agree with spending tax money on pet projects that are completely tone deaf, especially since we are deep in debt as city projects continue to go well past contract dates and projected budgets."

Peter Parcher was called to speak. He stated that he is a candidate for mayor and represents many residents. He stated that he has some quick notes. The tax rate is mid-range compared to other area cities. He stated that the property values keep going up and so even with a lower rate, the residents are paying more. No funds are shown as allotted for KPD building maintenance this year. On page 161, there is the Fajita Festival amount of \$130,000 allotted, for something that does not exist yet. There is \$875,000 allotted to Fajita Fields that does not exist yet. On the bond, most people will not be voting for it, not because they don't support KPD, but because there is no information

available, and they cannot see what they are voting for. He asked Council to postpone passing the budget to allow residents to know what the budget items are. They would like to see documents.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 10:12 p.m.

IV. Consider and Possible Action

6. *(Second Reading)* Approve an Ordinance of the City of Kyle, Texas, adopting a budget totaling \$134.2 million for all City Funds for the ensuing fiscal year beginning October 1, 2020 and ending September 30, 2021; appropriating revenue and expenditure amounts thereof for all City Funds, authorizing a 10.0 percent increase in water service rates, a 10.0 percent increase in wastewater service rates, no change in storm drainage fees, a 2.5 percent increase in solid waste service charges, all other fees and charges for City services as provided for in the fee schedule, capital improvement program expenditures, addition of twenty-two (22.0) new full-time positions for a total of 279.0 full-time equivalent positions, carryover of encumbrances, all associated schedules and documents, and repealing all Ordinances in conflict herewith; and providing for an effective date. ~ *J. Scott Sellers, City Manager*

Council Member Scheel brought forward Item No. 6. Mr. Sellers presented the item.

Council Member Rizo moved to budget amendment to give department heads a 2% raise and use funds the savings from the TML Health Pool. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Scheel thanked Council Member Rizo for bringing forward this amendment. Council Member Scheel was leery about the savings from TML because insurance companies are notorious for making up loses in one of two ways by increasing rates or decrease reimbursements. She was glad to have received the check.

All votes aye; motion carried 7-0.

Council Member Scheel stated there was \$5,346.00 available from the TML refund check and after tonight's discussion, she would like to set up a grant for businesses along RM 150 to help those businesses out with any address change needed.

Council Member Scheel moved to approve an amendment to set up a grant for the businesses along RM 150 for the address change impacts with the remainder of the funds from the TML Health Pool savings to use in the form of a grant to assist with businesses and other entities that are impacted by the road name rechanging. Mayor Mitchell seconded the motion. All votes aye; motion carried 7-0.

Council Member Ellison moved to direct staff to pursue the grant for the second Victim's Services Coordinator position and to add one unfunded FTE to this budget. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

Mayor Mitchell moved to approve the budget as amended. Council Member Scheel seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Tobias voted aye; Council Member Koch voted aye; Council Member Scheel voted aye; Council Member Villalobos voted aye; Council Member Rizo voted aye; Mayor Mitchell voted aye; and Mayor Pro Tem Ellison voted aye. All votes aye; motion carried 7-0.

III. Public Hearings

4. Conduct a public hearing to obtain comments on the proposal to set the City's ad valorem tax (property tax) rate at \$0.5201 per \$100 assessed valuation for tax year 2020 (Fiscal Year 2020-2021). ~ *J. Scott Sellers, City Manager*

Council Member Scheel brought forward Item No. 4. Mr. Sellers presented the item.

Council Member Scheel opened the public hearing at 10:50 p.m.

City Manager Scott Sellers read into the record:

“This is the second of two public hearings scheduled on the City’s proposed property tax rate for Fiscal Year 2020-2021. The first public hearing was held at 7:00 p.m., on August 18, 2020 at Kyle City Hall, 100 W. Center Street, Kyle, Texas 78640. The City’s property tax rates for Fiscal Year 2020-2021 are as follows: No-New-Revenue Tax Rate: \$0.5292 per \$100; Voter-Approval Tax Rate: \$0.5202 per \$100; Proposed Tax Rate: \$0.5201 per \$100; City Council will consider at this meeting, on 2nd and final reading of Ordinance, to set the property tax rate at \$0.5201 per \$100.00 of assessed taxable valuation for Fiscal Year 2020-2021. The proposed property tax rate of \$0.5201 per \$100 is \$0.0215 or 3.97% below the City’s current tax rate of \$0.5416 per \$100. The City’s proposed property tax rate of \$0.5201 per \$100 is also below the No-New-Revenue tax rate of \$0.5292 per \$100 and the Voter-Approval tax rate of \$0.5202 per \$100 for Fiscal Year 2020-2021. On August 18, 2020, the Kyle City Council approved on 1st Reading of the property tax rate Ordinance for FY 2020-2021. The Kyle City Council is scheduled to vote on 2nd and Final Reading of the property tax rate Ordinance later today in this City Council meeting being held on August 25, 2020. Public notices were published in the Hays Free Press newspaper to inform and invite all Kyle taxpayers, residents, and members of the public to attend and express their views to City Council on the City’s proposed property tax rates.”

With no one wishing to speak and no objections to closing the public hearing, Mayor Mitchell closed the public hearing at 10:53 p.m.

IV. Consider and Possible Action

7. (*Second Reading*) Approve an Ordinance of the City of Kyle, Texas, fixing the ad valorem tax (property tax) rate for Tax Year 2020 at \$0.5201 per \$100 assessed valuation and providing for the levying of ad valorem taxes for use and support of the municipal government of the City of Kyle for the fiscal year beginning October 1, 2020 and ending September 30, 2021; providing for apportioning each levy for specific purposes; and providing when ad valorem taxes shall become due and when same shall become delinquent if not paid. ~ *J. Scott Sellers, City Manager*

Council Member Scheel brought forward Item No. 7. Mr. Sellers presented the item.

Council Member Scheel moved to approve an Ordinance of the City of Kyle, Texas, fixing the ad valorem tax (property tax) rate for Tax Year 2020 at \$0.5201 per \$100 assessed valuation and providing for the levying of ad valorem taxes for use and support of the municipal government of the City of Kyle for the fiscal year beginning October 1, 2020 and ending September 30, 2021; providing for apportioning each levy for specific purposes; and providing when ad valorem taxes shall become due and when same shall become delinquent if not paid. Council Member Tobias seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Villalobos voted aye; Council Member Rizo voted aye; Mayor Mitchell voted aye; Council Member Tobias voted aye; Mayor Pro Tem Ellison voted aye; Council Member Scheel voted aye; and Council Member Koch voted aye. All votes aye; motion carried 7-0.

Citizen Comment Period with City Council was taken out of order and discussed after Item No. 7.

II. Citizen Comment Period with City Council

1. Members of the public that wish to provide citizen comment have the following options:
 1. In-Person at Kyle City Hall
 2. Virtual Attendance - Submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.

Mayor Mitchell opened citizen comments at 10:55 p.m.

Lila Knight was called to speak as registered. She asked about the funds allotted for the Fajita Fields. She stated that National Fajita Day by proclamation was celebrated, but we missed acknowledging the celebration of the 19th Amendment. She said she is looking forward to the Council respecting the history of Kyle and in proposing \$1.4 Million in improvements to the original downtown park.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 10:57 p.m.

V. Executive Session

8. 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.

9. Take action on items discussed in Executive Session.

VI. Adjourn

Council Member Scheel moved to adjourn. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 10:58 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer Holm, City Secretary



CITY OF KYLE, TEXAS

2020 0901 Special Minutes

Meeting Date: 9/15/2020

Date time:7:00 PM

Subject/Recommendation: City Council Special Meeting Minutes - September 1, 2020. ~ *Jennifer Holm, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2020 0901 DRAFT Special City Council Meeting Minutes

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on September 1, 2020 and due to COVID-19, all members attended virtually at [https://www.cityofkyle.com/kyletv/kyle-10-live; Spectrum 10](https://www.cityofkyle.com/kyletv/kyle-10-live;Spectrum 10) with the following persons present:

Mayor Travis Mitchell
Mayor Pro Tem Rick Koch
Council Member Dex Ellison
Council Member Tracy Scheel
Council Member Robert Rizo
Council Member Alex Villalobos
Council Member Michael Tobias
Scott Sellers, City Manager
James Earp, Assistant City Manager
Paige Saenz, City Attorney
Jerry Hendrix, Chief of Staff
Jennifer Holm, City Secretary
Leon Barba, City Engineer
Diana Torres, Economic Dev Director
Perwez Moheet, Finance Director
Sandra Duran, HR Director
Matt Dawson, IT Director
Samantha Armbruster, Communications Dir.
Howard Koontz, Community Dev Director

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 5:31 p.m. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Rizo, Council Member Villalobos, and Council Member Tobias. A quorum was present. Council Members Ellison and Scheel were absent. Council Member Scheel arrived at 5:35 p.m. and entered into Executive Session. Council Member Ellison arrived at 5:49 p.m. and entered into Executive Session.

II. Citizen Comment Period with City Council

1. Members of the public that wish to provide citizen comment must submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment>-sign to attend virtually. Registration must be received by 12 p.m. on the day of the meeting.

Mayor Mitchell opened citizen comments at 5:31 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 5:32 p.m.

III. Executive Session

2. 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.
 - Legal disputes involving Jesse Espinoza
 - Changeable Electronic Variable Message Sign
 - 104 S. Burleson
 - Bunton Lane Development Agreement
 - Coronavirus Relief Fund
 - Anthem Electrical
 - Well Site #4
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.
 - Project Shamrock
 - Project Cranberry
 - Project Indigo
 - 104 S. Burleson

Mayor Mitchell 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 - Legal disputes involving Jesse Espinoza, Changeable Electronic Variable Message Sign, 104 S. Burleson, Bunton Lane Development Agreement, Coronavirus Relief Fund, Anthem Electrical, Well Site #4, and Rough proportionality determination for Paramount Section 1; 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 - Project Shamrock, Project Cranberry, Project Indigo, 104 S. Burleson."

The City Council convened into executive session at 5:33 p.m.

3. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into open session. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

The City Council reconvened into open session at 7:08 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

IV. Adjourn

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

With no further business to discuss, the City Council adjourned at 7:08 p.m.

Attest:

Travis Mitchell, Mayor

Jennifer Holm, City Secretary

DRAFT



CITY OF KYLE, TEXAS

2020 0901 Minutes

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: City Council Meeting Minutes - September 1, 2020. ~ *Jennifer Holm, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2020 0901 DRAFT City Council Meeting Minutes

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on September 1, 2020 and due to COVID-19, all members attended virtually at Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live> with the following persons present:

Mayor Travis Mitchell	Jed Buie
Mayor Pro Tem Rick Koch	Patti Hixon
Council Member Dex Ellison	Jon Snyder
Council Member Tracy Scheel	Ashley Kegley-Whitehead
Council Member Robert Rizo	
Council Member Alex Villalobos	
Council Member Michael Tobias	
Scott Sellers, City Manager	
James Earp, Assistant City Manager	
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Jeffrey Prato, Engineering Associate	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Matt Dawson, IT Director	
Samantha Armbruster, Communications Dir.	
Paul Phelan, Library Director	
Mariana Espinoza, PARD Director	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Gary Bickford, Code Enforcement Officer	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:09 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

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

II. Approval of Minutes

1. City Council 5:30 p.m. Special Meeting Minutes - August 17, 2020. ~ *Jennifer Holm, City Secretary*
2. City Council 7:00 p.m. Special Meeting Minutes - August 17, 2020. ~ *Jennifer Holm, City Secretary*
3. City Council Special Meeting Minutes - August 18, 2020. ~ *Jennifer Holm, City Secretary*

4. City Council Meeting Minutes - August 18, 2020. ~ *Jennifer Holm, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Scheel moved to approve the minutes of the August 17, 2020 5:30 Special City Council meeting minutes, August 17, 2020 7:00 Special City Council meeting minutes, August 18, 2020 Special City Council meeting minutes, and the August 18, 2020 City Council meeting minutes. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

III. Citizen Comment Period with City Council

5. Members of the public that wish to provide citizen comment must submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment> sign to attend virtually. Registration must be received by 12 p.m. on the day of the meeting.

Mayor Mitchell opened citizen comments at 7:11 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 7:11 p.m.

IV. Appointments

6. Consider appointment of Tim Samford, Division Manager of Treatment Operations to replace Brian Lillibridge on the Alliance Regional Water Authority Board of Directors. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 6.

Council Member Scheel moved to approve the appointment of Tim Samford, Division Manager of Treatment Operations to replace Brian Lillibridge on the Alliance Regional Water Authority Board of Directors. Mayor Mitchell seconded the motion.

There was discussion on the motion. Mayor Mitchell mentioned that Brian Lillibridge is leaving. Council Member Scheel stated that Tim Samford will be a great resource and wished Brian Lillibridge luck in the future. Council Member Ellison echoed Council Member Scheel's comments.

All votes aye; motion carried 7-0.

V. Presentation

7. Proclamation Honoring the 100th Anniversary of the Adoption of the 19th Amendment of the United States Constitution ~ *Tracy Scheel, Council Member*

Mayor Mitchell brought forward Item No. 7 for discussion and gave the floor to Council Member Scheel. Ms. Scheel read the proclamation. No action was taken.

8. Presentation by Buie Co. regarding Public Safety Center Bond. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 8 for discussion and gave the floor to Council Member Ellison. Council Member Ellison introduced the item and gave the floor to Mr. Jed Buie. Ms. Patti Hixon also provided information on the item. No action was taken.

9. 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*
 - Labor Day Celebration
 - Mass Food Distribution Event
 - Neighborhood Cleanup Event

Mayor Mitchell brought forward Item No. 9 for discussion. Mr. Sellers spoke about the Labor Day Celebration. Council Member Scheel spoke about the special shape balloons. Mr. Sellers continued his presentation including the Mass Food Distribution Event and the Neighborhood Cleanup Event.

10. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 10 for discussion. Leon Barba, City Engineer, presented the item.

VI. Consent Agenda

Mayor Mitchell brought forward the Consent Agenda.

Mayor Mitchell asked if there were any items to be pulled from the Consent Agenda. Council Member Villalobos requested to pull Item No. 12, and Council Member Rizo requested to pull Item No. 11.

11. Consider and possible action regarding specific policies regarding access to wheelchair accessible vehicles related to rideshare programs, including Uber Kyle \$3.14. ~ *Jerry Hendrix, Chief of Staff*

Mayor Mitchell brought forward Item No. 11 for discussion and gave the floor to Council Member Rizo. He asked how the \$3.14 per one-way trip was calculated. Mr. Hendrix addressed the item.

Council Member Ellison moved to approve Agenda Item No. 11. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

12. Approve a Resolution adopting the 6 Creeks Public Improvement District 2020 Annual Service Plan update. ~ *Jon Snyder, City's PID Administrator, P3Works, LLC, and Paige Saenz, City Attorney*

Mayor Mitchell brought forward Item No. 12 for discussion and gave the floor to Council Member Villalobos. Council Member Villalobos asked why section two was not added to the plan and if we were behind on reports. City Attorney Paige Saenz addressed the questions. Mayor Mitchell requested that Jon Snyder be contacted. The item was left pending at 8:09 p.m.

13. Approve a Resolution adopting the Southwest Kyle Public Improvement District No. 1 2020 Annual Service Plan update. ~ *Jon Snyder, City's PID Administrator, P3Works, LLC, and Paige Saenz, City Attorney.*
14. Approve a Joint Use Agreement with Hays Consolidated Independent School District and TIRZ No. 2 regarding Hays CISD Parking Facilities. ~ *J. Scott Sellers, City Manager*

15. Approve a Resolution to record the annual review of the City's Investment Policy as required under the Public Funds Investment Act and to document findings that no changes to the policy or investment strategies are being made in this annual review. ~ *Perwez A. Moheet, CPA, Director of Finance*
16. Agreement Between the City of Kyle ("City"), Mountain Plum, Ltd., a Texas limited partnership, Uptown at Plum Creek Phase IA, LLC, an Oklahoma limited liability company and Corridor Title Company regarding Site Development and Escrow Agreement of even date herewith by and between Mountain Plum, Purchaser and Escrow Agent, pertaining to the Property. ~ *Paige Saenz, City Attorney*
17. Approve a contract with GOSHAWK ENVIRONMENTAL CONSULTING, INC. in an amount not to exceed \$11,602.50 for a City of Kyle Spring Branch Segment Archeological Study. ~ *J. Scott Sellers, City Manager*

Council Member Ellison moved to approve Consent Agenda Item Nos. 13, 14, 15, 16, and 17. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

VII. Consider and Possible Action

18. Consider authorizing the City's Director of Finance to initiate process, prepare documents, accept and select bids from underwriters, seek credit rating, and coordinate all matters necessary to refund \$4.6 million in outstanding bonds in order to achieve approximately \$360,000.00 in estimated interest cost savings for the City of Kyle. ~ *Perwez A. Moheet, CPA, Director of Finance*

Mayor Mitchell brought forward Item No. 18 for discussion. Mr. Moheet presented the item.

Council Member Scheel moved to approve authorizing the City's Director of Finance to initiate process, prepare documents, accept and select bids from underwriters, seek credit rating, and coordinate all matters necessary to refund \$4.6 million in outstanding bonds in order to achieve approximately \$360,000.00 in estimated interest cost savings for the City of Kyle. Council Member Ellison seconded the motion.

There was discussion on the motion. Mayor Mitchell asked where the 4.6 came from. Mr. Moheet stated that each city is unique in terms of their refunding requirements. He stated that they are constantly monitoring outstanding bonds to study which are callable, only callable can be refunded and make sense in terms of present value savings. The City's staff and financial advisors were able to identify these three bond series. He said within the three bond series, certain maturities were callable which totaled the 4.6 million. Mr. Moheet continued and said that they are continuously monitoring especially in these financial conditions. Mr. Moheet stated that even with the refinancing, these are the savings.

All votes aye; motion carried 7-0.

12. Approve a Resolution adopting the 6 Creeks Public Improvement District 2020 Annual Service Plan update. ~ *Jon Snyder, City's PID Administrator, P3Works, LLC, and Paige Saenz, City Attorney*

After Item No. 18, Mayor Mitchell brought back Item No. 12. Mr. Jon Snyder, Co-Founder and Managing Partner with P3Works, joined the meeting and provided information on the item.

Council Member Villalobos moved to approve Agenda Item No. 12. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

19. An Amendment to the Meet and Confer Agreement between the City of Kyle and Kyle Law Enforcement Association to adopt physical fitness standards in accordance with the conditional approval of the agreement. ~ *James R. Earp, Assistant City Manager*

Mayor Mitchell brought forward Item No. 19 for discussion. Mr. Earp presented the item. Ms. Sandra Duran, Human Resources Director also provided information on the item.

Council Member Scheel moved to approve an Amendment to the Meet and Confer Agreement between the City of Kyle and Kyle Law Enforcement Association to adopt physical fitness standards in accordance with the conditional approval of the agreement with some scrivener adjustments, and strike out "appropriate" and "I".

Motion died for lack of second.

Council Member Villalobos suggested an executive session discussion on this item at the end of the meeting. With no objections, Mayor Mitchell moved forward with Item No. 20.

20. *(First Reading)* An Ordinance of the City of Kyle, Texas, amending Chapter 23 – Miscellaneous Offenses, Chapter 29 – Sign standards and permits, chapter 47 – local traffic regulations, and chapter 54 – landscaping and screening requirements of the code of ordinances; providing for property maintenance requirements and the right to inspect and abate noncompliant conditions, assessment of the city’s costs related to abatement, collection of costs, and the ability to appeal city’s determination regarding noncompliance; amending procedures related to the abatement of junk vehicles; permitting the use of certain moving signs; prohibiting the parking of trailers on public streets unless official work is being performed or a delivery is being made at the location of the parked trailer; authorizing the installation of eight (8) foot fencing to the side and rear boundaries of residential lots; providing for repeal of conflicting ordinances; providing for an effective date, savings clause and an open meetings clauses; and providing for related matters. ~ *Gary Bickford, Code Enforcement Officer*

Mayor Mitchell brought forward Item No. 20 for discussion. Mr. Bickford presented the item. Mr. Koontz also provided information.

Council Member Rizo moved to approve an Ordinance of the City of Kyle, Texas, amending Chapter 23 – Miscellaneous Offenses, Chapter 29 – Sign standards and permits, chapter 47 – local traffic regulations, and chapter 54 – landscaping and screening requirements of the code of ordinances; providing for property maintenance requirements and the right to inspect and abate noncompliant conditions, assessment of the city’s costs related to abatement, collection of costs, and the ability to appeal city’s determination regarding noncompliance; amending procedures related to the abatement of junk vehicles; permitting the use of certain moving signs; prohibiting the parking of trailers on public streets unless official work is being performed or a delivery is being made at the location of

the parked trailer; authorizing the installation of eight foot fencing to the side and rear boundaries of residential lots; providing for repeal of conflicting ordinances; providing for an effective date, savings clause and an open meetings clauses; and providing for related matters. Council Member Scheel seconded the motion.

There was discussion on the motion. Mayor Mitchell stated that he is not in favor of 8-foot fences. He thinks giving this allowance to the will of the resident is a bad idea. He stated with the majority of the ordinance, he is in favor, but in this particular change he is not supportive. Council Member Scheel mentioned the situation where one neighbor puts in 8-foot fences next to a neighbor with a 6-foot fence, how it could cause an issue. Mr. Bickford spoke about the issue that is currently at the forefront, that many six-foot fences are falling. Discussion ensued about whose responsibility it is concerning dilapidated fences. Council continued discussion regarding affordability and standards imposed by the City Council. Council Member Rizo rescinded his motion. Council Member Scheel rescinded her second. The motion was withdrawn.

Mayor Mitchell moved to approve Item No. 20 with changing 8(b) back to its original language. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

Mayor Mitchell stated that the ordinance will come back for second reading.

21. A Resolution of the City of Kyle, Texas, Determining the Order of the Propositions for the 2020 Bond Election and the 2020 Charter Amendment Election; and providing for related matters ~ *Paige Saenz, City Attorney*

Mayor Mitchell brought forward Item No. 21 for discussion. Ms. Saenz presented the item.

Mayor Mitchell moved to approve a Resolution of the City of Kyle, Texas, Determining the Order of the Propositions for the 2020 Bond Election and the 2020 Charter Amendment Election; and providing for related matters. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

22. A Resolution of the City Council of the City of Kyle Texas, renaming the swimming pool in Gregg-Clarke Park. ~ *Robert Rizo, Council Member*
 - Public Hearing

Mayor Mitchell brought forward Item No. 22 for discussion and gave the floor to Council Member Rizo.

Mayor Mitchell opened the public hearing at 9:44 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:44 p.m.

Council Member Rizo moved to approve a Resolution of the City Council of the City of Kyle Texas, naming the swimming pool in Gregg-Clarke Park after former Mayor James Adkins. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Scheel asked whether discussion needed to take place on what the name will be. Council Member Rizo stated that he proposes James Adkins.

There was discussion regarding whether there would be a second reading. Mr. Sellers reviewed with Council the protocol in the Charter related to naming public places by Resolution.

All votes aye; motion carried 7-0.

24. *(Second Reading)* Consider and Possible Action to Approve an Ordinance Removing the Name Rebel Drive from West Ranch to Market 150. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 24 out of order before Item No. 23.

Mayor Mitchell moved to approve an Ordinance Removing the Name Rebel Drive from West Ranch to Market 150. Council Member Tobias seconded the motion.

There was discussion on the motion. Council Member Rizo wanted to state and remind everyone that there is a small amount of funds set to assist business owners with expenses related to the street name change.

All votes aye; motion carried 7-0.

23. Consider and Possible Action to Approve a Resolution Creating an Ad Hoc Committee to Rename a portion of West Ranch to Market 150. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 23 for discussion after Item No. 24. Ms. Samantha Armbruster, Communications Director, presented the item.

Council Member Tobias moved to approve a Resolution Creating an Ad Hoc Committee to Rename a portion of West Ranch to Market 150. Council Member Villalobos seconded the motion.

There was discussion on the motion. Mayor Mitchell asked whether anyone found this inconsistent with the actions two items ago. Council Member Ellison stated that it is inconsistent and different from what past councils have done, but the residents care very much about this renaming of the road. He stated his support for the community input. Ms. Armbruster stated that all applications will be available for Council review and she plans to bring it back on September 15. Council Member Scheel stated that with the Pool name, the council discussed it previously and she received no feedback from the public to it being named that. Mayor Mitchell stated that renaming the road was taken in two parts, removing and choosing a name. He said he felt the biggest mistake made was adding the two items and smushing them together. He has heard from quite a few people, and there are some great ideas, but the timing doesn't make sense in his opinion. He stated that creating a committee is more about getting away from the topic. Mayor Mitchell stated his opinion is for the Council to leave it RM 150 and drop this. He stated he has received 150 suggestions alone, and he feels like they landed in a good place by removing Rebel Drive. He mentioned that the school district dropped the Rebel mascot and gave themselves a year to come up with a replacement. He would like to leave it RM 150 and leave it for some later date.

Motion carried 6-1 with Mayor Mitchell dissenting.

VIII. Executive Session

25. 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.
 - Legal disputes involving Jesse Espinoza
 - Changeable Electronic Variable Message Sign
 - 104 S. Burleson
 - Bunton Lane Development Agreement
 - Coronavirus Relief Fund
 - Anthem Electrical
 - Well Site #4
 - Rough proportionality determination for Paramount Section 1
 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.
 - Project Shamrock
 - Project Cranberry
 - Project Indigo
 - 104 S. Burleson

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 - Rough proportionality determination for Paramount Section 1 and Meet and Confer Agreement; 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 - Project Shamrock, Project Cranberry, Project Indigo, and 104 S. Burleson."

The City Council convened into executive session at 10:11 p.m.

26. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into open session. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

The City Council reconvened into open session at 11:40 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now. Mayor Mitchell stated that the negotiation team and the Law Enforcement Association will meet, and the matter will be brought back up at the September 15 Council Meeting.

IX. Adjourn

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

With no further business to discuss, the City Council adjourned at 11:40 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer A. Holm, City Secretary



CITY OF KYLE, TEXAS

Library Board Appointments

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Consideration of nominations for appointment to the Kyle Public Library Advisory Board to fill vacancies. ~ *Paul Phelan, Library Director*

- Jessie Ramirez
- Henry Siller

Other Information: City staff recommends the approval of four candidates to the Kyle Public Library Advisory Board to fill two current vacancies and two October vacancies. The candidates were selected through a two stage interview process that included the Kyle Public Library Advisory Board, Elizabeth Corey Board Chairman, City of Kyle Chief of Staff, Councilmember Robert Rizo, and Library Director Paul Phelan.

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Naming Committee

Meeting Date: 9/15/2020

Date time:7:00 PM

Subject/Recommendation: Selection of naming committee for West RM 150. ~ *Samantha Armbruster,*
Communications Director

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Hispanic Heritage

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Hispanic Heritage City Council Proclamation. ~ *Alex Villalobos, Council Member*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

9/11 Council Proclamation

Meeting Date: 9/15/2020

Date time:7:00 PM

Subject/Recommendation: September 11th City Council Proclamation. ~ *Robert Rizo, Council Member*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Labor Day Photo Contest

Meeting Date: 9/15/2020

Date time:7:00 PM

Subject/Recommendation: Selection of Labor Day Photo Contest Winners. ~ *Tracy Scheel, Council Member*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

ReOpen Task Force

Meeting Date: 9/15/2020

Date time:7:00 PM

Subject/Recommendation: Discussion by ReOpen Task Force regarding opening of City Hall and other operational changes. ~ *J. Scott Sellers, City Manager*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

LinkedIn Learning

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Presentation on LinkedIn Learning at Kyle Public Library. ~ *Dex Ellison, Council Member*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Uber Kyle

Meeting Date: 9/15/2020

Date time:7:00 PM

Subject/Recommendation: Presentation regarding launch of Uber Kyle \$3.14 program. ~ *Rick Koch, Mayor Pro Tem*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Beautification Plan

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Presentation on creation of a new division focused on the maintenance and upkeep of Kyle's rights-of-ways and green spaces. ~ *James R. Earp, Assistant City Manager*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

CIP/Road Projects Update

Meeting Date: 9/15/2020

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

100 yr flood design for Heroes Memorial Park

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Waiver to the City's 100 year flood design for Heroes Memorial Park. ~ *J. Scott Sellers, City Manager*

Other Information: The detention pond located by the Performing Arts Center was designed to handle the 25 year flood event. This was allowed based on the existing City Code at the time. Current City Code (Section 41-140) requires a 100 year flood design. Based on the proposed improvements, significant improvements are required to upgrade the existing pond to meet the requirements.

The design consultant will be recommending some improvements, but they will not fully meet the current requirement.

As a result, the consultant is requesting a waiver to the current City Code.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Acceptance of a Water Line Easement from Mountain Plum, Ltd.

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Approve the conveyance of a water line easement to the City of Kyle from Mountain Plum, Ltd. ~ *Leon Barba, P.E., City Engineer*

Other Information: Approve the conveyance of a water line easement to the City of Kyle, Hays County, Texas from Mountain Plum, Ltd. 2.981 acres of land in the M.M. McCarver Survey No. 4, Abstract No. 10, Hays County, Texas; being a portion of a called 983.99 acre tract of land designated as tract 2 and described in a deed without warranty to Mountain Plum, Ltd. of record in Volume 2297, Page 139, Official Public Records of Hays County, Texas; said 2.981 acres of land, being comprised of 1.530 acres of land designated Parcel 1 and 1.451 acres of land designated Parcel 2.

“Exhibit A” dated June 2020 is a corrected document showing the easement is for a water line. “Exhibit B” dated April 2020 listed the easements as a stormwater line which required correction.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- EXHIBIT A_ Water Line Easement June 2020
- EXHIBIT B_ Water Line Easement April 2020

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.

AMENDMENT TO WATER LINE EASEMENT

Date: June 19, 2020

Grantor: **Mountain Plum, Ltd.**,
a Texas limited partnership

Grantor's Address: 4040 Broadway Street, Suite 501
San Antonio, Texas 78209
Attn: Richard B. Negley and Laura Negley Gill

With a copy to:

Momark Development
1711 East Cesar Chavez Street, Suite B
Austin, Texas 78702
Attn: Megan Shannon

Grantee ("City"): **City of Kyle**
Hays County, Texas

Grantee's Address: 100 West Center Street
Kyle, TX 78640

Easement Tract: That certain parcel of land situated in Hays County, Texas, described by metes and bounds in **Exhibit A** attached hereto and as shown in **Exhibit B** attached hereto.

Prior Easement: Water Line Easement granted to Grantee by Grantor, dated April 15, 2020, recorded as Instrument No. 20014431, Real Property Records of Hays County, Texas.

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRANTOR and GRANTEE agree that the PRIOR EASEMENT is hereby amended as follows:

The portion of the PRIOR EASEMENT which reads,

“Facilities: One (1) stormwater line and associated appurtenances.”

Is hereby DELETED in its entirety and is REPLACED with the following:

“Facilities: One (1) water line and associated appurtenances.”

Except as expressly provided herein, all terms of the PRIOR EASEMENT are hereby ratified and shall remain in full force and effect.

[signature and acknowledgement pages follow]

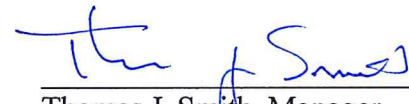
Executed effective the Date first above stated.

Grantor:


MOUNTAIN PLUM, LTD.,
a Texas limited partnership

By: MP General, L.L.C., a Texas limited liability company, its general partner

By: 
Richard B. Negley, Manager

By: 
Thomas J. Smith, Manager

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

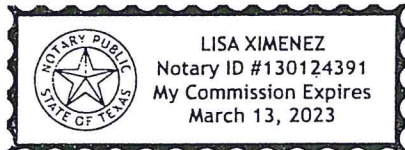
By: 
Name: Laura Negley Gill
Title: Manager

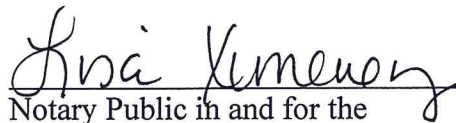
STATE OF TEXAS §

§

COUNTY OF BEXAR §

This instrument was acknowledged before me on the 19 day of June, 2020, by Richard B. Negley, Manager of MP General, L.L.C., a Texas limited liability company, general partner of Mountain Plum, Ltd., a Texas limited partnership, on behalf of said limited partnership and limited liability company.




Notary Public in and for the
State of Texas

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 24 day of June, 2020, by Thomas J. Smith, Manager of MP General, L.L.C., a Texas limited liability company, general partner of Mountain Plum, Ltd., a Texas limited partnership, on behalf of said limited partnership and limited liability company.



Lisa Ximenez

Notary Public in and for the
State of Texas

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 19 day of June, 2020, by Laura Negley Gill, Manager of MountainCityLand, LLC, a Texas limited liability company, Manager of MP General, L.L.C., a Texas limited liability company, general partner of Mountain Plum, Ltd., a Texas limited partnership, on behalf of said limited partnership and limited liability companies.



Lisa Ximenez

Notary Public in and for the
State of Texas

Grantee:

CITY OF KYLE, TEXAS

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2020,
by _____, _____ of the City of Kyle, Texas.

Notary Public, in and for the
State of Texas

AFTER RECORDING, PLEASE RETURN TO:

City Secretary
City of Kyle, Texas
100 West Center Street
Kyle, Texas 78640

EXHIBIT A

Legal Description of the Easement Tract

[attached]

FIELD NOTES DESCRIPTION

DESCRIPTION OF 2.981 ACRES OF LAND IN THE M.M. MCCARVER SURVEY NO. 4, ABSTRACT NO. 10, HAYS COUNTY, TEXAS; BEING A PORTION OF A CALLED 983.99 ACRE TRACT OF LAND DESIGNATED AS TRACT 2 AND DESCRIBED IN A DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME 2297, PAGE 139, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 2.981 ACRES OF LAND, BEING COMPRISED OF 1.530 ACRES OF LAND DESIGNATED PARCEL 1 AND 1.451 ACRES OF LAND DESIGNATED PARCEL 2, AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., AND SHOWN ON THE ACCOMPANYING SKETCH BEING MORE PARTICULAR DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PARCEL 1:

COMMENCING at a calculated point of tangency in the east right-of-way line of Kyle Parkway, same being a calculated point of tangency in the east line of that certain called 28.91 acre tract of land described in a Dedication of Public Right-of-Way of record in Volume 4122, Page 67, Official Public Records of Hays County, Texas, and from which a Texas Department of Transportation (TxDOT) Type 2 R.O.W. Marker (brass disk set in concrete) found for reference bears N 22° 04' 05" E, a distance of 0.41 feet;

THENCE S 21° 32' 51" W, with the east right-of-way line of Kyle Parkway, with the east line of the said 28.91 acre tract, a distance of 456.59 feet to a calculated point for the northwest corner and **POINT OF BEGINNING** of the tract described herein;

THENCE leaving the east right-of-way line of Kyle Parkway and the east line of the said 28.91 acre tract, crossing the said 983.99 acre Mountain Plum Tract, with the north and east lines of the tract described herein, the following eleven (11) courses and distances:

1. N 68° 43' 30" E, a distance of 30.00 feet to a calculated angle point,
2. N 21° 32' 51" W, a distance of 9.95 feet to a calculated angle point,
3. N 68° 27' 09" E, a distance of 20.00 feet to a calculated point for the most northerly northeast corner of the tract described herein,
4. S 21° 32' 51" E, a distance of 132.57 feet to a calculated angle point,
5. S 23° 27' 09" W, a distance of 42.43 feet to a calculated angle point,
6. S 21° 32' 51" E, a distance of 559.88 feet to a calculated angle point,
7. S 26° 47' 39" E, a distance of 222.09 feet to a calculated point of curvature,
8. with the arc of a curve to the right, having a radius of 3004.79 feet, an arc distance of 163.79 feet and a chord which bears S 20° 00' 08" E, a distance of 163.77 feet to a calculated point for an interior corner of the tract described herein,
9. N 83° 50' 34" E, a distance of 1193.26 feet to a calculated angle point,
10. N 89° 18' 06" E, a distance of 583.21 feet to a calculated point for the most easterly northeast corner of the tract described herein, and
11. S 00° 41' 53" E, a distance of 246.75 feet to a calculated point in the north line of that certain called 11.993 acre tract, described in a deed to Robin K. Eubanks, Trustee, in Document No. 17032545, Official Public Records of Hays County, Texas, for the southeast corner of the tract described herein;

THENCE N 85° 39' 45" W, continuing across the said 983.99 acre Mountain Plum Tract, with the north line of the said 11.993 acre tract, with a south line of the tract described herein, a distance of 20.08 feet to a calculated point, for a southwest corner of the tract described herein;

THENCE leaving the north line of the said 11.993 acre tract, continuing across the said 983.99 acre Mountain Plum Tract, with the west and south lines of the tract described herein, the following four (4) courses and distances:

1. N 00° 41' 53" W, a distance of 224.99 feet to a calculated point for an interior corner of the tract of land described herein;
2. S 89° 18' 06" W, a distance of 562.26 feet to a calculated angle point,
3. S 83° 50' 34" W, a distance of 1189.19 feet to a calculated angle point, and
4. S 72° 35' 34" W, a distance of 18.87 feet to a calculated point in the east right-of-way line of Kyle Parkway, same being the east line of that certain called 0.931 of one acre tract designated as Parcel 4 and described in the deed to the City of Kyle of record in Volume 4122, Page 86, Official Public Records of Hays County, Texas, for the most westerly southwest corner of the tract described herein;

THENCE with the east right-of-way line of Kyle Parkway, with the east line of the said 0.931 of one acre tract and the east line of the said 28.91 acre tract, with the west line of the tract described herein, the following three (3) courses and distances:

1. with the arc of a curve to the left, having a radius of 2932.09 feet, an arc distance of 181.66 feet and a chord which bears N 19° 47' 48" W, a distance of 181.63 feet to a TxDOT Type 2 R.O.W. Marker found at a point of non-tangency,
2. N 26° 47' 39" W, a distance of 222.09 feet to a calculated point for the north corner of the said 0.931 of one acre tract, same being a point of tangency in the east line of the said 28.91 acre tract, for an angle point of the tract described herein, from which a TxDOT Type 2 R.O.W. Marker found for reference bears S 26° 19' 00" E, a distance of 3.26 feet, and
3. N 21° 32' 51" W, a distance of 713.56 feet to the **POINT OF BEGINNING** and containing 1.530 acres, more or less.

PARCEL 2:

COMMENCING at a 1/2-inch iron rod found at the northwest corner of that certain tract of land conveyed in a deed to the International & Great Northern Railroad recorded in Volume N, Page 428, Deed Records of Hays County, Texas, same being an interior corner of the said 983.99 acre tract;

THENCE N 04° 55' 53" W, crossing the said 983.99 acre tract, a distance of 812.72 feet to a calculated point in the south line of the said 11.993 acre tract of land, for the northeast corner and **POINT OF BEGINNING** of the tract described herein;

THENCE crossing the said 983.99 acre tract, with the east, south, and west lines of the tract described herein, the following nine (9) courses and distances:

1. S 00° 41' 53" E, a distance of 2495.96 feet to a calculated angle point,
2. S 13° 25' 59" W, a distance of 634.90 feet to a calculated angle point,
3. S 31° 34' 54" E, a distance of 20.34 feet to a calculated angle point,

4. S 13° 25' 06" W, a distance of 2.60 feet to a calculated point for the southeast corner of the tract described herein,
5. N 76° 32' 01" W, a distance of 2.42 feet to a calculated angle point,
6. N 90° 00' 00" W, a distance of 19.31 feet to a calculated point for the southwest corner of the tract described herein, from which a 1/2-inch iron rod with a plastic cap stamped "LAI" found in the west line of that tract of land conveyed to the International & Great Northern Railroad Co. recorded in Volume H, Page 22, Deed Records of Hays County, Texas, at the northeast corner of a called 0.576 acre tract of land described in a deed to City of Kyle, Texas of record in Volume 3220, Page 508, Official Public Records of Hays County, Texas, bears S 11° 04' 33" E, a distance of 162.33 feet,
7. N 31° 34' 54" W, a distance of 18.64 feet to a calculated angle point,
8. N 13° 25' 59" E, a distance of 640.71 feet to a calculated angle point, and
9. N 00° 41' 53" W, a distance of 2506.92 feet to a calculated point in the south line of said 11.993 acre tract of land, for the northwest corner of the tract described herein;

THENCE S 56° 47' 39" E, continuing across the said 983.99 acre, with the south line of the said 11.993 acre tract, same being the north line of the tract described herein, a distance 24.10 feet to the **POINT OF BEGINNING** and containing 1.451 acres of land, more or less.

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

BOWMAN WORD FILE: FN2325(km)

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF HAYS §

That I, Terry L. Rowe, 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 property described herein was determined by a survey made on the ground during the month of December 2019, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 20 day of January 2020 A.D.

Bowman Consulting Group, Ltd.
Austin, Texas 78746



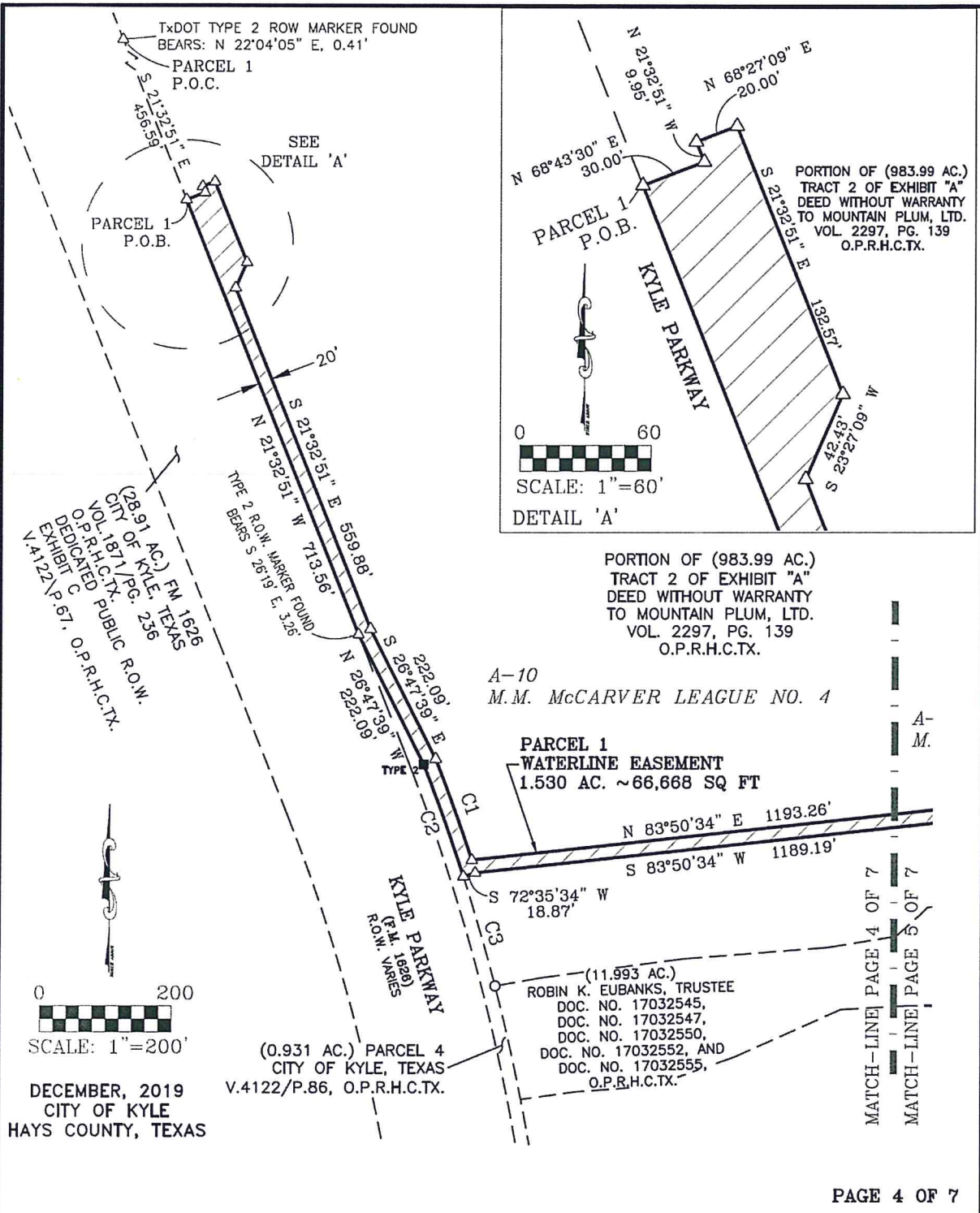
Terry L. Rowe
Registered Professional Land Surveyor
No. 5493 – State of Texas



EXHIBIT B

Depiction of the Easement Tract

[attached]

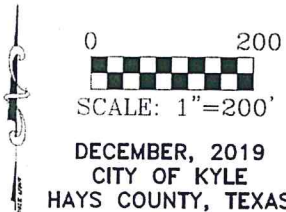
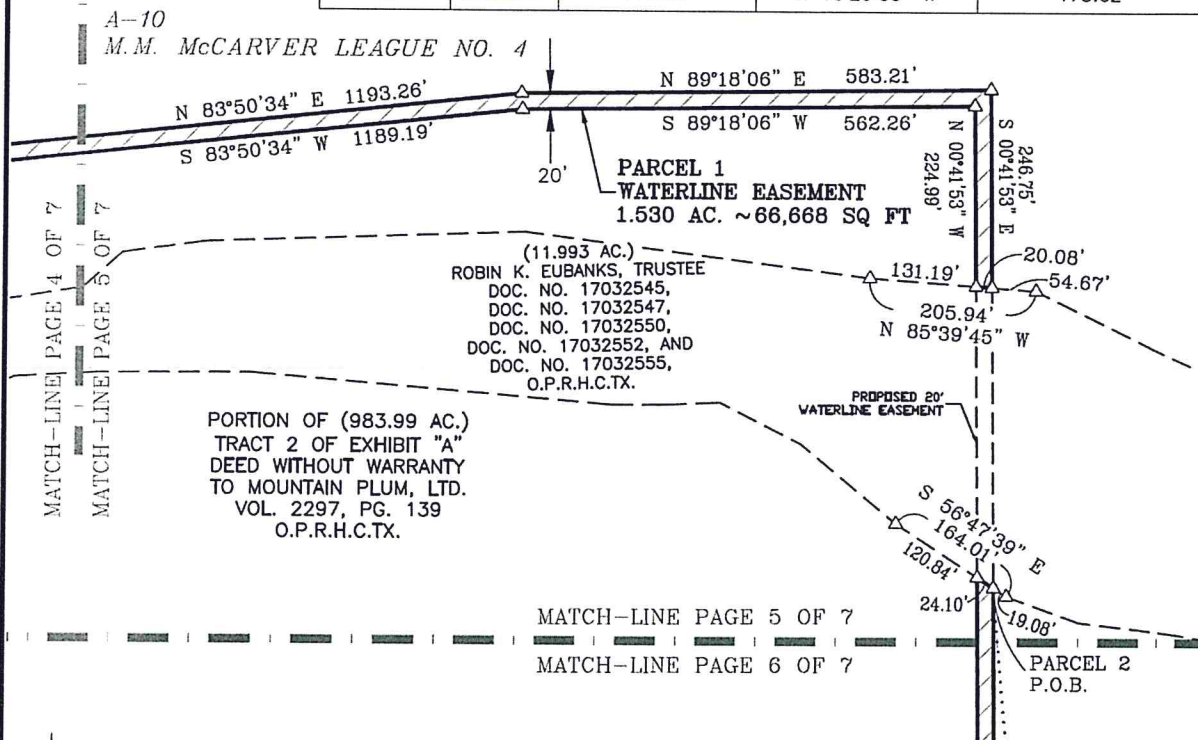


Bowman CONSULTING
 Bowman Consulting Group, Ltd.
 1120 South Capital of Texas Hwy, Bldg 3, Suite 220, Austin, Texas 78746
 Phone: (512) 327-1180 Fax: (512) 327-4062
 www.bowmanconsulting.com © Bowman Consulting Group, Ltd.
 TBPE Firm No. F-14309 | TBPLS Firm No. 101206-00

**EXHIBIT TO ACCOMPANY
 FIELD NOTES DESCRIPTION
 FN2325**

FILE: P:\005549 - Plum Creek\005549-00-001 (SUR)\Survey_Ph2\Work_FN-Sketches\2019_PH2 Area FNs\FN2325 Plum Ph 2 Waterline Esmt.dwg
 DATE: Jan 20, 2020 - 8:19am

CURVE TABLE				
CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	3004.79'	163.79'	S 20°00'08" E	163.77'
C2	2932.09'	181.66'	N 19°47'48" W	181.63'
C3	2984.79'	173.65'	N 16°23'33" W	173.62'



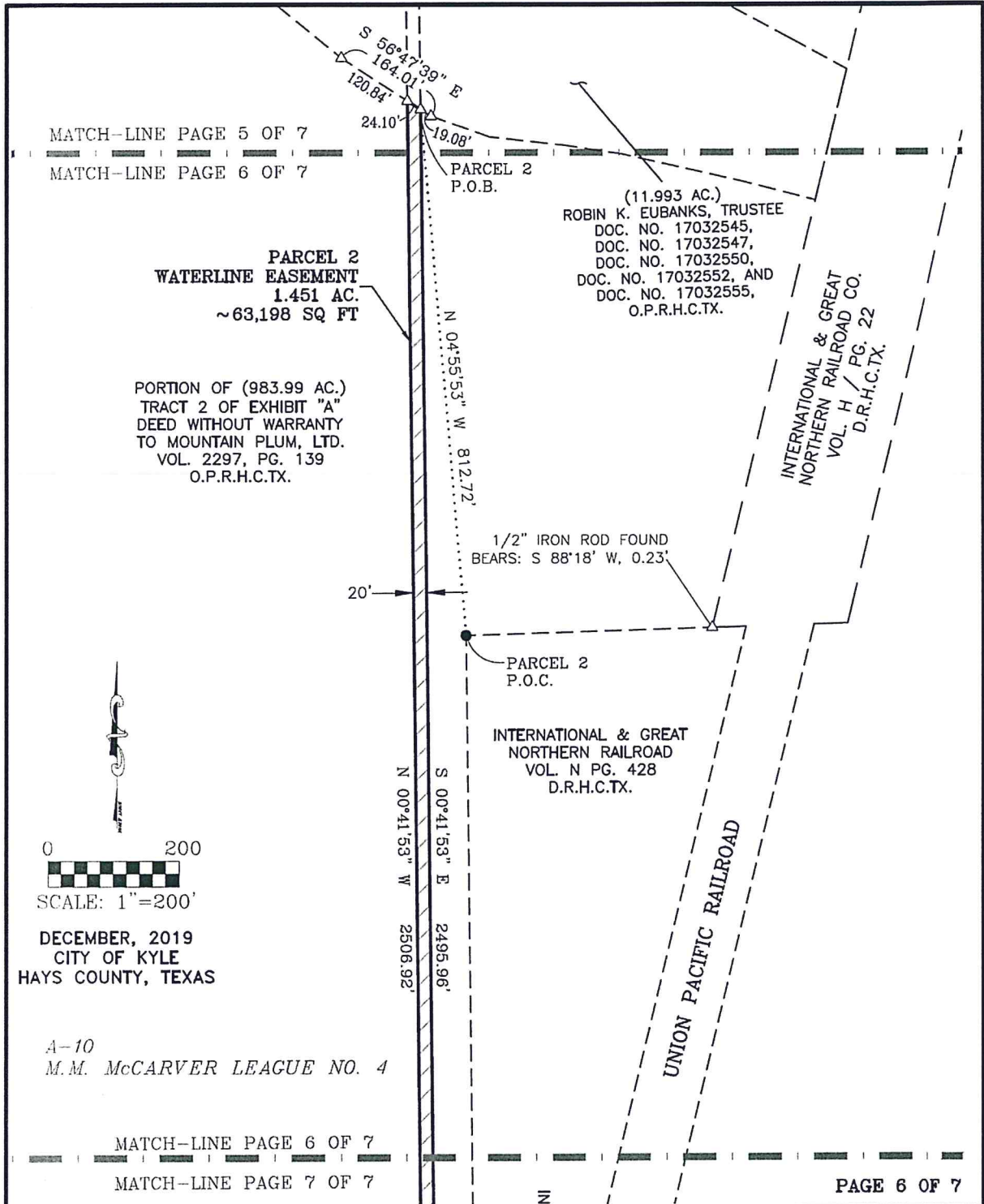
- LEGEND**
- TYPE 2 TEXAS DEPARTMENT OF TRANSPORTATION TYPE 2 BRASS DISC IN CONCRETE R.O.W. MARKER FOUND
 - 1/2" IRON ROD FOUND
 - LAI 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LAI" FOUND
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "BCG" SET
 - △ CALCULATED POINT
 - D.R.H.C.TX. DEED RECORDS OF HAYS COUNTY, TEXAS
 - O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCING

- NOTES:**
- BEARING BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
 - DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS, TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
 - THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999907.



Bowman Consulting Group, Ltd.
1120 South Capital of Texas Hwy, Bldg 3, Suite 220, Austin, Texas 78746
Phone: (512) 327-1180 Fax: (512) 327-4062
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TBPE Firm No. F-14309 | TBPLS Firm No. 101206-00

EXHIBIT TO ACCOMPANY
FIELD NOTES DESCRIPTION
FN2325



Bowman
 CONSULTING

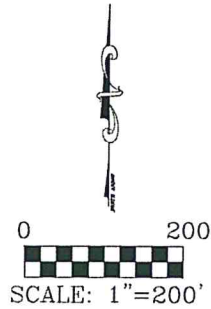
Bowman Consulting Group, Ltd.
 1129 South Capital of Texas Hwy, Bldg 3, Suite 220, Austin, Texas 78746
 Phone: (512) 327-1189 Fax: (512) 327-4062
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EXHIBIT TO ACCOMPANY
 FIELD NOTES DESCRIPTION
 FN2325

MATCH-LINE PAGE 6 OF 7

MATCH-LINE PAGE 7 OF 7

INTERNATIONAL & GREAT
NORTHERN RAILROAD
VOL. N PG. 428
D.R.H.C.TX.



DECEMBER, 2019
CITY OF KYLE
HAYS COUNTY, TEXAS

PARCEL 2
WATERLINE EASEMENT
1.451 AC.
~63,198 SQ FT

20'

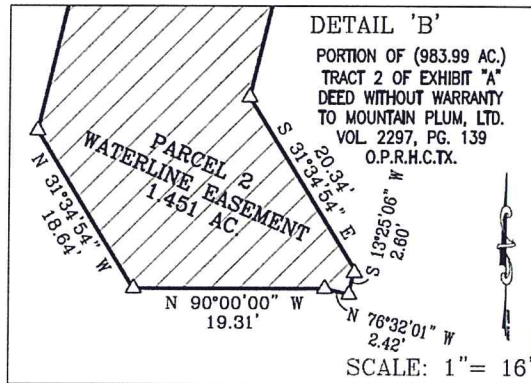
A-10

M.M. McCARVER LEAGUE NO. 4

PORTION OF (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.

INTERNATIONAL & GREAT
NORTHERN RAILROAD CO.
VOL. H PG. 22
D.R.H.C.TX.

UNION PACIFIC RAILROAD



SEE DETAIL 'B'

(2.163 AC.)
PARCEL 3 - EXHIBIT A;
(0.576 AC.) TRACT 4
CITY OF KYLE, TEXAS,
V.3220/P.508,
O.P.R.H.C.TX.

KOHLERS CROSSING

PAGE 7 OF 7

Bowman
CONSULTING

Bowman Consulting Group, Ltd.
1120 South Capital of Texas Hwy, Bldg 3, Suite 220, Austin, Texas 78746
Phone: (512) 327-1180 Fax: (512) 327-4062
www.bowmanconsulting.com © Bowman Consulting Group, Ltd.
TBPE Firm No. F-14309 | TBPLS Firm No. 101206-00

EXHIBIT TO ACCOMPANY
FIELD NOTES DESCRIPTION
FN2325

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.

WATER LINE EASEMENT

Date: April 15, 201~~8~~20

Grantor: Mountain Plum, Ltd.,
a Texas limited partnership

Grantor's Address: 4040 Broadway Street, Suite 501
San Antonio, Texas 78209
Attn: Richard B. Negley and Laura Negley Gill

With a copy to:

Momark Development
1711 East Cesar Chavez Street, Suite B
Austin, Texas 78702
Attn: Megan Shannon

Grantee ("City"): City of Kyle
Hays County, Texas

Grantor's Address: 100 West Center Street
Kyle, TX 78640

Easement Tract: That certain parcel of land situated in Hays County, Texas, described by metes and bounds in **Exhibit A** attached hereto and as shown in **Exhibit B** attached hereto.

Easement Duration: Perpetual or until the Facilities are abandoned.

Easement Purpose: To install, construct, operate, use, maintain, repair, modify, upgrade, monitor, inspect, replace, make connections with, remove, and decommission the Facilities.

Facilities: One (1) stormwater line and associated appurtenances.

Permitted Encumbrances: Any easements, liens, encumbrances, and other matters that are valid, existing, and affect the Easement Tract as of the Date set forth herein and of record in the Real Property Records of Hays County, Texas in which the Easement Tract is located.

Non-Permitted Activity: Installation, construction, operation, use, maintenance, repair, modification, upgrade, and replacement of any structure, building, retaining wall, detention or water quality controls, rainwater harvesting system or trees, either above or below the surface of the Easement Tract.

Eligible Improvements:

Irrigation systems that are installed perpendicular to the Facilities, walkways made of concrete, asphalt, granite or any other similar materials, sidewalks, driveways, curbs, access roads and parking areas at grade level, barbed-wire, chain-link, metal and wooden fences, landscaping items such as plants, flowers, shrubs, bushes, hardscapes, rocks, pathways, and movable structures such as benches, gazebos and other similar items, signage, lighting and all other similar improvements which are not listed under "Non-Permitted Activity" above.

Grantor, for **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which is acknowledged by Grantor, **GRANTS, SELLS, AND CONVEYS** to the City a non-exclusive easement in, over, under, on, and across the Easement Tract for the Easement Purpose as may be necessary or desirable subject to the Permitted Encumbrances, together with (i) the right of ingress and egress at all times over, on, and across the Easement Tract for use of the Easement Tract for the Easement Purpose, (ii) the right to eliminate any encroachments in the Easement Tract that are not otherwise permitted hereunder, and (iii) any and all rights and appurtenances pertaining to use of the Easement Tract (collectively, the "**Easement**").

TO HAVE AND TO HOLD the Easement to the City and City's successors and assigns for the Easement Duration and Easement Purpose; provided, however, Grantor reserves the right to enter upon and use any portion of the Easement Tract and to install, construct, operate, use, maintain, repair, inspect, modify, upgrade, replace and/or relocate within the Easement Tract the improvements allowed under the City Permit and the Eligible Improvements and the right to grant additional easements or rights-of-way upon or across the Easement Tract to other parties for any purposes which do not endanger the Facilities or unreasonably interfere with the City's use of the Facilities, but in no event shall Grantor, except with respect to the improvements allowed under the City Permit and the Eligible Improvements, enter upon or use any portion of the Easement Tract for any Non-Permitted Activity or in any other manner that interferes in any material way or is inconsistent with the rights granted the City under this Easement for the Easement Purpose as determined by City in its reasonable discretion.

City, at its sole cost and expense, shall be obligated to restore, repair or replace the portions of the Easement Tract and Grantor's adjacent land and the Eligible Improvements therein that do not interfere in any material way or are not inconsistent with the City's use of the Easement for the Easement Purpose as determined by the City in its reasonable discretion, which have been removed, relocated, altered, damaged or destroyed as a result of City's use of the Easement Tract, in each case to equal or better than the condition which existed immediately prior to such removal, relocation, alteration, damage or destruction.

Grantor reserves its interest in all oil, gas, and other minerals in and under and that may be produced from the Easement Tract.

Grantor binds Grantor and Grantor's heirs, successors, and assigns to **WARRANT AND FOREVER DEFEND** the title to the Easement, subject to the Permitted Encumbrances, to the City against every person whomsoever lawfully claiming or to claim the Easement Tract or any part of the Easement Tract when the claim is by, through, or under Grantor, but not otherwise.

Except where the context otherwise requires, Grantor includes Grantor's heirs, successors, and assigns and City includes City's employees, agents, consultants, contractors, successors, and assigns; and where the context requires, singular nouns and pronouns include the plural.

[signature and acknowledgement pages follow]

Executed effective the Date first above stated.

Grantor:

MOUNTAIN PLUM, LTD.,
a Texas limited partnership

By: MP General, L.L.C., a Texas limited liability company, its general partner

By: *Richard Wesley*
Richard Wesley, Manager

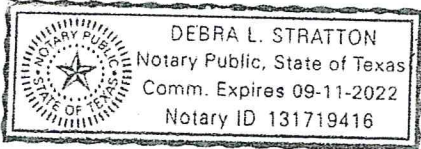
By: *Tracy Smith*
Tracy Smith, Manager

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

By: *Lara N Hill*
Name: Lara N Hill
Title: Manager

STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on the 21 day of October, 2019, by *Richard Wesley*, Manager of MP General, L.L.C., a Texas limited liability company, general partner of Mountain Plum, Ltd., a Texas limited partnership, on behalf of said limited partnership and limited liability company.



Debra Stratton
Notary Public in and for the
State of Texas

EXHIBIT A

Legal Description of the Easement Tract

[to be attached]

2.981 Acres
 M.M. McCarver Survey No. 4, A-10,
 Hays County, Texas

Job No. 5549-01-001
 FN2325(km)
 Page 1 of 7

FIELD NOTES DESCRIPTION

DESCRIPTION OF 2.981 ACRES OF LAND IN THE M.M. MCCARVER SURVEY NO. 4, ABSTRACT NO. 10, HAYS COUNTY, TEXAS; BEING A PORTION OF A CALLED 983.99 ACRE TRACT OF LAND DESIGNATED AS TRACT 2 AND DESCRIBED IN A DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME 2297, PAGE 139, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 2.981 ACRES OF LAND, BEING COMPRISED OF 1.530 ACRES OF LAND DESIGNATED PARCEL 1 AND 1.451 ACRES OF LAND DESIGNATED PARCEL 2, AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., AND SHOWN ON THE ACCOMPANYING SKETCH BEING MORE PARTICULAR DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PARCEL 1:

COMMENCING at a calculated point of tangency in the east right-of-way line of Kyle Parkway, same being a calculated point of tangency in the east line of that certain called 28.91 acre tract of land described in a Dedication of Public Right-of-Way of record in Volume 4122, Page 67, Official Public Records of Hays County, Texas, and from which a Texas Department of Transportation (TxDOT) Type 2 R.O.W. Marker (brass disk set in concrete) found for reference bears N 22° 04' 05" E, a distance of 0.41 feet;

THENCE S 21° 32' 51" W, with the east right-of-way line of Kyle Parkway, with the east line of the said 28.91 acre tract, a distance of 456.59 feet to a calculated point for the northwest corner and **POINT OF BEGINNING** of the tract described herein;

THENCE leaving the east right-of-way line of Kyle Parkway and the east line of the said 28.91 acre tract, crossing the said 983.99 acre Mountain Plum Tract, with the north and east lines of the tract described herein, the following eleven (11) courses and distances:

1. N 68° 43' 30" E, a distance of 30.00 feet to a calculated angle point,
2. N 21° 32' 51" W, a distance of 9.95 feet to a calculated angle point,
3. N 68° 27' 09" E, a distance of 20.00 feet to a calculated point for the most northerly northeast corner of the tract described herein,
4. S 21° 32' 51" E, a distance of 132.57 feet to a calculated angle point,
5. S 23° 27' 09" W, a distance of 42.43 feet to a calculated angle point,
6. S 21° 32' 51" E, a distance of 559.88 feet to a calculated angle point,
7. S 26° 47' 39" E, a distance of 222.09 feet to a calculated point of curvature,
8. with the arc of a curve to the right, having a radius of 3004.79 feet, an arc distance of 163.79 feet and a chord which bears S 20° 00' 08" E, a distance of 163.77 feet to a calculated point for an interior corner of the tract described herein,
9. N 83° 50' 34" E, a distance of 1193.26 feet to a calculated angle point,
10. N 89° 18' 06" E, a distance of 583.21 feet to a calculated point for the most easterly northeast corner of the tract described herein, and
11. S 00° 41' 53" E, a distance of 246.75 feet to a calculated point in the north line of that certain called 11.993 acre tract, described in a deed to Robin K. Eubanks, Trustee, in Document No. 17032545, Official Public Records of Hays County, Texas, for the southeast corner of the tract described herein;

2.981 Acres
M.M. McCarver Survey No. 4, A-10,
Hays County, Texas

Job No. 5549-01-001
FN2325(km)
Page 2 of 7

THENCE N 85° 39' 45" W, continuing across the said 983.99 acre Mountain Plum Tract, with the north line of the said 11.993 acre tract, with a south line of the tract described herein, a distance of 20.08 feet to a calculated point, for a southwest corner of the tract described herein;

THENCE leaving the north line of the said 11.993 acre tract, continuing across the said 983.99 acre Mountain Plum Tract, with the west and south lines of the tract described herein, the following four (4) courses and distances:

1. N 00° 41' 53" W, a distance of 224.99 feet to a calculated point for an interior corner of the tract of land described herein;
2. S 89° 18' 06" W, a distance of 562.26 feet to a calculated angle point,
3. S 83° 50' 34" W, a distance of 1189.19 feet to a calculated angle point, and
4. S 72° 35' 34" W, a distance of 18.87 feet to a calculated point in the east right-of-way line of Kyle Parkway, same being the east line of that certain called 0.931 of one acre tract designated as Parcel 4 and described in the deed to the City of Kyle of record in Volume 4122, Page 86, Official Public Records of Hays County, Texas, for the most westerly southwest corner of the tract described herein;

THENCE with the east right-of-way line of Kyle Parkway, with the east line of the said 0.931 of one acre tract and the east line of the said 28.91 acre tract, with the west line of the tract described herein, the following three (3) courses and distances:

1. with the arc of a curve to the left, having a radius of 2932.09 feet, an arc distance of 181.66 feet and a chord which bears N 19° 47' 48" W, a distance of 181.63 feet to a TxDOT Type 2 R.O.W. Marker found at a point of non-tangency,
2. N 26° 47' 39" W, a distance of 222.09 feet to a calculated point for the north corner of the said 0.931 of one acre tract, same being a point of tangency in the east line of the said 28.91 acre tract, for an angle point of the tract described herein, from which a TxDOT Type 2 R.O.W. Marker found for reference bears S 26° 19' 00" E, a distance of 3.26 feet, and
3. N 21° 32' 51" W, a distance of 713.56 feet to the **POINT OF BEGINNING** and containing 1.530 acres, more or less.

PARCEL 2:

COMMENCING at a 1/2-inch iron rod found at the northwest corner of that certain tract of land conveyed in a deed to the International & Great Northern Railroad recorded in Volume N, Page 428, Deed Records of Hays County, Texas, same being an interior corner of the said 983.99 acre tract;

THENCE N 04° 55' 53" W, crossing the said 983.99 acre tract, a distance of 812.72 feet to a calculated point in the south line of the said 11.993 acre tract of land, for the northeast corner and **POINT OF BEGINNING** of the tract described herein;

THENCE crossing the said 983.99 acre tract, with the east, south, and west lines of the tract described herein, the following nine (9) courses and distances:

1. S 00° 41' 53" E, a distance of 2495.96 feet to a calculated angle point,
2. S 13° 25' 59" W, a distance of 634.90 feet to a calculated angle point,
3. S 31° 34' 54" E, a distance of 20.34 feet to a calculated angle point,

2.981 Acres
M.M. McCarver Survey No. 4, A-10,
Hays County, Texas

Job No. 5549-01-001
FN2325(km)
Page 3 of 7

- 4. S 13° 25' 06" W, a distance of 2.60 feet to a calculated point for the southeast corner of the tract described herein,
- 5. N 76° 32' 01" W, a distance of 2.42 feet to a calculated angle point,
- 6. N 90° 00' 00" W, a distance of 19.31 feet to a calculated point for the southwest corner of the tract described herein, from which a 1/2-inch iron rod with a plastic cap stamped "LAI" found in the west line of that tract of land conveyed to the International & Great Northern Railroad Co. recorded in Volume H, Page 22, Deed Records of Hays County, Texas, at the northeast corner of a called 0.576 acre tract of land described in a deed to City of Kyle, Texas of record in Volume 3220, Page 508, Official Public Records of Hays County, Texas, bears S 11° 04' 33" E, a distance of 162.33 feet,
- 7. N 31° 34' 54" W, a distance of 18.64 feet to a calculated angle point,
- 8. N 13° 25' 59" E, a distance of 640.71 feet to a calculated angle point, and
- 9. N 00° 41' 53" W, a distance of 2506.92 feet to a calculated point in the south line of said 11.993 acre tract of land, for the northwest corner of the tract described herein;

THENCE S 56° 47' 39" E, continuing across the said 983.99 acre, with the south line of the said 11.993 acre tract, same being the north line of the tract described herein, a distance 24.10 feet to the **POINT OF BEGINNING** and containing 1.451 acres of land, more or less.

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

BOWMAN WORD FILE: FN2325(km)

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
 COUNTY OF HAYS §

That I, Terry L. Rowe, 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 property described herein was determined by a survey made on the ground during the month of December 2019, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 20 day of January 2020 A.D.

Bowman Consulting Group, Ltd.
Austin, Texas 78746



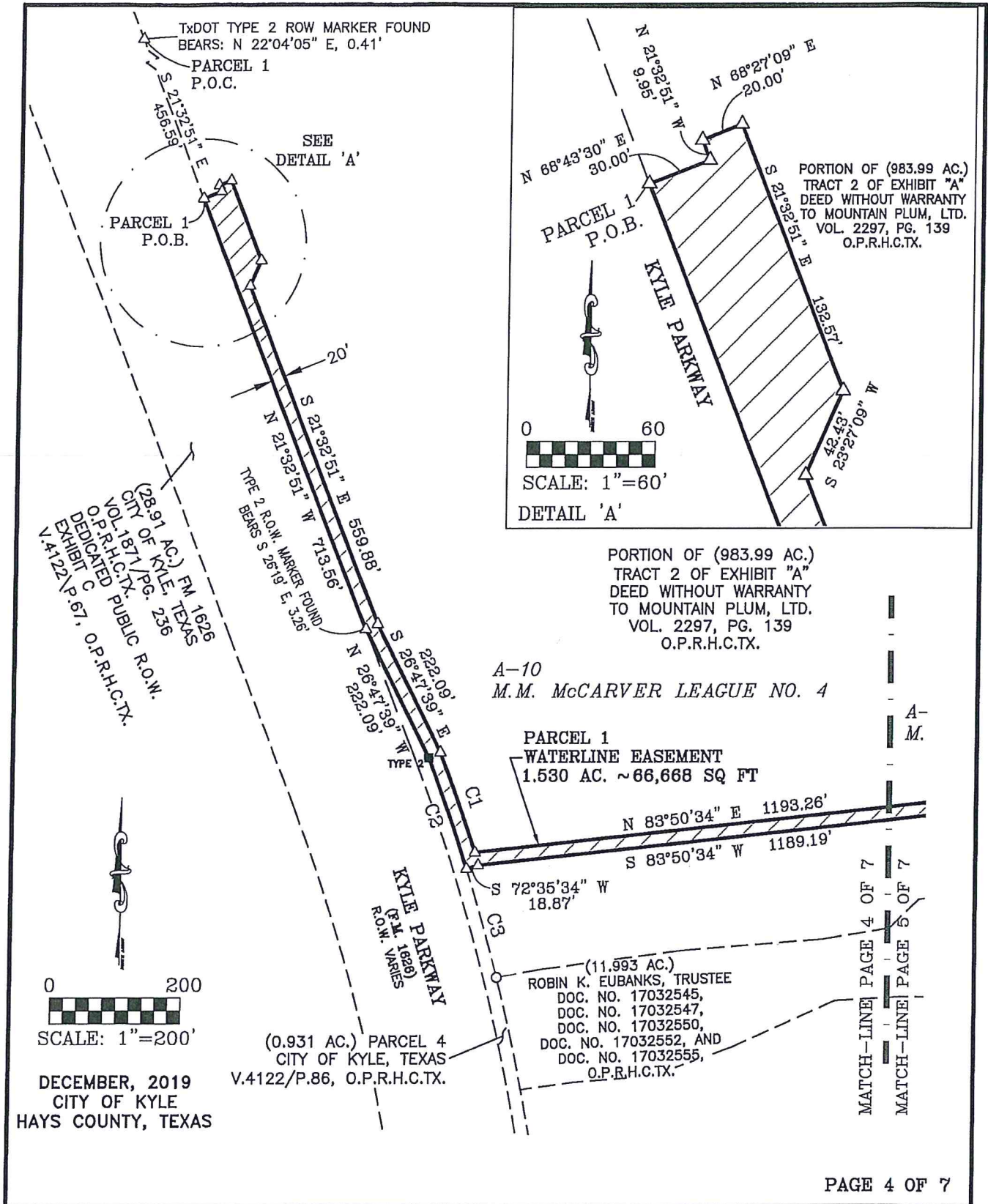
 Terry L. Rowe
 Registered Professional Land Surveyor
 No. 5493 – State of Texas



EXHIBIT B

Depiction of the Easement Tract

[to be attached]

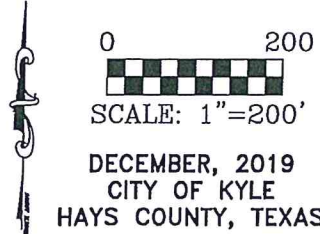
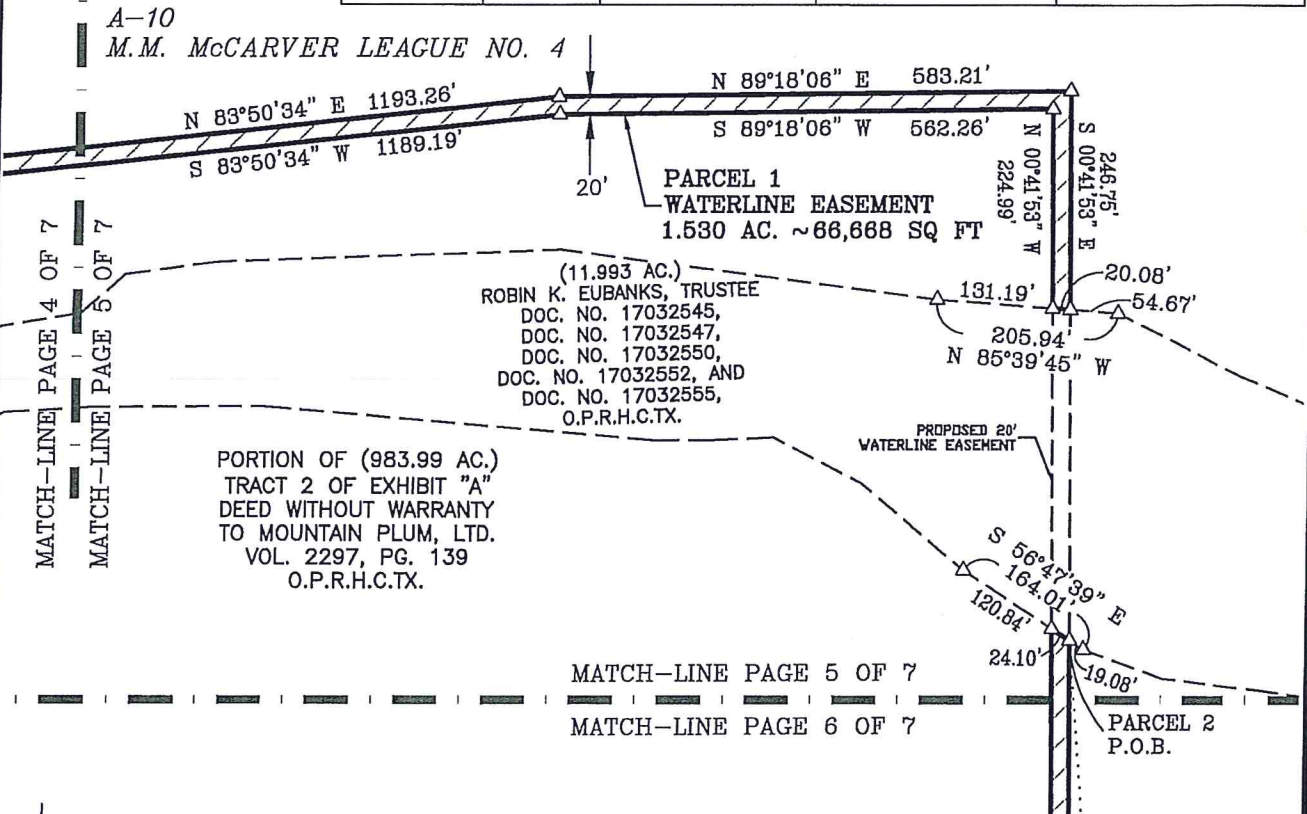


Bowman Consulting Group, Ltd.
 1120 South Capital of Texas Hwy, Bldg 3, Suite 220, Austin, Texas 78746
 Phone: (512) 327-1180 Fax: (512) 327-4062
 www.bowmanconsulting.com © Bowman Consulting Group, Ltd.

EXHIBIT TO ACCOMPANY
 FIELD NOTES DESCRIPTION
 FN2325

TBPE Firm No. F-14309 | TBPLS Firm No. 101208-00

CURVE TABLE				
CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	3004.79'	163.79'	S 20°00'08" E	163.77'
C2	2932.09'	181.66'	N 19°47'48" W	181.63'
C3	2984.79'	173.65'	N 16°23'33" W	173.62'



LEGEND

- TYPE 2 TEXAS DEPARTMENT OF TRANSPORTATION TYPE 2 BRASS DISC IN CONCRETE R.O.W. MARKER FOUND
- 1/2" IRON ROD FOUND
- LAI 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LAI" FOUND
- 1/2" IRON ROD W/ PLASTIC CAP STAMPED "BCG" SET
- △ CALCULATED POINT
- D.R.H.C.TX. DEED RECORDS OF HAYS COUNTY, TEXAS
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING

- 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 0.999907.



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TBPE Firm No. F-14309 | TBPLS Firm No. 101208-00

EXHIBIT TO ACCOMPANY
FIELD NOTES DESCRIPTION
FN2325

MATCH-LINE PAGE 5 OF 7

MATCH-LINE PAGE 6 OF 7

PARCEL 2
WATERLINE EASEMENT
1.451 AC.
~63,198 SQ FT

PORTION OF (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.

(11.993 AC.)
ROBIN K. EUBANKS, TRUSTEE
DOC. NO. 17032545,
DOC. NO. 17032547,
DOC. NO. 17032550,
DOC. NO. 17032552, AND
DOC. NO. 17032555,
O.P.R.H.C.TX.

INTERNATIONAL & GREAT
NORTHERN RAILROAD CO.
VOL. H / PG. 22
D.R.H.C.TX.

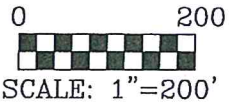
PARCEL 2
P.O.B.

1/2" IRON ROD FOUND
BEARS: S 88°18' W, 0.23'

PARCEL 2
P.O.C.

INTERNATIONAL & GREAT
NORTHERN RAILROAD
VOL. N PG. 428
D.R.H.C.TX.

UNION PACIFIC RAILROAD



DECEMBER, 2019
CITY OF KYLE
HAYS COUNTY, TEXAS

A-10
M.M. McCARVER LEAGUE NO. 4

MATCH-LINE PAGE 6 OF 7

MATCH-LINE PAGE 7 OF 7

PAGE 6 OF 7



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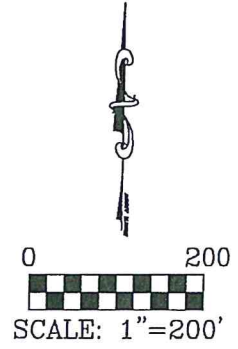
TBPE Firm No. F-14309 | TBPLS Firm No. 101208-00

EXHIBIT TO ACCOMPANY
FIELD NOTES DESCRIPTION
FN2325

MATCH-LINE PAGE 6 OF 7

MATCH-LINE PAGE 7 OF 7

INTERNATIONAL & GREAT
NORTHERN RAILROAD
VOL. N PG. 428
D.R.H.C.TX.



DECEMBER, 2019
CITY OF KYLE
HAYS COUNTY, TEXAS

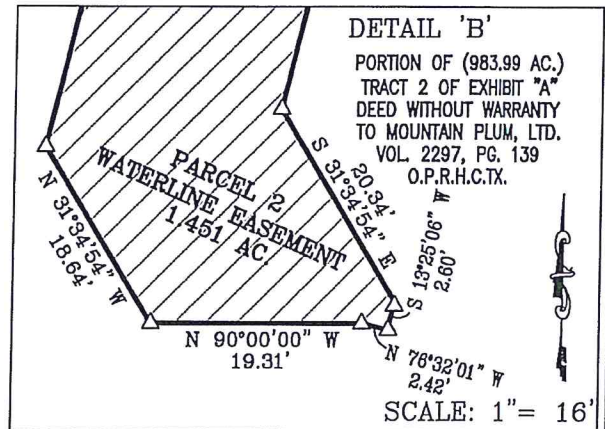
PARCEL 2
WATERLINE EASEMENT
1.451 AC.
~ 63,198 SQ FT

20'

A-10
M.M. McCARVER LEAGUE NO. 4

PORTION OF (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.

INTERNATIONAL & GREAT
NORTHERN RAILROAD CO.
VOL. H PG. 22
D.R.H.C.TX.



SEE DETAIL 'B'

(2.163 AC.)
PARCEL 3 - EXHIBIT A;
(0.576 AC.) TRACT 4
CITY OF KYLE, TEXAS,
V.3220/P.508,
O.P.R.H.C.TX.

KOHLERS CROSSING

PAGE 7 OF 7



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TBPE Firm No. F-14309 | TBPLS Firm No. 101208-00

EXHIBIT TO ACCOMPANY
FIELD NOTES DESCRIPTION
FN2325

**THE STATE OF TEXAS
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

20014431 EASEMENT
04/15/2020 02:45:56 PM Total Fees: \$74.00

Elaine H. Cárdenas, MBA, PhD, County Clerk
Hays County, Texas





CITY OF KYLE, TEXAS

Acceptance of Bunton Creek Phase 3 Subdivision

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: A Resolution of the City Council of the City of Kyle, Texas accepting the Bunton Creek, Phase 3 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 August 27, 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. PB03016800648 in the amount of \$473,021.59 has been provided for a period of two (2) years.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Acceptance Package for Bunton Creek Phase 3

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS ACCEPTING BUNTON CREEK PHASE 3 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 Bunton Creek Phase 3. The current maintenance surety is hereby \$473,021.59 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 Bunton Creek Phase 3 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 Holm, City Secretary

EXHIBIT A

STAFF ACCEPTANCE MEMO



CITY OF KYLE

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

Kyle, Texas 78640
Fax (512) 262-3915

MEMORANDUM

TO: Scott Sellers, City Manager
FROM: Leon Barba, P.E., City Engineer *LB*
DATE: September 9, 2020
SUBJECT: Bunton Creek, Phase 3
Final Acceptance

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

A final walkthrough was completed on August 27, 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. PB03016800648) in the amount of \$473,021.59 has been provided for a period of two (2) years.

Please let me know if you need any additional information.

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

ENGINEER'S CONCURRENCE
FOR
PROJECT ACCEPTANCE

PROJECT: Bunton Creek Phase 3
Street, Drainage, Water and Wastewater

Date: September 9, 2020

Owner's Name and Address

Consultant Engineer's Name and Address

LGI Homes – Texas, LLC
1450 Lake Robbins Drive
The Woodlands, TX 77380

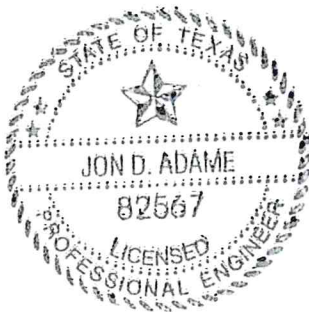
Pape-Dawson Engineers, Inc.
2000 NW Loop 410
San Antonio, TX 78213

On August 27, 2020, I, the undersigned Professional Engineer in the State of Texas, or my representative, met with representatives of the City of Kyle and the Project Contractor and made a visual inspection of the above referenced project. No discrepancies in approved construction plans or deficiencies in construction were visible or brought to my attention by the parties at the meeting except those listed below. I, therefore, recommend acceptance of this project by the City of Kyle once the following listed items are corrected to the satisfaction of the City of Kyle.

Punchlist items:

- At the storm outfall at the end of Amy Dr. add another 10' of rock berm on the Eastside and curl it up the embankment some to slow down the water.
- Pump out the water in the manhole behind the sidewalk and the end of Amy Dr.
- Remove and replace a section of sidewalk (4'x5') next to the inlet at the end of Amy Dr.
- Install the internal drop section in the WW manhole (A2) on Amy Dr.
- On Treeta Dr. lot 1, 2, 3, & 4 the (2'x2' grade inlets) all 3 of them need to have silt fence installed around them.
- Submit as-built plans, bond, and concurrence letter.

All work above has been or will be completed by end of business September 9, 2020.



(SEAL)



Signature

Jon Adame, P.E.

Typed Name

82567

Texas Registration No.

EXHIBIT B

MAINTENANCE BOND

Philadelphia Indemnity Insurance Company

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

Bond No. PB03016800648

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 Seventy Three Thousand Twenty One and 59/100 (473,021.59) 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 for Bunton Creek Phase 3 Street, Drainage, Sanitary Sewer, Streetlight, Change Order 1 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 22nd day of July, 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 14th 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.

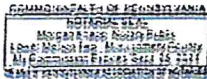
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICER THIS 27th DAY OF OCTOBER, 2017.

(Seal)



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

On this 27th 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:

Margaret Krupp

residing at:

Bala Cynwyd, PA

My commission expires:

September 30, 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 27th 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 22nd day of July, 20 20



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



July 10, 2020

Mr. Leon Barba, P.E.
City of Kyle
100 W. Center Street
Kyle, TX 78640

Re: **Bunton Creek Phase 3**
2-Year City Maintenance Bond Calculations

Dear Mr. Barba,

The letter and the calculations below are being provided as a basis for determining the 2-Year City Maintenance bond amount for the above referenced project.

This bond is being submitted by DNT Construction and will be a value that covers the construction of streets, drainage, sewer, street lights, and any potential change orders that may have occurred throughout the duration of the project. Values are based on actual pay invoices and contracted amounts established between the developer and the contractor.

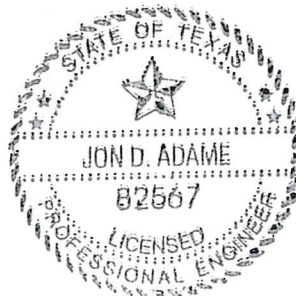
Bunton Creek Phase 3

Item	Description	Contract Amount
1	Street Improvements	\$ 858,764.75
2	Drainage Improvements	\$ 299,952.00
3	Sanitary Sewer Improvements	\$ 167,993.50
4	Streetlight Improvements	\$ 14,700.00
5	Change Order #1	\$ 10,080.00
	TOTAL	\$ 1,351,490.25
	35% Maintenance Bond	\$ 473,021.59

Supporting data (DNT invoice) has been provided for reference and each item's amount is highlighted. If you have any questions or require additional information, please do not hesitate to contact our office at your earliest convenience.

Sincerely,
Pape-Dawson Engineers, Inc.

Jon Adame, P.E.
Sr. Vice President



Attachments

PA840833\Word\Letters\200709 Maintenance Bond Estimate.docx

APPLICATION AND CERTIFICATE FOR PAYMENT/ DNT Constructor

TITLE (OWNER): 110064 PROJECT: 110-2148 **Five (5)** Distribution
LLGI Homes - Texas, LLC Burton Creek Unit 3 \$ 203,959.00
 1450 Lake Robbins Dr., Suite 430 PERIOD TO: 6/1/20 - 6/30/20 \$ 20,395.90
 The Woodlands, TX 77380 \$ 183,563.10
CONTRACTOR: **ENGINEER:**
IDNT Construction Pape-Dawson Engineers, Inc.
 P O Box 6210 2000 NW Loop 410 Round Rock, Texas 78683 San Antonio, TX 78257
CONTRACT ID: 2148-5

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change orders approved in previous months by Owner		\$0.00	\$0.00
TOTAL		\$0.00	\$0.00
Approved this Month			
Number	Date Approved		
1	12-May-20	\$10,080.00	
2			
3			
4			
TOTALS		\$10,080.00	\$0.00

Net change by Change Orders \$10,080.00
 The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payments shown herein is now due.

CONTRACTOR: IDNT CONSTRUCTION, LLC

By: *Kristyne Watley*
 Kristyne Watley, Contract Administrator
 Date: 6/25/20

ENGINEER CERTIFICATE FOR PAYMENT

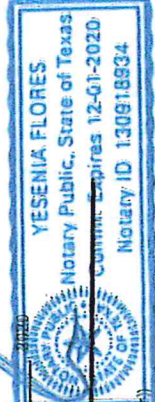
In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance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

By: *J. Sheld*
 The-Dawn Engineers
 Date: 6/25/20

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

- 1 ORIGINAL CONTRACT SUM \$ 1,656,356.75
- 2 Net change by Change Orders \$ 10,080.00
- 3 CONTRACT SUM TO DATE \$ 1,666,436.75
- 4 TOTAL COMPLETED & STORED TO DATE (Column G on J703) \$ 1,271,181.40
- 5 Retainage:
 - a. 10% of Opt Wk \$ 127,118.140
 - (Column D + E on J703)
 - b. 10% of Stored Mt \$
 - (Column F on J703)
- 6 TOTAL EARNED LESS RETAINAGE (Total in Column 1 of J703) \$ 1,27,1181.40
- 7 LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificates) \$ 1,144,632.60
- 8 CURRENT PAYMENT DUE \$ 961,069.50
- 9 BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6) \$ 521,804.15

State of: TEXAS County of: TARRANT
 Subscribed and sworn to before me this 25 day of June, 2020
 Notary Public: Yesenia Flores
 My Commission expires: 12/01/2020
 AMOUNT CERTIFIED
 (Attach explanation if amount certified differs from the amount applied for)
 ENGINEER



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

DMIT CONSTRUCTION MONTHLY PROGRESS PAYMENT

CONTRACT: Bunton Creek Unit 3

CONTRACTOR: DMIT CONSTRUCTION
P.O. Box 6210
Round Rock, Texas 78663

PROGRESS PAYMENT NO: Five (5)
PROGRESS PAYMENT PERIOD: 6/1/20 - 6/30/20

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	CONTRACT AMOUNT	PREVIOUS QTY.	THIS EST.	QTY TO DATE	COST TO DATE	PREVIOUS COST	COST THIS ESTIMATE	%
1	10500 Mobilization	1	LLS	\$ 25,000.00	\$25,000.00	1.00	0.00	1.00	\$25,000.00	\$25,000.00	\$0.00	100.0%
2	10500 Clearing	118.74	/AC	\$ 1,200.00	\$22,486.00	118.74	0.00	118.74	\$22,486.00	\$22,486.00	\$0.00	100.0%
3	10500 Mass Grading (Roads and Lots)											
	a. Excavation (Right of Way)	300.66	CY	\$ 30.00	\$9,019.80	300.66	0.00	300.66	\$9,019.80	\$9,019.80	\$0.00	100.0%
	b. Embankment (Right of Way)	301.82	CY	\$ 30.00	\$9,054.60	301.82	0.00	301.82	\$9,054.60	\$9,054.60	\$0.00	100.0%
4	112500 1.5" Type II Asphalt (Local Streets)	7426	SY	\$ 14.00	\$104,164.00	7426	0.00	7426	\$104,164.00	\$104,164.00	\$0.00	100.0%
5	112500 2" Type II Asphalt (Collector Streets)	301.95	SY	\$ 12.40	\$3,744.20	301.95	0.00	301.95	\$3,744.20	\$3,744.20	\$0.00	100.0%
6	112500 12" Flex Base (3' BOC) (Local Streets)	100.99	SY	\$ 14.00	\$1,413.86	100.99	0.00	100.99	\$1,413.86	\$1,413.86	\$0.00	100.0%
7	112500 15" Flex Base (3' BOC) (Collector Streets)	457.4	SY	\$ 16.00	\$7,318.40	457.4	0.00	457.4	\$7,318.40	\$7,318.40	\$0.00	100.0%
8	112500 Concrete Curb and Gutter	58.80	LF	\$ 16.00	\$940.80	58.80	0.00	58.80	\$940.80	\$940.80	\$0.00	100.0%
9	112500 Concrete Valley Gutter (2' Traditional, 1' Lumeat)	3	EA	\$ 6,840.00	\$20,520.00	3	0.00	3	\$20,520.00	\$20,520.00	\$0.00	100.0%
10	112500 Concrete Sidewalk	57.3	SY	\$ 47.00	\$2,691.10	57.3	0.00	57.3	\$2,691.10	\$2,691.10	\$0.00	100.0%
11	112500 ADA Ramps	6	EA	\$ 1,250.00	\$7,500.00	6	0.00	6	\$7,500.00	\$7,500.00	\$0.00	100.0%
12	112500 Signage and Traffic Control	1	LLS	\$ 11,575.00	\$11,575.00	1	0.00	1	\$11,575.00	\$11,575.00	\$0.00	100.0%
13	112500 Mailbox Cluster Concrete Pad	7	SY	\$ 2,225.00	\$15,575.00	7	0.00	7	\$15,575.00	\$15,575.00	\$0.00	100.0%
14	110500 PPDES											
	a. Stage I	1	LLS	\$ 14,015.00	\$14,015.00	1	0.00	1	\$14,015.00	\$14,015.00	\$0.00	100.0%
	b. Stage II	48.15	LF	\$ 11.85	\$5,692.28	48.15	0.00	48.15	\$5,692.28	\$5,692.28	\$0.00	100.0%
15	10500 Revegetation (ROW)	6808	SY	\$ 21.00	\$143,168.00	6808	0.00	6808	\$143,168.00	\$143,168.00	\$0.00	100.0%
16	10500 Gas Crossing											
	a. Temporary - 8" Timber Matting (M/T)	3	EA	\$ 9,300.00	\$27,900.00	3	0.00	3	\$27,900.00	\$27,900.00	\$0.00	100.0%
	b. Permanent - Concrete Slab Protection	3.00	EA	\$ 26,200.00	\$78,600.00	3.00	0.00	3.00	\$78,600.00	\$78,600.00	\$0.00	100.0%
					\$354,764.75				\$522,087.00	\$344,287.00	\$181,800.00	61.1%

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	CONTRACT AMOUNT	PREVIOUS QTY.	THIS EST.	QTY TO DATE	COST TO DATE	PREVIOUS COST	COST THIS ESTIMATE	%
1	112300 Reinforced Concrete Class 'A'											
	a. 10" Curb Inlet	9	EA	\$ 4,450.00	\$40,050.00	9	0.00	9	\$40,050.00	\$40,050.00	\$0.00	100.0%
	b. 15" Curb Inlet	2	EA	\$ 6,955.00	\$13,910.00	2	0.00	2	\$13,910.00	\$13,910.00	\$0.00	100.0%
	c. 4x4' Junction Box	4	EA	\$ 2,940.00	\$11,760.00	4	0.00	4	\$11,760.00	\$11,760.00	\$0.00	100.0%
2	112300 18" Class III IRCP	163	LF	\$ 51.00	\$8,313.00	163	0.00	163	\$8,313.00	\$8,313.00	\$0.00	100.0%
3	112300 24" Class III IRCP	1172	LF	\$ 69.00	\$81,168.00	1172	0.00	1172	\$81,168.00	\$81,168.00	\$0.00	100.0%
4	112300 30" Class III IRCP	320	LF	\$ 75.00	\$24,000.00	320	0.00	320	\$24,000.00	\$24,000.00	\$0.00	100.0%
5	112300 36" Class III IRCP	1286	LF	\$ 116.00	\$149,216.00	1286	0.00	1286	\$149,216.00	\$149,216.00	\$0.00	100.0%
6	112300 18" Wye Connection	1	EA	\$ 400.00	\$400.00	1	0.00	1	\$400.00	\$400.00	\$0.00	100.0%
7	112300 24" Wye Connection	3	EA	\$ 665.00	\$1,995.00	3	0.00	3	\$1,995.00	\$1,995.00	\$0.00	100.0%
8	112300 Concrete Collars	23	EA	\$ 110.00	\$2,530.00	23	0.00	23	\$2,530.00	\$2,530.00	\$0.00	100.0%
9	112300 Adjust Junction Box Manhole Tap	2	EA	\$ 1,000.00	\$2,000.00	2	0.00	2	\$2,000.00	\$2,000.00	\$0.00	100.0%
10	112300 Tie into Existing Main	2	EA	\$ 615.00	\$1,230.00	2	0.00	2	\$1,230.00	\$1,230.00	\$0.00	100.0%
11	112300 Trench Excavation Protection	1961	LF	\$ 1.00	\$1,961.00	1961	0.00	1961	\$1,961.00	\$1,961.00	\$0.00	100.0%
12	112300 Protection Handrail	111	LF	\$ 20.00	\$2,220.00	111	0.00	111	\$2,220.00	\$2,220.00	\$0.00	100.0%
13	112300 Private Drainage for Lots 1 & 4, Block C											
	a. 12" Class III IRCP	153	LF	\$ 48.00	\$7,344.00	153	0.00	153	\$7,344.00	\$7,344.00	\$0.00	100.0%
	b. 24" Gate Inlet	3	EA	\$ 1,100.00	\$3,300.00	3	0.00	3	\$3,300.00	\$3,300.00	\$0.00	100.0%
	c. Tie into Existing 10" Curb Inlet	1	EA	\$ 750.00	\$750.00	1	0.00	1	\$750.00	\$750.00	\$0.00	100.0%
14	112300 Rock Rubble End Treatment Outfall	2	EA	\$ 3,425.00	\$6,850.00	2	0.00	2	\$6,850.00	\$6,850.00	\$0.00	100.0%
15	112300 Concrete End Treatment	1	EA	\$ 7,125.00	\$7,125.00	1	0.00	1	\$7,125.00	\$7,125.00	\$0.00	100.0%
					\$295,952.00				\$285,902.00	\$281,777.00	\$7,125.00	96.1%

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	CONTRACT AMOUNT	PREVIOUS QTY.	THIS EST.	QTY TO DATE	COST TO DATE	PREVIOUS COST	COST THIS ESTIMATE	%
1	111700 8" Sanitary Sewer Pipe (SDR-26)											
	a. (6' - 6)	263.00	LF	\$ 27.00	\$7,101.00	263.00	0.00	263.00	\$7,101.00	\$7,101.00	\$0.00	100.0%
	b. (8' - 10)	1,353	LF	\$ 30.00	\$40,590.00	1,353	0.00	1,353	\$40,590.00	\$40,590.00	\$0.00	100.0%
	c. (10' - 12)	275.00	LF	\$ 34.00	\$9,350.00	275.00	0.00	275.00	\$9,350.00	\$9,350.00	\$0.00	100.0%
	d. (14' - 16)	104	LF	\$ 38.00	\$3,952.00	104	0.00	104	\$3,952.00	\$3,952.00	\$0.00	100.0%
2	111700 Standard Sanitary Sewer Manhole	7	EA	\$ 3,750.00	\$26,250.00	7	0.00	7	\$26,250.00	\$26,250.00	\$0.00	100.0%
3	111700 Internal Drop Manhole	1	EA	\$ 4,440.00	\$4,440.00	1	0.00	1	\$4,440.00	\$4,440.00	\$0.00	100.0%

DNIT CONSTRUCTION MONTHLY PROGRESS PAYMENT

CONTRACTOR: Burton Creek Unit 3

CONTRACTOR: DNIT CONSTRUCTION
 P O Box 6210
 Round Rock, Texas 78683

PROGRESS PAYMENT NO: Five (5)
 PROGRESS PAYMENT PERIOD: 6/1/20 - 6/30/20

ITEM	QTY	UNIT	UNIT PRICE	CONTRACT AMOUNT	PREVIOUS QTY	THIS EST. QTY	QTY TO DATE	COST TO DATE	PREVIOUS COST	COST THIS ESTIMATE	%
4	11700	Manhole Extra Depth	38	VF \$ 3220.00	38.00	0.00	38.00	\$12,160.00	\$12,160.00	\$0.00	100%
5	11700	Short Double Sewer Service	15	EA \$ 1,440.00	15.00	0.00	15.00	\$21,600.00	\$21,600.00	\$0.00	100%
6	11700	Long Double Sewer Service	10	EA \$ 1,650.00	10.00	0.00	10.00	\$16,500.00	\$16,500.00	\$0.00	100%
7	11700	Short Single Sewer Service	4	EA \$ 960.00	4.00	0.00	4.00	\$3,840.00	\$3,840.00	\$0.00	100%
8	11700	Long Single Sewer Service	6	EA \$ 1,180.00	6.00	0.00	6.00	\$7,080.00	\$7,080.00	\$0.00	100%
9	11700	Adjust Manhole Ring and Cover	2	EA \$ 975.00	2.00	0.00	2.00	\$1,950.00	\$1,950.00	\$0.00	100%
10	11700	Trench Excavation Protection (Sewer)	11994	LF \$ 1.00	11994.00	0.00	11994.00	\$11,994.00	\$11,994.00	\$0.00	100%
11	11700	Trench Excavation Protection (Water)	11994	LF \$ 2.25	11994.00	0.00	11994.00	\$26,986.50	\$26,986.50	\$0.00	100%
12	11700	Trench Excavation Protection (Water)	3	EA \$ 2,410.00	3.00	0.00	3.00	\$7,230.00	\$7,230.00	\$0.00	100%
				\$167,995.50				\$166,043.50	\$166,043.50	\$0.00	99%

ITEM	QTY	UNIT	UNIT PRICE	CONTRACT AMOUNT	PREVIOUS QTY	THIS EST. QTY	QTY TO DATE	COST TO DATE	PREVIOUS COST	COST THIS ESTIMATE	%
1	11300	8" PVC CBOD, DR #4	11973	LF \$ 22.00	11973.00	0.00	11973.00	\$263,406.00	\$263,406.00	\$0.00	100%
2	11300	12" PVC CBOD, DR #4	504	LF \$ 34.00	504.00	0.00	504.00	\$17,136.00	\$17,136.00	\$0.00	100%
3	11300	8" Gate Valve, WJW Valve Box	1	EA \$ 1,625.00	1.00	0.00	1.00	\$1,625.00	\$1,625.00	\$0.00	100%
4	11300	12" Gate Valve, WJW Valve Box	1	EA \$ 2,500.00	1.00	0.00	1.00	\$2,500.00	\$2,500.00	\$0.00	100%
5	11300	Cast Iron Fittings	216	Ton \$ 885.00	216.00	0.00	216.00	\$190,920.00	\$190,920.00	\$0.00	100%
6	11300	Flush Valve	3	EA \$ 1,805.00	3.00	0.00	3.00	\$5,415.00	\$5,415.00	\$0.00	100%
7	11300	Standard Fire Hydrant Assembly	6	EA \$ 4,040.00	6.00	0.00	6.00	\$24,240.00	\$24,240.00	\$0.00	100%
8	11300	Short Double Service Assembly	115	EA \$ 940.00	115.00	0.00	115.00	\$108,100.00	\$108,100.00	\$0.00	100%
9	11300	Long Double Service Assembly	6	EA \$ 4,855.00	6.00	0.00	6.00	\$29,130.00	\$29,130.00	\$0.00	100%
10	11300	Long Single Service Assembly	5	EA \$ 750.00	5.00	0.00	5.00	\$3,750.00	\$3,750.00	\$0.00	100%
11	11300	Short Double Service Assembly (On Existing Water Line)	1	EA \$ 1,240.00	1.00	0.00	1.00	\$1,240.00	\$1,240.00	\$0.00	100%
12	11300	Short Single Service Assembly (On Existing Water Line)	1	EA \$ 935.00	1.00	0.00	1.00	\$935.00	\$935.00	\$0.00	100%
13	11300	Redeant Dual Water Service Assembly (Lots 1 & 2, Block C)	1	EA \$ 1,165.00	1.00	0.00	1.00	\$1,165.00	\$1,165.00	\$0.00	100%
14	11300	Culvert Tie into Existing 18" Main	3	EA \$ 890.00	3.00	0.00	3.00	\$2,670.00	\$2,670.00	\$0.00	100%
15	11300	Culvert Tie into Existing 12" Main	2	EA \$ 960.00	2.00	0.00	2.00	\$1,920.00	\$1,920.00	\$0.00	100%
16	11300	Hydrostatic Pressure Test	3	EA \$ 5,940.00	3.00	0.00	3.00	\$17,820.00	\$17,820.00	\$0.00	100%
17	11300	Trench Excavation Protection	2,477	LF \$ 2.00	2,477.00	0.00	2,477.00	\$4,954.00	\$4,954.00	\$0.00	100%
18	11300	Chlorination	2,477	LF \$ 2.00	2,477.00	0.00	2,477.00	\$4,954.00	\$4,954.00	\$0.00	100%
19	11300	Remove Existing 12" Water Main and Re-compaction of Trench	413	US \$ 12.00	413.00	0.00	413.00	\$4,956.00	\$4,956.00	\$0.00	100%
20	11300	3/4" Impallion Water Meter Box	2	EA \$ 1,450.00	2.00	0.00	2.00	\$2,900.00	\$2,900.00	\$0.00	100%
21	11300	Water Box	65	EA \$ 2,255.00	65.00	0.00	65.00	\$146,575.00	\$146,575.00	\$0.00	100%
				\$167,326.50				\$152,701.50	\$147,747.50	\$4,954.00	97%

ITEM	QTY	UNIT	UNIT PRICE	CONTRACT AMOUNT	PREVIOUS QTY	THIS EST. QTY	QTY TO DATE	COST TO DATE	PREVIOUS COST	COST THIS ESTIMATE	%
1	11350	Single Phase Electric (Normal)	65	LF \$ 1,625.00	65.00	0.00	65.00	\$105,625.00	\$105,625.00	\$0.00	100%
				\$105,625.00				\$105,625.00	\$105,625.00	\$0.00	100%

ITEM	QTY	UNIT	UNIT PRICE	CONTRACT AMOUNT	PREVIOUS QTY	THIS EST. QTY	QTY TO DATE	COST TO DATE	PREVIOUS COST	COST THIS ESTIMATE	%
1	11350	Street Lights	7	EA \$ 2,100.00	7.00	0.00	7.00	\$14,700.00	\$14,700.00	\$0.00	100%
				\$14,700.00				\$14,700.00	\$14,700.00	\$0.00	100%

ITEM	QTY	UNIT	UNIT PRICE	CONTRACT AMOUNT	PREVIOUS QTY	THIS EST. QTY	QTY TO DATE	COST TO DATE	PREVIOUS COST	COST THIS ESTIMATE	%
1	11300	Waterline Backfill (6" min of 2" - 1" Crushed Limestone) all in 1'	1	US \$ 26,375.00	1.00	0.00	1.00	\$26,375.00	\$26,375.00	\$0.00	100%
				\$26,375.00				\$26,375.00	\$26,375.00	\$0.00	100%

ITEM	QTY	UNIT	UNIT PRICE	CONTRACT AMOUNT	PREVIOUS QTY	THIS EST. QTY	QTY TO DATE	COST TO DATE	PREVIOUS COST	COST THIS ESTIMATE	%
1	112300	City of Kyle 2 yr 25% Maint. Bond for Streets, Drainage, Saniti	1	US \$ 13,665.00	1.00	0.00	1.00	\$13,665.00	\$13,665.00	\$0.00	100%
2	112900	County Line Special Utility District 2 yr 25% Maint. Bond for W	1	US \$ 2,055.00	1.00	0.00	1.00	\$2,055.00	\$2,055.00	\$0.00	100%
				\$15,720.00				\$15,720.00	\$15,720.00	\$0.00	100%

CHANGE ORDER #:

IGNIT CONSTRUCTION MONTHLY PROGRESS PAYMENT

CONTRACTOR: Entron Creek Unit 3

CONTRACTOR: IGNIT CONSTRUCTION
 P O Box 62210
 Round Rock, Texas 78683

PROGRESS PAYMENT NO: Five(5)
 PROGRESS PAYMENT PERIOD: 6/1/20 - 6/30/20

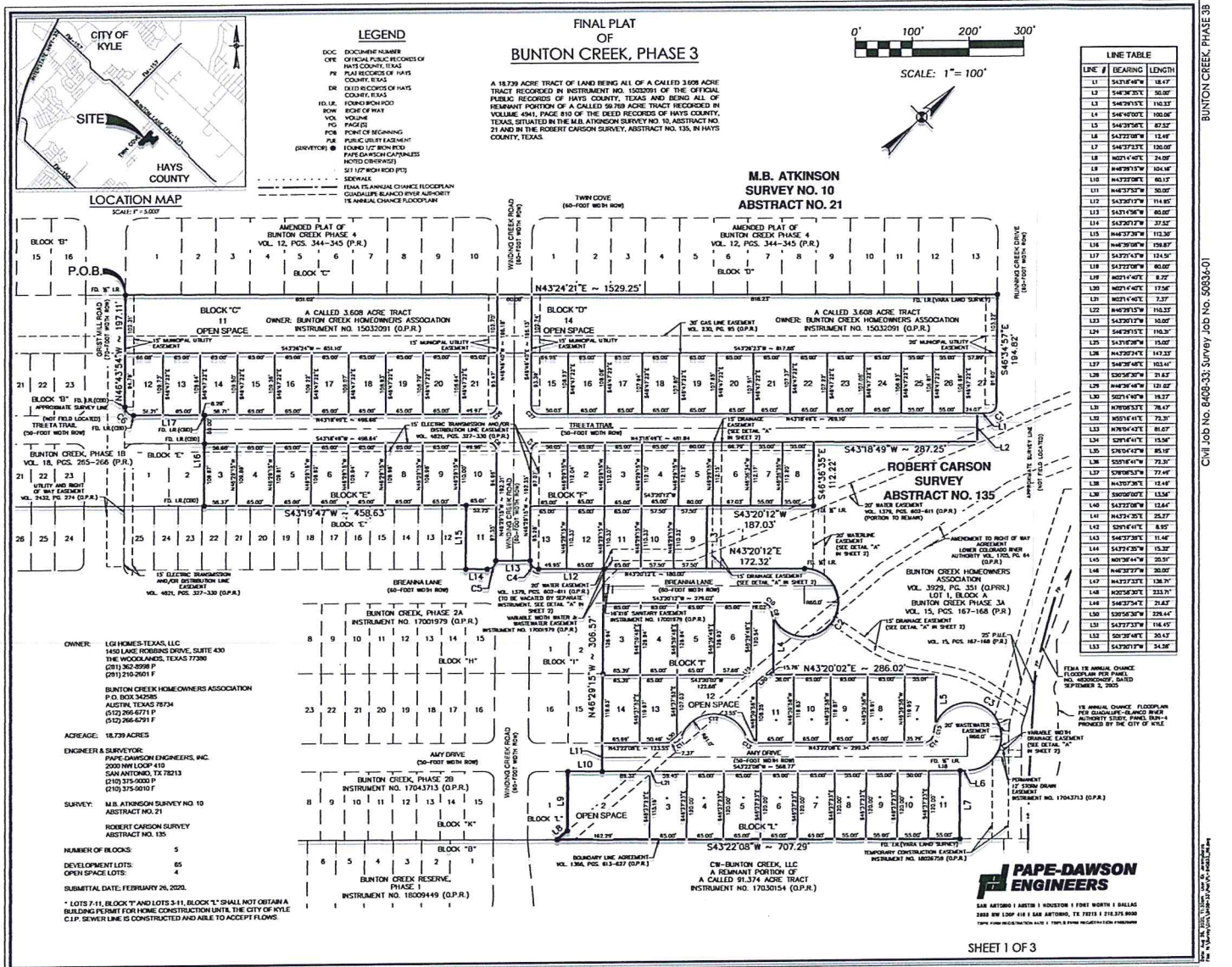
ITEM	QTY	UNIT PRICE	AMOUNT	QTY.	THIS EST.	TO DATE	TO DATE	ESTIMATE	TODAY%
1	1135.00			480	480.00	\$10,080.00	\$11,080.00	\$10,080.00	100.0%
			\$10,080.00						
			\$10,080.00						

TOTAL CONTRACT \$1,666,436.75

TOTAL COMPLETED TO DATE	\$ 1,277,1814.00
RETAINAGE HELD	\$ 1,277,1814.00
TOTAL CPMT LESS RETAINAGE	\$ 1,144,1632.60
LESS PREVIOUS BILLINGS	\$ 980,1069.60
CURRENT PAYMENT DUE	\$ 164,053.00

ORIGINAL CONTRACT AMOUNT	\$ 1,666,436.75
CONTRACT CHANGES	\$ 10,080.00
TOTAL CONTRACT W/CHANGES	\$ 1,676,516.75
WORK COMPLETED TO DATE	\$ 1,277,1814.00
BALANCE TO COMPLETE	\$ 399,335.75

EXHIBIT C
SUBDIVISION MAP

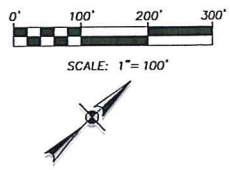


LEGEND

DOC DOCUMENT NUMBER
 ORE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 PR PLAT RECORDS OF HAYS COUNTY, TEXAS
 DR DEED RECORDS OF HAYS COUNTY, TEXAS
 DR LE DEED RECORDS OF HAYS COUNTY, TEXAS
 ROW RIGHT OF WAY
 VOL VOLUME
 PG PAGE(S)
 FOS POINT OF BEGINNING
 P/E PUBLIC UTILITY EASEMENT
 E/DRS EIGHTY (2) FOOT ROAD
 P/DRS FORTY (2) FOOT ROAD
 M/DRS MORTGAGE
 S/17' M/DRS ROAD (17')
 S/12' M/DRS ROAD (12')
 S/10' M/DRS ROAD (10')
 S/8' M/DRS ROAD (8')
 S/6' M/DRS ROAD (6')
 S/4' M/DRS ROAD (4')
 S/2' M/DRS ROAD (2')
 S/1' M/DRS ROAD (1')
 S/0' M/DRS ROAD (0')

FINAL PLAT OF BUNTON CREEK, PHASE 3

A 18,739 ACRES TRACT OF LAND BEING ALL OF A CALLED 3,608 ACRES TRACT RECORDED IN INSTRUMENT NO. 15022091 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND BEING ALL OF REMAINDER PORTION OF A CALLED 99,789 ACRES TRACT RECORDED IN VOLUME 4941, PAGE 810 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS SITUATED IN THE M.B. ATKINSON SURVEY NO. 10, ABSTRACT NO. 21 AND IN THE ROBERT CARSON SURVEY, ABSTRACT NO. 135, IN HAYS COUNTY, TEXAS.



LINE TABLE

LINE #	BEARING	LENGTH
1	S43°21'00"W	154.17
2	S43°21'00"W	50.00
3	S43°21'00"W	110.33
4	S43°21'00"W	100.00
5	S43°21'00"W	87.25
6	S43°21'00"W	114.45
7	S43°21'00"W	130.00
8	N01°14'00"E	24.00
9	N43°21'00"W	104.48
10	N43°21'00"W	80.17
11	N43°21'00"W	208.87
12	S43°21'00"W	114.45
13	S43°21'00"W	37.52
14	N43°21'00"W	110.33
15	N43°21'00"W	208.87
16	S43°21'00"W	114.45
17	S43°21'00"W	134.45
18	N01°14'00"E	8.22
19	N01°14'00"E	17.56
20	N01°14'00"E	1.37
21	N43°21'00"W	110.33
22	N43°21'00"W	10.00
23	S43°21'00"W	110.33
24	S43°21'00"W	10.00
25	S43°21'00"W	143.22
26	S43°21'00"W	21.83
27	N43°21'00"W	10.00
28	S43°21'00"W	10.00
29	S43°21'00"W	10.00
30	S43°21'00"W	10.00
31	S43°21'00"W	10.00
32	S43°21'00"W	10.00
33	S43°21'00"W	10.00
34	S43°21'00"W	10.00
35	S43°21'00"W	10.00
36	S43°21'00"W	10.00
37	S43°21'00"W	10.00
38	S43°21'00"W	10.00
39	S43°21'00"W	10.00
40	S43°21'00"W	10.00
41	S43°21'00"W	10.00
42	S43°21'00"W	10.00
43	S43°21'00"W	10.00
44	S43°21'00"W	10.00
45	S43°21'00"W	10.00
46	S43°21'00"W	10.00
47	S43°21'00"W	10.00
48	S43°21'00"W	10.00
49	S43°21'00"W	10.00
50	S43°21'00"W	10.00
51	S43°21'00"W	10.00
52	S43°21'00"W	10.00
53	S43°21'00"W	10.00
54	S43°21'00"W	10.00
55	S43°21'00"W	10.00
56	S43°21'00"W	10.00
57	S43°21'00"W	10.00
58	S43°21'00"W	10.00
59	S43°21'00"W	10.00
60	S43°21'00"W	10.00
61	S43°21'00"W	10.00
62	S43°21'00"W	10.00
63	S43°21'00"W	10.00
64	S43°21'00"W	10.00
65	S43°21'00"W	10.00
66	S43°21'00"W	10.00
67	S43°21'00"W	10.00
68	S43°21'00"W	10.00
69	S43°21'00"W	10.00
70	S43°21'00"W	10.00
71	S43°21'00"W	10.00
72	S43°21'00"W	10.00
73	S43°21'00"W	10.00
74	S43°21'00"W	10.00
75	S43°21'00"W	10.00
76	S43°21'00"W	10.00
77	S43°21'00"W	10.00
78	S43°21'00"W	10.00
79	S43°21'00"W	10.00
80	S43°21'00"W	10.00
81	S43°21'00"W	10.00
82	S43°21'00"W	10.00
83	S43°21'00"W	10.00
84	S43°21'00"W	10.00
85	S43°21'00"W	10.00
86	S43°21'00"W	10.00
87	S43°21'00"W	10.00
88	S43°21'00"W	10.00
89	S43°21'00"W	10.00
90	S43°21'00"W	10.00
91	S43°21'00"W	10.00
92	S43°21'00"W	10.00
93	S43°21'00"W	10.00
94	S43°21'00"W	10.00
95	S43°21'00"W	10.00
96	S43°21'00"W	10.00
97	S43°21'00"W	10.00
98	S43°21'00"W	10.00
99	S43°21'00"W	10.00
100	S43°21'00"W	10.00

OWNER: L&I HOMES-TEXAS, LLC
 1401 LAKE HOBBS DRIVE, SUITE 430
 THE WOODLANDS, TEXAS 77380
 (281) 262-8999 F
 (281) 262-2601 F

BUNTON CREEK HOMEOWNERS ASSOCIATION
 P.O. BOX 34285
 AUSTIN, TEXAS 78724
 (512) 266-6771 F
 (512) 266-6791 F

ACREAGE: 18,739 ACRES

ENGINEER & SURVEYOR:
 PAPE-DAWSON ENGINEERS, INC.
 2020 HWY LOOP 419
 SAN ANTONIO, TX 78213
 (210) 375-5000 F
 (210) 375-5010 F

SURVEY: M.B. ATKINSON SURVEY NO. 10
 ABSTRACT NO. 21
 ROBERT CARSON SURVEY
 ABSTRACT NO. 135

NUMBER OF BLOCKS: 5
DEVELOPMENT LOTS: 65
OPEN SPACE LOTS: 4

SUBMITTAL DATE: FEBRUARY 26, 2020.

* LOTS 7-11, BLOCK "I" AND LOTS 3-11, BLOCK "L" SHALL NOT OBTAIN A BUILDING PERMIT FOR HOME CONSTRUCTION UNTIL THE CITY OF KYLE C.I.P. SEWER LINE IS CONSTRUCTED AND ABLE TO ACCEPT FLOWS.



SAN ANTONIO | AUSTIN | HOUSTON | DALLAS
 2020 HWY LOOP 419 | SAN ANTONIO, TX 78213 | 210.375.5000
 WWW.PAPE-DAWSON.COM | 100% SURETY REGISTERED PROFESSIONAL ENGINEERS

SHEET 1 OF 3

BUNTON CREEK, PHASE 3
 CIVIL JOB NO. 8408-33; Survey Job No. 50834-01

FINAL PLAT
OF
BUNTON CREEK, PHASE 3

FIELD NOTES
FOR

A 18.799 ACRE TRACT OF LAND BEING ALL OF A CALLED 3.008 ACRE TRACT RECORDED IN INSTRUMENT NO. 1502091 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND BEING ALL OF REMAINDER PORTION OF A CALLED 59.769 ACRE TRACT RECORDED IN VOL. 15, PAGE 810 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SITUATED IN THE S.W. 1/4 OF SECTION 24, T. 11S., R. 12E., S. 11E. ATORNSON SURVEY NO. 10, ABSTRACT NO. 21 AND IN THE ROBERT CARSON SURVEY, ABSTRACT NO. 135, IN HAYS COUNTY, TEXAS. SAID 18.799 ACRE TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD 2011) EPOCH 2010.10, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE:

BEGINNING AT 1/2" iron rod found on a point in the southwest corner of said 3.008 acre tract, said point being in the east boundary line of Bunton Creek, Phase 3A, a subdivision according to the amended plat recorded in Volume 15, Pages 344-345 of the Plat Records of Hays County, Texas, also being the northwest terminus point of Grid Mill Road, a 70 foot right-of-way in Bunton Creek, Phase 1B, a subdivision according to the plat recorded in Volume 15, Pages 205-206 of the Plat Records of Hays County, Texas for the southeast corner and POINT OF BEGINNING hereof;

THENCE, departing the northwest terminus point of said Grid Mill Road, with the east boundary line of said Bunton Creek Phase 4 the following (4) courses and distances:

- 1. N 43°23'21" E, a distance of 92.06 feet to an iron rod with cap marked "Van Land Survey" found,
- 2. N 43°24'42" E, a distance of 538.13 feet to an iron rod with cap marked "GAT" found,
- 3. N 41°34'48" E, a distance of 39.59 feet to an iron rod with cap marked "Van Land Survey" found, and
- 4. N 43°24'42" E, a distance of 811.48 feet to an iron rod with cap marked "Van Land Survey" found in a point in the southwest corner of Bunton Creek Road, a 60-foot right-of-way in Bunton Creek, Phase 3A, a subdivision according to the plat recorded in Volume 15, Page 107 of the Plat Records of Hays County, Texas for the northeast corner hereof.

THENCE, with the south boundary line of said Bunton Creek, Phase 3A, same being in part the north boundary line of said 3.008 acre tract and in part the north boundary line of said Remnant Portion of a called 59.769 acre tract, the following (six) (6) courses and distances:

- 1. S 43°24'52" E, a distance of 194.83 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set for a point of non-tangent curvature,
- 2. along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 89°54'52", a chord bearing and distance of S 61°36'30" E, 21.29 feet, an arc length of 23.54 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set for a point of non-tangency,
- 3. S 43°29'11" W, a distance of 18.48 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set,
- 4. S 46°30'39" E, a distance of 58.00 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set,
- 5. S 46°18'49" W, a distance of 267.25 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set,
- 6. S 46°34'35" E, a distance of 112.32 feet to a 1/2" rod,
- 7. S 43°28'12" W, a distance of 187.63 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set,
- 8. S 46°22'15" E, a distance of 118.33 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set,
- 9. N 48°28'13" E, a distance of 172.32 feet to an iron rod found on a point of non-tangent curvature,
- 10. along the arc of a curve to the right, having a radius of 69.00 feet, a central angle of 247°52'41", a chord bearing and distance of S 14°57'50" E, 192.18 feet, an arc length of 254.89 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set in a point of non-tangency,
- 11. S 46°40'09" E, a distance of 188.06 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set,
- 12. N 43°28'02" E, a distance of 87.42 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set,
- 13. S 46°28'58" E, a distance of 87.42 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set in a point of non-tangent curvature,
- 14. along the arc of a curve to the right, having a radius of 69.00 feet, a central angle of 247°52'41", a chord bearing and distance of S 8°36'32" E, 93.55 feet, an arc length of 239.59 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" set,
- 15. S 43°47'38" W, a distance of 12.49 feet to a 1/2" iron rod found, and
- 16. S 48°27'23" E, a distance of 193.86 feet to an iron rod with cap marked "Van Land Survey" found in a point on the northeast corner of said Remnant Portion of a called 59.769 acre tract, said point being the southeast corner of said Bunton Creek, Phase 3A, also being a point in the west boundary line of a Remnant Portion of a called 91.274 acre tract recorded in Instrument No. 17020154 of the Official Public Records of Hays County, Texas for the northeast corner hereof.

THENCE, with the south boundary line of said Bunton Creek, Phase 3A, with the west boundary line of said Remnant Portion of a 91.274 acre tract, a subdivision according to the plat recorded in Instrument No. 17020154 of the Official Public Records of Hays County, Texas, said point being the southeast corner of said Remnant Portion of a called 59.769 acre tract, also being a point in the west boundary line of said 91.274 acre tract for the southeast corner hereof.

THENCE, departing the west boundary line of said Remnant Portion of a 91.274 acre tract, with the north boundary line of said Bunton Creek, Phase 2B the following five (5) courses and distances:

- 1. N 82°14'40" E, a distance of 24.89 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" found,
- 2. N 46°29'15" E, a distance of 194.16 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" found,
- 3. N 43°22'58" E, a distance of 68.13 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" found,
- 4. N 46°37'35" W, a distance of 58.00 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" found, and
- 5. N 46°29'15" W, a distance of 172.22 feet passing through the 1/2" iron rod with yellow cap marked "Pape-Dawson" found on the northeast corner of Bunton Creek, Phase 2A, a subdivision according to the plat recorded in Instrument No. 17020179 of the Official Public Records of Hays County, Texas, continuing with the north boundary line of the aforementioned Bunton Creek, Phase 2A for a total distance of 366.57 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" found in a north corner of said Bunton Creek, Phase 2A for a south corner hereof.

THENCE, continuing with the north boundary line of said Bunton Creek, Phase 2A, same being the south boundary line of said Remnant Portion of a called 59.769 acre tract the following six (6) courses and distances:

- 1. S 43°29'12" E, a distance of 114.95 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" found for a point of tangent curvature,
- 2. along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 90°19'33", a chord bearing and distance of S 89°23'29" W, 21.25 feet, an arc length of 23.81 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" found for a point of tangency,
- 3. S 43°28'12" W, a distance of 69.00 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" found for a point of non-tangent curvature,
- 4. along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 89°47'27", a chord bearing and distance of S 0°14'31" E, 21.18 feet, an arc length of 23.52 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" found,
- 5. S 43°28'12" W, a distance of 37.52 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" found, and
- 6. N 46°37'39" W, a distance of 112.38 feet to a 1/2" iron rod with yellow cap marked "Pape-Dawson" found in the northwest corner of said Bunton Creek, Phase 2A for a south corner hereof.

THENCE, S 46°19'47" W, with the west boundary line of said Bunton Creek, Phase 2A, same being an east boundary line of said Remnant Portion of a called 59.769 acre tract, a distance of 458.43 feet to an iron rod with cap marked "GAT" found in the northeast corner of said Bunton Creek, Phase 1B for a south corner hereof.

THENCE, departing the west boundary line of said Bunton Creek, Phase 2A, with the north boundary line of said Bunton Creek, Phase 1B the following four (4) courses and distances:

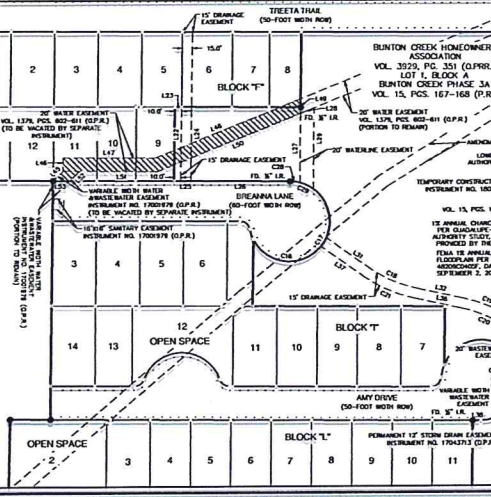
- 1. N 46°39'48" W, a distance of 158.87 feet to an iron rod with cap marked "GAT" found,
- 2. S 47°21'43" W, a distance of 124.51 feet to an iron rod with cap marked "GAT" found for a point of non-tangent curvature,
- 3. along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 90°19'33", a chord bearing and distance of S 89°23'29" W, 21.24 feet, an arc length of 23.81 feet to an iron rod with cap marked "GAT" found for a point of non-tangency, and
- 4. N 46°34'54" W, a distance of 197.11 feet to the POINT OF BEGINNING, and containing 18.799 acres in Hays County, Texas. Said tract being described in accordance with a survey made on the ground, and a survey description and map prepared by Pape Dawson Engineers, Inc. under Job No. 8408-33.

GENERAL NOTES:

- 1. VARIANCE REQUEST WAIVERS FOR BUNTON CREEK, PHASE 3B, AS APPROVED BY THE CITY OF KYLE AT OCTOBER 4, 2017 CITY COUNCIL MEETING.
- 2. A 15-FOOT FRONT MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED TO ALL THE FRONT LOT LINES. A 5-FOOT SIDE MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED TO ALL SIDE LOT LINES, AND A 10-FOOT REAR MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED TO ALL REAR LOT LINES.
- 3. ALL STREETS, DRAINAGE STRUCTURES AND PERMANENT EROSION CONTROLS SHALL BE CONSTRUCTED AND INSTALLED TO THE CITY OF KYLE STANDARDS.
- 4. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED PUBLIC WATER SUPPLY SYSTEM.
- 5. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED WASTEWATER DISPOSAL SYSTEM.
- 6. NO PORTION OF SUBJECT TRACT IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN, PER FEMA FLOOD INSURANCE RATE MAP NUMBER 42099C0405F, EFFECTIVE DATE OF SEPTEMBER 2, 2005.
- 7. UTILITY SERVICE: WATER - COUNTY LINE SPECIAL UTILITY DISTRICT WASTEWATER - CITY OF KYLE ELECTRIC - FIDELITY ELECTRIC COOPERATIVE GAS - CENTERPOINT ENERGY - ENTERGY SCHOOL - HAYS COUNTY I.S.D. TELEPHONE - TIME WARNER CABLE
- 8. BENCHMARK: SET MAG NAIL WITH A WASHER MARKED "PAPE-DAWSON" AT THE NORTHWEST CORNER OF A CURB INLET AT THE SOUTH END OF RUNNING CREEK DRIVE AS SHOWN ON THE BUNTON CREEK, PHASE 3A FINAL PLAT.
- 9. NO OBJECT INCLUDING BUILDINGS, ACCESSORY BUILDINGS, FENCING OR LANDSCAPING SHALL BE ALLOWED TO BE PLACED OR ERRECTED WITHIN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF KYLE.
- 10. PROPERTY OWNER SHALL ALLOW ACCESS TO DRAINAGE AND UTILITY EASEMENTS FOR INSPECTION, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
- 11. DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE HOMEOWNER ON HIS/HER ASSIGN.
- 12. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF TREETRA TRAIL, BREANNA LANE, AMY DRIVE AND WINDING CREEK ROAD. THOSE SIDEWALKS NOT ADJUTING A RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADDRESSING 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. ALL CONSTRUCTED SIDEWALKS WILL COMPLY OR EXCEED 2019 ADA STANDARDS.
- 13. THIS SUBDIVISION IS LOCATED WITHIN THE PLUM CREEK WATERSHED.
- 14. TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION POUNDS AND RIGHT OF WAYS TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY OWNERS ASSOCIATIONS.
- 15. THE MINIMUM FINISHED FLOOR ELEVATION OF ANY PROPOSED BUILDINGS SHALL BE 2 FEET ABOVE THE FEMA 1% ANNUAL CHANCE FLOOD PLAIN OR MATCH THE 500-YR WATER SURFACE ELEVATION (WSEL).

CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	15.00	89°54'52"	S01°36'30"E	21.18
C2	69.00	247°52'41"	S14°57'50"E	192.18
C3	69.00	247°52'41"	S14°57'50"E	192.18
C4	15.00	89°54'52"	S01°36'30"E	21.25
C5	15.00	89°54'52"	S01°36'30"E	21.18
C6	15.00	89°54'52"	S01°36'30"E	21.24
C7	15.00	89°54'52"	S01°36'30"E	21.18
C8	15.00	89°54'52"	S01°36'30"E	21.26
C9	69.00	247°52'41"	S14°57'50"E	192.18
C10	15.00	89°54'52"	S01°36'30"E	21.26
C11	15.00	89°54'52"	S01°36'30"E	21.26
C12	69.00	247°52'41"	S14°57'50"E	192.18
C13	69.00	247°52'41"	S14°57'50"E	192.18
C14	15.00	89°54'52"	S01°36'30"E	21.26
C15	69.00	247°52'41"	S14°57'50"E	192.18
C16	69.00	247°52'41"	S14°57'50"E	192.18
C17	69.00	247°52'41"	S14°57'50"E	192.18
C18	69.00	247°52'41"	S14°57'50"E	192.18
C19	69.00	247°52'41"	S14°57'50"E	192.18
C20	69.00	247°52'41"	S14°57'50"E	192.18
C21	69.00	247°52'41"	S14°57'50"E	192.18
C22	69.00	247°52'41"	S14°57'50"E	192.18
C23	69.00	247°52'41"	S14°57'50"E	192.18
C24	69.00	247°52'41"	S14°57'50"E	192.18
C25	69.00	247°52'41"	S14°57'50"E	192.18
C26	69.00	247°52'41"	S14°57'50"E	192.18
C27	69.00	247°52'41"	S14°57'50"E	192.18
C28	69.00	247°52'41"	S14°57'50"E	192.18
C29	69.00	247°52'41"	S14°57'50"E	192.18
C30	69.00	247°52'41"	S14°57'50"E	192.18

DETAIL "A"
SCALE: 1" = 30'



LEGEND

- DOC DOCUMENT NUMBER
- OPF OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS
- PR PLAT RECORDS OF HAYS COUNTY, TEXAS
- DL DEDICATED RIGHTS OF HAYS COUNTY, TEXAS
- FD, LR FLOOD PLAIN RECORD
- SCW RIGHT OF WAY
- VOL VOLUME
- PG PAGE(S)
- REC RECORD OF BEGINNING
- PLU PUBLIC UTILITY EASEMENT
- FOUR (4) FT BENCH-POD
- PLU (PAPE-DAWSON) PUBLIC UTILITY EASEMENT
- MSD (M) 50' BENCH-POD
- SEPTAL
- FEMA 1% ANNUAL CHANCE FLOODPLAIN
- CDU (C) 50' BENCH-POD

PAPE-DAWSON ENGINEERS
 2000 HWY 150P #101 SAN ANTONIO, TX 78211 | 214.275.8000
 2000 HWY 150P #101 SAN ANTONIO, TX 78211 | 214.275.8000
 SHEET 2 OF 3

FINAL PLAT OF BUNTON CREEK, PHASE 3

A 18.739 ACRE TRACT OF LAND BEING ALL OF A CALLED 3.026 ACRE TRACT RECORDED IN INSTRUMENT NO. 002091 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND BEING ALL OF REMAINT PORTION OF A CALLED 28.789 ACRE TRACT RECORDED IN VOLUME 4941, PAGE 810 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SITUATED IN THE M.B. ATKINSON SURVEY NO. 10, ABSTRACT NO. 21 AND IN THE ROBERT CARSON SURVEY, ABSTRACT NO. 135, IN HAYS COUNTY, TEXAS.

KNOW ALL MEN BY THESE PRESENTS, THAT LCI HOMES-TEXAS, LLC, A TEXAS LIMITED LIABILITY COMPANY, WITH ITS HOME ADDRESS AT 1450 LAKE ROBBINS DRIVE, STE. 435, THE WOODLANDS, TEXAS 77380, OWNER OF 30.786 ACRES OUT OF THE M.B. ATKINSON SURVEY NO. 10, ABSTRACT NO. 21, HAYS COUNTY, TEXAS AS CONVEYED TO IT BY DEED DATED MAY 4, 2014, AND RECORDED IN VOLUME 4941, PAGE 810 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, LONES HERBERT SUBDIVISION, 18.739 ACRES OUT OF THE M.B. ATKINSON SURVEY NO. 10, ABSTRACT NO. 21 AND THE ROBERT CARSON SURVEY, ABSTRACT NO. 135, TO BE KNOWN AS:

BUNTON CREEK, PHASE 3B

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

SHANNON BRET LCI HOMES-TEXAS, LLC 1450 LAKE ROBBINS DRIVE, SUITE 430 THE WOODLANDS, TEXAS 77380 (281) 362-4568

THE STATE OF TEXAS COUNTY OF MONTGOMERY

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JACK LIPVAL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE THAT EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREON EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS DAY OF A.D. 20.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES:

THE STATE OF TEXAS COUNTY OF

KNOW ALL MEN BY THESE PRESENTS, THE OWNERS OF THE LAND SHOWN ON THIS PLAT WHOSE NAMES ARE DESCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, WATERCOURSES, DRAINS, MUNICIPAL UTILITY EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

WE 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 COMFORT WITH THE PRESENT AND FUTURE GROWTH NEEDS OF THE CITY, WE, OUR SUCCESSORS AND AGENTS HEREBY WAIVE ANY CLAIM, DAMAGE, OR CAUSE OF ACTION THAT WE MAY HAVE AS A RESULT OF THE DEDICATION OF EXACTION MADE HEREIN.

OWNER

THE STATE OF TEXAS COUNTY OF

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED 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 A.D. 20.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES:

BUNTON CREEK HOMEOWNERS ASSOCIATION P.O. BOX 342585 AUSTIN, TEXAS 78734

THE STATE OF TEXAS COUNTY OF

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE THAT EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREON EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS DAY OF A.D. 20.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NOTARY'S NAME: MY COMMISSION EXPIRES:

THE STATE OF TEXAS COUNTY OF TRAVIS

THAT I, JON D. ADAME, DO HEREBY CERTIFY THAT PROPER ENGINEERING HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT, TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE DEVELOPMENT CODE.

JON D. ADAME REGISTERED PROFESSIONAL ENGINEER NO. 82567 PAPE-DAWSON ENGINEERS, INC. TPIE, FIRM REGISTRATION NO. 470 TPIEL, FIRM REGISTRATION NO. 10022001 2000 NW LOOP 419 SAN ANTONIO, TX 78213

DATE

THE STATE OF TEXAS COUNTY OF TRAVIS

I, PARKER J. GRAHAM, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION AND THAT THE MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

PARKER J. GRAHAM REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5556 STATE OF TEXAS PAPE-DAWSON ENGINEERS, INC. TPIE, FIRM REGISTRATION NO. 470 TPIEL, FIRM REGISTRATION NO. 10022001 10001 N WOPAC EXPY. BLDG. 3, SUITE 200 AUSTIN, TX 78759

DATE

REVIEW BY:

CITY ENGINEER DATE CITY OF KYLE

DIRECTOR OF PUBLIC WORKS DATE CITY OF KYLE

CITY OF KYLE CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE DAY OF 20 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE.

CHAIRPERSON

THE STATE OF TEXAS COUNTY OF HAYS

I, ELAINE 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 DAY OF A.D. AT O'CLOCK M. AND DULY RECORDED ON THE DAY OF A.D. AT O'CLOCK M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN CFN #

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY THE DAY OF A.D.

ELAINE CARDENAS, COUNTY CLERK HAYS COUNTY, TEXAS





CITY OF KYLE, TEXAS

2020 General Civil Engineering Rotation List

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Approve a resolution authorizing the City Manager to execute separate agreements with the following five (5) firms to provide consulting services for general civil engineering projects for all city departments: CP&Y, INC., Austin, Texas, K FRIESE & ASSOCIATES, Austin, Texas, COBB, FENDLEY & ASSOCIATES, INC., San Marcos, Texas, PAPE-DAWSON ENGINEERS, INC., San Antonio, Texas, and LJA ENGINEERING, INC., Austin, Texas providing that the meeting at which this Resolution is passed is open to the public in compliance with the Open Meetings Act; providing an effective date; making findings of fact; and providing for related matters herein. ~ *Leon Barba, P.E., City Engineer*

Other Information: A Request for Qualifications (RFQ) was issued on June 24, 2020 seeking qualified engineering firms to provide consulting engineering services for all city departments.

Thirty-Five (35) submittals were received in response to the RFQ prior to the July 29, 2020 (5:00 pm) deadline.

Staff evaluated the proposals and based on their review, the top five scoring firms were:

CP&Y, Inc.
K Friese and Associates
Cobb, Fendley and Associates, Inc.
Pape-Dawson Engineers, Inc. and
LJA Engineering, Inc.

These firms are being recommended for City Council approval to provide consulting services for general civil engineering type projects.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Resolution for the 2020 General Civil Rotation List

RESOLUTION NO.

A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE FOLLOWING FIVE FIRMS; CP&Y, INC., AUSTIN, TEXAS; K FRIESE & ASSOCIATES, AUSTIN, TEXAS; COBB, FENDLEY & ASSOCIATES, INC., SAN MARCOS, TEXAS; PAPE-DAWSON ENGINEERS, INC., SAN ANTONIO, TEXAS; AND LJA ENGINEERING, INC., AUSTIN, TEXAS TO PROVIDE CONSULTING SERVICES FOR GENERAL CIVIL ENGINEERING PROJECTS FOR ALL CITY DEPARTMENTS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Kyle requested qualifications from professional engineering firms to provide general civil engineering design services of a general or routine scope or, in some cases, have a critical schedule or are of an emergency nature; and,

WHEREAS, the City desires to obtain professional design services from CP&Y, INC., Austin, Texas, K FRIESE & ASSOCIATES, Austin, Texas, COBB, FENDLEY & ASSOCIATES, INC., San Marcos, Texas, PAPE-DAWSON ENGINEERS, INC., San Antonio, Texas, and LJA ENGINEERING, INC., Austin, Texas;

WHEREAS, CP&Y, INC., Austin, Texas, K FRIESE & ASSOCIATES, Austin, Texas, COBB, FENDLEY & ASSOCIATES, INC., San Marcos, Texas, PAPE-DAWSON ENGINEERS, INC., San Antonio, Texas, and LJA ENGINEERING, INC., Austin, Texas, are qualified and capable of performing the professional engineering services proposed herein and are willing to enter into an Agreement with the City of Kyle to perform such services; and,

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

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

Section 2. Authorization. The city manager is hereby authorized to execute a professional services agreement with the five firms for general civil engineering services.

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

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

PASSED AND APPROVED this _____ day of September, 2020.

THE CITY OF KYLE, TEXAS

ATTEST:

Travis Mitchell, Mayor

Jennifer Holm, City Secretary



CITY OF KYLE, TEXAS

PD Surplus - Kawasaki Mule

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Authorize the Police Department to sell surplus equipment, namely one Kawasaki Mule.
~ Jeff Barnett, Chief of Police

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

Memo



KYLE POLICE

111 North Front Street, Kyle, TX 78640

Non-Emergency: 512-268-3232

Admin: 512-268-0859

Fax: 512-268-2330

Date: Monday, August 17, 2020
To: Chief Jeff Barnett
CC: Captain Pedro Hernandez
From: Sergeant Daniel Gooding

Re: Subject

Chief,

I am formally requesting the ability to dispose/sell a Kawasaki Mule which was acquired by the Military surplus program (NSN: 2340-DS-MUL-E000) from back in 2014. At this point the unit is no longer working, requires numerous repairs, and would be too costly to fix, such as needing a new motor. According to the military surplus webpage (FAMGOV), the Mule is listed under DMIL Code A, which means after it is possessed by the agency for 12 months, we are now the owners, so we would have the authority to sell the item.



Signed,

Sergeant Daniel Gooding



512-268-3232



512-268-2330

111 North Front Street, Kyle, TX 78640

www.cityofkyle.com/police

Item # 19



CITY OF KYLE, TEXAS

Nueces Power Equipment Dual Drum Roller - Public Works

Meeting Date: 9/15/2020

Date time:7:00 PM

Subject/Recommendation: Authorize award and execution of a Purchase Order to NUECES POWER EQUIPMENT in an amount not to exceed \$123,060.56 for the purchase of one (1) new Hamm HD-70V V Dual Drum Roller through the BuyBoard Purchasing Cooperative for the Street Department in Public Works Department. ~ *Harper Wilder, Director of Public Works*

Other Information: 1100-16100-571240 - \$123,060.56

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- ☐ BB City of Kyle HD 70 VV 8-14-20

TASB Buyboard

Quotation Worksheet

Date: 1/29/2020

Distributor Name: Nueces Power Equipment
Sales Person: JC Reynolds
Phone Number: 956-361-0066

Price list date: 1/1/2017

Customer name: City of Kyle
Customer Contact: Scott Egbert

Model Discount: 17.0%
 factor 83.0%

Machine Make	Model	Description	Sales Code	Factory List Price	Customer Price
Hamm	HD 70 VV	DD roller	597-19	\$ 139,957.00	\$ 116,164.31
See attached spec sheet					
Factory Options & Attachments					
	Beacon			(\$125.00)	(103.75)
Non-Factory Options & Attachments					
Shop Manuals, freight, assembly & training					
	Factory Freight			\$0.00	\$0.00
	Local Delivery			\$3,500.00	\$3,500.00
	PDI & Training			\$1,000.00	\$1,000.00
				\$2,500.00	\$2,500.00
Sub Total					\$ 123,060.56

Additional Discount/Trade in

Total Sale Price

\$ 123,060.56

Validity 60 days
Delivery 30-90 Days A.R.O.
FOB Customers Yard



CITY OF KYLE, TEXAS

Santex Truck Centers Haul Truck - Public Works

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Authorize award and execution of a Purchase Order to SANTEX TRUCK CENTERS LTD., in an amount not to exceed \$161,445.00 for the purchase of one (1) new International HX620 6X4 Haul Truck through the HGAC Purchasing Cooperative for the Street Department in Public Works Department. ~ *Harper Wilder, Director of Public Works*

Other Information: 1100-16100-571240 - \$154,204.08
3100-82000-571240 - \$3,620.46
3110-82500-571240 - \$3,620.46
= \$161,445.00

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

☐ HGAC 8-31-20



CITY OF KYLE, TEXAS

Pump Solutions - Public Works

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Authorize award and execution of a Purchase Order to PUMP SOLUTIONS, INC., Hutto, Texas in an amount not to exceed \$17,402.00 for the purchase and installation of one new (1) KSB 30 HP lift station pumps located at the wastewater treatment plant for the Public Works Department. ~ *Tim Samford, Division Manager Treatment Operations*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- PSI Job # 1634 City of Kyle #5 LS WWTP
- KSB Notarized Sole Source Letter 2018



Pump Solutions

18594 US Hwy 59
New Caney, Texas 77357
Phone: 281-399-9400
Fax: 281-399-9401
Cell: 713-232-0839

THIS TRANSMITTAL CONSISTS OF 1 PAGE(S) INCLUDING THIS PAGE.

TO: City of Kyle
FROM: Bubba Daniels
Bid DATE: 9/7/20
RE: Kyle WWTP

PSI JOB # 1634

Serial # A301602132

Pump Solutions Inc. is pleased to offer the following parts and labor for the subject project:

Includes the following parts to repair a KRT F150-315/266XG 30Hp Pump.

- QTY (2) Bearings
- QTY (2) Mechanical Seals
- QTY (1) Set of O'Rings and Gaskets
- QTY (1) Replacement seal oil.
- QTY (3) New Sensor's
- QTY (1) Rewind motor
- QTY (1) New Rotor and Shaft.
- QTY (1) New Impeller
- QTY (1) New Power Cable
- QTY (1) Sand Blasted and Painted

PLEASE NOTE: Motor Meggs very weak and will need a rewind. Found water and oil inside the motor housing and has contaminated the power cable and control cable. Rotor and shaft is damaged from coming into contact with the stator. Impeller has some cavitation on it maybe from running dry. The paint on the pump is bubbled up from maybe from air locking or running dry and has been hot.

Total Repair Price for all Equipment Listed Above: \$ 16,752.00 (8-10 Weeks).

Install is included in this quote.

Total price for a New KRT F150-315/266XG: \$17,402.00 18-20 Weeks

If not repaired there will be a \$200.00 tear down fee.

Thank you for your consideration of the proposed equipment.

Sincerely,
William Daniels



KSB Inc., South-West Region

4415 Sarellen Road, Henrico, VA 23231

Phone (281) 397-0790, Fax (804) 622-0358, e-mail: mbatcha@ksbusa.com

01/28/2018

To whom it may concern:

Re: KSB Exclusive Distribution/ Pump Solutions, Inc. / Texas Territory

Pump Solutions, Inc.
Houston (Corporate) Office
18594 US Hwy 59
New Caney, TX 77357
Phone: 281-399-9400

Austin/San Antonio Office
806 Tradesmens Park Loop
Hutto, TX 78634
Phone: 512-846-2600

Dallas/Fort Worth Office
1127 South Airport Circle
Euless, TX 76040
Phone: 817-684-0900

Please be advised that **Pump Solutions, Inc.** is the sole source, exclusive and only authorized Distributor for Sales, Parts and Service for KSB Water and Wastewater products for the entire State of Texas excluding the counties west of Terrell, Crockett, Upton, Midland, Martin and Andrews.

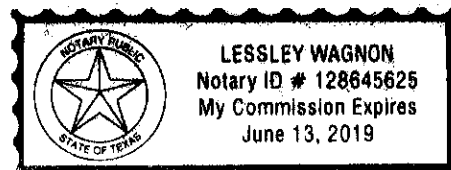
Pump Solutions Distributor contract agreement with KSB has no expiration date and the subject contract does not allow for any other entity to operate in their assigned territory.

Should you have any questions please contact me.

Best Regards,

Mark F. Batcha
Manager, South – West Region
Water & Wastewater Division
KSB, Inc.

Cc: KSB, Inc. –file, legal.



Lessley Waggon



CITY OF KYLE, TEXAS

Derksen Portable Building - Public Works

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Authorize award and execution of a Purchase Order to DERKSEN PORTABLE BUILDINGS, Blanco, TX in an amount not to exceed \$25,548.00 for the purchase, delivery and setup of a portable building to be located at the Public Works Facility for the Public Works Department. ~ *Tim Samford, Division Manager Treatment Operations*

Other Information:

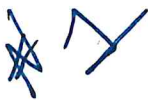
Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- WATER OPS BUILDING QUOTES 9-8-2020
- OPERATIONAL BUILDING SKETCHES



Date: 09/08/2020
 Blanco Portable Buildings
 4498 US 281
 Blanco TX 78606-4678
 (615) 335-0944
 Prepared by:

CUSTOMER QUOTE - 00498535

SOLD TO: City of Kyle, Texas Attn: DELIVER TO:
 520 E. 150
 Kyle TX 78640
 Home: Mobile: (512) 749-6916

PRODUCT & OPTIONS	SALES PRICE	QTY	TOTAL PRICE
SIDE CABIN 16x44 Siding Color: Light Gray Paint Roofing Color: Galvalume Metal Trim Color: White Paint	\$16,105.00	1	\$16,105.00
9 Lite 36" Door (Pre Hung)	\$250.00	1	\$250.00
Anchors \$25.00 Each (Installed) - **Does not include Straps**	\$25.00	8	\$200.00
Strap - **Does not include Anchors**	\$10.00	8	\$80.00
Felt Paper On Roof	\$125.00	1	\$125.00
7/12 Pitch Roof	\$600.00	1	\$600.00
AC/Heat Unit - Wall Unit 15K BTU - Wall Unit 15K BTU. [If adding electrical package a 220v (A/C) outlet must also be added to order.]	\$1,600.00	1	\$1,600.00
220V 20 Amp Receptacle (A/C)	\$100.00	1	\$100.00
200 Amp Breaker Box Upgrade without Main Breaker - Upgrade from 100 Amp Breaker box to 200 Amp	\$200.00	1	\$200.00
Spray Foam Package - \$7.00 per Square Foot (Building Size)	\$7.00	704	\$4,928.00
Electrical Package - Includes 4 plugs, light switch, porcelain light, wiring and 100 Amp Breaker Box w/o Main Breaker	\$550.00	1	\$550.00
2x3 TP Windows - 2x3 Thermopane Window	\$165.00	4	\$660.00
Porch Rails Up To 3 Rails	\$150.00	1	\$150.00
Total Pretax			\$25,548.00
Estimated Tax			\$2,107.71
Estimated Cash Price			\$27,655.71

I will supply: (32) 16" x 16" x 4" SOLID CONCRETE PADS
 FREE OF CHARGE: (32) 8" x 8" x 16" CINDER BLOCKS

⌘
 A \$500.00 DONATION to the City of Kyle
 BLANCO PORTABLE BUILDINGS Dan Ueland
 9/8/2020

Derksen Portable Buildings and its agents are NOT responsible for permits, setbacks, restrictions, or covenants. Please contact your local codes department or Homeowners Association. It is up to the customer to decide whether ground conditions are suitable for delivery. Derksen Buildings is NOT responsible for yard or driveway damage. Free delivery and set up includes ONE TRIP. Additional trips may incur CHARGES to the customer. Free Delivery from Lot (First 50 miles), thereafter \$3.00 Per Mile. Any cancellation is subject to a restocking fee.

#2



Date: 09/07/2020

Murray Portable Buildings
 24501 Interstate 35
 Kyle TX 78640
 (512) 268-8201
 Prepared by:

CUSTOMER QUOTE - 00498400

SOLD TO: City of Kyle
 100 West Center Street
 Kyle TX 78640
 Home:
 tsamford@cityofkyle.com

DELIVER TO:
 100 West Center Street
 Kyle TX 78640
 Mobile: (512) 749-6916

PRODUCT & OPTIONS	SALES PRICE	QTY	TOTAL PRICE
SIDE CABIN 16x44 Siding Color: Almond Paint Roofing Color: Alamo White Metal Trim Color: Almond Paint	\$16,105.00	1	\$16,105.00
9 Lite 36" Door (Pre Hung)	\$250.00	1	\$250.00
2x3 TP Windows - 2x3 Thermopane Window	\$165.00	4	\$660.00
7/12 Pitch Roof	\$600.00	1	\$600.00
Spray Foam Package - \$7.00 per Square Foot (Building Size)	\$7.00	704	\$4,928.00
Electrical Package - Includes 4 plugs, light switch, porcelain light, wiring and 100 Amp Breaker Box w/o Main Breaker	\$550.00	1	\$550.00
200 Amp Breaker Box Upgrade without Main Breaker - Upgrade from 100 Amp Breaker box to 200 Amp	\$200.00	1	\$200.00
AC/Heat Unit - Wall Unit 15K BTU - Wall Unit 15K BTU. [If adding electrical package a 220v (A/C) outlet must also be added to order.]	\$1,600.00	1	\$1,600.00
220V 20 Amp Receptacle (A/C)	\$100.00	1	\$100.00
Felt Paper On Roof	\$125.00	1	\$125.00
Strap - **Does not include Anchors**	\$10.00	8	\$80.00
Anchors \$25.00 Each (Installed) - **Does not include Straps**	\$25.00	8	\$200.00
Porch Rails Up To 3 Rails	\$150.00	1	\$150.00
	Total Pretax		\$25,548.00
	Estimated Tax		\$2,107.71
	Estimated Cash Price		\$27,655.71

Derksen Portable Buildings and its agents are NOT responsible for permits, setbacks, restrictions, or covenants. Please contact your local codes department or Homeowners Association. It is up to the customer to decide whether ground conditions are suitable for delivery. Derksen Buildings is NOT responsible for yard or driveway damage. Free delivery and set up includes ONE TRIP. Additional trips may incur CHARGES to the customer. Free Delivery from Lot (First 50 miles), thereafter \$3.00 Per Mile. Any cancellation is subject to a restocking fee.



Date: 09/07/2020

Murray Portable Buildings
 24501 Interstate 35
 Kyle TX 78640
 (512) 268-8201
 Prepared by:

CUSTOMER QUOTE - 00498400

SOLD TO: City of Kyle
 100 West Center Street
 Kyle TX 78640
 Home:
 tsamford@cityofkyle.com

DELIVER TO:
 100 West Center Street
 Kyle TX 78640
 Mobile: (512) 749-6916

RENT TO OWN TERM: 36 Months		RENT TO OWN TERM: 60 Months	
RTO Building Total	\$16,105.00	RTO Building Total	\$16,105.00
RTO Options Total	\$9,443.00	RTO Options Total	\$9,443.00
Total RTO	\$25,548.00	Total RTO	\$25,548.00
Total Payment Contract Term	\$46,092.96	Total Payment Contract Term	\$61,457.16
Security Deposit	\$0.00	Security Deposit	\$750.00
Cost Reduction	\$0.00	Cost Reduction	\$0.00
NET Cost Reduction	\$0.00	NET Cost Reduction	\$0.00
NET RTO	\$25,548.00	NET RTO	\$25,548.00
Monthly Payment	\$1,182.78	Monthly Payment	\$946.22
Monthly Sales Tax	\$97.58	Monthly Sales Tax	\$78.06
Total Monthly Payment	\$1,280.36	Total Monthly Payment	\$1,024.29

All sales are subject to final approval by Derksen Portable Buildings Corporate Offices.

Derksen Portable Buildings and its agents are NOT responsible for permits, setbacks, restrictions, or covenants. Please contact your local codes department or Homeowners Association. It is up to the customer to decide whether ground conditions are suitable for delivery. Derksen Buildings is NOT responsible for yard or driveway damage. Free delivery and set up includes ONE TRIP. Additional trips may incur CHARGES to the customer. Free Delivery from Lot (First 50 miles), thereafter \$3.00 Per Mile. Any cancellation is subject to a restocking fee.

#3



Date: 09/08/2020

A+ Sheds & Carports
17240 Bandera Rd
Helotes TX 78023-3479
(210) 485-9853
Prepared by: Ricardo

CUSTOMER RECEIPT - 00498803

SOLD TO: Tim Samford
Department of Public Works
Kyle TX 78640
Home:
stephmel1001@yahoo.mco

DELIVER TO:
Department of Public Works
Kyle TX 78640
Mobile: (682) 719-0986

ORDER SUMMARY - CASH SALE			NEW
PRODUCT & OPTIONS	SALES PRICE	QTY	TOTAL PRICE
SIDE CABIN 16x44 Siding Color: Treated (Honey Gold Stain) Roofing Color: Light Stone Metal Trim Color: Treated (Same as Siding)	\$16,105.00	1	\$16,105.00
9 Lite 36" Door (Pre Hung)	\$250.00	1	\$250.00
7/12 Pitch Roof	\$600.00	1	\$600.00
Spray Foam Package - \$7.00 per Square Foot (Building Size)	\$7.00	704	\$4,928.00
AC/Heat Unit - Wall Unit 15K BTU - Wall Unit 15K BTU. [If adding electrical package a 220v (A/C) outlet must also be added to order.]	\$1,600.00	1	\$1,600.00
200 Amp Breaker Box Upgrade without Main Breaker - Upgrade from 100 Amp Breaker box to 200 Amp	\$200.00	1	\$200.00
220V 20 Amp Receptacle (A/C)	\$100.00	1	\$100.00
Felt Paper On Roof	\$125.00	1	\$125.00
Anchors \$25.00 Each (Installed) - **Does not include Straps**	\$25.00	1	\$25.00
Strap - **Does not include Anchors**	\$10.00	1	\$10.00
Electrical Package - Includes 4 plugs, light switch, porcelain light, wiring and 100 Amp Breaker Box w/o Main Breaker	\$550.00	1	\$550.00
2x3 TP Windows - 2x3 Thermopane Window	\$165.00	4	\$660.00
Porch Rails Up To 3 Rails	\$150.00	1	\$150.00
	Total Pretax		\$25,303.00
	Total Tax		\$2,087.51
	Total Price		\$27,390.51
	Total Payments Received		\$0.00
	Net Amount Due		\$27,390.51

Please make checks Payable to Derksen Portable Buildings

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Customer Signature



Date: 09/08/2020

A+ Sheds & Carports
17240 Bandera Rd
Helotes TX 78023-3479
(210) 485-9853
Prepared by: Ricardo

CUSTOMER RECEIPT - 00498803

SOLD TO: Tim Samford
Department of Public Works
Kyle TX 78640
Home:
stephmel1001@yahoo.mco

DELIVER TO:
Department of Public Works
Kyle TX 78640
Mobile: (682) 719-0986

PAYMENTS SUMMARY			
Payment Type	Payment Details	Payment Date	Payment Amount
		Total Payment Amount	\$0.00

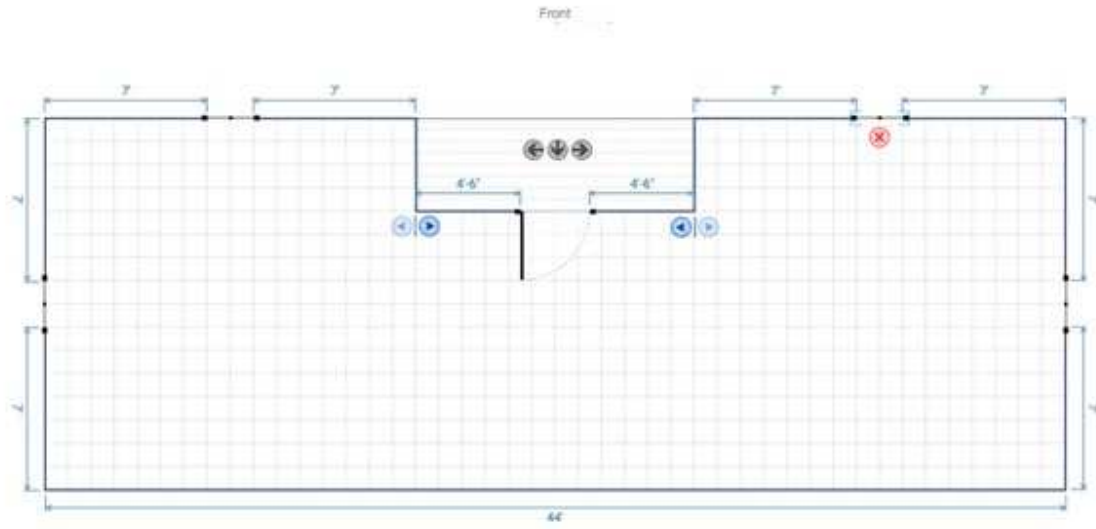
Please make checks Payable to Derksen Portable Buildings

Tax rate may change (subject to applicable tax).

All sales are subject to final approval by Derksen Portable Buildings Corporate Offices.

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Customer Signature



Back





CITY OF KYLE, TEXAS

RDO skid steer, JRB FORKS48 Public Works

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Authorize award and execution of a Purchase Order to RDO EQUIPMENT CO., Pflugerville, Texas in an amount not to exceed \$48,109.27 for the purchase of one new (1) 2020 John Deere 324G skid steer, one new (1) 2020 JRB FORKS48 through the BuyBoard Purchasing Cooperative for the Treatment Operations Department in Public Works Department. ~ *Tim Samford, Division Manager Treatment Operations*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- ☐ Investment Proposal (Quote)_637352399642222048



JOHN DEERE

Investment Proposal (Quote)

RDO Equipment Co.
16415 N IH-35
Pflugerville TX, 78660
Phone: (512) 272-4141 - Fax: (512) 272-9365

Proposal for:
CITY OF KYLE
520 E RANCH ROAD 150
KYLE, TX, 78640
HAYS

Investment Proposal Date: 9/8/2020
Pricing Valid Until: 10/8/2020
Deal Number: 1359289
Customer Account#: 5341005
Sales Professional: Terry Weeter
Phone: (512) 272-4141
Fax:
Email: TWeeter@rdoequipment.com

Comments

324G BUYBOARD PRICING W/CAB
Buyboard Contract# 597-19

Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	TBD TBD	0	New 2020 JOHN DEERE 324G	\$63,883.00
			Freight in FRT	\$1,725.00
			Freight Out DEL	\$365.00
			Customer Discount BUYBOARD DISCOUNT 31%	(\$19,803.73)
			Prep / Reconditioning PDI	\$975.00
			Warranty -John Deere Comprehensive-24 Months, 2000 Hours,Deductible: 0	\$0.00
1	587608 X965251	0	Attachment - New 2020 JRB FORKS48	\$965.00
Equipment Subtotal:				\$48,109.27

Purchase Order Totals

Balance:	\$48,109.27
Tax Rate 3: (TXEG 0%)	\$0.00
Sales Tax Total:	\$0.00
Sub Total:	\$48,109.27
Cash with Order:	\$0.00
Balance Due:	\$48,109.27

Equipment Options

Qty	Serial Number	Year / Make / Model	Description
1	TBD	2020 JOHN DEERE 324G	00C2T 324G SKID STEER LOADER BASE 0750 2SP STDFL SLEV CB/AC PQT 0950 EH JOYSTICK CONTROLS 1301 ENGINE TURBO 4TNV98CT 1501 ENGLISH OP MAN & DECALS 1741 LESS JDLINK 2440 12X16.5 12PR GALAXY HULK 4001 2" SEAT BELT W/SHOULDERSTRAP 6006 AIR RIDE SEAT (CLOTH W HEAT) 8042 REAR VIEW CAMERA 8370 HD REAR GRILLE 8380 FOOTREST WITH FLOORMAT 9041 72 IN CONST BKT W/EDGE 9210 72 IN TOOTH BUCKET
1	587608	2020 JRB FORKS48	67604 48" TINES



CITY OF KYLE, TEXAS

Buie Contract Contingency

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Authorize the expenditure of previously approved contingency funds for the Buie contract. ~ *Robert Rizo, Council Member*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Ordinance Authorizing Issuance of
GO Refunding Bonds, Series 2020 -
Not to Exceed \$4,590,000.00

Meeting Date: 9/15/2020
Date time: 7:00 PM

Subject/Recommendation: *(First and Final Reading)* Approve an Ordinance authorizing the issuance in a principal amount not to exceed \$4,590,000 of “City of Kyle, Texas, General Obligation Refunding Bonds, Series 2020”; the refunding of approximately \$4.6 million of certain outstanding obligations; levying a continuing direct ad valorem tax on all taxable property within the City to pay the interest on said bonds and to create a sinking fund for the redemption thereof and the assessment and collection of such taxes; the delivery of an escrow agreement; the sale of such bonds; and enacting provisions incident and related to the issuance of said bonds. ~ *Perwez A. Moheet, CPA, Director of Finance*

- Public Hearing

Other Information: On September 1, 2020, the City Council authorized the City's Director of Finance to refund approximately \$4.6 million in outstanding bonds in order to achieve approximately \$360,000.00 in interest cost savings to the City of Kyle.

The following outstanding bonds are planned for refunding:

- General Obligation Refunding Bonds, Series 2009: \$ 485,000.00
- Combination Tax & Revenue Certificates of Obligation: \$2,770,000.00
- General Obligation Refunding Bonds, Series 2011: \$1,335,000.00
- Total Outstanding Bonds Refunded: \$4,590,000.00

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Ordinance Authorizing City of Kyle GO Refunding Bonds 2020 (01231757-2x7A30F)
- Preliminary Official Statement DRAFT
- Analysis - Estimated Savings

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,590,000 OF "CITY OF KYLE, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020"; AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING OBLIGATIONS; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY TO PAY THE INTEREST ON SAID BONDS AND TO CREATE A SINKING FUND FOR THE REDEMPTION THEREOF AND THE ASSESSMENT AND COLLECTION OF SUCH TAXES; AUTHORIZING THE DELIVERY OF AN ESCROW AGREEMENT; AUTHORIZING THE SALE THEREOF; AND ENACTING PROVISIONS INCIDENT AND RELATED TO THE ISSUANCE OF SAID BONDS

WHEREAS, the City of Kyle, Texas (the "City") has heretofore issued its:

1. General Obligation Refunding Bonds, Series 2009, dated November 15, 2009 (the "Series 2009 Bonds");
2. Combination Tax and Revenue Certificates of Obligation, Series 2010, dated October 1, 2010 (the "Series 2010 Certificates"); and
3. General Obligation Refunding Bonds, Series 2011, dated June 15, 2011 (the "Series 2011 Bonds"); and

WHEREAS, the City desires to defease and/or refund in advance of their maturities:

1. \$485,000 representing its outstanding Series 2009 Bonds maturing February 15, 2021 through February 15, 2025, inclusive (the "Series 2009 Refunded Bond Obligations");
2. \$2,770,000 representing its outstanding Series 2010 Certificates maturing August 15, 2020 through August 15, 2030, inclusive (the "Series 2010 Refunded CO Obligations"); and
3. \$1,335,000 representing its outstanding Series 2011 Bonds maturing August 15, 2021 through August 15, 2024, inclusive (the "Series 2011 Refunded Bond Obligations"); and

WHEREAS, the Series 2009 Refunded Bond Obligations, the Series 2010 Refunded CO Obligations and the Series 2011 Refunded Bond Obligations are collectively referred to herein as the "Refunded Obligations"; and

WHEREAS, Chapter 1207, Texas Government Code, as amended (the "Act"), authorizes the City to issue refunding bonds payable from taxes, without an election, for the purpose of refunding the Refunded Obligations in advance of their maturities and to accomplish such refunding by depositing an amount sufficient to provide for the discharge and final payment or redemption of the Refunded Obligations; and

WHEREAS, the City desires to authorize the execution of an escrow agreement and provide for the deposit of proceeds of the refunding bonds, together with other funds, if any, to pay the Refunded Obligations; and

WHEREAS, the City desires to restructure the City's debt service obligations and in so doing will result in a net present value savings of approximately \$_____; and

WHEREAS, upon the issuance of the refunding bonds herein authorized and the deposit of funds referred to above, the Refunded Obligations shall no longer be regarded as being outstanding, except for the purpose of being paid pursuant to such deposit, and the pledges, liens, trusts and all other covenants, provisions, terms and conditions of the ordinances authorizing the issuance of the Refunded Obligations shall be, with respect to the Refunded Obligations, discharged, terminated and defeased; and

WHEREAS, on the 15th day of September, 2020, after notice and public hearing as required by the City Charter, the City Council of the City convened at 6:00 p.m. and considered the passage of an ordinance (the "Ordinance") authorizing the issuance of its General Obligation Refunding Bonds, Series 2020 (the "Bonds"); and

WHEREAS, the City Council determined that at this time the Bonds should be delivered and sold for cash.

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

SECTION 1. Recitals; Consideration. It is hereby found and determined that the matters and facts set out in the preamble to this Ordinance are true and correct.

It is hereby found and determined that the transactions contemplated in this Ordinance result in a restructuring of its debt service and that such benefit of restructuring its outstanding debt service requirements is sufficient consideration for the refunding of the Refunded Obligations. The refunding will result in a gross savings of \$_____ and a net present value savings of \$_____.

SECTION 2. Definitions.

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

"Act" means Chapter 1207, Texas Government Code, as amended.

"Bond" or "Bonds" means the Bonds authorized to be issued by Section 3 of this Ordinance and designated as "City of Kyle, Texas General Obligation Refunding Bonds, Series 2020".

"City" means the City of Kyle, Texas.

"Closing Date" means the date of the initial delivery of and payment for the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended, including the regulations and published rulings thereunder.

"Dated Date" means the dated date of the Bonds, September 15, 2020.

"Defeasance Securities" means (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 Bonds.

"Designated Payment/Transfer Office" means the office of the Paying Agent which is designated for the presentment of the Bonds.

"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.

"Escrow Agent" means Wilmington Trust, National Association, Dallas, Texas, as escrow agent for the Refunded Obligations.

"Escrow Agreement" means the escrow deposit agreement between the City and the Escrow Agent relating to the escrow of funds to pay the Refunded Obligations.

"Fiscal Year" means such fiscal year of the City as shall from time to time be set by the City Council.

"Initial Bond" means the initial bond described in Sections 3 and 20 of this Ordinance.

"Interest and Sinking Fund" means the interest and sinking fund established by Section 22 of this Ordinance.

"Interest Payment Date" when used in connection with any Bond means the date or dates upon which interest on each Bond 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.

"Owner," "Holder" or "Registered Owner" means the person who is the registered owner of a Bond or Bonds as shown in the Register.

"Paying Agent/Registrar" shall mean Registrar.

"Record Date" means the close of business on the last business day of the month next preceding the month in which an Interest Payment Date occurs.

"Register" means the register specified in Section 12 of this Ordinance.

"Registrar" means initially Wilmington Trust, National Association.

"Representation Letter" means the Letter of Representations with respect to the Bonds between the City and DTC.

"Unclaimed Payments" means money deposited with the Paying Agent/Registrar for the payment of the principal of or interest on the Bonds as the same come due and payable and remaining unclaimed by the Owners for 90 days after the applicable payment or redemption date.

"Underwriter" means Piper Sandler & Co.

SECTION 3. Authorization, Maturities, Interest Rates and Interest Payment Dates. The Bonds shall be issued as fully registered obligations, without coupons, paying accrued interest to the Holders or Owners on and at stated intervals prior to

Stated Maturity, in the aggregate principal amount of \$_____,000 for the purposes of refunding a portion of the City's outstanding general obligation debt for debt service savings to the City and to pay the costs of issuance for the Bonds.

The Bonds (other than the Initial Bond which shall be numbered T-1) shall be in denominations of \$5,000 or any integral multiple (within a Stated Maturity) thereof, shall be lettered "R" and numbered consecutively from One (1) upward, and principal shall become due and payable on February 15 or August 15, as applicable, in each of the years and in amounts (the "Stated Maturities") and bear interest at the rate(s) per annum in accordance with the following schedule:

<u>Stated Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate(s)</u>
02/15/2021	\$ ____,000	%
08/15/2021	____,000	%
02/15/2022	____,000	%
08/15/2022	____,000	%
02/15/2023	____,000	%
08/15/2023	____,000	%
02/15/2024	____,000	%
08/15/2024	____,000	%
02/15/2025	____,000	%
08/15/2025	____,000	%
08/15/2026	____,000	%
08/15/2027	____,000	%
08/15/2028	____,000	%
08/15/2029	____,000	%
08/15/2030	____,000	%

The Bonds shall bear interest on the unpaid principal amounts from the Date of Delivery, or from the most recent Interest Payment Date to which interest has been paid or duly provided for, at the rates per annum shown in the above schedule (calculated on the basis of a 360-day year of twelve 30-day months). Interest on the Bonds shall be payable on February 15 and August 15 in each year, commencing February 15, 2021.

SECTION 4. Designation and Date. The Bonds shall be designated as "City of Kyle, Texas General Obligation Refunding Bonds, Series 2020" and shall be dated September 15, 2020.

SECTION 5. Execution of Bonds; Seal. The Bonds shall be signed by the Mayor and the City Secretary, by their manual, lithographed, or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of said officers, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the City had been manually

impressed upon each of the Bonds. If any officer of the City whose manual or facsimile signature shall appear on the Bonds shall cease to be such officer before the authentication of such Bonds or before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in such office.

SECTION 6. Approval by Attorney General; Registration by Comptroller. The Initial Bond shall be delivered to the Attorney General of Texas for approval and shall be registered by the Comptroller. The manually executed registration certificate of the Comptroller substantially in the form provided in Section 20 of this Ordinance shall be attached or affixed to the Initial Bond.

SECTION 7. Authentication. Except for the Initial Bond, which needs not be authenticated by the Registrar, only such Bonds which bear thereon a certificate of authentication, substantially in the form provided in Section 20 of this Ordinance, manually executed by an authorized representative of the Registrar, shall be entitled to the benefits of this Ordinance or shall be valid or obligatory for any purpose. Such duly executed certificate of authentication shall be conclusive evidence that the Bonds so authenticated were delivered by the Registrar hereunder.

SECTION 8. Payment of Principal and Interest. The Registrar is hereby appointed as the Paying Agent and Registrar for the Bonds. The principal of the Bonds shall be payable, without exchange or collection charges, in any coin or currency of the United States of America which on the date of payment is legal tender for the payment of debts due the United States of America, upon their presentation and surrender as they respectively become due and payable, whether at maturity or by prior redemption, at the Designated Payment/Transfer Office of the Registrar. The interest on each Bond shall be payable on each Interest Payment Date, by check mailed by the Registrar on or before the Interest Payment Date to the Owner of record as of the Record Date, to the address of such Owner as shown on the Register, or by such other method acceptable to the Registrar, requested by, and at the risk and expense of, the Owner.

If the date for payment of the principal of or interest on any Bond is not a Business Day, then the date for such payment shall be the next succeeding Business Day with the same force and effect as if made on the date payment was originally due.

SECTION 9. Successor Registrars. The City covenants that at all times while any Bonds are outstanding it will provide a commercial bank or trust company organized under the laws of the State of Texas or other entity duly qualified and legally authorized to serve as and perform the duties and services of the Registrar and Paying Agent for the Bonds. The City reserves the right to change the Registrar on not less than 60 days written notice to the Registrar, so long as any such notice is effective not less than 60 days prior to the next succeeding principal or Interest Payment Date on the Bonds. Promptly upon the appointment of any successor Registrar, the previous Registrar shall deliver the Register or copies thereof to the new Registrar, and the new Registrar shall notify each Owner, by United States mail, first-class postage prepaid, of such change

and of the address of the new Registrar. Each Registrar hereunder, by acting in that capacity, shall be deemed to have agreed to the provisions of this Section.

SECTION 10. Special Record Date. If interest on any Bond is not paid on any Interest Payment Date and continues unpaid for thirty (30) days thereafter, the Registrar shall establish a new record date for the payment of such interest, to be known as a Special Record Date. The Registrar shall establish a Special Record Date when funds to make such interest payment are received from or on behalf of the City. Such Special Record Date shall be fifteen (15) days prior to the date fixed for payment of such past due interest, and notice of the date of payment and the Special Record Date shall be sent by United States mail, first-class, postage prepaid, not later than five (5) days prior to the Special Record Date, to each affected Owner of record as of the close of business on the date prior to the mailing of such notice.

SECTION 11. Ownership; Unclaimed Principal and Interest. The City, the Registrar and any other person may treat the person in whose name any Bond is registered as the absolute owner of such Bond for the purpose of making and receiving payment of the principal of or interest on such Bond, and for all other purposes, whether or not such Bond is overdue, and neither the City nor the Registrar shall be bound by any notice or knowledge to the contrary. All payments made to the person deemed to be the Owner of any Bond in accordance with this Section 11 shall be valid and effectual and shall discharge the liability of the City and the Registrar upon such Bond to the extent of the sums paid.

Amounts held by the Registrar which represent principal of and interest on the Bonds 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 Registrar in accordance with the applicable provisions of Texas law including, to the extent applicable, Title 6 of the Texas Property Code, as amended.

SECTION 12. Registration, Transfer, and Exchange. So long as any Bonds remain outstanding, the Registrar shall keep a Register (the "Register") at its Designated Payment/Transfer Office and, subject to such reasonable regulations as it may prescribe, the Registrar shall provide for the registration and transfer of Bonds in accordance with the terms of this Ordinance.

Each Bond shall be transferable only upon the presentation and surrender thereof at the Designated Payment/Transfer Office of the Registrar, duly endorsed for transfer, or accompanied by an assignment duly executed by the registered Owner or his authorized representative in form satisfactory to the Registrar. Upon due presentation of any Bond for transfer, the Registrar shall, to the extent possible and under reasonable circumstances, authenticate and deliver in exchange therefor, within 72 hours after such presentation, a new Bond or Bonds, registered in the name of the transferee or transferees, in authorized denominations and of the same maturity and aggregate principal amount and bearing interest at the same rate as the Bond or Bonds so presented.

All Bonds shall be exchangeable upon presentation and surrender thereof at the Designated Payment/Transfer Office of the Registrar for a Bond or Bonds of the same maturity and interest rate and in any authorized denomination, in an aggregate amount equal to the unpaid principal amount of the Bond or Bonds presented for exchange. The Registrar shall be and is hereby authorized to authenticate and deliver exchange Bonds in accordance with the provisions of this Section 12. Each Bond delivered in accordance with this Section 12 shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such Bond is delivered.

The City or the Registrar may require the Owner of any Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Bond. Any fee or charge of the Registrar for such transfer or exchange shall be paid by the City.

SECTION 13. Mutilated, Lost, or Stolen Bonds. Upon the presentation and surrender to the Registrar of a mutilated Bond, the Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like maturity, interest rate, and principal amount, bearing a number not contemporaneously outstanding. If any Bond is lost, apparently destroyed, or wrongfully taken, the City, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authorize and the Registrar shall authenticate and deliver a replacement Bond of like maturity, interest rate and principal amount, bearing a number not contemporaneously outstanding.

The City or the Registrar may require the Owner of a mutilated Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection therewith and any other expenses connected therewith, including the fees and expenses of the Registrar. The City or the Registrar may require the Owner of a lost, apparently destroyed or wrongfully taken Bond, before any replacement Bond is issued, to:

- (1) furnish to the City and the Registrar satisfactory evidence of the ownership of and the circumstances of the loss, destruction or theft of such Bond;
- (2) furnish such security or indemnity as may be required by the Registrar and the City to save them harmless;
- (3) pay all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Registrar and any tax or other governmental charge that may be imposed; and
- (4) meet any other reasonable requirements of the City and the Registrar.

If, after the delivery of such replacement Bond, a bona fide purchaser of the original

Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the City and the Registrar shall be entitled to recover such replacement Bond from the person to whom it was delivered or any person taking therefrom, except 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 Registrar in connection therewith.

If any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the City in its discretion may, instead of issuing a replacement Bond, authorize the Registrar to pay such Bond.

Each replacement Bond delivered in accordance with this Section 13 shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

SECTION 14. Cancellation of Bonds. All Bonds paid in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance herewith, shall be canceled and destroyed upon the making of proper records regarding such payment. The Registrar shall furnish the City with appropriate certificates of destruction of such Bonds.

SECTION 15. Book-Entry-Only System.

(a) The definitive Bonds shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 16 hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Bonds 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 Bonds, 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 Bonds, (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 Bonds, 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 Bonds. 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 Bond is registered in the Register as the absolute Owner of such Bond for the purpose of payment of principal of, premium, if any, and interest on the Bonds, for the purpose of giving notice of redemption and other matters with respect to such Bond, for the purpose of registering

transfer with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Bonds 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 Bonds 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 16. 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 Bonds that they be able to obtain certificated Bonds, 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 Bonds to such successor securities depository; or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts, as identified by DTC. In such event, the Bonds 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 Bonds shall designate, in accordance with the provisions of this Ordinance.

SECTION 17. Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds 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 Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the Representation Letter.

SECTION 18. Effect of Pledge. Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge of the taxes thereof granted by the City under Section 22 of this Ordinance, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the taxes granted by the City under Section 22 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business &

Commerce Code, then in order to preserve to the Registered Owners of the Bonds 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, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

SECTION 19. Redemption. The Bonds shall be subject to redemption before scheduled maturity only as provided in this Section 19.

(a) *Optional Redemption*. The City reserves the right, at its option, to redeem Bonds having stated maturities on or after August 15, 202_ prior to maturity, in whole or in part, on _____ 15, 202_, or any date thereafter, at the par value thereof plus accrued interest to the date fixed for redemption.

The Bonds may be redeemed only in integral multiples of \$5,000. If a Bond subject to redemption is in a denomination larger than \$5,000, a portion of such Bond may be redeemed, but only in integral multiples of \$5,000. Upon surrender of any Bond for redemption in part, the Registrar, in accordance with Section 12 hereof, shall authenticate and deliver in exchange therefor a Bond or Bonds of like maturity and interest rate in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered.

[any mandatory redemption provisions]

(b) *Partial Redemption*. If less than all of the Bonds are to be redeemed and if less than all of a maturity is to be redeemed, the Registrar shall determine by lot the Bonds, or portions thereof, within such maturity to be redeemed.

(c) *Notice of Redemption to Owners*. Notice of any redemption identifying the Bonds to be redeemed shall be given by the Registrar at least thirty (30) days prior to the date fixed for redemption by sending written notice by United States mail, first-class, postage prepaid, to the Owner of each Bond to be redeemed in whole or in part at the address of the registered Owner appearing on the Register at the close of business on the Business Day next preceding the date of mailing such notice. Such notices shall state the redemption date, the redemption price, the place at which Bonds are to be surrendered for payment and, if less than all Bonds of a particular maturity are to be redeemed, the numbers of the Bonds or portions thereof of that maturity to be redeemed. Any notice given as provided in this Section 19 shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice. By the date fixed for redemption, due provision shall be made with the Registrar for payment of the redemption price of the Bonds or portions thereof to be redeemed. When Bonds have been called for redemption in whole or in part and due provision has been made to redeem same as herein provided, the Bonds or portions thereof so redeemed shall no longer be regarded as outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Owners to collect interest which would otherwise accrue after the redemption date

on any Bond or portion thereof called for redemption shall terminate on the date fixed for redemption.

The City reserves the right to give notice of its election or direction to optionally redeem Bonds 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 Bonds subject to conditional redemption where redemption has been rescinded shall remain outstanding.

SECTION 20. Forms.

(a) *Form Generally.* The Bonds, 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 Bonds, (i) shall be substantially in the form set forth in this Section 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 Bonds, as evidenced by their execution thereof.

(b) *Placement of Text.* Any portion of the text of any Bonds may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Bonds.

(c) *Definitive Bonds.* The definitive Bonds 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 Bonds, as evidenced by their execution thereof.

(d) *Initial Bond.* The Initial Bond submitted to the Attorney General of the State of Texas may be typewritten and photocopied or otherwise reproduced.

(e) *Form of the Bonds.* The form of the Bonds, including the form of the Certificate of Paying Agent/Registrar, the form of Assignment and the form of

Registration Certificate of the Comptroller, which shall be attached or affixed to the Bonds initially issued, shall be, respectively, substantially as follows, with such additions, deletions and variations as may be necessary or desirable and not prohibited by this Ordinance:

REGISTERED
NO. R- _____

REGISTERED PRINCIPAL
AMOUNT \$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF KYLE, TEXAS
GENERAL OBLIGATION REFUNDING BOND
SERIES 2020

Dated Date:	Interest Rate:	Stated Maturity:	CUSIP No.:
September 15, 2020	_____ %	_____	_____

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 herein above 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, or from the most recent Interest Payment Date to which interest has been paid or duly provided for, 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 Bond 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 Bond 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 Bond 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 BOND is one of the series specified in its title issued in an aggregate principal amount of \$_____,000 (herein referred to as the "Bonds") for the purposes of refunding a portion of the City's outstanding general obligation debt for debt service savings to the City and to pay the costs of issuance for the Bonds, pursuant to an ordinance adopted by the City Council of the City on September 15, 2020 (the "Ordinance").

THE BONDS 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 30 days prior written notice being sent by United States mail, first-class postage prepaid, to the Registered Owners of the Bonds to be redeemed, and subject to the terms and provisions relating thereto contained in the Ordinance.

[any mandatory redemption provisions]

IF THIS BOND (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 Bond (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 Bond, payment of the redemption price of such principal amount shall be made to the Registered Owner only upon presentation and surrender of this Bond 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 Bond or Bonds 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 Bond is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer this Bond to an assignee of the Registered Owner within 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 BONDS are payable from the proceeds of an ad valorem tax levied, within the limits prescribed by law, upon all taxable property in the City. 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 Bond by the acceptance hereof hereby assents, for definitions

of terms; the description of and the nature and extent of the tax levied and pledged for the payment of the Bonds; the terms and conditions relating to the transfer or exchange of this Bond; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond 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 BOND, 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 Bonds 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 Bond 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 Bond 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 Bond 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 Bond 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 Bond 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, to pay the interest on this Bond 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 Bonds does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Bond 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 Bond.

Mayor
City of Kyle, Texas

City Secretary
City of Kyle, Texas

[SEAL]

(f) Form of Comptroller's Registration Certificate.

The following Comptroller's Registration Certificate may be deleted from the definitive Bonds if such certificate on the Initial Bond 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 Bond 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 Bond 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

(g) Form of Certificate of Paying Agent/Registrar.

The following Certificate of Paying Agent/Registrar may be deleted from the Initial Bond if the Comptroller's Registration Certificate appears thereon.

CERTIFICATE OF PAYING AGENT/REGISTRAR

The records of the Paying Agent/Registrar show that the Initial Bond of this series of Bonds 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 Bonds referred to in the within-mentioned Ordinance.

WILMINGTON TRUST, NATIONAL ASSOCIATION
as Paying Agent/Registrar

Dated: _____

By: _____
Authorized Signatory

(h) 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 Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney, to register the transfer of the within Bond 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 Bond in every particular, without alteration or enlargement or any change whatsoever.

(i) *The Initial Bond shall be in the respective form set forth therefor in paragraph (a) of this Section, except as follows:*

Heading and paragraph one shall be amended to read as follows:

REGISTERED
No. T-1

\$ _____,000

UNITED STATES OF AMERICA
STATE OF TEXAS

CITY OF KYLE, TEXAS
GENERAL OBLIGATION REFUNDING BOND
SERIES 2020

Dated Date: September 15, 2020

Registered Owner: _____

Principal Amount: _____ THOUSAND 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, the Principal Amount herein above stated on February 15 or August 15, as applicable, in the years and in principal installments in accordance with the following schedule:

<u>Stated</u> <u>Maturity</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate(s)</u>
----------------------------------	-----------------------------------	-----------------------------------

(Information to be inserted from
schedule in Section 3 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, or from the most recent Interest Payment Date to which interest has been paid or duly provided for, 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 Bond are payable in the year of maturity or on a prepayment date to the Registered Owner hereof by Wilmington Trust, National Association (the "Paying Agent/Registrar"), upon presentation and surrender, at its Designated Payment/Transfer Office in Dallas, Texas. Interest is payable to the Registered Owner of this Bond 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 Bond 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.

SECTION 21. CUSIP Registration and Legal Opinion.

(a) *CUSIP Numbers.* The City may secure identification numbers and letters

of the Committee on Uniform Securities Identification Procedures of the American Bankers Association ("CUSIP numbers") and may authorize the printing of such numbers on the face of the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect as regards the legality thereof and neither the City nor the attorneys approving said Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

(b) *Legal Opinion.* The approving legal opinion of Bickerstaff Heath Delgado Acosta LLP, Bond Counsel, may be printed on the reverse side of each Bond or may be attached to each Bond.

SECTION 22. Interest and Sinking Fund; Tax Levy. There is hereby established a separate fund of the City to be known as the "City of Kyle, Texas General Obligation Refunding Bonds, Series 2020 Interest and Sinking Fund" (the "Interest and Sinking Fund"), which shall be kept separate and apart from all other funds of the City. The proceeds from all taxes levied, assessed and collected for and on account of the Bonds authorized by this Ordinance shall be deposited, as collected, in the Interest and Sinking Fund. While the Bonds or any part of the principal thereof or interest thereon remain outstanding and unpaid, there is hereby levied and there shall be annually assessed and collected in due time, form and manner, and at the same time as other City taxes are assessed, levied and collected, in each year, beginning with the current year, a continuing direct annual ad valorem tax, within the limits prescribed by law, upon all taxable property in the City, sufficient to pay the current interest on the Bonds as the same becomes due and to provide and maintain a sinking fund of not less than two percent of the principal amount of the Bonds or the amount required to pay each installment of principal of the Bonds as the same matures, whichever is greater, full allowance being made for delinquencies and costs of collection, and said taxes are hereby irrevocably pledged to the payment of the interest on and principal of the Bonds and to no other purpose.

SECTION 23. Control and Delivery of the Bonds. After the Bonds to be initially issued shall have been executed, it shall be the duty of the Mayor and other appropriate officials and agents of the City to deliver the Bonds to be initially issued and all pertinent records and proceedings to the Attorney General of the State of Texas, for examination and approval. After the Bonds to be initially issued shall have been approved by the Attorney General, they shall be delivered to the Comptroller for registration. Upon registration of the Bonds to be initially issued, the Comptroller (or the Comptroller's bond clerk or an assistant bond clerk lawfully designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificate prescribed herein and the seal of said Comptroller shall be impressed, or placed in facsimile, thereon.

SECTION 24. Sale; Purchase Contract. The Bonds are hereby sold and shall be delivered to the Underwriter at a price of \$_____.00 (representing the principal amount of the Bonds, plus a [net] original issue premium of \$_____ and less an Underwriter's discount of \$_____), in accordance with the terms of a Purchase

Contract 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 and reasonably obtainable by the City. The Mayor is authorized to execute the Purchase Contract. In addition, other appropriate officials of the City are hereby authorized and directed to execute such Purchase Contract on behalf of the City. 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 Bonds. The Initial Bond shall be registered in the name of _____.

SECTION 25. Covenants Regarding Tax Exemption of Interest on the Bonds. The City covenants to take any action necessary to secure, or refrain from any action which would adversely affect, the treatment of the Bonds 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:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Bonds 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 or 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 Bonds, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Bonds 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;

(c) 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 Bonds (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;

(d) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(e) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Bonds, 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 Bonds, other than investment property acquired with--

(1) proceeds of the Bonds 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 bonds are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) 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 Bonds;

(g) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds 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);

(h) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) 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 Bonds 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; and

(i) 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 of and interest on the Bonds.

In order to facilitate compliance with the above covenants (h) and (i), 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 bondholders. 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 Bonds, 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 Bonds 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 Bonds, 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 Bonds under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Mayor, the City Manager and the Director of Finance 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 Bonds.

In addition, the City covenants that the property being financed with the proceeds of the Refunded Obligations and the property financed in accordance with the authorization of the voters of the City, as described in the recitals to this Ordinance, will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

SECTION 26. Use of Proceeds.

On the Closing Date, the City shall cause the proceeds from the sale of the Bonds to be deposited as follows:

- (1) \$_____ from premium to pay the costs of issuance, consisting of:
 - \$_____ of general costs of issuance; and
 - \$_____ of Underwriter's Discount;
- (2) \$_____ rounding amount to the Interest and Sinking Fund; and
- (3) The balance of the proceeds from the sale of the Bonds shall be applied to establish an escrow fund to refund the Refunded Obligations, as more fully provided below, and, to the extent not otherwise provided for, to pay all expenses arising in connection with the issuance of the Bonds, the establishment of such escrow

fund and the refunding of the Refunded Obligations. Any proceeds of the Bonds remaining after making all such deposits and payments shall be deposited into the Interest and Sinking Fund.

SECTION 27. Security of Funds. All moneys on deposit in the funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and moneys on deposit in such funds shall only be used for the purposes permitted by this Ordinance.

SECTION 28. Defeasance.

(a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the City with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Bonds that is made in conjunction with the payment arrangements specified in subsection (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Bonds immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the City be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City, or deposited as directed in writing by the City. Any Future Escrow Agreement pursuant to which the money and/or Defeasance

Securities are held for the payment of Defeased Bonds may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bonds, with respect to which such money has been so deposited, shall be remitted to the City or deposited as directed in writing by the City.

(c) Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) In the event that the City elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

SECTION 29. Ordinance a Contract; Amendments. The Ordinance shall constitute a contract with the Owners, from time to time, of the Bonds, binding on the City and its successors and assigns, and shall not be amended or repealed by the City as long as any Bond remains outstanding except as permitted in this Section. The City may amend the Ordinance without the consent of or notice to any Owners to (i) cure any ambiguity, defect or omission therein that does not materially adversely affect the interests of the holders; (ii) grant additional rights or security for the benefit of the holders; (iii) add events of default as shall not be inconsistent with the provisions of the Ordinance that do not materially adversely affect the interests of the holders; (iv) qualify the Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect; or (v) make such other provisions in regard to matters or questions arising under the Ordinance that are not inconsistent with the provisions thereof and which, in the opinion of Bond Counsel for the City, do not materially adversely affect the interests of the holders. In addition, the City may amend the Ordinance in ways not described above with the consent of the holders of a majority of the aggregate principal amount of the Bonds outstanding if it is deemed necessary or desirable by the City; provided, however, that without the consent of the holders of 100% of the then outstanding Bonds, no amendment may be made for the purpose of: (i) making any change in the maturity of any of the outstanding Bonds; (ii) reducing the rate of interest borne by any of the outstanding Bonds; (iii) reducing the amount of the principal of, or redemption premium, if any, payable on any outstanding Bonds; (iv) modifying the terms of payment of principal, interest or redemption premium on outstanding Bonds, or imposing any condition with respect to such payment; or (v) changing the minimum percentage of the principal amount of the Bonds necessary for consent to such amendment.

SECTION 30. Investments.

(a) Money in the Funds established by this Ordinance, 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 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 31. Investment Income. Interest and income derived from investment of any fund created by this Ordinance shall be credited to such fund.

SECTION 32. Escrow Agreement Approval and Execution. The discharge and defeasance of the Refunded Obligations shall be effectuated pursuant to the terms and provisions of an Escrow Agreement to be entered into by and between the City and the Escrow Agent, which shall be substantially in the form attached hereto as Exhibit A, the terms and provisions of which are hereby approved, subject to such insertions, additions and modifications as shall be necessary (a) to carry out the program designed for the City by the Financial Advisor, (b) to maximize the benefit of City's restructuring of its debt service obligations and/or to minimize the City's costs of refunding, (c) to comply with all applicable laws and regulations relating to the refunding of the Refunded Obligations, and (d) to carry out the other intents and purposes of this Ordinance, and the Mayor is hereby authorized to execute and deliver such Escrow Agreement on behalf of the City in multiple counterparts and the City Secretary is hereby authorized to attest thereto and affix the seal of the City.

SECTION 33. Redemption/Defeasance of Refunded Obligations.

(a) *Call*. The City hereby irrevocably calls the following obligations of the City for redemption prior to maturity or defeasance to maturity on the dates set forth below, at a price of par plus accrued interest to the dates fixed for redemption, and authorizes and directs notice of such redemption to be given in accordance with the ordinances authorizing the issuance of such obligations:

<u>Obligations to be Redeemed</u>	<u>Redemption Date</u>
General Obligation Refunding Bonds, Series 2009 Maturities 2021 through 2025	November 13, 2020 @ Par plus accrued interest to the date of redemption
Combination Tax and Revenue Certificates of Obligation, Series 2010 Maturities 2021 through 2030	November 13, 2020 @ Par plus accrued interest to the date of redemption
General Obligation Refunding Bonds, Series 2011	November 13, 2020 @ Par plus accrued interest to

Maturities 2021 through 2024

the date of redemption

The City hereby authorizes and instructs the Mayor, City Manager, Director of Finance and the paying agents for the Refunded Obligations to take such steps as are necessary to accomplish the redemption and the defeasance of the Refunded Obligations in accordance with the provisions hereof.

(b) *Notices of Defeasance/Redemption.* The City hereby ratifies its authorization to give notices of redemption of the Refunded Obligations in the manner and within the time required by the ordinances authorizing the issuances thereof. The respective notices will be substantially in the forms set out in Exhibit B.

SECTION 34. Refunding of Refunded Obligations. It is hereby found and determined that the refunding of the Refunded Obligations is advisable and necessary in order to restructure the principal and interest requirements of the City, and the City further finds and determines that the City will receive a present value savings on the debt service of the Refunded Obligations.

SECTION 35. Refunding.

(a) *Sources of Funds for Redemption* The source of funds for payment of the principal of and interest on the obligations called for redemption and to be redeemed in advance of maturity pursuant to this ordinance shall be from the funds placed with the Escrow Agent pursuant to the Escrow Agreement and this Ordinance.

(b) *Related Matters.* To satisfy in a timely manner all of the City's obligations under this Ordinance, the Purchase Contract and the Escrow Agreement, the Mayor, the City Secretary, the City Manager, the Director of Finance, and all other appropriate officers and agents of the City are hereby authorized and directed to take all other actions that are reasonably necessary to provide for the refunding of the Refunded Obligations, including, without limitation, executing and delivering on behalf of the City all certificates, consents, receipts, requests, and other documents as may be reasonably necessary to satisfy the City's obligations under the Escrow Agreement, the Purchase Contract and this Ordinance and to direct the application of funds of the City consistent with the provisions of such Escrow Agreement and this Ordinance.

(c) *Transfer from Interest and Sinking Fund.* On the date of delivery of and payment for the Bonds there shall be transferred from the interest and sinking fund for the Refunded Obligations to the Escrow Agent, an amount sufficient, if any, when added to the proceeds of the Bonds, to provide for the refunding of the Refunded Obligations, all as set out in the Report.

SECTION 36. Continuing Disclosure Undertaking.

(a) *Definitions.* As used in this Section, 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.

(b) Annual Reports. The City shall provide annually to the MSRB through EMMA, within six months after the end of each fiscal year ending in or after 2020, financial information and operating data with respect to the City that is of the general type included in the Official Statement authorized by Section 39, being the information described in Tables 1 through 4 and 6 through 9 and in Appendix B thereto. Any financial statements so to be provided shall be (1) prepared in accordance with the accounting principles the City may be required to employ from time to time in accordance with State law, and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide (1) unaudited financial statements for such fiscal year within such six month period, and (2) audited financial statements for the applicable fiscal year to the MSRB through EMMA when and if the audit report on such 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).

(c) 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 Bonds:

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 Bonds or other material events affecting the tax-exempt status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, 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 the purposes of the preceding (15) of this Section 36(c) 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 above subsection (b) by the time required by this Section.

(d) *Limitations, Disclaimers, and Amendments.* The City shall be obligated to observe and perform the covenants specified in this Section with respect to the City and the Bonds while, but only while, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice required by subsection (c) of this Section of any bond calls and defeasances that cause the City to no longer be such an "obligated person."

The provisions of this Section are for the sole benefit of the Holders and Beneficial Owners of the Bonds, and nothing in this Section, 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 Section 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 Section 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 Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND 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 SECTION, 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 Section shall comprise a breach of or default under the Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section 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 Section 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 Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds 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 Bonds 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 Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) 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.

SECTION 37. Reserved.

SECTION 38. Registrar. The form of agreement setting forth the duties of the Registrar is hereby approved, and the appropriate officials of the City are hereby authorized to execute such agreement for and on behalf of the City.

SECTION 39. Official Statement. The City Council ratifies and confirms its prior approval of the form and content of the Preliminary Official Statement prepared in the initial offering and sale of the Bonds and hereby authorizes the preparation of a final Official Statement reflecting the terms of the Purchase Contract with the Underwriter and other relevant matters. The use of such Official Statement in the reoffering of the Bonds by the Underwriter is hereby approved and authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed in the Purchase Contract, dated as of the date of payment for and delivery of the Bonds.

SECTION 40. No Personal Liability. No recourse shall be had for payment of the principal of or interest on any Bonds or for any claim based thereon, or on this Ordinance, against any official or employee of the City or any person executing any Bonds.

SECTION 41. 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 Bonds, the sale of the Bonds, the Escrow Agreement and the Paying Agent/Registrar Agreement. In addition, prior to the initial delivery of the Bonds, the Mayor, City Manager, Director of Finance, 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 Bonds by the Attorney General's office. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, 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 42. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance has been 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 Chapter 551, Texas Government Code.

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FINALLY PASSED, APPROVED AND EFFECTIVE this 15th day of September,
2020.

Mayor
City of Kyle, Texas

ATTEST:

City Secretary
City of Kyle, Texas

[SEAL]

Exhibit A

ESCROW AGREEMENT

See Tab 12 of Transcript.

Exhibit B

NOTICES OF REDEMPTION

PRELIMINARY OFFICIAL STATEMENT

Dated _____

Ratings: S&P: “__”

NEW ISSUE - Book-Entry-Only

(See “OTHER INFORMATION – RATING” herein)

In the opinion of Bond Counsel, interest on the Bonds is excludable from gross income for federal income tax purposes under existing law, subject to the matters described under “TAX MATTERS – Tax Exemption” herein.

\$4,195,000*
CITY OF KYLE, TEXAS
(Hays County)
GENERAL OBLIGATION
REFUNDING BONDS, SERIES 2020

Dated Date: _____

Due: February 15 and August 15, as shown on page 2

Interest Accrues from Date of Delivery

PAYMENT TERMS . . . Interest on the \$4,195,000* City of Kyle, General Obligation Refunding Bonds, Series 2020 (the “Bonds”) will accrue from October 14, 2020 (the anticipated date of initial delivery), will be payable February 15 and August 15 of each year commencing February 15, 2021, and will be calculated on the basis of a 360-day year consisting of twelve 30-day months. The definitive Bonds will be initially registered and delivered only to Cede & Co., the nominee of The Depository Trust Company, New York, New York (“DTC”), pursuant to the Book-Entry-Only System described herein. Beneficial ownership of the Bonds may be acquired in denominations of \$5,000 or integral multiples thereof. No physical delivery of the Bonds will be made to the beneficial owners thereof. Principal of, premium, if any, and interest on the Bonds will be payable by the Paying Agent/Registrar to Cede & Co., which will make distribution of the amounts so paid to the participating members of DTC for subsequent payment to the beneficial owners of the Bonds (see “THE BONDS – Book-Entry-Only System”). The initial Paying Agent/Registrar is **Wilmington Trust, N.A., Dallas, Texas** (see “THE BONDS – Paying Agent/Registrar”).

AUTHORITY FOR ISSUANCE . . . The Bonds are issued pursuant to the Constitution and general laws of the State of Texas (the “State”), particularly Chapter 1207, Texas Government Code, as amended, an ordinance authorizing the issuance of the Bonds (the “Ordinance”) to be adopted by the City Council of the City of Kyle, Texas (the “City”), and the City’s home-rule charter. The Bonds constitute direct obligations of the City secured by a continuing ad valorem tax levied on all taxable property within the City, within the limits prescribed by law, as provided in the Ordinance (see “THE BONDS – Authority for Issuance” and “THE BONDS – Security and Source of Payment”).

PURPOSE . . . Proceeds from the sale of the Bonds will be used for the purpose of (i) refunding certain obligations of the City described in SCHEDULE I to this Official Statement (the “Refunded Obligations”) for debt service savings; and (ii) paying the costs of issuance for the Bonds (see “PLAN OF FINANCING”).

OPTIONAL REDEMPTION . . . The City reserves the right, at its option, to redeem Bonds having stated maturities on and after August 15, 20__, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof, on August 15, 20__, or any date thereafter, at the par value thereof plus accrued interest to the date of redemption (see “THE BONDS – Optional Redemption”).

SEE MATURITY SCHEDULE, INTEREST RATES, AND YIELDS ON PAGE 2

LEGALITY . . . The Bonds are offered for delivery when, as and if issued and received by the Underwriter named below (the “Underwriter’s”) and subject to the approving opinion of the Attorney General of Texas and the opinion of Bickerstaff Heath Delgado Acosta LLP, Bond Counsel, Austin, Texas (see “APPENDIX C – Form of Bond Counsel’s Opinion”). Certain legal matters will be passed upon for the Underwriter by their counsel, Orrick, Herrington & Sutcliffe LLP, Houston, Texas.

DELIVERY . . . It is expected that the Bonds will be available for delivery through DTC on October 14, 2020 (the “Date of Delivery”).

PIPER SANDLER & CO.

* Preliminary; subject to change.

This Preliminary Official Statement and the information contained herein are subject to completion or amendment without notice. These securities may not be sold nor may offers to buy be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these securities in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such jurisdiction.

MATURITY SCHEDULE, INTEREST RATES AND YIELDS*

Maturity (2/15)	Principal	Interest Rate	Initial Yield ⁽¹⁾	CUSIP ⁽²⁾
2021	\$ 95,000			
2022	95,000			
2023	85,000			
2024	95,000			
2025	100,000			

Maturity (8/15)	Principal	Interest Rate	Initial Yield ⁽¹⁾	CUSIP ⁽²⁾
2021	\$ 520,000			
2022	515,000			
2023	540,000			
2024	560,000			
2025	230,000			
2026	245,000			
2027	255,000			
2028	270,000			
2029	290,000			
2030	300,000			

(Interest Accrues from Delivery Date)

(1) The initial yield represents the initial offering yield to the public which has been established by the Underwriter for offers to the public and which may be subsequently changed by the Underwriter as is the sole responsibility of the Underwriter.

(2) CUSIP numbers have been assigned to the Bonds by the CUSIP Global Services, which is managed on behalf of the American Bankers Association by S&P Capital IQ, and are included solely for the convenience of the owners of the Bonds. None of the City, the Financial Advisor or the Underwriter shall be responsible for the selection or correctness of the CUSIP numbers set forth herein.

REDEMPTION . . . The City reserves the right, at its option, to redeem Bonds having stated maturities on and after August 15, 20__, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof, on August 15, 20__, or any date thereafter, at the par value thereof plus accrued interest to the date of redemption (see "THE BONDS – Optional Redemption"). Additionally, the Bonds may be subject to mandatory sinking fund redemption in the event the Underwriter elects to designate any maturities as term bonds.

* Preliminary; subject to change.

For purposes of compliance with Rule 15c2-12 of the United States Securities and Exchange Commission (the "Rule"), as amended and in effect on the date of this Preliminary Official Statement, this document constitutes an "official statement" of the City with respect to the Bonds that has been "deemed final" by the City as of its date except for the omission of no more than the information permitted by the Rule.

This Official Statement is delivered in connection with the sale of the Bonds referred to herein and may not be reproduced or used, in whole or in part, for any other purposes.

This Official Statement, which includes the cover page and the Appendices hereto, does not constitute an offer to sell or the solicitation of an offer to buy in any jurisdiction to any person to whom it is unlawful to make such offer, solicitation or sale.

No dealer, broker, salesperson or other person has been authorized by the City or the Underwriter to give any information, or to make any representations other than those contained in this Official Statement, and, if given or made, such other information or representations must not be relied upon as having been authorized by the City or the Underwriter.

Certain information set forth herein has been obtained from the City and other sources which are believed to be reliable but is not guaranteed as to accuracy or completeness, and is not to be construed as a representation by the Financial Advisor or the Underwriter. Any information and expression of opinion herein contained are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the City or other matters described herein since the date hereof. See "CONTINUING DISCLOSURE OF INFORMATION" for a description of the City's undertaking to provide certain information on a continuing basis.

The Underwriter has provided the following sentence for inclusion in this Official Statement. The Underwriter has reviewed the information in this Official Statement in accordance with, and as part of, its responsibility to investors under federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriter does not guarantee the accuracy or completeness of such information.

The cover page contains certain information for general reference only and is not intended as a summary of this offering. Investors should read the entire Official Statement, including the schedules and all appendices attached hereto, to obtain information essential to making an informed investment decision.

IN CONNECTION WITH THE OFFERING OF THE BONDS, THE UNDERWRITER MAY OVER-ALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICES OF THE BONDS AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

NONE OF THE CITY, ITS FINANCIAL ADVISOR, OR THE UNDERWRITER MAKE ANY REPRESENTATION OR WARRANTY WITH RESPECT TO THE INFORMATION CONTAINED IN THIS OFFICIAL STATEMENT REGARDING THE DEPOSITORY TRUST COMPANY ("DTC") OR ITS BOOK-ENTRY-ONLY SYSTEM, AS SUCH INFORMATION HAS BEEN PROVIDED BY DTC.

THE BONDS ARE EXEMPT FROM REGISTRATION WITH THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION AND CONSEQUENTLY HAVE NOT BEEN REGISTERED THEREWITH. THE REGISTRATION, QUALIFICATION, OR EXEMPTION OF THE BONDS IN ACCORDANCE WITH APPLICABLE SECURITIES LAW PROVISIONS OF THE JURISDICTIONS IN WHICH THE BONDS HAVE BEEN REGISTERED, QUALIFIED, OR EXEMPTED SHOULD NOT BE REGARDED AS A RECOMMENDATION THEREOF.

THIS OFFICIAL STATEMENT CONTAINS "FORWARD-LOOKING" STATEMENTS WITHIN THE MEANING OF SECTION 21E OF THE SECURITIES AND EXCHANGE ACT OF 1934, AS AMENDED. SUCH STATEMENTS MAY INVOLVE KNOWN AND UNKNOWN RISKS, UNCERTAINTIES AND OTHER FACTORS WHICH MAY CAUSE THE ACTUAL RESULTS, PERFORMANCE AND ACHIEVEMENTS TO BE DIFFERENT FROM THE FUTURE RESULTS, PERFORMANCE AND ACHIEVEMENTS EXPRESSED OR IMPLIED BY SUCH FORWARD-LOOKING STATEMENTS. INVESTORS ARE CAUTIONED THAT THE ACTUAL RESULTS COULD DIFFER MATERIALLY FROM THOSE SET FORTH IN THE FORWARD-LOOKING STATEMENTS. SEE "OTHER INFORMATION – FORWARD-LOOKING STATEMENTS DISCLAIMER" HEREIN.

NEITHER THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION NOR ANY STATE SECURITIES COMMISSION HAS APPROVED OR DISAPPROVED OF THE BONDS OR PASSED UPON THE ADEQUACY OR ACCURACY OF THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.

References to website addresses presented herein are for informational purposes only and may be in the form of a hyperlink solely for the reader's convenience. Unless specified otherwise, such websites and the information or links contained therein are not incorporated into, and are not part of, this Official Statement for purposes of, and as that term is defined in, the Rule.

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The cover page hereof, this page, the schedule and appendices included herein and any addendum, supplement or amendment hereto, are part of the Official Statement.

CITY OFFICIALS, STAFF AND CONSULTANTS

ELECTED OFFICIALS

<u>City Council</u>	<u>Length of Service in Current Term</u>	<u>Term Expires</u>
Travis Mitchell Mayor	3 Years	November 2020
Dex Ellison Council Member, District 1	1 Years	November 2021
Tracy Scheel Council Member, District 2	3 Years	November 2020
Robert Rizo Council Member, District 3	1 Years	November 2021
Alex Villalobos Council Member, District 4	3 Years	November 2020
Rick Koch Mayor Pro-Tem, District 5	2 Years	November 2021
Michael Tobias Council Member, District 6	Newly Elected	November 2021

APPOINTED OFFICIALS

<u>Name</u>	<u>Position</u>
Scott Sellers	City Manager
James R. Earp, CPM	Assistant City Manager
Perwez A. Moheet, CPA	Director of Finance
Jennifer Holm	City Secretary

CONSULTANTS AND ADVISORS

Auditor..... RSM US LLP
Austin, Texas

Bond CounselBickerstaff Heath Delgado Acosta LLP
Austin, Texas

Financial Advisor RBC Capital Markets, LLC
Houston, Texas

For additional information regarding the City, please contact:

Perwez A. Moheet, CPA Director of Finance City of Kyle, Texas 100 West Center Street Kyle, Texas 78640 (512) 262-1010	or	Chris W. Allen Managing Director RBC Capital Markets, LLC 609 Main Street, Suite 3600 Houston, Texas 77002 (713) 651-3338	or	Gabriella Briceno Vice President RBC Capital Markets, LLC 609 Main Street, Suite 3600 Houston, Texas 77002 (713) 853-0808
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OFFICIAL STATEMENT SUMMARY

The selected data on these pages is subject in all respects to the more complete information and definitions contained or incorporated in this Official Statement. The offering of the Bonds to potential investors is made only by means of this entire Official Statement. No person is authorized to detach these selected data pages from this Official Statement or to otherwise use it without the entire Official Statement.

These selected data pages were prepared to present the purchasers of the Bonds information concerning the Bonds, the taxes pledged to the payment of the Bonds, the description of the tax base and other pertinent data, all as more fully described herein.

- THE CITY** The City of Kyle, Texas (the “City”) is a political subdivision located in Hays County operating as a home-rule city under the laws of the State of Texas (the “State”) and the City’s home-rule charter (the “Charter”) originally approved by the voters in 2000, and as amended in 2006, 2016 and 2018. The City operates under the Council/Manager form of government in which the Mayor and six councilmembers are elected for staggered three-year terms. The City Council (hereinafter referred to as the “City Council” or “Council”) formulates operating policy for the City, while an appointed City Manager is the chief administrative officer. It is the duty of the City Manager to implement the policies and directives of the Council. The City is approximately 31.25 square miles in area (see “APPENDIX A – General Information Regarding the City”).
- THE BONDS** The Bonds are issued as \$4,195,000* General Obligation Refunding Bonds, Series 2020 (the “Bonds”) and mature on February 15 in the years 2021 through 2025 and August 15 in the years 2021 through 2030 (see “THE BONDS – Description of the Bonds”).
- PAYMENT OF INTEREST** Interest on the Bonds accrues from October 14, 2020 (the “Date of Delivery”), and is payable February 15, 2021 and each August 15 and February 15 thereafter until stated maturity or prior redemption (see “THE BONDS – Description of the Bonds” and “THE BONDS – Optional Redemption”).
- AUTHORITY FOR ISSUANCE** The Bonds are issued pursuant to the Constitution and general laws of the State, particularly Chapter 1207, Texas Government Code, as amended, the City’s Charter, and an ordinance authorizing the issuance of the Bonds (the “Ordinance”) to be adopted by the City Council (see “THE BONDS – Authority for Issuance”).
- SECURITY** The Bonds constitute direct obligations of the City secured by a continuing ad valorem tax levied on all taxable property within the City, within the limits prescribed by law, as provided in the Ordinance (see “THE BONDS – Security and Source of Payment”).
- USE OF PROCEEDS** Proceeds from the sale of the Bonds will be used for the purpose of (i) refunding certain obligations of the City described in SCHEDULE I to this Official Statement (the “Refunded Obligations”) for debt service savings; and (ii) paying the costs of issuance for the Bonds (see “PLAN OF FINANCING”).
- REDEMPTION** The City reserves the right, at its option, to redeem Bonds having stated maturities on and after August 15, 20__, in whole or in part, on August 15, 20__, or any date thereafter, at the par value thereof plus accrued interest to the date of redemption (see “THE BONDS – Optional Redemption”). Additionally, the Bonds may be subject to mandatory sinking fund redemption in the event the Underwriter elects to designate any maturities as term bonds.
- TAX EXEMPTION** In the opinion of Bond Counsel, the interest on the Bonds is excludable from gross income for federal income tax purposes under existing law, subject to the matters described herein. See “TAX MATTERS – Tax Exemption” for a discussion of the opinion of Bond Counsel.
- RATING** The Bonds and the presently outstanding uninsured tax-supported debt of the City are rated “__” by S&P Global Ratings, a division of S&P Global Inc. (“S&P”) (see “OTHER INFORMATION – Rating”).
- BOOK-ENTRY-ONLY SYSTEM** The definitive Bonds will be initially registered and delivered only to Cede & Co., the nominee of DTC pursuant to the Book-Entry-Only System described herein. Beneficial ownership of the Bonds may be acquired in denominations of \$5,000 or integral multiples thereof. No physical delivery of the Bonds will be made to the beneficial owners thereof. Principal of, premium, if any, and interest on the Bonds will be payable by the Paying Agent/Registrar to Cede & Co., which will make distribution of the amounts so paid to the participating members of DTC for subsequent payment to the beneficial owners of the Bonds (see “THE BONDS – Book-Entry-Only System”).
- PAYMENT RECORD** The City has never defaulted on payment of its tax-supported debt.

* Preliminary; subject to change.

SELECTED FINANCIAL INFORMATION

Fiscal Year Ended 09/30	Estimated Population ⁽¹⁾	Taxable Assessed Valuation ⁽²⁾	Per Capita Taxable Assessed Valuation	General Obligation Tax Debt ⁽³⁾	Per Capita General Obligation Tax Debt	Ratio of G.O. Tax Debt to Taxable Assessed Valuation	% of Total Tax Collections
2016	34,413	\$ 1,900,035,485	\$ 55,213	\$ 90,455,000	\$ 2,629	4.76%	99.51%
2017	39,500	2,222,884,249	56,276	85,575,000	2,166	3.85%	100.58%
2018	43,417	2,543,703,616	58,588	80,530,000	1,855	3.17%	99.63%
2019	47,500	3,015,137,223	63,477	75,295,000	1,585	2.50%	99.61%
2020	52,300	3,281,677,615	62,747	97,800,000 ⁽⁴⁾	1,870 ⁽⁴⁾	2.98% ⁽⁴⁾	97.03% ⁽⁵⁾

(1) Source: The City.

(2) Valuations shown are certified taxable assessed values reported by the Hays Central Appraisal District to the State Comptroller of Public Accounts. Certified values are subject to change throughout the year as contested values are resolved and the Appraisal District updates records.

(3) Includes the City's self-supporting debt.

(4) Projected, includes the Bonds and excludes the Refunded Obligations. Preliminary; subject to change.

(5) Partial collections through February 29, 2020.

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**PRELIMINARY OFFICIAL STATEMENT
RELATING TO
\$4,195,000*
CITY OF KYLE, TEXAS
GENERAL OBLIGATION REFUNDING BONDS,
SERIES 2020**

INTRODUCTION

This Official Statement, which includes the Schedule and Appendices hereto, provides certain information regarding the issuance of the \$4,195,000* City of Kyle, General Obligation Refunding Bonds, Series 2020 (the “Bonds”). Capitalized terms used in this Official Statement have the same meanings assigned to such terms in the ordinance to be adopted by the City Council of the City of Kyle, Texas (the “City”) authorizing the issuance of the Bonds (the “Ordinance”), except as otherwise indicated herein.

There follows in this Official Statement descriptions of the Bonds and certain information regarding the City and its finances. All descriptions of documents contained herein are summaries only and are qualified in their entirety by reference to each such document. Copies of such documents may be obtained from the City’s Financial Advisor, RBC Capital Markets, LLC, Houston, Texas.

This Official Statement speaks only as to its date, and the information contained herein is subject to change. A copy of the Official Statement will be deposited with the Municipal Securities Rulemaking Board. See “CONTINUING DISCLOSURE OF INFORMATION” for a description of the City’s undertaking to provide certain information on a continuing basis.

DESCRIPTION OF THE CITY . . . The City is a political subdivision and municipal corporation of the State of Texas (the “State”), duly organized and existing under the laws of the State, including the City’s home-rule charter (the “Charter”) adopted by the voters in 2000, and as amended in 2006, 2016 and 2018. The City operates under the Council/Manager form of government in which the Mayor and six councilmembers are elected for staggered three-year terms. The City Council (hereinafter referred to as the “City Council” or “Council”) formulates operating policy for the City, while an appointed City Manager is the chief administrative officer. It is the duty of the City Manager to implement the policies and directives of the Council. The City covers approximately 31.25 square miles. For more information regarding the City, see “APPENDIX A – General Information Regarding the City.”

PLAN OF FINANCING

PURPOSE . . . Proceeds from the sale of the Bonds will be used for the purpose of (i) refunding certain obligations of the City described in SCHEDULE I to this Official Statement (the “Refunded Obligations”) for debt service savings; and (ii) paying the costs of issuance for the Bonds. See “SCHEDULE I – Schedule of Refunded Obligations” for a detailed listing of the Refunded Obligations and their respective redemption dates at par.

REFUNDED OBLIGATIONS . . . The Refunded Obligations, and interest due thereon, are to be paid on the respective redemption dates of such obligations from funds to be deposited with **Willington Trust, N.A.**, Dallas, Texas, as escrow agent (the “Escrow Agent”), pursuant to an escrow agreement (the “Escrow Agreement”) between the City and the Escrow Agent. The Ordinance provides that the City will deposit with the Escrow Agent a portion of the proceeds of the sale of the Bonds, along with other lawfully available funds of the City, if any, in an amount which, when added to the investment earning thereon, will be sufficient to accomplish the discharge and final payment of the Refunded Obligations on their scheduled redemption dates. Such funds will be held by the Escrow Agent in a special escrow account (the “Escrow Fund”). Under the Escrow Agreement, the Escrow Fund is irrevocably pledged to the payment of the principal of and interest of the Refunded Obligations.

RBC Capital Markets, LLC, in its capacity as Financial Advisor to the City, will certify that the amount deposited in the Escrow Fund, along with investments thereon, if any, will be sufficient to pay, when due, the principal of and interest on the Refunded Obligations on their scheduled redemption dates (the “Sufficiency Certificate”).

Simultaneously with the issuance of the Bonds, the City will give irrevocable instructions to provide notice, if any, to the owners of the Refunded Obligations that the Refunded Obligations will be redeemed prior to stated maturity on which date money will be made available to redeem the Refunded Obligations from money held under the Escrow Agreement.

By the deposit of cash, with the Escrow Agent pursuant to the Escrow Agreement, the City will have effected the defeasance of the Refunded Obligations in accordance with law and the ordinances authorizing the Refunded Obligations. In the opinion of Bond Counsel, in reliance upon the Sufficiency Certificate provided by RBC Capital Markets, LLC., firm banking and financial arrangements will have been made for the discharge and final payment of the Refunded Obligations pursuant to the Escrow Agreement, and, therefore, the Refunded Obligations will be deemed to be fully paid and no longer outstanding except for the purpose of being paid from the funds therefor provided in the Escrow Agreement (see “APPENDIX C – Form of Bond Counsel’s Opinion”).

* Preliminary; subject to change.

USES OF PROCEEDS . . . The proceeds from the sale of the Bonds will be applied approximately as follows:

<u>Sources of Funds</u>	
Principal	\$ -
Reoffering Premium	-
Total Sources	<u>\$ -</u>
<u>Uses of Funds</u>	
Deposit to Escrow Fund	\$ -
Underwriter's Discount	-
Costs of Issuance and Rounding Amount	-
Total Uses	<u>\$ -</u>

THE BONDS

GENERAL . . . The Bonds mature on February 15 and August 15 in each of the years and in the amounts shown on the inside cover page hereof. The Bonds will be issued only in fully registered form in any integral multiple of \$5,000 for any one maturity and will be initially registered and delivered only to Cede & Co., the nominee of The Depository Trust Company (“DTC”), New York, New York, pursuant to the Book-Entry-Only System described herein. No physical delivery of the Bonds will be made to the beneficial owners thereof. Principal of, premium, if any, and interest on the Bonds will be payable by the Paying Agent/Registrar to Cede & Co., which will make distribution of the amounts so paid to the participating members of DTC for subsequent payment to the beneficial owners of the Bonds (see “THE BONDS – Book-Entry-Only System”).

Interest on the Bonds will accrue from the initial date of delivery of the Bonds to the Underwriter, will be payable on February 15 and August 15 of each year commencing February 15, 2021, and will be calculated on the basis of a 360-day year consisting of twelve 30 day months.

AUTHORITY FOR ISSUANCE . . . The Bonds are issued pursuant to the Constitution and general laws of the State, particularly Chapter 1207, Texas Government Code, as amended, the City’s Charter and the Ordinance.

SECURITY AND SOURCE OF PAYMENT . . . The Bonds constitute direct obligations of the City secured by a continuing ad valorem tax levied on all taxable property within the City, within the limits prescribed by law, as provided in the Ordinance.

TAX RATE LIMITATION . . . All taxable property within the City is subject to the assessment, levy and collection by the City of a continuing, direct annual ad valorem tax sufficient to provide for the payment of principal of and interest on all ad valorem tax debt (including the Bonds) within the limits prescribed by law. Article XI, Section 5, of the Texas Constitution is applicable to the City, and limits its maximum ad valorem tax rate to \$2.50 per \$100 taxable assessed valuation for all City purposes. The Charter of the City adopts the constitutionally authorized maximum tax rate of \$2.50 per \$100 taxable assessed valuation. Administratively, the Attorney General of the State will permit allocation of \$1.50 of the \$2.50 maximum tax rate for general obligation debt service, as calculated at the time of issuance.

REDEMPTION . . . The City reserves the right, at its option, to redeem Bonds having stated maturities on and after August 15, 20__ , in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof, on August 15, 20__ , or any date thereafter, at the par value thereof plus accrued interest to the date of redemption. If less than all of the Bonds are to be redeemed, the City may select the maturities of Bonds to be redeemed. If less than all the Bonds of any maturity are to be redeemed, the Paying Agent/Registrar (or DTC while the Bonds are in Book-Entry-Only form) shall determine by lot the Bonds, or portions thereof, within such maturity to be redeemed. If a Bond (or any portion of the principal sum thereof) shall have been called for redemption and notice of such redemption shall have been given, such Bond (or the principal amount thereof to be redeemed) shall become due and payable on such redemption date and interest thereon shall cease to accrue from and after the redemption date, provided funds for the payment of the redemption price and accrued interest thereon are held by the Paying Agent/Registrar on the redemption date.

Additionally, the Bonds may be subject to mandatory sinking fund redemption in the event the Underwriter elects to designate any maturities as term Bonds.

NOTICE OF REDEMPTION . . . Not less than 30 days prior to a redemption date for the Bonds, the City shall cause a notice of redemption to be sent by United States mail, first-class, postage prepaid, to the registered owners of the Bonds to be redeemed, in whole or in part, at the address of the registered owner appearing on the registration books of the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing such notice. ANY NOTICE SO MAILED SHALL BE CONCLUSIVELY PRESUMED TO HAVE BEEN DULY GIVEN, WHETHER OR NOT THE REGISTERED OWNER RECEIVES SUCH NOTICE. NOTICE HAVING BEEN SO GIVEN, THE BONDS CALLED FOR REDEMPTION SHALL BECOME DUE AND PAYABLE ON THE SPECIFIED REDEMPTION DATE, AND NOTWITHSTANDING THAT ANY BOND OR PORTION THEREOF HAS NOT BEEN SURRENDERED FOR PAYMENT, INTEREST ON SUCH BOND OR PORTION THEREOF SHALL CEASE TO ACCRUE.

The City reserves the right to give notice of its election or direction to optionally redeem Bonds 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 Bonds subject to conditional redemption where redemption has been rescinded shall remain outstanding.

DEFEASANCE . . . The Ordinance provides for the defeasance of the Bonds when the payment of the principal of and premium, if any, on the Bonds, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, redemption, or otherwise), is provided by irrevocably depositing with a paying agent, or other authorized escrow agent, in trust (1) money sufficient to pay in full such Bonds or the principal amount(s) thereof at Stated Maturity or to the redemption date therefor, together with all interest due thereon, or (2) Defeasance Securities which 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 Bonds, 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.

The Ordinance provides that “Defeasance Securities” means (a) direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America, (b) 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, (c) 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 (d) any other then authorized securities or obligations under applicable law of the State that may be used to defease obligations such as the Bonds.

Upon such deposit as described above, such Bonds shall no longer be regarded to be outstanding or unpaid and no longer entitled to the rights and benefits afforded under the Ordinance; provided, however, that the City has reserved the option, to be exercised at the time of the defeasance of the Bonds, to call for redemption, at an earlier date, those Bonds which have been defeased to their maturity date, if the City: (i) in the proceedings providing for the firm banking and financial arrangements, expressly reserves the right to call the Bonds for redemption; (ii) gives notice of the reservation of that right to the owners of the Bonds immediately following the making of the firm banking and financial arrangements; and (iii) directs that notice of the reservation be included in any redemption notices that it authorizes.

BOOK-ENTRY-ONLY SYSTEM . . . This section describes how ownership of the Bonds is to be transferred and how the principal of, premium, if any, and interest on the Bonds are to be paid to and credited by DTC, while the Bonds are registered in its nominee name. The information in this section concerning DTC and the Book-Entry-Only System had been provided by DTC for use in disclosure documents such as this Official Statement. The City and the Underwriter believe the source of such information to be reliable, but take no responsibility for the accuracy or completeness thereof.

The City cannot and does not give any assurance that (1) DTC will distribute payments of debt service on the Bonds, or redemption or other notices, to DTC Participants, (2) DTC Participants or others will distribute debt service payments paid to DTC or its nominee (as the registered owner of the Bonds), or redemption or other notices, to the Beneficial Owners, or that they will do so on a timely basis, or (3) DTC will serve and act in the manner described in this Official Statement. The current rules applicable to DTC are on file with the Securities and Exchange Commission, and the current procedures of DTC to be followed in dealing with DTC Participants are on file with DTC.

DTC will act as securities depository for the Bonds. The Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered certificate will be issued for each maturity of the Bonds, each in the aggregate principal amount of such maturity, and will be deposited with DTC.

DTC, the world’s largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a “banking organization” within the meaning of the New York Banking Law, a member of the Federal Reserve System, a “clearing corporation” within the meaning of the New York Uniform Commercial Code, and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC’s participants (“Direct Participants”) deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants’ accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other

organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation (“DTCC”). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (“Indirect Participants”). DTC has a Standard & Poor’s rating of “AA+.” The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC’s records. The ownership interest of each actual purchaser of each Bond (“Beneficial Owner”) is in turn to be recorded on the Direct and Indirect Participants’ records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction.

Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC’s partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC’s records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Bonds, such as redemptions, tenders, defaults, and proposed amendments to the Bond documents. For example, Beneficial Owners of Bonds may wish to ascertain that the nominee holding the Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the Bonds within a maturity are being redeemed, DTC’s practice is to determine by lot the amount of the interest of each Direct Participant in such maturity to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Bonds unless authorized by a Direct Participant in accordance with DTC’s MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.’s consenting or voting rights to those Direct Participants to whose accounts Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

All payments on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC’s practice is to credit Direct Participants’ accounts upon DTC’s receipt of funds and corresponding detail information from the City or the Paying Agent/Registrar, on payable date in accordance with their respective holdings shown on DTC’s records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with Bonds held for the accounts of customers in bearer form or registered in “street name,” and will be the responsibility of such Participant and not of DTC, the Paying Agent/Registrar, or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. All payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) are the responsibility of the City or the Paying Agent/Registrar, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as securities depository with respect to the Bonds at any time by giving reasonable notice to the City or the Paying Agent/Registrar. Under such circumstances, in the event that a successor depository is not obtained, physical bonds are required to be printed and delivered. The City may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, physical certificates will be printed and delivered to the holder of such Bonds and will be subject to transfer, exchange and registration provisions as set forth in the Ordinance and summarized under “THE BONDS – Transfer, Exchange and Registration” below. The information in this section concerning DTC and DTC’s Book-Entry-Only System has been obtained from sources that the City and the Underwriter believe to be reliable, but none of the City, the Financial Advisor, or the Underwriter take any responsibility for the accuracy thereof.

USE OF CERTAIN TERMS IN OTHER SECTIONS OF THIS OFFICIAL STATEMENT. . . . In reading this Official Statement, it should be understood that while the Bonds are in the Book-Entry-Only System, references in other sections of this Official Statement to registered owners should be read to include the person for which the Participant acquires an interest in the Bonds, but (i) all rights of ownership must be exercised through DTC and the Book-Entry-Only System, and (ii) except as described above, notices that are to be given to registered owners under the Ordinance will be given only to DTC.

EFFECT OF TERMINATION OF BOOK-ENTRY-ONLY SYSTEM. . . In the event that the Book-Entry-Only System is discontinued by DTC or the use of the Book-Entry-Only System is discontinued by the City, printed certificates will be issued to the beneficial owners and the Bonds will be subject to transfer, exchange and registration provisions as set forth in the Ordinance and summarized under “THE BONDS – Transfer, Exchange and Registration” below.

NOTICE TO DTC IN LIEU OF BENEFICIAL OWNERS . . . The Paying Agent/Registrar and the City, so long as a Book-Entry-Only System is used for the Bonds, will send any notice of redemption, notice of proposed amendment to the Ordinance or other notices with respect to the Bonds only to DTC. Any failure by DTC to advise any DTC Participant, or of any Direct Participant or Indirect Participant to notify the beneficial owner, shall not affect the validity of the redemption of the Bonds called for redemption or any other action premised on any such notice. Redemption of portions of the Bonds by the City will reduce the outstanding principal amount of such Bonds held by DTC. In such event, DTC may implement, through its Book-Entry-Only System, a redemption of such Bonds held for the account of DTC Participants in accordance with its rules or other agreements with DTC Participants and then Direct Participants and Indirect Participants may implement a redemption of such Bonds and such redemption will not be conducted by the City or the Paying Agent/Registrar. Neither the City nor the Paying Agent/Registrar will have any responsibility to DTC Participants, Indirect Participants or the persons for whom DTC Participants act as nominees with respect to the payments on the Bonds or the providing of notice to Direct Participants, Indirect Participants, or beneficial owners of the selection of portions of the Bonds for redemption (see “Book-Entry-Only System” above).

PAYING AGENT/REGISTRAR . . . The initial Paying Agent/Registrar is **Wilmington Trust, N.A.**, Dallas, Texas. Interest on and principal of the Bonds will be payable, and transfer functions will be performed, at the office for payment of the Paying Agent/Registrar in Dallas, Texas (the “Designated Payment/Transfer Office”). In the Ordinance, the City retains the right to replace the Paying Agent/Registrar. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are duly paid and any successor Paying Agent/Registrar shall be a commercial bank or trust company organized under the laws of the State, or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar for the Bonds. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice thereof to be sent to each registered owner of the Bonds by United States mail, first-class, postage prepaid, which notice shall give the name and the mailing address of the new Paying Agent/Registrar.

TRANSFER, EXCHANGE AND REGISTRATION . . . In the event the Book-Entry-Only System should be discontinued, the Bonds may be transferred and exchanged on the registration books of the Paying Agent/Registrar only upon presentation and surrender thereof to the Paying Agent/Registrar and such transfer or exchange shall be without expense or service charge to the registered owner, except for any tax or other governmental charges required to be paid with respect to such registration, exchange and transfer. Bonds may be assigned by the execution of an assignment form on the respective Bonds or by other instrument of transfer and assignment acceptable to the Paying Agent/Registrar. New Bonds will be delivered by the Paying Agent/Registrar, in lieu of the Bonds being transferred or exchanged, at the Designated Payment/Transfer Office of the Paying Agent/Registrar, or sent by United States mail, first-class, postage prepaid, to the new registered owner or his designee. To the extent possible, new Bonds issued in an exchange or transfer of Bonds will be delivered to the registered owner or assignee of the registered owner in not more than three business days after the receipt of the Bonds to be canceled, and the written instrument of transfer or request for exchange duly executed by the registered owner or his duly authorized agent, in form satisfactory to the Paying Agent/Registrar. New Bonds registered and delivered in an exchange or transfer shall be in any integral multiple of \$5,000 for any one maturity and for a like aggregate principal amount as the Bonds surrendered for exchange or transfer. See “THE BONDS – Book-Entry-Only System” herein for a description of the system to be utilized initially in regard to ownership and transferability of the Bonds. Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation of transfer shall not be applicable to an exchange by the registered owner of the uncalled balance of a Bond.

RECORD DATE FOR INTEREST PAYMENT ON THE BONDS . . . The record date (“Record Date”) for the interest payable on the Bonds on any interest payment date means the close of business on the last business day of the preceding month. In the event of a non-payment of interest on a scheduled payment date, and for 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 (“Special Payment Date”, which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each Holder of a Bond appearing on the registration books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice.

BONDHOLDERS’ REMEDIES . . . Under State law, there is no right to the acceleration of maturity of the Bonds upon the failure of the City to observe any covenant under the Ordinance. Although a registered owner could presumably obtain a judgment against the City if a default occurred in any payment of the principal of, or interest on, any such Bonds, such judgment could not be satisfied by execution against any property of the City. Such registered owner’s only practical remedy, if a default occurs, is to seek a mandamus or mandatory injunction proceeding to compel the City to assess and collect an annual ad valorem tax sufficient to pay principal of, and interest on, the Bonds as they become due. The enforcement of any such remedy may be difficult and time consuming and a registered owner could be required to enforce such remedy on a periodic basis.

On June 30, 2006, the Texas Supreme Court ruled in *Tooke v. City of Mexia*, 197 S.W.3d 325 (Tex. 2006) (“Tooke”) that a waiver of sovereign immunity must be provided for by statute in “clear and unambiguous” language. In so ruling, the Court declared that

statutory language such as “sue and be sued”, in and of itself, did not constitute a clear and unambiguous waiver of sovereign immunity. Because it is not clear that the Texas Legislature has effectively waived the City’s immunity from suit for money damages, a registered owner may not be able to bring such a suit against the City for breach of the Bonds or the Ordinance. In *Tooke*, the Court noted the enactment in 2005 of sections 271.151-.160, Texas Local Government Code (the “Local Government Immunity Waiver Act”), which, according to the Court, waives “immunity from suit for contract claims against most local governmental entities in certain circumstances.” The Local Government Immunity Waiver Act covers cities and relates to contracts entered into by cities for providing goods or services to cities. The City is not aware of any Texas court construing the Local Government Immunity Waiver Act in the context of whether contractual undertakings of local governments that relate to their borrowing powers are contracts covered by the Local Government Immunity Waiver Act. As noted above, the Ordinance provides that holders of Bonds may seek the remedy of mandamus to enforce the obligations of the City under the Ordinance. Neither the remedy of mandamus nor any other type of injunctive relief was at issue in *Tooke*, and it is unclear whether *Tooke* will be construed to have any effect with respect to the exercise of mandamus, as such remedy has been interpreted by Texas courts. In general, Texas courts have held that a writ of mandamus may be issued to require public officials to perform ministerial acts that clearly pertain to their duties. Texas courts have held that a ministerial act is defined as a legal duty that is prescribed and defined with a precision and certainty that leaves nothing to the exercise of discretion or judgment, though mandamus is not available to enforce purely contractual duties. However, mandamus may be used to require a public officer to perform legally-imposed ministerial duties necessary for the performance of a valid contract to which the State or a political subdivision of the State is a party (including the payment of monies due under a contract).

In *Wasson Interests, Ltd. v. City of Jacksonville*, 489 S.W.3d 427 (Tex. 2016) (“*Wasson*”), the Texas Supreme Court addressed whether the distinction between governmental and proprietary acts (as found in tort-based causes of action) applies to breach of contract claims against municipalities. The Court analyzed the rationale behind the Proprietary-Governmental Dichotomy to determine that “a city’s proprietary functions are not done pursuant to the ‘will of the people’” and protecting such municipalities “via the [S]tate’s immunity is not an efficient way to ensure efficient allocation of [S]tate resources.” While the Court recognized that the distinction between governmental and proprietary functions is not clear, the *Wasson* opinion held that the Proprietary-Governmental Dichotomy applies in a contract-claims context. The Court reviewed *Wasson* again in June 2018 and clarified that to determine whether governmental immunity applies to a breach of contract claim, the proper inquiry is whether the municipality was engaged in a governmental or proprietary function when it entered into the contract, not at the time of the alleged breach. Therefore, in regard to municipal contract cases (as in tort claims), it is incumbent on the courts to determine whether a function was proprietary or governmental based upon the statutory guidance at the time of inception of the contractual relationship. Notwithstanding the foregoing case law issued by the Court, such sovereign immunity issues have not been adjudicated in relation to bond matters (specifically, in regard to the issuance of municipal debt). Each situation will be prospectively evaluated based on the facts and circumstances surrounding the contract in question to determine if a suit, and subsequently, a judgment, is justiciable against a municipality.

The Ordinance does not provide for the appointment of a trustee to represent the interest of the holders of Bonds upon any failure of the City to perform in accordance with the terms of the Ordinance, or upon any other condition. Furthermore, the City is eligible to seek relief from its creditors under Chapter 9 of the U.S. Bankruptcy Code (“Chapter 9”). Although Chapter 9 provides for the recognition of a security interest represented by a specifically pledged source of revenues, the pledge of taxes in support of a general obligation of a bankrupt entity is not specifically recognized as a security interest under Chapter 9. Chapter 9 also includes an automatic stay provision that would prohibit, without Bankruptcy Court approval, the prosecution of any other legal action by creditors or holders of obligations of an entity which has sought protection under Chapter 9. Therefore, should the City avail itself of Chapter 9 protection from creditors, the ability to enforce would be subject to the approval of the Bankruptcy Court (which could require that the action be heard in Bankruptcy Court instead of other federal or state court); and the Bankruptcy Code provides for broad discretionary powers of a Bankruptcy Court in administering any proceeding brought before it. The opinion of Bond Counsel will note that all opinions relative to the enforceability of the Ordinance and the Bonds are qualified with respect to the customary rights of debtors relative to their creditors.

AMENDMENTS TO THE ORDINANCE . . . In the Ordinance, the City has reserved the right to 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 Bonds 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 Bonds affected, no such amendment, addition, or rescission may (1) make any change in the maturity of any of the outstanding Bonds; (2) reduce the rate of interest borne by any of the outstanding Bonds; (3) reduce the amount of the principal or maturity value of, or redemption premium, if any, payable on any outstanding Bonds; (4) modify the terms of payment or of interest or redemption premium on outstanding Bonds or any of them or impose any condition with respect to such payment; or (5) change the minimum percentage amount of the Bonds necessary to be held by Registered Owners for consent to such amendment.

TAX INFORMATION

The following is a summary of certain provisions of State law as it relates to ad valorem taxation and is not intended to be complete. Reference is made to Title 1 of the Texas Tax Code, as amended (the “Property Tax Code”), for identification of property subject to ad valorem taxation, property exempt or which may be exempted from ad valorem taxation if claimed, the appraisal of property for ad valorem tax purposes, and the procedures and limitations applicable to the levy and collection of ad valorem taxes.

VALUATION OF TAXABLE PROPERTY . . . The Property Tax Code provides for countywide appraisal and equalization of taxable property values and establishes in each county of the State an appraisal district and an appraisal review board (“Appraisal Review Board”) responsible for appraising property for all taxing units within the county. The appraisal of property within the City is

the responsibility of the Hays Central Appraisal District (the "Appraisal District"). Except as described below, the Appraisal District is required to appraise all property within the Appraisal District on the basis of 100% of its market value and is prohibited from applying any assessment ratios. In determining market value of property, the Appraisal District is required to consider the cost method of appraisal, the income method of appraisal and the market data comparison method of appraisal, and use the method the chief appraiser of the Appraisal District considers most appropriate.

State law provides that eligible owners of both agricultural land and open-space land, including open-space land devoted to farm or ranch purposes or open-space land devoted to timber production, may elect to have such property appraised for property taxation on the basis of its productive capacity ("Productivity Value"). The same land may not be qualified as both agricultural and open-space land.

The value placed upon property within the Appraisal District is subject to review by an Appraisal Review Board, consisting of three members appointed by the Board of Directors of the Appraisal District. The Appraisal District is required to review the value of property within the Appraisal District at least once every three years. The City may require annual review at its own expense, and is entitled to challenge the determination of appraised value of property within the City by petition filed with the Appraisal Review Board.

The appraisal values set by the Appraisal District are subject to review and change by the Appraisal Review Board. The appraisal rolls, as approved by the Appraisal Review Board, are used by taxing units, such as the City, in establishing their tax rolls and tax rates. See "TAX INFORMATION – Issuer and Taxpayer Remedies."

STATE MANDATED HOMESTEAD EXEMPTIONS . . . State law grants, with respect to each taxing unit in the State, various exemptions for disabled veterans and their families, surviving spouses of members of the armed services killed in action and surviving spouses of first responders killed or fatally wounded in the line of duty.

LOCAL OPTION HOMESTEAD EXEMPTIONS . . . The governing body of a taxing unit, including a city, county, school district, or special district, at its option may grant: (1) an exemption of up to 20% of the market value of all homesteads (but not less than \$5,000) and (2) an additional exemption of the market value of the homesteads of persons 65 years of age or older and the disabled. Each taxing unit decides if it will offer the local option homestead exemptions and at what percentage or dollar amount, as applicable.

LOCAL OPTION FREEZE FOR THE ELDERLY AND DISABLED . . . The governing body of a county, municipality or junior college district may, at its option, provide for a freeze on the total amount of ad valorem taxes levied on the homesteads of persons 65 years of age or older or of disabled persons above the amount of tax imposed in the year such residence qualified for such exemption. Also, upon voter initiative, an election may be held to determine by majority vote whether to establish such a freeze on ad valorem taxes. Once the freeze is established, the total amount of taxes imposed on such homesteads cannot be increased except for certain improvements, and such freeze cannot be repealed or rescinded.

PERSONAL PROPERTY . . . Tangible personal property (furniture, machinery, supplies, inventories, etc.) used in the "production of income" is taxed based on the property's market value. Taxable personal property includes income-producing equipment and inventory. Intangibles such as goodwill, accounts receivable, and proprietary processes are not taxable. Tangible personal property not held or used for production of income, such as household goods, automobiles or light trucks, and boats, is exempt from ad valorem taxation unless the governing body of a taxing unit elects to tax such property.

FREEPORT AND GOODS-IN-TRANSIT EXEMPTIONS . . . Certain goods detained in the State for 175 days or less for the purpose of assembly, storage, manufacturing, processing or fabrication ("Freeport Property") are exempt from ad valorem taxation unless a taxing unit took official action to tax Freeport Property before April 1, 1990 and has not subsequently taken official action to exempt Freeport Property. Decisions to continue to tax Freeport Property may be reversed in the future; decisions to exempt Freeport Property are not subject to reversal. Certain goods, principally inventory, that are stored for the purposes of assembling, storing, manufacturing, processing or fabricating the goods in a location that is not owned by the owner of the goods and are transferred from that location to another location within 175 days ("Goods-in-Transit"), are exempt from ad valorem taxation unless a taxing unit takes official action by January 1 of the year preceding a tax year, after holding a public hearing, to tax Goods-in-Transit beginning the following tax year. Goods-in-Transit and Freeport Property do not include oil, natural gas or petroleum products, and Goods-in-Transit does not include special inventories such as motor vehicles or boats in a dealer's retail inventory. A taxpayer may receive only one of the Goods-in-Transit or Freeport Property exemptions for items of personal property.

OTHER EXEMPT PROPERTY . . . Other major categories of exempt property include property owned by the State or its political subdivisions if used for public purposes, property exempt by federal law, property used for pollution control, farm products owned by producers, property of nonprofit corporations used for scientific research or educational activities benefitting a college or university, designated historic sites, solar and wind-powered energy devices, and certain classes of intangible personal property.

TEMPORARY EXEMPTION FOR QUALIFIED PROPERTY DAMAGED BY A DISASTER . . . The Property Tax Code entitles the owner of certain qualified (i) tangible personal property used for the production of income, (ii) improvements to real property, and (iii) manufactured homes located in an area declared by the governor to be a disaster area following a disaster and is at least 15 percent damaged by the disaster, as determined by the chief appraiser, to an exemption from taxation of a portion of the appraised value of the property. The amount of the exemption ranges from 15 percent to 100 percent based upon the damage assessment rating assigned by the chief appraiser. Except in situations where the territory is declared a disaster on or after the date the

taxing unit adopts a tax rate for the year in which the disaster declaration is issued, the governing body of the taxing unit is not required to take any action in order for the taxpayer to be eligible for the exemption. If a taxpayer qualifies for the exemption after the beginning of the tax year, the amount of the exemption is prorated based on the number of days left in the tax year following the day on which the governor declares the area to be a disaster area. For more information on the exemption, reference is made to Section 11.35 of the Tax Code. Section 11.35 of the Tax Code was enacted during the 2019 legislative session, and there is no historical judicial precedent for how the statute will be applied. Texas Attorney General Opinion KP-0299, issued on April 13, 2020, concluded a court would likely find the Texas Legislature intended to limit the temporary tax exemption to apply to property physically harmed as a result of a declared disaster.

TAX INCREMENT FINANCING ZONES . . . A city or county, by petition of the landowners or by action of its governing body, may create one or more tax increment financing zones (“TIRZ”) within its boundaries, and other overlapping taxing units may agree to contribute taxes levied against the “Incremental Value” in the TIRZ to finance or pay for project costs, as defined in Chapter 311, Texas Government Code, general located within the TIRZ. At the time of the creation of the TIRZ, a “base value” for the real property in the TIRZ is established and the difference between any increase in the assessed valuation of taxable real property in the TIRZ in excess of the base value is known as the “Incremental Value,” and during the existence of the TIRZ, all or a portion of the taxes levied by each participating taxing unit against the Incremental Value in the TIRZ are restricted to paying project and financing costs within the TIRZ and are not available for the payment of other obligations of such taxing units. See “TAX INFORMATION – City Application of Property Tax Code” for descriptions of any TIRZ created in the City.

TAX ABATEMENT AGREEMENTS . . . Taxing units may also enter into tax abatement agreements to encourage economic development. Under the agreements, a property owner agrees to construct certain improvements on its property. The taxing unit, in turn, agrees not to levy a tax on all or part of the increased value attributable to the improvements until the expiration of the agreement. The abatement agreement could last for a period of up to 10 years.

For a discussion of how the various exemptions described above are applied by the City, see “TAX INFORMATION – City Application of Property Tax Code” herein.

PUBLIC HEARING AND MAINTENANCE AND OPERATIONS TAX RATE LIMITATIONS . . . The following terms as used in this section have the meanings provided below:

“adjusted” means lost values are not included in the calculation of the prior year’s taxes and new values are not included in the current year’s taxable values.

“de minimis rate” means the maintenance and operations tax rate that will produce the prior year’s total maintenance and operations tax levy (adjusted) from the current year’s values (adjusted), plus the rate that produces an additional \$500,000 in tax revenue when applied to the current year’s taxable value, plus the debt service tax rate.

“no-new-revenue tax rate” means the combined maintenance and operations tax rate and debt service tax rate that will produce the prior year’s total tax levy (adjusted) from the current year’s total taxable values (adjusted).

“special taxing unit” means a city for which the maintenance and operations tax rate proposed for the current tax year is 2.5 cents or less per \$100 of taxable value.

“unused increment rate” means the cumulative difference between a city’s voter-approval tax rate and its actual tax rate for each of the tax years 2020 through 2022, which may be applied to a city’s tax rate in tax years 2021 through 2023 without impacting the voter-approval tax rate.

“voter-approval tax rate” means the maintenance and operations tax rate that will produce the prior year’s total maintenance and operations tax levy (adjusted) from the current year’s values (adjusted) multiplied by 1.035, plus the debt service tax rate, plus the “unused increment rate.”

The City’s tax rate consists of two components: (1) a rate for funding of maintenance and operations expenditures in the current year (the “maintenance and operations tax rate”), and (2) a rate for funding debt service in the current year (the “debt service tax rate”). Under State law, the assessor for the City must submit an appraisal roll showing the total appraised, assessed, and taxable values of all property in the City to the City Council by August 1 or as soon as practicable thereafter.

A city must annually calculate its “voter-approval tax rate” and “no-new-revenue tax rate” (as such terms are defined above) in accordance with forms prescribed by the State Comptroller and provide notice of such rates to each owner of taxable property within the city and the county tax assessor-collector for each county in which all or part of the city is located. A city must adopt a tax rate before the later of September 30 or the 60th day after receipt of the certified appraisal roll, except that a tax rate that exceeds the voter-approval tax rate must be adopted not later than the 71st day before the next occurring November uniform election date. If a city fails to timely adopt a tax rate, the tax rate is statutorily set as the lower of the no-new-revenue tax rate for the current tax year or the tax rate adopted by the city for the preceding tax year.

As described below, the Property Tax Code provides that if a city adopts a tax rate that exceeds its voter-approval tax rate or, in certain cases, its “de minimis rate,” an election must be held to determine whether or not to reduce the adopted tax rate to the voter-approval tax rate.

A city may not adopt a tax rate that exceeds the lower of the voter-approval tax rate or the no-new-revenue tax rate until each appraisal district in which such city participates has delivered notice to each taxpayer of the estimated total amount of property taxes owed and the city has held a public hearing on the proposed tax increase.

For cities with a population of 30,000 or more as of the most recent federal decennial census, if the adopted tax rate for any tax year exceeds the voter-approval tax rate, that city must conduct an election on the next occurring November uniform election date to determine whether or not to reduce the adopted tax rate to the voter-approval tax rate.

For cities with a population less than 30,000 as of the most recent federal decennial census, if the adopted tax rate for any tax year exceeds the greater of (i) the voter-approval tax rate or (ii) the de minimis rate, the city must conduct an election on the next occurring November uniform election date to determine whether or not to reduce the adopted tax rate to the voter-approval tax rate. However, for any tax year during which a city has a population of less than 30,000 as of the most recent federal decennial census and does not qualify as a special taxing unit, if a city’s adopted tax rate is equal to or less than the de minimis rate but greater than both (a) the no-new-revenue tax rate, multiplied by 1.08, plus the debt service tax rate or (b) the city’s voter-approval tax rate, then a valid petition signed by at least three percent of the registered voters in the city would require that an election be held to determine whether or not to reduce the adopted tax rate to the voter-approval tax rate.

Any city located at least partly within an area declared a disaster area by the Governor of the State or the President of the United States during the current year may calculate its “voter-approval tax rate” using a 1.08 multiplier, instead of 1.035, until the earlier of (i) the second tax year in which such city’s total taxable appraised value exceeds the taxable appraised value on January 1 of the year the disaster occurred, or (ii) the third tax year after the tax year in which the disaster occurred.

State law provides cities and counties in the State the option of assessing a maximum one-half percent (1/2%) sales and use tax on retail sales of taxable items for the purpose of reducing its ad valorem taxes, if approved by a majority of the voters in a local option election. If the additional sales and use tax for ad valorem tax reduction is approved and levied, the no-new-revenue tax rate and voter-approval tax rate must be reduced by the amount of the estimated sales tax revenues to be generated in the current tax year.

The calculations of the no-new-revenue tax rate and voter-approval tax rate do not limit or impact the City’s ability to set a debt service tax rate in each year sufficient to pay debt service on all of the City’s tax-supported debt obligations, including the Bonds.

Reference is made to the Property Tax Code for definitive requirements for the levy and collection of ad valorem taxes and the calculation of the various defined tax rates.

ISSUER AND TAXPAYER REMEDIES . . . Under certain circumstances, the City and its taxpayers may appeal the determinations of the Appraisal District by timely initiating a protest with the Appraisal Review Board. Additionally, taxing units such as the City may bring suit against the Appraisal District to compel compliance with the Property Tax Code.

Owners of certain property with a taxable value of at least \$50 million and situated in a county with a population of one million or more as of the most recent federal decennial census may additionally protest the determinations of appraisal district directly to a three-member special panel of the appraisal review board, selected by a State district judge, consisting of highly qualified professionals in the field of property tax appraisal.

The Property Tax Code sets forth notice and hearing procedures for certain tax rate increases by the City and provides for taxpayer referenda that could result in the repeal of certain tax increases. See “TAX INFORMATION– Public Hearing and Maintenance and Operations Tax Rate Limitations.” The Property Tax Code also establishes a procedure for notice to property owners of reappraisals reflecting increased property value, appraisals which are higher than renditions, and appraisals of property not previously on an appraisal roll.

DEBT TAX RATE LIMITATIONS . . . All taxable property within the City is subject to the assessment, levy and collection by the City of a continuing, direct annual ad valorem tax sufficient to provide for the payment of principal of and interest on all ad valorem tax-supported debt within the limits prescribed by law. Article XI, Section 5, of the Texas Constitution is applicable to the City, and limits its maximum ad valorem tax rate to \$2.50 per \$100 of Taxable Assessed Valuation. Administratively, the Attorney General of the State of Texas will permit allocation of \$1.50 of the \$2.50 maximum tax rate for all debt service on ad valorem tax-supported debt, as calculated at the time of issuance.

CITY’S RIGHTS IN THE EVENT OF TAX DELINQUENCIES . . . Taxes levied by the City are a personal obligation of the owner of the property as of January 1 of the year for which the tax is imposed. On January 1 of each year, a tax lien attaches to property to secure the payment of all State and local taxes, penalties, and interest ultimately imposed for the year on the property. The lien exists in favor of the State and each local taxing unit, including the City, having power to tax the property. Personal property, under certain circumstances, is subject to seizure and sale for the payment of delinquent taxes.

At any time after taxes on property become delinquent, the City may file suit to foreclose the lien securing payment of the tax, to enforce personal liability for the tax, or both. In filing a suit to foreclose a tax lien on real property, the City must join other taxing units that have claims for delinquent taxes against all or part of the same property.

Collection of delinquent taxes may be adversely affected by the amount of taxes owed to other taxing units, by the effects of market conditions on the foreclosure sale price, by taxpayer redemption rights (a taxpayer may redeem property within two (2) years after the purchaser's deed issued at the foreclosure sale is filed in the county records) or by bankruptcy proceedings which restrict the collection of taxpayer debts.

Federal bankruptcy law provides that an automatic stay of actions by creditors and other entities, including governmental units, goes into effect with the filing of any petition in bankruptcy. The automatic stay prevents governmental units from foreclosing on property and prevents liens for post-petition taxes from attaching to property and obtaining secured creditor status unless, in either case, an order lifting the stay is obtained from the bankruptcy court. In many cases, post-petition taxes are paid as an administrative expense of the estate in bankruptcy or by order of the bankruptcy court.

LEVY AND COLLECTION OF TAXES . . . The City is responsible for the collection of its taxes, unless it elects to transfer such functions to another governmental entity. Taxes are due October 1, or when billed, whichever comes later, and become delinquent after January 31 of the following year. Taxpayers 65 years old or older, disabled veterans or an unmarried surviving spouse of a disabled veteran are permitted by State law to pay taxes on homesteads in four installments with the first installment due before February 1 of each year and the final installment due before August 1. A delinquent tax incurs a penalty of six percent (6%) of the amount of the tax for the first calendar month it is delinquent, plus one percent (1%) for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent. If the tax is not paid by July 1 of the year in which it becomes delinquent, the tax incurs a total penalty of twelve percent (12%) regardless of the number of months the tax has been delinquent and incurs an additional penalty of up to twenty percent (20%) if imposed by the City. The delinquent tax also accrues interest at a rate of one percent (1%) for each month or portion of a month it remains unpaid. The Property Tax Code also makes provision for the split payment of taxes, discounts for early payment and the postponement of the delinquency date of taxes for certain taxpayers. Furthermore, the City may provide, on a local option basis, for the split payment, partial payment, and discounts for early payment of taxes under certain circumstances.

CITY APPLICATION OF PROPERTY TAX CODE . . . The City grants an exemption to the market value of the residence homestead of persons who are 65 years of age or older of \$30,000 and disabled veterans are granted an exemption of \$3,000.

The City has not granted an additional exemption of up to 20% of the market value of residence homesteads. See Table 1 for a listing of the amounts of the exemptions described above.

Ad valorem taxes are not levied by the City against the exempt value of residence homesteads for the payment of debt.

The City does not tax nonbusiness personal property; the Hays County Tax office collects taxes for the City.

The City permits split payments; discounts are not allowed.

The City does not tax Freeport Property.

The City collects the additional one-half cent sales tax for the reduction of ad valorem taxes (see Table 8 herein).

The City does not collect the one-half cent sales tax for economic development.

The City has adopted a tax abatement policy.

The City agreed to create a Tax Increment Reinvestment Zone #1 ("TIRZ #1"), which encompasses approximately 66.33 acres of land (along the eastern frontage road of IH-35 in the northern portion of the City), in order to pay for certain public infrastructure within the zone through the issuance of bonds or use of the tax increment funds. The City created TIRZ #1 effective in 2004. As of July 22, 2019, the taxable assessed value of property in the zone was \$153,869,067. The base increment value of TIRZ #1 upon creation was \$289,420. The TIRZ #1 is currently scheduled to terminate on December 31, 2035 unless the City changes the termination date via ordinance.

The City agreed to create a Tax Increment Reinvestment Zone #2 ("TIRZ #2"), which encompasses approximately 1,480 acres of land (located in the western part of the City along FM1626, FM 2770, and Kohlers Crossing), in order to pay for certain public infrastructure within the zone through the issuance of bonds or use of 50% of the tax increment funds. The City created TIRZ #2 on December 18, 2018. As of July 22, 2019, the taxable assessed value of property in the zone was \$175,907,860. The base increment value of the TIRZ #2 upon creation was \$121,367,726. The TIRZ #2 is currently scheduled to terminate on December 31, 2037 unless the City changes the termination date via ordinance.

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TABLE 1 - VALUATION, EXEMPTIONS AND TAX SUPPORTED DEBT

2019/20 Market Valuation Established by Hays Central Appraisal District (less totally exempt property)	\$ 3,709,014,217
Less Exemptions/Reductions at 100% Market Value:	427,336,602
2019/20 Taxable Assessed Valuation	<u>\$ 3,281,677,615</u>

Debt Payable from Ad Valorem Taxes as of 8/31/2020 ⁽¹⁾		
Outstanding Debt	\$ 93,605,000	
The Bonds	<u>4,195,000</u>	
Total Debt Payable from Ad Valorem Taxes ⁽¹⁾		<u>\$ 97,800,000</u>
Interest and Sinking Fund as of 8/31/2020 (unaudited)		<u>\$ 5,064,067</u>
Ratio General Obligation Tax Debt to Taxable Assessed Valuation		2.98%

2020 Estimated Population - 52,300
 Per Capita Taxable Assessed Valuation - \$62,747
 Per Capita General Obligation Debt Payable from Ad Valorem Taxes - \$1,870

(1) Preliminary, subject to change. Includes the Bonds and the City’s self-supporting debt, and excludes the Refunded Obligations.

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TABLE 2 - VALUATION AND GENERAL OBLIGATION DEBT HISTORY

Fiscal Year Ended 09/30	Estimated Population ⁽¹⁾	Taxable Assessed Valuation ⁽²⁾	Per Capita Taxable Assessed Valuation	General Obligation Tax Debt ⁽³⁾	Per Capita General Obligation Tax Debt	Ratio of G.O. Tax Debt to Taxable Assessed Valuation	% of Total Tax Collections
2016	34,413	\$ 1,900,035,485	\$ 55,213	\$ 90,455,000	\$ 2,629	4.76%	99.51%
2017	39,500	2,222,884,249	56,276	85,575,000	2,166	3.85%	100.58%
2018	43,417	2,543,703,616	58,588	80,530,000	1,855	3.17%	99.63%
2019	47,500	3,015,137,223	63,477	75,295,000	1,585	2.50%	99.61%
2020	52,300	3,281,677,615	62,747	97,800,000 ⁽⁴⁾	1,870 ⁽⁴⁾	2.98% ⁽⁴⁾	97.03% ⁽⁵⁾

- (1) Source: The City.
- (2) Valuations shown are certified taxable assessed values reported by the Hays Central Appraisal District to the State Comptroller of Public Accounts. Certified values are subject to change throughout the year as contested values are resolved and the Appraisal District updates records.
- (3) Includes the City's self-supporting debt.
- (4) Projected, includes the Bonds and excludes the Refunded Obligations Preliminary; subject to change.
- (5) Partial collections through February 29, 2020.

TABLE 3 - TAX RATE, LEVY AND COLLECTION HISTORY

Fiscal Year Ended 9/30	Tax Rate	Distribution		Tax Levy	% Current Collections	% Total Collections
		General Fund	Interest and Sinking Fund			
2016	\$0.58480	\$ 0.23060	\$ 0.35420	\$ 11,834,067	99.41%	99.51%
2017	0.57480	0.23950	0.33530	13,470,083	99.54%	100.58%
2018	0.54160	0.25480	0.28680	14,654,646	99.52%	99.63%
2019	0.54160	0.28830	0.25330	16,250,639	99.45%	99.61%
2020	0.54160	0.31540	0.22620	18,253,687	96.65% ⁽¹⁾	97.03% ⁽¹⁾

- (1) Collections through February 29, 2020.

TABLE 4 - TEN LARGEST TAXPAYERS

Name of Taxpayer	Nature of Property	2019/20 Taxable Assessed Valuation	% of Total Taxable Assessed Valuation
IVT Kyle Marketplace 1031 LLC	Shopping Center	\$ 35,304,043	1.08%
Settlement Bres LLC	Apartments	32,790,731	1.00%
CM Kyle III LP	Real Estate/Development	31,237,964	0.95%
4925 Cromwell LLC	Apartments	30,167,291	0.92%
Oaks on Marketplace LP	Apartments	28,192,766	0.86%
Kyle Crossing Holdings LLC	Shopping Center	27,600,009	0.84%
Madrone Ventures LLC	Apartments	25,428,436	0.77%
Oaks of Kyle ICG LLC	Apartments	22,798,295	0.69%
Plum Creek Vue LTD	Apartments	19,545,779	0.60%
Hays Junction Phase I LLC	Apartments	19,283,104	0.59%
		<u>\$ 272,348,418</u>	<u>8.30%</u>

TABLE 5 - ESTIMATED OVERLAPPING DEBT

Expenditures of the various taxing bodies within the territory of the City are paid out of ad valorem taxes levied by these taxing bodies on properties within the City. These political taxing bodies are independent of the City and may incur borrowings to finance their expenditures. This statement of direct and estimated overlapping ad valorem tax debt was developed from information contained in the "Texas Municipal Reports" published by the Municipal Advisory Council of Texas. Except for the amounts relating to the City, the City has not independently verified the accuracy or completeness of such information, and no person should rely upon such information as being accurate or complete. Furthermore, certain of the entities listed may have issued additional bonds since the date stated below, and such entities may have programs requiring the issuance of substantial amounts of additional debt the amount of which cannot be determined. This table reflects the estimated share of overlapping funded debt of taxing bodies with territory in the City.

Taxing Jurisdiction	Total Tax Debt	Estimated % Applicable	City's Overlapping Tax Debt as of 8-31-20
City of Kyle	\$ 97,800,000 ⁽¹⁾	100.00%	\$ 97,800,000 ⁽¹⁾
Austin CCD	404,420,000	1.41%	5,702,322
Hays CISD	465,770,000	42.55%	168,049,816
Hays County	493,285,154	14.22%	68,270,665
Total City and Overlapping Funded Debt			\$ 339,822,803
Ratio of Total Direct and Overlapping Tax Supported Debt to City's Taxable Assessed Value			10.36%
Per Capita Tax-Supported and Overlapping Funded Debt			\$ 6,498

⁽¹⁾ Includes the Bonds and the City's self-supporting debt. Preliminary; subject to change.

Source: Municipal Advisory Council of Texas.

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DEBT INFORMATION

TABLE 6 - PRO-FORMA TAX SUPPORTED DEBT SERVICE REQUIREMENTS

Fiscal Year Ending 9/30	Outstanding Debt Service ⁽¹⁾			The Bonds ⁽²⁾			Less: Self- Supported Debt Service	Total General Obligation Debt Service	% of Principal Retired
	Principal	Interest	Total	Principal	Interest	Total			
	2020	\$ 5,430,000	\$ 2,738,118	\$ 8,168,118	\$ -	\$ -			
2021	5,335,000	3,702,497	9,037,497	615,000	143,013	758,013	1,851,361	7,944,150	
2022	5,385,000	3,371,654	8,756,654	610,000	152,875	762,875	1,860,092	7,659,437	
2023	5,585,000	3,178,629	8,763,629	625,000	134,725	759,725	1,854,669	7,668,684	
2024	5,800,000	2,978,304	8,778,304	655,000	114,875	769,875	2,021,199	7,526,979	29.10%
2025	6,385,000	2,759,304	9,144,304	330,000	82,000	412,000	2,091,097	7,465,207	
2026	5,350,000	2,529,554	7,879,554	245,000	68,000	313,000	2,082,908	6,109,646	
2027	5,495,000	2,309,654	7,804,654	255,000	55,750	310,750	2,057,761	6,057,642	
2028	4,600,000	2,106,554	6,706,554	270,000	43,000	313,000	1,980,771	5,038,782	
2029	4,405,000	1,937,069	6,342,069	290,000	29,500	319,500	1,738,226	4,923,342	55.86%
2030	4,670,000	1,760,294	6,430,294	300,000	15,000	315,000	2,090,713	4,654,580	
2031	5,215,000	1,572,300	6,787,300	-	-	-	1,737,099	5,050,201	
2032	5,470,000	1,364,075	6,834,075	-	-	-	1,779,141	5,054,934	
2033	5,645,000	1,153,075	6,798,075	-	-	-	1,777,725	5,020,350	
2034	2,825,000	950,550	3,775,550	-	-	-	1,737,163	2,038,387	79.23%
2035	2,930,000	847,400	3,777,400	-	-	-	1,737,999	2,039,401	
2036	925,000	740,400	1,665,400	-	-	-	1,665,400	-	
2037	960,000	703,400	1,663,400	-	-	-	1,663,400	-	
2038	1,000,000	665,000	1,665,000	-	-	-	1,665,000	-	
2039	1,040,000	625,000	1,665,000	-	-	-	1,665,000	-	85.87%
2040	1,080,000	583,400	1,663,400	-	-	-	1,663,400	-	
2041	1,125,000	540,200	1,665,200	-	-	-	1,665,200	-	
2042	1,170,000	495,200	1,665,200	-	-	-	1,665,200	-	
2043	1,215,000	448,400	1,663,400	-	-	-	1,663,400	-	
2044	1,265,000	399,800	1,664,800	-	-	-	1,664,800	-	91.54%
2045	1,315,000	349,200	1,664,200	-	-	-	1,664,200	-	
2046	1,370,000	296,600	1,666,600	-	-	-	1,666,600	-	
2047	1,425,000	241,800	1,666,800	-	-	-	1,666,800	-	
2048	1,480,000	184,800	1,664,800	-	-	-	1,664,800	-	
2049	1,540,000	125,600	1,665,600	-	-	-	1,665,600	-	98.45%
2050	1,600,000	64,000	1,664,000	-	-	-	1,664,000	-	100.00%
	<u>\$ 99,035,000</u>	<u>\$ 41,721,829</u>	<u>\$ 140,756,829</u>	<u>\$ 4,195,000</u>	<u>\$ 838,738</u>	<u>\$ 5,033,738</u>	<u>\$ 53,619,873</u>	<u>\$ 92,170,694</u>	

(1) Excludes the Refunded Obligations.

(2) Debt service calculated assuming current market rates for purposes of illustration only. Preliminary; subject to change.

AUTHORIZED BUT UNISSUED GENERAL OBLIGATION DEBT . . . The City has no authorized but unissued ad valorem tax bonds. However, the City has called a special election on two propositions to be held on November 3, 2020. One proposition allows voters to authorize the issuance of general obligation bonds for the construction of a public safety facility. The other proposition allows voters to authorize the construction, and improvement of park facilities and the acquisition of real property for park purposes. The City is authorized to issue other ad valorem tax-secured indebtedness without voter approval, including certificates of obligation, refunding bonds, tax notes with a maturity of seven years or less, and public property finance contractual obligations.

ANTICIPATED ISSUANCE OF GENERAL OBLIGATION DEBT . . . The City does not anticipate the issuance of additional bonds within the next twelve months. The City Council has called a \$37,000,000 bond election for November 3, 2020 to finance the design, construction, and equipping of a new Public Safety Center.

FUNDED DEBT LIMITATION . . . No direct funded debt limitation is imposed on the City under current State law or the City’s Home Rule Charter. Article XI, Section 5 of the Texas Constitution is applicable to the City, and limits the City’s maximum ad valorem tax rate to \$2.50 per \$100 taxable assessed valuation for all City purposes. The City operates under a Home Rule Charter which adopts the constitutional provisions. Administratively, the Attorney General of the State of Texas will permit allocation of \$1.50 of the \$2.50 maximum tax rate for all tax-supported debt service, as calculated at the time of issuance.

OTHER OBLIGATIONS . . . See “APPENDIX B - Excerpts from the City of Kyle, Texas Annual Financial Report.”

PENSION FUND AND OTHER POST-EMPLOYMENT BENEFITS. . . Pension Fund. The City provides pension benefits for all of its full-time employees through the Texas Municipal Retirement System (“TMRS”), a State-wide administered pension plan. The City makes annual contributions to the plan equal to the amounts accrued for pension expense. (For more detailed information concerning the retirement plan, see Note V.C.1 of “APPENDIX B – Excerpts from the City of Kyle, Texas Annual Financial Report.”)

Other Post-Employment Benefits. The Governmental Accounting Standards Board released the Statement of General Accounting Standards No. 45 (“GASB 45”), Accounting by Employers for Other Post-Employment Benefits (“OPEB”), in June 2004. The City was required to implement GASB 45 for the fiscal year that began on October 1, 2008 and concluded on September 30, 2009.

GASB 45 sets forth standards for the measurement, recognition, and display of post-employment benefits, other than pensions, such as health and life insurance for current and future retirees. Those subject to this pronouncement are required to: (i) measure the cost of benefits, and recognize other post-employment benefits expense, on the accrual basis of accounting over the working lifetime of the employees; (ii) provide information about the actuarial liabilities for promised benefits associated with past services and whether, or to what extent, the future costs of those benefits have been funded; and provide information useful in assessing potential demands on the employer’s future cash flows. The employer’s contributions to OPEB costs that are less than an actuarially determined annual required contribution will result in a net OPEB cost, which under GASB 45 will be required to be recorded as a liability in the employer’s financial statements.

For information concerning the City’s OPEB, see Note V.C.3 of “APPENDIX B - Excerpts from the City of Kyle, Texas Annual Financial Report.”

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FINANCIAL INFORMATION

TABLE 7 - GENERAL FUND REVENUES AND EXPENDITURES HISTORY

	Fiscal Year Ended September 30,				
	2019	2018	2017	2016	2015
<u>Revenues:</u>					
Taxes	\$ 20,041,855	\$ 17,401,896	\$ 14,413,198	\$ 12,487,583	\$ 12,366,325
Licenses and Permits	1,373,768	1,427,924	1,853,819	1,288,899	1,364,274
Intergovernmental	2,000	6,857	1,500	21,173	22,136
Charges for Services	4,450,059	5,043,148	4,324,114	3,706,420	3,522,743
Fines and Fees	668,866	569,876	473,892	536,490	1,082,343
Investment Earnings	2,165,430	1,082,584	131,796	59,611	9,428
Contributions & Donations from Private Sources	40,000	-	-	-	-
Other	371,262	1,049,724	257,856	285,644	119,249
Total Revenues:	<u>\$ 29,113,240</u>	<u>\$ 26,582,009</u>	<u>\$ 21,456,175</u>	<u>\$ 18,385,820</u>	<u>\$ 18,486,498</u>
<u>Expenditures:</u>					
General Government	\$ 6,857,899	\$ 6,955,924	\$ 6,768,179	\$ 6,396,541	\$ 6,117,702
Public Safety	7,186,604	6,389,898	6,244,455	5,619,183	5,172,083
Public Works	3,959,939	4,217,587	3,484,563	3,268,313	3,190,093
Culture and Recreation	2,673,633	2,532,297	2,259,263	2,111,124	1,944,870
Capital Outlay	547,091	1,606,878	686,493	1,762,755	990,958
Total Expenditures:	<u>\$ 21,225,166</u>	<u>\$ 21,702,584</u>	<u>\$ 19,442,953</u>	<u>\$ 19,157,916</u>	<u>\$ 17,415,706</u>
Excess (Deficiency) of Revenues					
Over Expenditures:	\$ 7,888,074	\$ 4,879,425	\$ 2,013,222	\$ (772,096)	\$ 1,070,792
Budgeted Transfers In	986,506	2,233,609	2,067,552	4,342,614	1,970,862
Budgeted Transfers Out	<u>(12,774,950)</u>	<u>(1,504,815)</u>	<u>(777,051)</u>	<u>(3,837,085)</u>	<u>(1,448,063)</u>
Net Increase (Decrease)	\$ (3,900,370)	\$ 5,608,219	\$ 3,303,722	\$ (266,567)	\$ 1,593,591
Beginning Fund Balance:	19,437,948	13,829,729	10,526,007	10,792,574	9,198,983
Ending Fund Balance:	<u>\$ 15,537,578</u>	<u>\$ 19,437,948</u>	<u>\$ 13,829,729</u>	<u>\$ 10,526,007</u>	<u>\$ 10,792,574</u>

Source: City's Audited Financial Statements and Records.

TABLE 8 –MUNICIPAL SALES TAX HISTORY

The City has adopted the Municipal Sales and Use Tax Act, Chapter 321, Texas Tax Code, as amended, which grants the City the power to impose and levy a 1% Local Sales and Use Tax within the City; the proceeds are credited to the General Fund and are not pledged to the payment of the Bonds. Voters in the City have also approved a 0.5% additional sales and use tax to reduce property taxes and such revenues may be used as the City would use property tax revenues. Collections and enforcements are effected through the office of the Comptroller of Public Accounts for the State of Texas, who remits the proceeds of the tax each month, after deduction of a 2% service fee, to the City. Revenue from this source, for the years shown, has been:

Fiscal Year Ended 09/30	Total Collected ⁽¹⁾	% of Ad Valorem Tax Levy	Equivalent of Ad Valorem Tax Rate	Per Capita ⁽²⁾
2016	\$ 6,418,103	54.23%	\$ 0.3378	\$ 186.50
2017	7,108,190	52.77%	0.3198	179.95
2018	7,800,705	53.23%	0.3067	179.67
2019	8,690,545	53.48%	0.2882	182.96
2020	4,100,426	22.46%	0.1249 ⁽³⁾	78.40 ⁽³⁾

(1) Includes collection of ½ of 1% sales tax for the reduction of property tax.

(2) Based on population estimates provided by the City.

(3) Collections through February 29, 2020.

The Tax Code provides certain cities the option of assessing a maximum one-half percent (1/2%) sales tax on retail sales of taxable items for the purpose of reducing its ad valorem taxes, if approved by a majority of the voters in a local option election. As the voters in the City approved this tax, the ad valorem property tax levy must be reduced by the estimated amount of the sales tax revenues to be generated in the current year. Subject to the approval of a majority of the voters in a local option election, State law also provides certain cities the option of assessing a sales and use tax for a variety of other purposes, including economic and industrial development, municipal street maintenance and repair, and sports and community venues.

FINANCIAL POLICIES

BASIS OF ACCOUNTING . . . The City’s accounting system is conducted on the modified accrual basis of accounting for all governmental fund types, expendable trust funds and agency funds. Under this basis, expenditures are recorded when liabilities are incurred and revenues are recorded when they become measurable and available as net current assets. The accrual basis of accounting is followed for the proprietary and non-expendable trust funds. Under the accrual basis, revenues are recognized in the accounting period in which they are earned and become measurable. Expenses are recorded in the accounting period incurred, if measurable.

DEBT SERVICE FUND BALANCE . . . A reasonable debt service fund balance is maintained in order to compensate for unforeseen events.

BUDGETARY PROCEDURES . . . The City Charter requires that on or before August 1, the City Manager submit to the City Council a proposed operating budget for the year commencing the following October 1. The operating budget includes proposed expenditures and the means of financing them. A public hearing is conducted to obtain taxpayers’ comments. No later than the third Wednesday of September, the budget shall be adopted and legally enacted through passage of an ordinance and, if not, the budget submitted by the City Manager shall be deemed adopted by the City Council.

INVESTMENTS

The City invests its investable funds in investments authorized by State law in accordance with investment policies approved by the City Council. Both State law and the City’s investment policies are subject to change.

LEGAL INVESTMENTS . . . Under State law, the City is authorized to invest in (1) obligations, including letters of credit, of the United States or its agencies and instrumentalities, including the Federal Home Loan Banks; (2) direct obligations of the State or its agencies and instrumentalities; (3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States; (4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation (“FDIC”) or by the explicit full faith and credit of the United States; (5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than “A” or its equivalent; (6) bonds issued, assumed or guaranteed by the State of Israel; (7) interest-bearing banking deposits that are guaranteed or insured by the FDIC or its successor, or the National Credit Union Share Insurance Fund (the “NCUSIF”) or its successor; (8) interest-bearing banking deposits other than those described by clause (7) if (A) the funds invested in the banking deposits are invested through: (i) a broker with a main office or branch office in this State that the City selects from a list the governing

body or a designated investment committee of the City adopts as required by Section 2256.025, Texas Government Code; or (ii) a depository institution with a main office or branch office in the State that the City selects; (B) the broker or depository institution selected as described by (A) above arranges for the deposit of the funds in the banking deposits in one or more federally insured depository institutions, regardless of where located, for the City's account; (C) the full amount of the principal and accrued interest of the banking deposits is insured by the United States or an instrumentality of the United States; and (D) the City appoints as the City's custodian of the banking deposits issued for the City's account: (i) the depository institution selected as described by (A) above; (ii) an entity described by Section 2257.041(d), Texas Government Code; or (iii) a clearing broker dealer registered with the SEC and operating under SEC Rule 15c3-3; (9) (i) certificates of deposit or share certificates meeting the requirements of Chapter 2256, Texas Government Code (the "PFIA"), that are issued by an institution that has its main office or a branch office in the State and are guaranteed or insured by the FDIC or the NCUSIF, or their respective successors, and are secured as to principal by obligations described in clauses (1) through (8) or in any other manner and provided for by law for City deposits, or (ii) certificates of deposits where (a) the funds are invested by the City through (A) a broker that has its main office or a branch office in the State and is selected from a list adopted by the City as required by law, or (B) a depository institution that has its main office or branch office in the State that is selected by the City, (b) the broker or the depository institution selected by the City arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City, (c) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States, and (d) the City appoints the depository institution selected under (a) above, a custodian as described by Section 2257.041(d), Texas Government Code, or a clearing broker-dealer registered with the SEC and operating pursuant to SEC Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the City with respect to the certificates of deposit; (10) fully collateralized repurchase agreements as defined in the PFIA, that have a defined termination date, are secured by a combination of cash and obligations described in clauses (1) or (13) in this paragraph, require the securities being purchased by the City or cash held by the City to be pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City, and are placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in the State; (11) securities lending programs if (i) the securities loaned under the program are 100% collateralized, a loan made under the program allows for termination at any time and a loan made under the program is either secured by (a) obligations that are described in clauses (1) through (8) above, (b) irrevocable letters of credit issued by a state or national bank that is continuously rated by a nationally recognized investment rating firm at not less than "A" or its equivalent or (c) cash invested in obligations described in clauses (1) through (8) above, clauses (13) through (15) below, or an authorized investment pool; (ii) securities held as collateral under a loan are pledged to the City, held in the City's name and deposited at the time the investment is made with the City or a third party designated by the City; (iii) a loan made under the program is placed through either a primary government securities dealer or a financial institution doing business in the State; and (iv) the agreement to lend securities has a term of one year or less; (12) certain bankers' acceptances with stated maturity of 270 days or less, if the short-term obligations of the accepting bank or its parent are rated not less than "A-1" or "P-1" or the equivalent by at least one nationally recognized credit rating agency; (13) commercial paper with a stated maturity of 365 days or less that is rated not less than "A-1" or "P-1" or the equivalent by either (a) two nationally recognized credit rating agencies or (b) one nationally recognized credit rating agency if the paper is fully secured by an irrevocable letter of credit issued by a United States or state bank; (14) no-load money market mutual funds registered with and regulated by the SEC that provide the City with a prospectus and other information required by the Securities Exchange Act of 1934 or the Investment Company Act of 1940 and that comply with federal SEC Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.); and (15) no-load mutual funds registered with the SEC that have an average weighted maturity of less than two years, and have either (a) a duration of one year or more and invest exclusively in obligations described in under this heading, or (b) a duration of less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities. In addition, bond proceeds may be invested in guaranteed investment contracts that have a defined termination date and are secured by obligations, including letters of credit, of the United States or its agencies and instrumentalities, other than the prohibited obligations described below, in an amount at least equal to the amount of bond proceeds invested under such contract.

The City may invest in such obligations directly or through government investment pools that invest solely in such obligations provided that the pools are rated no lower than "AAA" or "AAA_m" or an equivalent by at least one nationally recognized rating service if the governing body of the City authorizes such investment in the particular pool by order, ordinance or resolution and the investment pool complies with the requirements of Section 2256.016, Texas Government Code. The City may also contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control for a term up to two years, but the City retains ultimate responsibility as fiduciary of its assets. In order to renew or extend such a contract, the City must do so by order, ordinance, or resolution.

The City is specifically prohibited from investing in: (1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal; (2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security and bears no interest; (3) collateralized mortgage obligations that have a stated final maturity of greater than 10 years; and (4) collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index

INVESTMENT POLICIES . . . Under State law, the City is required to invest its funds under written investment policies that primarily emphasize safety of principal and liquidity; that address investment diversification, yield, maturity, and the quality and capability of investment management; and that include a list of authorized investments for City funds, maximum allowable stated maturity of any individual investment, the maximum average dollar-weighted maturity allowed for pooled fund groups, methods to monitor the market price of investments acquired with public funds, a requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis, and procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the PFIA. All City funds must be invested consistent with a formally adopted "Investment

Strategy Statement” that specifically addresses each fund’s investment. Each Investment Strategy Statement will describe its objectives concerning: (1) suitability of investment type, (2) preservation and safety of principal, (3) liquidity, (4) marketability of each investment, (5) diversification of the portfolio, and (6) yield.

Under State law, City investments must be made “with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person’s own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived.” At least quarterly the investment officers of the City shall submit an investment report detailing: (1) the investment position of the City, (2) that all investment officers jointly prepared and signed the report, (3) the beginning market value, any additions and changes to market value and the ending value of each pooled fund group, (4) the book value and market value of each separately listed asset at the beginning and end of the reporting period, (5) the maturity date of each separately invested asset, (6) the account or fund or pooled fund group for which each individual investment was acquired, and (7) the compliance of the investment portfolio as it relates to: (a) adopted investment strategy statements and (b) State law. No person may invest City funds without express written authority from the City Council.

ADDITIONAL PROVISIONS . . . Under State law, the City is additionally required to: (1) annually review its adopted policies and strategies, (2) require any investment officers with personal business relationships or family relationships with firms seeking to sell securities to the City to disclose the relationship and file a statement with the Texas Ethics Commission and the City, (3) require the registered principal of firms seeking to sell securities to the City to: (a) receive and review the City’s investment policy, (b) acknowledge that reasonable controls and procedures have been implemented to preclude investment transactions conducted between the City and the business organization that are not authorized by the City’s investment policy (except to the extent that this authorization is dependent on an analysis of the makeup of the entity’s entire portfolio, requires an interpretation of subjective investment standards or relates to investment transactions of the entity that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority), and (c) deliver a written statement attesting to these requirements; (4) in conjunction with its annual financial audit, perform a compliance audit of the management controls on investments and adherence to the City’s investment policy, (5) restrict reverse repurchase agreements to not more than 90 days and restrict the investment of reverse repurchase agreement funds to no greater than the term of the reverse repurchase agreement, (6) restrict the investment in non-money market mutual funds in the aggregate to no more than 15% of the City’s monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, (7) require local government investment pools to conform to the new disclosure, rating, net asset value, yield calculation, and advisory board requirements of the PFIA, (8) provide specific investment training for the Treasurer, the chief financial officer (if not the Treasurer) and the investment officer, (9) adopt an ordinance or resolution stating that it has reviewed its investment policy and investment strategies and records any changes made to either its investment policy or investment strategy in the said ordinance or resolution, and (10) at least annually review, revise and adopt a list of qualified brokers that are authorized to engage in investment transactions with the City.

TABLE 9 – CURRENT INVESTMENTS*

As of January 31, 2020, the following percentages of the City’s investible funds were invested in the following categories of investments:

Description	% of Value	Market Value
TexStar	50.19%	\$ 51,517,915
TexPool	32.71%	33,573,817
Wells Fargo Safekeeping	17.11%	17,560,128
Total	100.00%	\$ 102,651,860

*Unaudited.

TAX MATTERS

TAX EXEMPTION . . . In the opinion of Bickerstaff Heath Delgado Acosta LLP, Bond Counsel to the City, assuming continuing compliance by the City with the tax covenants described below, under existing law, interest on the Bonds is excludable for federal income tax purposes in the gross income of the owners thereof pursuant to Section 103 of the Internal Revenue Code of 1986, as amended ("Code"), and will not constitute a specific item of tax preference under Section 57 of the Code for purposes of calculating the alternative minimum tax imposed on individuals.

In rendering its opinion, Bond Counsel has relied on the City’s covenants contained in the Ordinance and the City’s covenants contained in the Federal Tax Certificate, that it will comply with the applicable requirements of the Code, relating to, inter alia, the use and investment of proceeds of the Bonds and rebate to the United States Treasury of specified arbitrage earnings, if any, under Section 148(f) of the Code. Failure of the City to comply with such covenants could result in the interest on the Bonds being subject to federal income tax from the date of issue of the Bonds. Bond Counsel has not undertaken to monitor compliance with such covenants or to advise any party as to changes in the law after the date of issuance of the Bonds that may affect the tax-exempt status of the interest.

Except as stated above, Bond Counsel will express no opinion as to any federal, state or local tax consequences resulting from the receipt or accrual of interest on, or acquisition, ownership or disposition of, the Bonds.

Bond Counsel's opinions are based on existing law, which is subject to change. Such opinions are further based on Bond Counsel's knowledge of facts as of the date thereof. Bond Counsel assumes no duty to update or supplement its opinions to reflect any facts or circumstances that may thereafter come to Bond Counsel's attention or to reflect any changes in any law that may thereafter occur or become effective. Moreover, Bond Counsel's opinions are not a guarantee of result and are not binding on the Internal Revenue Service (the "Service"); rather, such opinions represent Bond Counsel's legal judgment based upon its review of existing law and in reliance upon the representations and covenants referenced above that it deems relevant to such opinions. The Service has an ongoing audit program to determine compliance with rules that relate to whether interest on state or local obligations is includable in gross income for federal income tax purposes. No assurance can be given whether or not the Service will commence an audit of the Bonds. If an audit is commenced, in accordance with its current published procedures the Service is likely to treat the City as the taxpayer and the registered owners may not have a right to participate in such audit. Public awareness of any future audit of the Bonds could adversely affect the value and liquidity of the Bonds during the pendency of the audit regardless of the ultimate outcome of the audit.

COLLATERAL FEDERAL INCOME TAX CONSEQUENCES. . . Prospective purchasers of the Bonds should be aware that the ownership of the Bonds may result in collateral federal income tax consequences to certain taxpayers including, without limitation, holders who may be deemed to have incurred or continued indebtedness to acquire or carry tax-exempt obligations, holders of certain interests in a financial asset securitization investment trust, controlled foreign corporations, property and casualty insurance companies, individual recipients of Social Security or Railroad Retirement benefits, individuals who otherwise qualify for the earned income credit, and to individuals and families that qualify for a premium assistance credit amount under Section 36B of the Code. The Code denies the earned income credit to an individual who is otherwise eligible if the aggregate amount of disqualified income of the taxpayer for the taxable year exceeds certain limits set forth in Sections 32(i) and (j) of the Code. Interest on the Bonds will constitute disqualified income for this purpose. The Code also provides that for years beginning after December 31, 2010, the earned income credit is phased out if the modified adjusted gross income of the taxpayer exceeds certain amounts. Interest on the Bonds will be included in determining the modified adjusted gross income of the taxpayer. Section 36B of the Code provides that the amount of the premium assistance credit amount is in part determined by the household income. Section 36B(d) of the Code provides that household income consists of the modified adjusted gross income of the taxpayer and certain other individuals. Modified adjusted gross income means adjusted gross income increased by certain amounts, including interest received or accrued by the taxpayer which is exempt from tax, such as the interest on the Bonds. These categories of prospective purchasers should consult their own tax advisors as to the applicability of these consequences. Prospective purchasers of the Bonds should also be aware that, under the Code, taxpayers are required to report on their returns the amount of tax-exempt interest, such as interest on the Bonds, received or accrued during the year.

Section 884 of the Code imposes on certain foreign corporations a branch profits tax equal to thirty percent (30%) of the "dividend equivalent amount" for the taxable year. Interest on the Bonds received or accrued by a foreign corporation subject to the branch profits tax may be included in computing the "dividend equivalent amount" of such corporation.

In addition, passive investment income, including interest on the Bonds, may be subject to federal income taxation under Section 1375 of the Code for any S corporation that has Subchapter C earnings and profits at the close of the taxable year, if more than twenty-five percent (25%) of the gross receipts of such S corporation is passive investment income.

In addition, attention is called to the fact that Section 265(b)(1) of the Code eliminates the interest deduction otherwise allowable with respect to indebtedness deemed incurred by banks, thrift institutions and other financial institutions to purchase or to carry tax-exempt obligations acquired after August 7, 1986 other than designated "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code.

TAX ACCOUNTING TREATMENT OF DISCOUNT AND PREMIUM ON CERTAIN BONDS . . . The initial public offering price of certain Bonds (the "Discount Bonds") may be less than the amount payable on such Bonds at maturity. An amount equal to the difference between the initial public offering price of a Discount Bond (assuming that a substantial amount of the Discount Bonds of that maturity are sold to the public at such price) and the amount payable at maturity constitutes original issue discount to the initial purchaser of such Discount Bond. A portion of such original issue discount allocable to the holding period of such Discount Bond by the initial purchaser will, upon the disposition of such Discount Bond (including by reason of its payment at maturity), be treated as interest excludable from gross income, rather than as taxable gain, for federal income tax purposes, on the same terms and conditions as those for other interest on the Bonds described above under "Tax Exemption." Such interest is considered to be accrued actuarially in accordance with the constant interest method over the life of a Discount Bond, taking into account the semiannual compounding of accrued interest, at the yield to maturity on such Discount Bond and generally will be allocated to an original purchaser in a different amount from the amount of the payment denominated as interest actually received by the original purchaser during the tax year. However, such interest may be required to be taken into account in determining the alternative minimum taxable income of a corporation, for purposes of calculating a corporation's alternative minimum tax imposed by Section 55 of the Code, and the amount of the branch profits tax applicable to certain foreign corporations doing business in the United States, even though there will not be a corresponding cash payment. In addition, the accrual of such interest may result in certain other collateral federal income tax consequences to, among others, financial institutions, life insurance companies, property and casualty insurance companies, S corporations with "subchapter C" earnings and profits, individual recipients of Social Security or Railroad Retirement benefits, individuals otherwise qualifying for earned income tax credit, owners of an interest in a FASIT, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry, or who have paid or incurred certain expenses allocable to, tax-exempt obligations. Moreover, in the event of the redemption, sale or other taxable disposition of a Discount Bond by the initial owner prior to maturity, the amount realized by such owner in excess of the basis of such Discount Bond in the hands of such owner (adjusted upward by the portion of the original issue discount allocable to the period for which such Discount Bond was held) is includable in gross income. Owners of Discount Bonds should consult with their own tax advisors with respect to the determination of accrued original issue discount on Discount Bonds for federal income tax purposes and with respect

to the state and local tax consequences of owning and disposing of Discount Bonds. It is possible that, under applicable provisions governing determination of state and local income taxes, accrued interest on Discount Bonds may be deemed to be received in the year of accrual even though there will not be a corresponding cash payment.

The initial public offering price of certain Bonds (the "Premium Bonds") may be greater than the amount payable on such Bonds at maturity. An amount equal to the difference between the initial public offering price of a Premium Bond (assuming that a substantial amount of the Premium Bonds of that maturity are sold to the public at such price) and the amount payable at maturity constitutes premium to the initial purchaser of such Premium Bonds. The basis for federal income tax purposes of a Premium Bond in the hands of such initial purchaser must be reduced each year by the amortizable bond premium, although no federal income tax deduction is allowed as a result of such reduction in basis for amortizable bond premium. Such reduction in basis will increase the amount of any gain (or decrease the amount of any loss) to be recognized for federal income tax purposes upon a sale or other taxable disposition of a Premium Bond. The amount of premium which is amortizable each year by an initial purchaser is determined by using such purchaser's yield to maturity. Purchasers of the Premium Bonds should consult with their own tax advisors with respect to the determination of amortizable bond premium on Premium Bonds for federal income tax purposes and with respect to the state and local tax consequences of owning and disposing of Premium Bonds.

STATE, LOCAL AND FOREIGN TAXES . . . Investors should consult their own tax advisors concerning the tax implications of the purchase, ownership or disposition of the Bonds under applicable state or local laws. Foreign investors should also consult their own tax advisors regarding the tax consequences unique to investors who are not United States persons.

CHANGES IN FEDERAL AND STATE TAX LAW . . . From time to time, there are legislative proposals in the United States Congress and in the states that, if enacted, could alter or amend the Federal and State tax matters referred to above or adversely affect the market value or marketability of the Bonds. It cannot be predicted whether or in what form any such proposal might be enacted or whether, if enacted, it would apply to bonds issued prior to enactment. In addition, regulatory actions are from time to time announced or proposed and litigation is threatened or commenced which, if implemented or concluded in a particular manner, could adversely affect the market value or marketability of the Bonds.

Prospective purchasers of the Bonds should consult with their own tax advisors regarding any other federal income tax legislation, whether currently pending or proposed, regulatory initiatives or litigation. The opinions expressed by Bond Counsel are based upon existing legislation and regulations as interpreted by relevant judicial and regulatory authorities as of the date of issuance and delivery of the Bonds and Bond Counsel has expressed no opinion as of any date subsequent thereto or with respect to any pending legislation, regulatory initiatives or litigation.

CONTINUING DISCLOSURE OF INFORMATION

AGREEMENT . . . In the Ordinance, the City has made the following agreement for the benefit of the holders and beneficial owners of the Bonds. The City is required to observe the agreement for so long as it remains obligated to advance funds to pay the Bonds. Under the agreement, the City will be obligated to provide certain updated financial information and operating data annually, and timely notice of certain specified events, to the Municipal Securities Rulemaking Board ("the MSRB"). This information will be available free of charge from the MSRB via the Electronic Municipal Market Access ("EMMA") system at www.emma.msrb.org.

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 this Official Statement under Tables 1 through 4 and 6 through 9 (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 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 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.

The City may provide updated information in full text or may incorporate by reference certain other publicly available document, as permitted by the United States Securities and Exchange Commission's Rule 15c2-12 (the "Rule").

The City's current fiscal year end is September 30. Accordingly, the City must provide the Annual Financial Information by March 31 in each year and the Financial Statements must be provided by September 30 of each year, unless the City changes its fiscal year. If the City changes its fiscal year, it will notify the MSRB of the change.

EVENT NOTICES . . . The City will provide timely notices of certain events to the MSRB, but in no event will such notices be provided to the MSRB in excess of ten business days after the occurrence of an event. The City will provide notice of any of the following events with respect to the Bonds: (1) principal and interest payment delinquencies; (2) nonpayment 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 Bonds, or other material events affecting the tax status of the Bonds; (7) modifications to rights of beneficial owners of the Bonds, if material; (8) Bond calls, if material, and tender offers; (9) defeasances; (10) release, substitution, or sale of property securing repayment of the Bonds, if material; (11) rating changes; (12) bankruptcy, insolvency, receivership or similar event of the City or other obligated person within the meaning of the Rule; (13) consummation of a merger, consolidation, or acquisition involving the City or other obligated person within the meaning of the Rule or the sale of all or substantially all of the assets of the City or other obligated person within the meaning of the Rule, 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 to a decision to purchase or sell Bonds; (15) incurrence of a financial obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City (as defined by the Rule, which includes certain debt, debt-like and debt-related obligations), 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 City, any of which reflect financial difficulties. The term "material" when used in this paragraph shall have the meaning as ascribed to it under federal securities laws. In addition, the City will provide timely notice of any failure by the City to provide information, data, or financial statements in accordance with its agreement described above under "Annual Reports." Neither the Bonds nor the Ordinance makes any provision for debt service reserves, credit enhancement or liquidity enhancement.

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.

AVAILABILITY OF INFORMATION FROM MSRB . . . The City has agreed to provide the foregoing information only to the MSRB. All documents provided by the City to the MSRB described above under "Annual Reports" and "Event Notices" will be in an electronic format and accompanied by identifying information as prescribed by the MSRB. This information will be available from the MSRB via its EMMA system at www.emma.msrb.org.

LIMITATIONS AND AMENDMENTS . . . The City has agreed to update information and to provide notices of certain specified events only as described above. The City has not agreed to provide other information that may be relevant or material to a complete presentation of its financial results of operations, condition, or prospects or agreed to update any information that is provided, except as described above. The City makes no representation or warranty concerning such information or concerning its usefulness to a decision to invest in or sell Bonds at any future date. The City disclaims any contractual or tort liability for damages resulting in whole or in part from any breach of its continuing disclosure agreement or from any statement made pursuant to its agreement, although holders of the Bonds may seek a writ of mandamus to compel the City to comply with its agreement.

The City may amend its continuing disclosure agreement from time to time to adapt to changed circumstances that arise 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, if (i) the agreement, as amended, would have permitted an underwriter to purchase or sell the Bonds in the offering described herein 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 (ii) either (a) the holders of a majority in aggregate principal amount of the outstanding Bonds consent to the amendment or (b) any person unaffiliated with the City (such as nationally recognized bond counsel) determines that the amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. If the City so amends the agreement, it has agreed to include with the next financial information and operating data provided in accordance with its agreement described above under "Annual Reports" an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information and operating data so provided.

COMPLIANCE WITH PRIOR UNDERTAKINGS. . . During the last five years, the City has complied in all material respects with all continuing disclosure agreements made by the City in accordance with the Rule.

OTHER INFORMATION

RATING. . . The Bonds and the presently outstanding uninsured tax-supported debt of the City are rated "___" by S&P Global Ratings, a divisions of S&P Global, Inc. ("S&P"). The City also has various issues outstanding which are rated based on insurance provided by various municipal bond insurance companies. An explanation of the significance of such ratings may be obtained from the company furnishing the rating. The ratings reflect only the view of such organizations and the City makes no representation as to the appropriateness of the ratings. There is no assurance that such ratings will continue for any given period of time or that they will not be revised downward or withdrawn entirely by such rating companies, if in the judgment of such companies, circumstances so warrant. Any such downward revision or withdrawal of such ratings may have an adverse effect on the market price of the Bonds.

LITIGATION . . . It is the opinion of the City Attorney and City staff that there is no pending or threatened litigation against the City that would have a material adverse financial impact upon the City or its operations.

At the time of initial delivery of the Bonds, the City will provide the Underwriter with a certificate to the effect that no litigation of any nature has been filed or is then pending challenging the issuance of the Bonds or that affects the payment and security of the Bonds or in any other manner questioning the issuance, sale, or delivery of the Bonds.

REGISTRATION AND QUALIFICATION OF BONDS FOR SALE . . . The sale of the Bonds has not been registered under the Federal Securities Act of 1933, as amended, in reliance upon the exemption provided thereunder by Section 3(a)(2); and the Bonds have not been qualified under the Securities Act of Texas in reliance upon various exemptions contained therein; nor have the Bonds been qualified under the securities acts of any jurisdiction. The City assumes no responsibility for qualification of the Bonds under the securities laws of any jurisdiction in which the Bonds may be sold, assigned, pledged, hypothecated or otherwise transferred. This disclaimer of responsibility for qualification for sale or other disposition of the Bonds shall not be construed as an interpretation of any kind with regard to the availability of any exemption from securities registration provisions.

LEGAL INVESTMENTS AND ELIGIBILITY TO SECURE PUBLIC FUNDS IN TEXAS . . . Section 1201.041 of the Public Security Procedures Act (Chapter 1201, Texas Government Code) provides that the Bonds are negotiable instruments governed by Chapter 8, Texas Business and Commerce Code, and are legal and authorized investments for insurance companies, fiduciaries, and trustees, and for the sinking funds of municipalities or other political subdivisions or public agencies of the State. With respect to investment in the Bonds by municipalities or other political subdivisions or public agencies of the State, the PFIA requires that the Bonds be assigned a rating of at least “A” or its equivalent as to investment quality by a national rating agency. See “OTHER INFORMATION – Rating” above. In addition, various provisions of the Texas Finance Code provide that, subject to a prudent investor standard, the Bonds are legal investments for state banks, savings banks, trust companies with capital of one million dollars or more, and savings and loan associations. The Bonds are eligible to secure deposits of any public funds of the State, its agencies, and its political subdivisions, and are legal security for those deposits to the extent of their market value. No review by the City has been made of the laws in other states to determine whether the Bonds are legal investments for various institutions in those states.

LEGAL OPINION . . . The City will furnish a complete transcript of proceedings incident to the authorization and issuance of the Bonds, including the approving legal opinion of the Attorney General of the State of Texas approving the Initial Bond and to the effect that the Bonds are valid and legally binding obligations of the City, and based upon examination of such transcript of proceedings, the approving legal opinion of Bond Counsel, to like effect and to the effect that the interest on the Bonds is excludable from gross income for federal income tax purposes, subject to the matters described under “TAX MATTERS” herein. The form of such opinion of Bond Counsel is attached hereto as APPENDIX C. Except as noted below, Bond Counsel was not requested to participate, and did not take part, in the preparation of the Official Statement, and such firm has not assumed any responsibility with respect thereto or undertaken independently to verify any of the information contained therein, except that, in its capacity as Bond Counsel, such firm has reviewed the information relating to the Bonds in the Official Statement under the captions “PLAN OF FINANCING” (other than the information under the subcaption “Uses of Proceeds”), “THE BONDS” (other than information under the subcaptions “Book-Entry-Only System”, “Use of Certain Terms in Other Securities of this Official Statement,” “Effects of Termination of Book-Entry-Only System” and “Bondholders’ Remedies”), “TAX MATTERS,” and “CONTINUING DISCLOSURE OF INFORMATION” (other than information under the subcaption “Compliance with Prior Undertakings”), and under the subcaptions “Registration and Qualification of Bonds for Sale,” “Legal Investments and Eligibility to Secure Public Funds in Texas” and “Legal Opinion” (excluding the last two sentences of the first paragraph thereof) under the caption “OTHER INFORMATION,” and such firm is of the opinion that the information relating to the Bonds contained under such captions and subcaptions is a fair and accurate summary of the information purported to be shown therein and is correct as to matters of law. The legal opinion will accompany the Bonds deposited with DTC or will be printed on the Bonds in the event of the discontinuance of the Book-Entry-Only System. Certain legal matters will be passed upon for the Underwriter by its counsel, Orrick, Herrington & Sutcliffe LLP, Austin, Texas. The fees to be paid Bond Counsel and Underwriter’s counsel for services rendered in connection with the issuance of the Bonds is contingent on the sale and delivery of the Bonds.

The legal opinions to be delivered concurrently with the delivery of the Bonds express the professional judgment of the attorneys rendering the opinions as to the legal issues explicitly addressed therein. In rendering a legal opinion, the attorney does not become an insurer or guarantor of that expression of professional judgment, of the transaction opined upon, or the future performance of the parties to the transaction. Nor does the rendering of an opinion guarantee the outcome of any legal dispute that may arise out of the transaction.

FINANCIAL ADVISOR . . . RBC Capital Markets, LLC is employed as Financial Advisor to the City in connection with the issuance of the Bonds. The Financial Advisor’s fee for services rendered with respect to the sale of the Bonds is contingent upon the issuance and delivery of the Bonds. RBC Capital Markets, LLC, in its capacity as Financial Advisor, has relied on the opinion of Bond Counsel and has not verified and does not assume any responsibility for the information, covenants and representations contained in any of the legal documents with respect to the federal income tax status of the Bonds, or the possible impact of any present, pending or future actions taken by any legislative or judicial bodies.

The Financial Advisor to the City has provided the following sentence for inclusion in this Official Statement. The Financial Advisor has reviewed the information in this Official Statement in accordance with, and as part of, its responsibilities to the City and, as applicable, to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Financial Advisor does not guarantee the accuracy or completeness of such information.

FORWARD-LOOKING STATEMENTS DISCLAIMER . . . The statements contained in this Official Statement, and in any other information provided by the City, that are not purely historical, are forward-looking statements, including statements regarding the City's expectations, hopes, intentions, or strategies regarding the future. Readers should not place undue reliance on forward-looking statements. All forward-looking statements included in this Official Statement are based on information available to the City on the date hereof, and the City assumes no obligation to update any such forward-looking statements. The City's actual results could differ materially from those discussed in such forward-looking statements.

The forward-looking statements included herein are necessarily based on various assumptions and estimates and are inherently subject to various risks and uncertainties, including risks and uncertainties relating to the possible invalidity of the underlying assumptions and estimates and possible changes or developments in social, economic, business, industry, market, legal, and regulatory circumstances and conditions and actions taken or omitted to be taken by third parties, including customers, suppliers, business partners and competitors, and legislative, judicial, and other governmental authorities and officials. Assumptions related to the foregoing involve judgments with respect to, among other things, future economic, competitive, and market conditions and future business decisions, all of which are difficult or impossible to predict accurately and many of which are beyond the control of the City. Any of such assumptions could be inaccurate and, therefore, there can be no assurance that the forward-looking statements included in this Official Statement will prove to be accurate.

AUTHENTICITY OF FINANCIAL DATA AND OTHER INFORMATION . . . The financial data and other information contained herein have been obtained from City records, audited financial statements and other sources which are believed to be reliable. There is no guarantee that any of the assumptions or estimates contained herein will be realized. All of the summaries of the statutes, documents and the Ordinance contained in this Official Statement are made subject to all of the provisions of such statutes, documents and the Ordinance. These summaries do not purport to be complete statements of such provisions and reference is made to such documents for further information. Reference is made to original documents in all respects.

References to website addresses presented herein are for informational purposes only and may be in the form of a hyperlink solely for the reader's convenience. Unless specified otherwise, such websites and the information or links contained therein are not incorporated into, and are not part of, this Official Statement for purposes of, and as that term is defined in, the Rule.

UNDERWRITING . . . The Underwriter has agreed, subject to certain conditions, to purchase the Bonds from the City, at prices equal to the initial offering prices to the public as shown on page 2 of this Official Statement, less an underwriting discount of \$ _____. The Underwriter will be obligated to purchase all of the Bonds if any Bonds are purchased. The Bonds to be offered to the public may be offered and sold to certain dealers (including the Underwriter and other dealers depositing Bonds into investment trusts) at prices lower than the public offering prices of such Bonds, and such public offering prices may be changed, from time to time, by the Underwriter.

The Underwriter have provided the following sentence for inclusion in this Official Statement. The Underwriter has reviewed the information in this Official Statement pursuant to its responsibility to investors under the federal securities laws, but the Underwriter does not guarantee the accuracy or completeness of such information.

The Underwriter its affiliates are full service financial institutions engaged in various activities, which may include securities trading, commercial and investment banking, financial advisory, investment management, principal investment, hedging, financing and brokerage activities. The Underwriter and its affiliates have, from time to time, performed, and may in the future perform, various investment banking services for the City for which they received or will receive customary fees and expenses.

Piper Sandler & Co., the underwriter of the Bonds, has entered into a distribution agreement ("Distribution Agreement") with Charles Schwab & Co., Inc. ("CS&Co") for the retail distribution of certain securities offerings including the Bonds, at the original issue prices. Pursuant to the Distribution Agreement, CS&Co. will purchase Bonds from Piper at the original issue price less a negotiated portion of the selling concession applicable to any Bonds that CS&Co. sells.

In the ordinary course of their various business activities, the Underwriter and its respective affiliates may make or hold a broad array of investments and actively trade debt and equity securities (or related derivative securities) and financial instruments (which may include bank loans and/or credit default swaps) for their own account and for the accounts of their customers and may at any time hold long and short positions in such securities and instruments. Such investment and securities activities may involve securities and instruments of the City.

The Underwriter and its affiliates also may communicate independent investment recommendations, market advice, or trading ideas and/or publish or express independent research views in respect of such assets, securities or other financial instruments and at any time may hold, or recommend to clients that they should acquire, long and/or short positions in such assets, securities and other financial instruments.

INFECTIOUS DISEASE OUTBREAK – COVID-19 . . . The World Health Organization has declared a pandemic following the outbreak of COVID-19, a respiratory disease caused by a new strain of coronavirus (the "Pandemic"), which is currently affecting many parts of the world, including the United States and Texas. On January 31, 2020, the Secretary of the United States Health and Human Services Department declared a public health emergency for the United States in connection with COVID-19. On March 13, 2020, the President of the United States (the "President") declared the Pandemic a national emergency and the Texas Governor (the

“Governor”) declared COVID-19 an imminent threat of disaster for all counties in Texas (collectively, the “disaster declarations”). On March 25, 2020, in response to a request from the Governor, the President issued a Major Disaster Declaration for the State of Texas.

Pursuant to Chapter 418 of the Texas Government Code, the Governor has broad authority to respond to disasters, including suspending any regulatory statute prescribing the procedures for conducting state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster and issuing executive orders that have the force and effect of law. The Governor has issued a number of executive orders relating to COVID-19 preparedness and mitigation. On March 13, 2020, the Governor of Texas (the "Governor") declared a state of disaster for all counties in Texas in response to the Pandemic. Pursuant to Chapter 418 of the Texas Government Code, the Governor has broad authority to respond to disasters, including suspending any regulatory statute prescribing the procedures for conducting state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with the disaster, and issuing executive orders that have the force and effect of law. The Governor has since issued a number of executive orders relating to COVID-19 preparedness and mitigation. These include, for example, the issuance of Executive Order GA-28 and GA-29 on June 26, 2020, and July 2, 2020, respectively, which, among other things, required Texans to (i) close bars; (ii) reduce maximum restaurant occupancy from 75 percent to 50 percent; (iii) limit outdoor gatherings to 100 people, subject to certain exceptions, and (iv) wear face coverings over the nose and mouth in public or places open to the public when it is not feasible to maintain six feet of social distance, subject to certain exceptions. Executive Orders GA-28 and GA-29 will remain in effect and in full force unless they are modified, amended, rescinded, or superseded by the Governor. For the full text of the Governor’s executive orders, see: <https://lrl.texas.gov/legLeaders/governors/displayDocs.cfm?govdoctypeID=5&governorID=45>.

The Pandemic has negatively affected travel, commerce, and financial markets globally, and is widely expected to continue negatively affecting economic growth and financial markets worldwide. These negative impacts may reduce or negatively affect property values and/or the collection of sales tax revenues within the City. See “TAX INFORMATION.” The Bonds are secured by an ad valorem tax (within the limits prescribed by law), and a reduction in property values may require an increase in the ad valorem tax rate required to pay the Bonds as well as the City’s operations and maintenance expenses. See “TAX INFORMATION – Public Hearing and Maintenance and Operations Tax Rate Limitations” and “– Debt Tax Rate Limitations.” Additionally, the City collects a sales and use tax on all taxable transactions within the City’s boundaries. A reduction in the collection of sales tax revenues may negatively impact the City’s operating budget and overall financial condition or its ratings. See “OTHER INFORMATION – Rating.”

The City continues to monitor the spread of COVID-19 and is working with local, state, and national agencies to address the potential impact of the Pandemic upon the City. While the potential impact of the Pandemic on the City cannot be quantified at this time, the continued outbreak of COVID-19 could have an adverse effect on the City’s operations and financial condition.

The financial and operating data contained herein are the latest available, but are as of dates and for periods prior to the economic impact of the Pandemic and measures instituted to slow it. Accordingly, they are not indicative of the economic impact of the Pandemic on the City’s financial condition.

MISCELLANEOUS . . . The Ordinance will approve the form and content of this Official Statement, and any addenda, supplement or amendment thereto, and authorize its further use in the reoffering of the Bonds by the Underwriter in accordance with the provisions of the Rule.

/s/

Mayor
City of Kyle, Texas

ATTEST:
/s/

City Secretary
City of Kyle, Texas

SCHEDULE I

SCHEDULE OF REFUNDED OBLIGATIONS

APPENDIX A

GENERAL INFORMATION REGARDING THE CITY

THE CITY

The City of Kyle (the "City") is a political subdivision and municipal corporation of the State of Texas (the "State"), duly organized and existing under the laws of the State including the City's Home Rule Charter, initially adopted by the voters in the year 2000, and as amended in 2006, 2016 and 2018.

The City operates as a Home Rule City under a Council-Manager form of government with a City Council comprised of the Mayor and six Council Members. The City Manager is the chief executive officer for the City. The City covers approximately 31.25 square miles and has an estimated population of 52,300 in 2020.

The City is a thriving community having easy access to major highway and roadways, including Interstate Highway 35. The City is strategically located eight miles north of San Marcos, 20 miles south of Austin and 60 miles north of San Antonio. The City is the second largest city in Hays County and enjoys a south central location convenient to most major population and employment centers in Texas.

THE COUNTY

Hays County was created in 1843 from Travis County in south central Texas. The County is a component of the Austin Metropolitan Statistical Area and is traversed by Interstate Highway 35, U.S. Highway 290, State Highways 21 and 123 and ten farm-to-market roads. Hays County is the 34th largest county in the State and the 4th fastest growing economy. The City of San Marcos is the county seat. Other towns include Buda, Dripping Springs, Hays, Driftwood, Mountain City, and Wimberley.

LABOR MARKET PROFILE

Hays County		
	<u>December 2019</u>	<u>December 2018</u>
Civilian Labor Force	118,190	115,217
Total Employed	115,192	111,943
Total Unemployed	2,998	3,274
Unemployment Rate	2.5%	2.8%

State of Texas		
	<u>December 2019</u>	<u>December 2018</u>
Civilian Labor Force	14,228,471	13,975,415
Total Employed	13,758,042	13,473,628
Total Unemployed	470,429	501,787
Unemployment Rate	3.3%	3.6%

City of Kyle		
	<u>December 2019</u>	<u>December 2018</u>
Civilian Labor Force	24,241	23,594
Total Employed	23,574	22,909
Total Unemployed	667	685
Unemployment Rate	2.8%	2.9%

Source: Texas Workforce Commission.

APPENDIX B

EXCERPTS FROM THE
CITY OF KYLE, TEXAS
ANNUAL FINANCIAL REPORT

For the Year Ended September 30, 2019

The information contained in this Appendix consists of excerpts from the City of Kyle, Texas Annual Financial Report for the Year Ended September 30, 2019, and is not intended to be a complete statement of the City's financial condition. Reference is made to the complete Report for further information.

APPENDIX C

FORM OF BOND COUNSEL'S OPINION

SOURCES AND USES OF FUNDS

City of Kyle, Texas
 General Obligation Refunding Bonds, Series 2020
 Market Rates as of August 20, 2020
 Preliminary; for discussion purposes only.

Dated Date	10/14/2020
Delivery Date	10/14/2020

Sources:

Bond Proceeds:

Par Amount	4,275,000.00
Net Premium	526,755.65
	4,801,755.65

Uses:

Refunding Escrow Deposits:

Cash Deposit	4,629,620.46
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Delivery Date Expenses:

Cost of Issuance	135,000.00
Underwriter's Discount	34,200.00
	169,200.00

Other Uses of Funds:

Additional Proceeds	2,935.19
	4,801,755.65

Note: Preliminary; for discussion purposes only.

SUMMARY OF REFUNDING RESULTS

City of Kyle, Texas
General Obligation Refunding Bonds, Series 2020
Market Rates as of August 20, 2020
Preliminary; for discussion purposes only.

Dated Date	10/14/2020
Delivery Date	10/14/2020
Arbitrage yield	0.980977%
Escrow yield	0.000000%
Value of Negative Arbitrage	
Bond Par Amount	4,275,000.00
True Interest Cost	1.156877%
Net Interest Cost	1.261698%
All-In TIC	1.871250%
Average Coupon	3.937631%
Average Life	4.306
Par amount of refunded bonds	4,590,000.00
Average coupon of refunded bonds	3.705397%
Average life of refunded bonds	4.370
Net PV Savings	333,019.44
Percentage savings of refunded bonds	7.255325%

Note: Preliminary; for discussion purposes only.

SAVINGS

City of Kyle, Texas
 General Obligation Refunding Bonds, Series 2020
 Market Rates as of August 20, 2020
 Preliminary; for discussion purposes only.

Date	Prior Debt Service	Refunding Debt Service	Savings
09/30/2021	795,283.76	757,494.86	37,788.90
09/30/2022	800,003.76	755,875.00	44,128.76
09/30/2023	803,783.76	762,225.00	41,558.76
09/30/2024	805,628.76	762,300.00	43,328.76
09/30/2025	445,593.13	411,500.00	34,093.13
09/30/2026	338,842.50	310,200.00	28,642.50
09/30/2027	338,622.50	305,000.00	33,622.50
09/30/2028	342,747.50	309,600.00	33,147.50
09/30/2029	346,005.00	313,600.00	32,405.00
09/30/2030	343,365.00	312,000.00	31,365.00
	5,359,875.67	4,999,794.86	360,080.81

Savings Summary

PV of savings from cash flow	330,084.25
Plus: Refunding funds on hand	2,935.19
Net PV Savings	333,019.44

Note: Preliminary; for discussion purposes only.

BOND SUMMARY STATISTICS

City of Kyle, Texas
 General Obligation Refunding Bonds, Series 2020
 Market Rates as of August 20, 2020
 Preliminary; for discussion purposes only.

Dated Date	10/14/2020
Delivery Date	10/14/2020
First Coupon	02/15/2021
Last Maturity	08/15/2030
Arbitrage Yield	0.980977%
True Interest Cost (TIC)	1.156877%
Net Interest Cost (NIC)	1.261698%
All-In TIC	1.871250%
Average Coupon	3.937631%
Average Life (years)	4.306
Duration of Issue (years)	4.079
Par Amount	4,275,000.00
Bond Proceeds	4,801,755.65
Total Interest	724,794.86
Net Interest	232,239.21
Total Debt Service	4,999,794.86
Maximum Annual Debt Service	762,300.00
Average Annual Debt Service	508,310.12
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	8.000000
Total Underwriter's Discount	8.000000
Bid Price	111.521770

Bond Component	Par Value	Price	Average Coupon	Average Life
Bond Component	4,275,000.00	112.322	3.938%	4.306
	4,275,000.00			4.306

	TIC	All-In TIC	Arbitrage Yield
Par Value	4,275,000.00	4,275,000.00	4,275,000.00
+ Accrued Interest			
+ Premium (Discount)	526,755.65	526,755.65	526,755.65
- Underwriter's Discount	(34,200.00)	(34,200.00)	
- Cost of Issuance Expense		(135,000.00)	
- Other Amounts			
Target Value	4,767,555.65	4,632,555.65	4,801,755.65
Target Date	10/14/2020	10/14/2020	10/14/2020
Yield	1.156877%	1.871250%	0.980977%

Note: Preliminary; for discussion purposes only.

BOND PRICING

City of Kyle, Texas
 General Obligation Refunding Bonds, Series 2020
 Market Rates as of August 20, 2020
 Preliminary; for discussion purposes only.

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Premium (-Discount)
Bond Component:						
	02/15/2021	95,000	3.000%	0.538%	100.825	783.75
	08/15/2021	525,000	4.000%	0.530%	102.890	15,172.50
	02/15/2022	95,000	3.000%	0.590%	103.202	3,041.90
	08/15/2022	520,000	4.000%	0.590%	106.217	32,328.40
	02/15/2023	95,000	3.000%	0.650%	105.439	5,167.05
	08/15/2023	550,000	4.000%	0.650%	109.398	51,689.00
	02/15/2024	100,000	3.000%	0.710%	107.536	7,536.00
	08/15/2024	570,000	4.000%	0.710%	112.427	70,833.90
	02/15/2025	100,000	3.000%	0.790%	109.401	9,401.00
	08/15/2025	245,000	4.000%	0.790%	115.200	37,240.00
	08/15/2026	255,000	4.000%	0.920%	117.461	44,525.55
	08/15/2027	260,000	4.000%	1.040%	119.482	50,653.20
	08/15/2028	275,000	4.000%	1.150%	121.296	58,564.00
	08/15/2029	290,000	4.000%	1.250%	122.936	66,514.40
	08/15/2030	300,000	4.000%	1.340%	124.435	73,305.00
		4,275,000				526,755.65

Dated Date	10/14/2020	
Delivery Date	10/14/2020	
First Coupon	02/15/2021	
Par Amount	4,275,000.00	
Premium	526,755.65	
Production	4,801,755.65	112.321770%
Underwriter's Discount	(34,200.00)	(0.800000%)
Purchase Price	4,767,555.65	111.521770%
Accrued Interest		
Net Proceeds	4,767,555.65	

Note: Preliminary; for discussion purposes only.

BOND DEBT SERVICE

City of Kyle, Texas
 General Obligation Refunding Bonds, Series 2020
 Market Rates as of August 20, 2020
 Preliminary; for discussion purposes only.

Dated Date 10/14/2020
 Delivery Date 10/14/2020

Period Ending	Principal	Interest	Debt Service
09/30/2021	620,000	137,494.86	757,494.86
09/30/2022	615,000	140,875.00	755,875.00
09/30/2023	645,000	117,225.00	762,225.00
09/30/2024	670,000	92,300.00	762,300.00
09/30/2025	345,000	66,500.00	411,500.00
09/30/2026	255,000	55,200.00	310,200.00
09/30/2027	260,000	45,000.00	305,000.00
09/30/2028	275,000	34,600.00	309,600.00
09/30/2029	290,000	23,600.00	313,600.00
09/30/2030	300,000	12,000.00	312,000.00
	4,275,000	724,794.86	4,999,794.86

Note: Preliminary; for discussion purposes only.

SUMMARY OF BONDS REFUNDED

City of Kyle, Texas
 General Obligation Refunding Bonds, Series 2020
 Market Rates as of August 20, 2020
 Preliminary; for discussion purposes only.

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
GO Ref Bds Ser 2009, 2009GO:					
BOND	02/15/2021	4.000%	85,626.00	11/13/2020	100.000
	02/15/2022	4.000%	90,383.00	11/13/2020	100.000
	02/15/2023	4.000%	90,383.00	11/13/2020	100.000
	02/15/2024	4.000%	95,140.00	11/13/2020	100.000
	02/15/2025	4.125%	99,897.00	11/13/2020	100.000
			<u>461,429.00</u>		
GO Ref Bds Ser 2009 Utility Debt, 2009U:					
BOND	02/15/2021	4.000%	4,374.00	11/13/2020	100.000
	02/15/2022	4.000%	4,617.00	11/13/2020	100.000
	02/15/2023	4.000%	4,617.00	11/13/2020	100.000
	02/15/2024	4.000%	4,860.00	11/13/2020	100.000
	02/15/2025	4.125%	5,103.00	11/13/2020	100.000
			<u>23,571.00</u>		
Comb Tax & Rev C/O Ser 2010, 2010:					
BOND	08/15/2021	3.100%	230,000.00	11/13/2020	100.000
	08/15/2022	3.200%	235,000.00	11/13/2020	100.000
	08/15/2023	3.350%	250,000.00	11/13/2020	100.000
	08/15/2024	3.450%	260,000.00	11/13/2020	100.000
	08/15/2025	3.550%	270,000.00	11/13/2020	100.000
	08/15/2026	3.650%	280,000.00	11/13/2020	100.000
	08/15/2027	3.750%	290,000.00	11/13/2020	100.000
	08/15/2028	3.850%	305,000.00	11/13/2020	100.000
	08/15/2029	3.950%	320,000.00	11/13/2020	100.000
	08/15/2030	4.050%	330,000.00	11/13/2020	100.000
			<u>2,770,000.00</u>		
GO Ref Bds Ser 2011, 2011:					
BOND	08/15/2021	3.000%	315,000.00	11/13/2020	100.000
	08/15/2022	3.000%	330,000.00	11/13/2020	100.000
	08/15/2023	3.200%	340,000.00	11/13/2020	100.000
	08/15/2024	3.400%	350,000.00	11/13/2020	100.000
			<u>1,335,000.00</u>		
			<u>4,590,000.00</u>		

Note: Preliminary; for discussion purposes only.

ESCROW REQUIREMENTS

City of Kyle, Texas
General Obligation Refunding Bonds, Series 2020
Market Rates as of August 20, 2020
Preliminary; for discussion purposes only.

Period Ending	Interest	Principal Redeemed	Total
11/13/2020	39,620.46	4,590,000.00	4,629,620.46
	39,620.46	4,590,000.00	4,629,620.46

Note: Preliminary; for discussion purposes only.

ESCROW COST

City of Kyle, Texas
 General Obligation Refunding Bonds, Series 2020
 Market Rates as of August 20, 2020
 Preliminary; for discussion purposes only.

Purchase Date	Cost of Securities	Cash Deposit	Total Escrow Cost
10/14/2020		4,629,620.46	4,629,620.46
	0	4,629,620.46	4,629,620.46

Note: Preliminary; for discussion purposes only.

ESCROW SUFFICIENCY

City of Kyle, Texas
 General Obligation Refunding Bonds, Series 2020
 Market Rates as of August 20, 2020
 Preliminary; for discussion purposes only.

Date	Escrow Requirement	Net Escrow Receipts	Excess Receipts	Excess Balance
10/14/2020		4,629,620.46	4,629,620.46	4,629,620.46
11/13/2020	4,629,620.46		(4,629,620.46)	
	4,629,620.46	4,629,620.46	0.00	

Note: Preliminary; for discussion purposes only.



CITY OF KYLE, TEXAS

John H. Spooner (Z-20-0061)

Meeting Date: 9/15/2020

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 assigning original zoning to approximately 128.58 acres of land from Agriculture 'AG' to Single Family Residential-3 'R-1-3' and approximately 30.27 acres of land to Residential Townhome 'R-1-T' and approximately 20.37 acres of land to Community Commercial 'CC' for property located off of E. Post Road, just north of Quail Ridge Subdivision, in Hays County, Texas. John H. Spooner Revocable Trust - Z-20-0061) ~ 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: See attachments.

Legal Notes: N/A

Budget Information: N/A

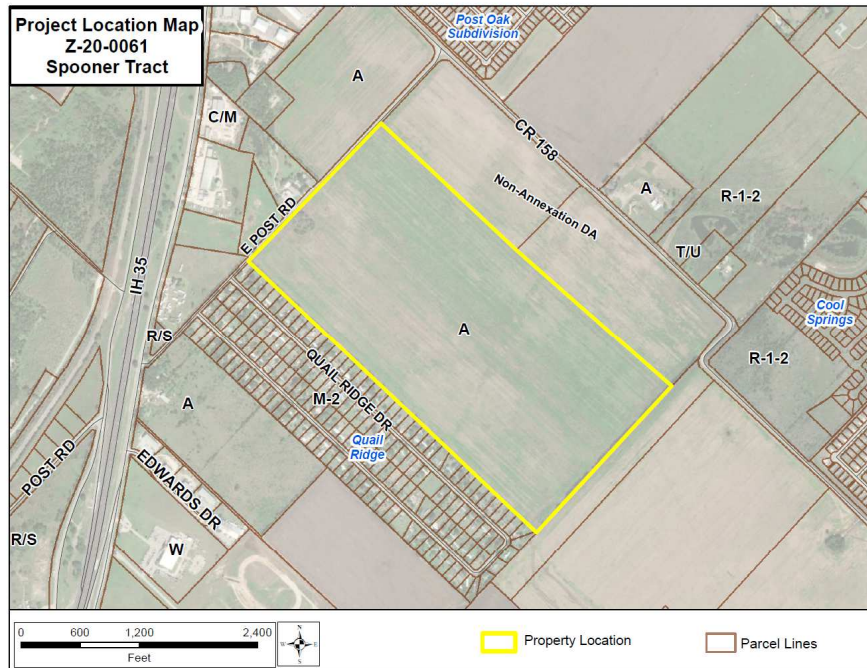
ATTACHMENTS:

Description

- Staff Memo
- Ordinance with Exhibits
- Application
- Letter of Opposition
- Project Location Map
- Land Use Districts Map
- Proposed Zoning Map
- Waterstone Phase 1 Exhibit

Property Location	E. Post Road, north of Quail Ridge Subdivision, Kyle, TX 78640
Owner	John H. Spooner Revocable Trust 324 43rd Street Des Moines, IA 50312
Agent	John Hines, P.E. Dannenbaum Engineering 512-427-3237
Request	Rezone 179.33-Acres A (Agriculture) to 128.58-Acres R-1-3 (Single Family Detached Residential), 30.27-Acres R-1-T (Residential Townhouse District), 20.37-Acres CC (Community Commercial)

Vicinity Map

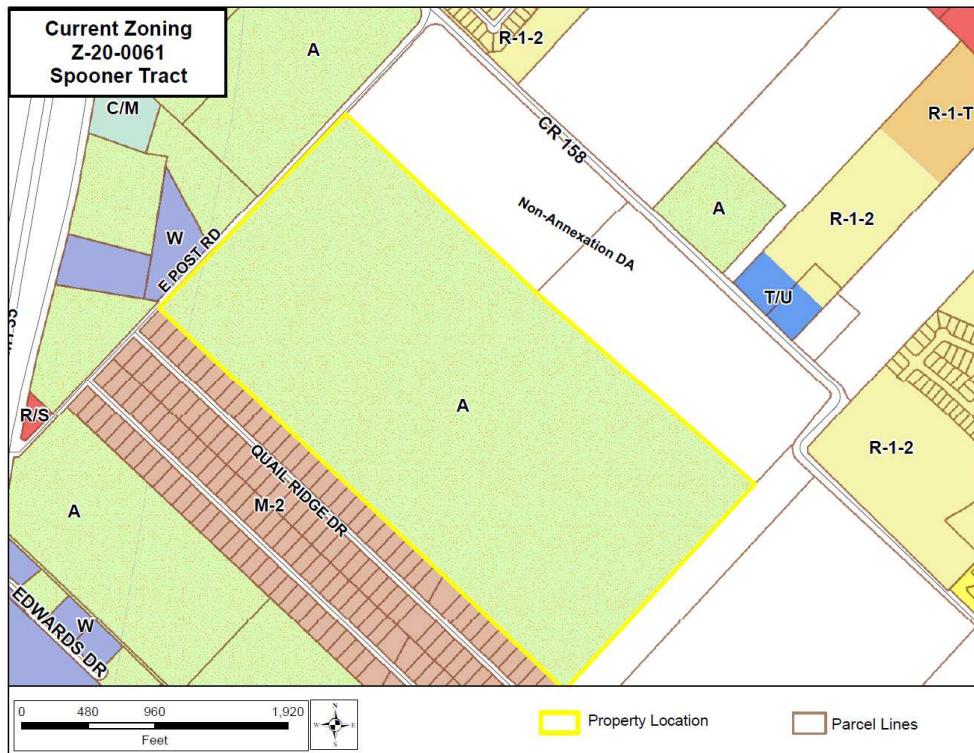


Site Description

The site, also known as the “Spooner Tract” is an undeveloped parcel zoned Agriculture (A). It is currently used for agricultural purposes, typically row crops. To the north is

vacant land, utilized for agriculture and zoned “A” (across E. Post Road). The land adjacent to and north of the parcel is in the City of Kyle’s extra-territorial jurisdiction (ETJ), and is used for agricultural purposes. To the east and southeast, is land in the San Marcos ETJ. The site is proposed to be developed with a regionally dense residential subdivision, taking access from a boulevard that will be constructed through the Spooner Tract. To the south is the Quail Ridge community, zoned M-2. It allows for manufactured homes on fee simple lots/public streets. To the west are properties zoned Warehouse (vacant) and Agriculture (auto body shop and residence).

The applicant seeks to rezone the property from “A” (Agriculture) to “CC” (Community Commercial), “R-1-T” (Residential Townhouse District) and “R-1-3” (Single Family Detached Residential).



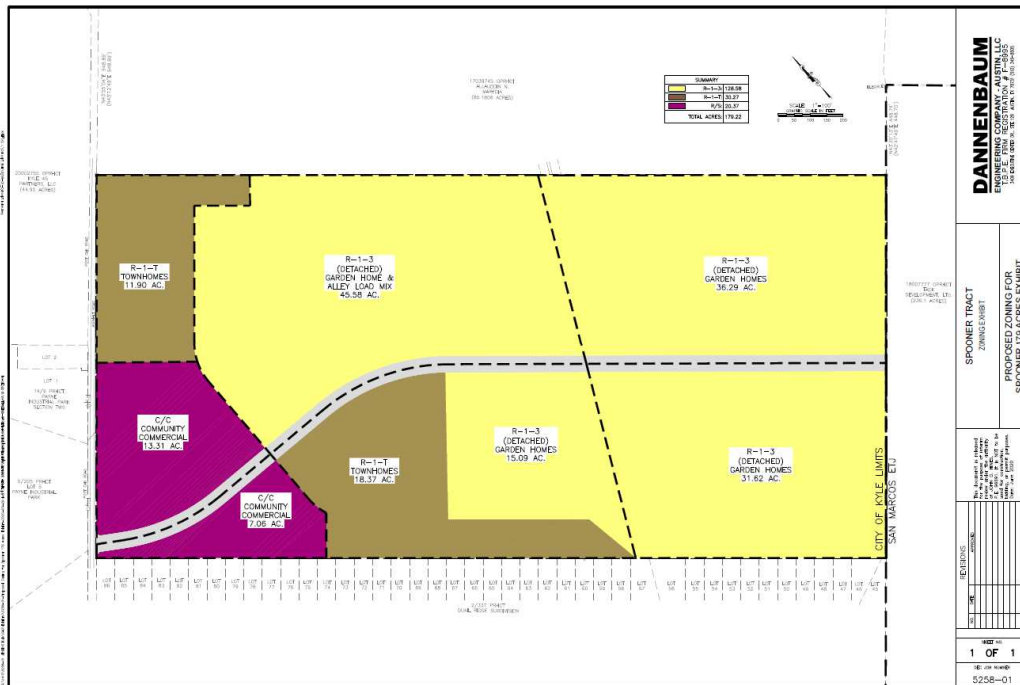
Current Zoning

A (Agriculture)

Sec. 53-36. - Agricultural district A.

The permitted uses in the agricultural district A allow farming, ranching, pasturage, detached single-family residences and related accessory structures, on a minimum one acre tract. Parks, playgrounds, greenbelts and other public recreational facilities, owned and/or operated by the municipality or other public agency are permitted.

(Ord. No. 438, § 23, 11-24-2003)



Requested Zoning

R-1-3 - Single-Family Attached District R-1-3

Sec. 53-101. - Purpose and permitted uses.

The R-1-3 single-family residential 3 district allows detached single-family residences with a minimum of 1,000 square feet of living area and permitted accessory structures on a minimum lot size of 5,540 square feet. There shall be no more than 5.5 houses per buildable acre.

([Ord. No. 928](#), § 1(Exh. A), 1-17-2017)

R-1-T – Residential Townhouse District

Sec. 53-140. - Purpose and permitted uses.

The residential townhouse district R-1-T allows attached single-family structures containing four or more dwelling units with a minimum of 1,000 square feet of living area per unit and permitted accessory structures. The single-family residences authorized in this zoning district are those generally referred to as townhouses. There shall be no more than ten units per buildable acre of land within the associated boundary of the premises of the townhouse site.

(Ord. No. 438, § 28(a), 11-24-2003; [Ord. No. 928](#), § 1(Exh. A), 1-17-2017)

CC – Community Commercial District

Sec. 53-667. – Purpose

The purpose of the community commercial district [CC] is to provide for slightly more intense commercial uses than allowed in the neighborhood commercial zoning district. The district is established to provide areas for quality retail establishments and service facilities. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

(Ord. No. 700, § 2(Exh. A), 7-17-2012)

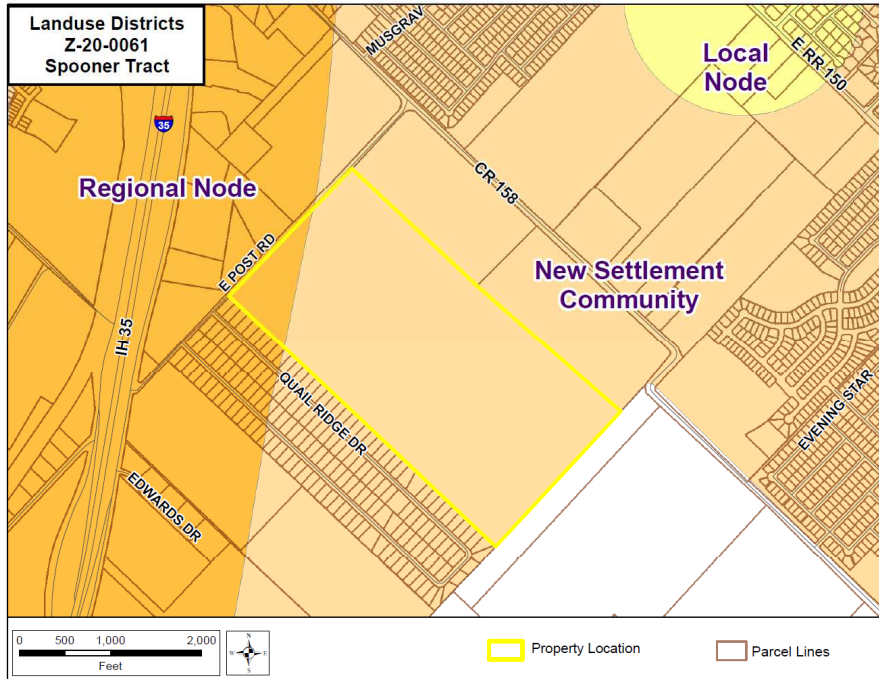
Land Use District	Front Setback (feet)	Side Setback (feet)	Corner Lot at Alleyway Setback (feet)	Street Side Yard setback (feet)	Rear Setback (feet)	Min. Lot Square Footage Area	Min. Lot Street Line Width (feet)	Height Limit (feet)
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R-1-3	20	5	10	5	10	5,540	50	35
R-1-T	Varies, Sec. 53- 143	0, 15	15	15	Varies, Sec. 53- 143	880	22	35
CC	25	10	15'	Side Setback to Residential 15	25'	8,000	80	3 stories

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 primarily located in the “New Settlement Community” District. The CC, R-1-T & R-1-3 zoning districts are considered conditionally in the “New Settlement Community” District. The remainder of the property (west corner) is within the “Regional Node”. The CC zoning district is recommended and the R-1-T zoning district is not considered in the “Regional Node”.

Current Land Use Chart

New Settlement Community

Recommended Zoning Categories: O/I

Conditional Zoning Categories: E, R-1-A, R-1-1, R-1-2, **R-1-3**, R-1-C, **R-1-T**, R-2, T/U, UE, NC, **CC**, MXD, RS, W

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

New Settlement Community

'Character': The New Settlement District is comprised primarily of farm fields, and new residential developments that are being carved out of former farm fields in an area that stretches across the city's southern-most region, from Old Stagecoach Road on the west, across I-35 to the east, to the western border of the Plum Creek Riparian Landscape. The character of the district is as diverse as the district is expansive, as the New Settlement District spans the largest portion of the southern region of Kyle. For this reason, owing to such a diverse cross-section of Kyle's landscape, the character of the district is defined more by the function of the streets and neighborhoods that serve any particular block being examined, and less by the multiple landforms characteristic of the region as a whole. Northwest to southeast roadway patterns are strong, while northeast to southwest connections are lacking. Traditional residential enclaves predominate in the New Settlement District, aggregated in neighborhoods of unique housing forms. Some landscapes are bisected by I-35, others are permeated by feeder creeks and tributaries which should require heightened standards for physical development going forward. The region is dominated by legacy agricultural lands which feature old growth stands of trees and sparse one-family residences. However, there are areas experiencing significant development pressures to fulfill the current need for single family residential, and with few barriers to development, the region is growing in popularity for new housing, held back in the western region by the large portion of the district being under-served by public waste water utilities. Private and public spaces are clearly separate, with the public domain defined by shared neighborhood amenities and private domain defined by privatized landscapes. Acreage tracts abound in the Districts, some of which are uniquely suited for high turnover, high density retail and service uses by their location close to available roadways and wet utilities. Other properties are not yet ripe for development for their location along under-performing roadways, or from being so far removed from sewer and/or sufficient water supply. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape removed from the interstate corridor should evoke the agricultural heritage of the District. Physical and visual partitioning and division of land should be avoided where possible in this district.

'Intent': The flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. The city of Kyle should seek to capitalize on this

“developability”, while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the District. The unique water features, such as creekways and detention/retention facilities, in the New Settlement District should be utilized as form-giving elements and corridors for connections. Future development will occur along the roadways best suited for access, and in the best proximity to the emerging water and waste water infrastructure expansion planned for in the city’s capital improvement plan. Use patterns should be established that compliment residential development and facilitate beneficial land use transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.

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 Spooner tract is approximately 179.33-acres and currently zoned “A”. All but the western corner (about 12.6-acres) is within the “New Settlement Community” land use district. The 12.6-acres is in the “Regional Node” land use district. Per the September 3rd, 2019 update to the comprehensive plan, the CC, R-1-T & R-1-3 zoning district continues to be considered in a conditional manner (New Settlement Community). The CC zoning district is recommended in the “Regional Node” land use district, due to the expectation of a higher use intensity. The R-1-T zoning district is not typically considered in the “Regional Node”.

In discussion with the applicant, the R-1-T, R-1-3 & CC zoning districts might be considered appropriate for the Spooner tract. This is due to a number of discussion points.

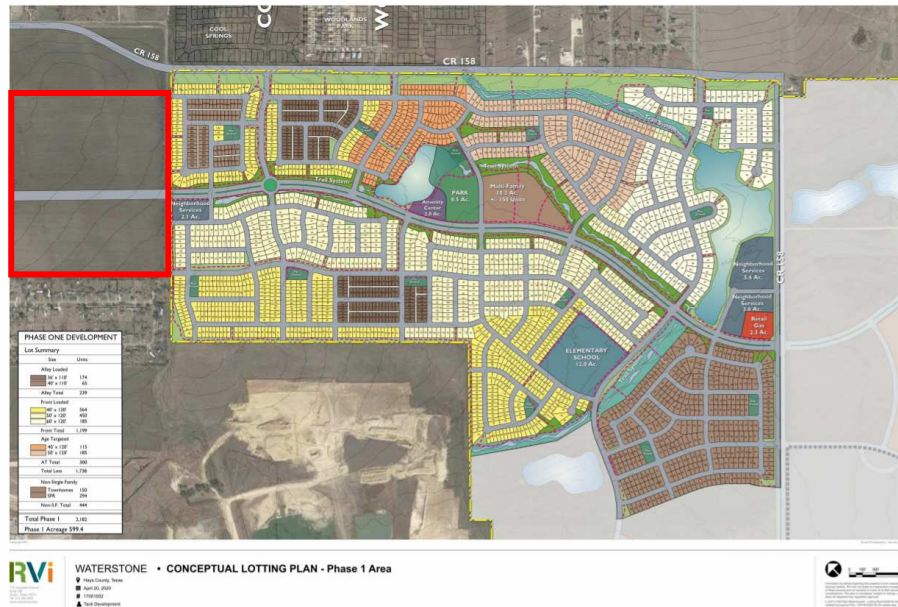
- Proximity to IH-35 and Waterstone development.
- Adequate road network to and from the site.
- Adequate wastewater availability.

Proximity to IH-35 and Waterstone development

In the “New Settlement Community” land use district, staff typically recommends lower density, single family residential, zoning districts. These are usually R-1-1 (80’ wide), R-1-2 (65’ wide) and R-1-3 (50’ wide). These recommendations are largely due to existing land use patterns around the proposed project and also based on the “wedding cake” pattern of development. Essentially, this part of the city is primarily made up of R-1-2 & R-1-1 zoning districts (flanking E FM 150), and one should incorporate larger lots/lower density the closer one is to the city limit border.

However, in the case of the Spooner tract, the western edge of the property is actually in the “Regional Node” requiring higher density/intensity of use (12-acres). The CC and R-1-T districts are appropriate in this vicinity of the tract (as requested). Additionally, between IH-35 and E. Post Road, all the land will likely develop in a commercial manner. This follows the intensity of use, if not higher density. The remainder of the property will be between what should be higher density development and the Waterstone development (La Salle MUD, San Marcos ETJ). The portion of the Waterstone

development next to the Spooner tract will have similar lot widths (36'-50') and similar lot area (3,960 sq. ft. – 6,000 sq. ft.). R-1-3 requires a minimum of 50' of width and a minimum of 5,540 sq. ft. of lot area.

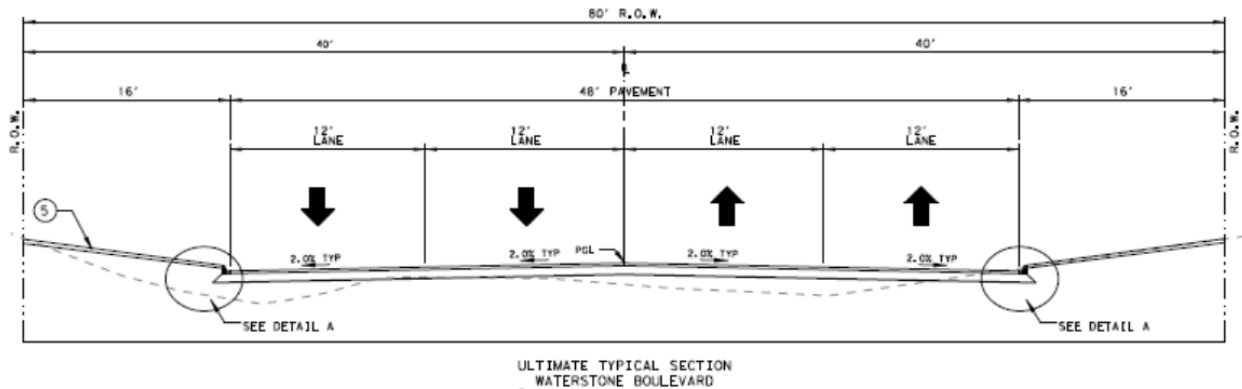


Waterstone Development – Phase 1 (Spooner Tract at west property line)

Adequate Road Network To and From The Site

Existing roads to the Spooner tract are insufficient to meet the demand of the potential increase in vehicular traffic. E. Post Road and CR 158 are rural county level roads with barely 20' of pavement width. They were adequate for rural traffic 10-20 years ago. The development is expected to be between 4.5-6 residences per buildable acre, there will be approximately 800 homes in this project.

Though the existing E. Post Road and CR 158 are not adequate for a significant increase in vehicular traffic, the Waterstone development will be building an east/west boulevard through the Spooner tract. It will start at the northbound IH-35 access road and continue through the Waterstone development. This route will act as the main thoroughfare to IH-35 for both the Spooner tract and the Waterstone Boulevard. Waterstone Boulevard will be a 4-lane road, capable of carrying the additional vehicular traffic generated by this development. At the subdivision stage of the project, staff and the developer will coordinate appropriate improvements/road fees for nearby existing roads. Additionally, per the City of Kyle Transportation Master Plan, CR 158 will be a 3-lane road (increasing vehicular traffic capacity). Residents of the Spooner tract will also be able to travel through the Waterstone development to access CR 158, Yarrington Road, E FM 150, etc.



Adequate Wastewater Availability

Per the City of Kyle’s Southside Wastewater project, the western 84-acres of the Spooner tract will receive wastewater. The Southside Wastewater project shows the 84-acres to be served with adequate wastewater. The remainder of the tract will also be serviced by the City of Kyle, flowing to the Waterstone development to the east.

Alley Loaded Residential Design

Per the Residential Style Guide, all single family and two family residential subdivisions are required to be alley loaded (take vehicular access from back of lot), if they are less than 50-feet wide. Staff will work with the developer and encourage them to build a portion of the project as an alley loaded design. Additionally, the project will go through the Residential Style Guide public hearing process, to ensure adequate amenities (street trees, pocket parks, trails, etc.).

Regional Node Land Use District

As previously stated, approximately 12-acres of the tract are in the “Regional Node” land use district. This constitutes 7% of the overall land area of the subject site. The CC zoning district is recommended in the “Regional Node”. The R-1-T zoning district is not considered in the “Regional Node”; however, the boundaries listed in the future land use map are provided for reference, and the actual transition from one district to an adjacent district should be determined on the ground from an in-person observation. In this case, the 12-acres are more akin to the neighboring 93% of development site than they are to the regional node to the west. For that reason, staff has no objection to recommending rezoning the portion of the tract in the “Regional Node” to CC, with a smaller portion being R-1-T. As previously stated, the R-1-T district will create an appropriate buffer between the CC and R-1-3 districts.

Recommendation

In conclusion, staff supports the rezoning from “A” (Agriculture) to R-1-3 (Single Family Detached Residential), R-1-T (Residential Townhouse District) and CC (Community Commercial District) as requested for the Spooner Tract. At the September 8, 2020 Planning & Zoning Commission meeting, the Commission voted 6-0 to recommend approval of the rezoning request. Staff asks the Mayor and Council to consider the request favorably and vote in support of the request.

Attachments

- Application
- Location Map
- Land Use Districts Map
- Waterstone Phase 1 Exhibit

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 128.058 ACRES OF LAND FROM AGRICULTURE 'AG' TO SINGLE FAMILY RESIDENTIAL-3 'R-1-3' AND APPROXIMATELY 30.27 ACRES OF LAND TO RESIDENTIAL TOWNHOME 'R-1-T' AND APPROXIMATELY 20.37 ACRES OF LAND TO COMMUNITY COMMERCIAL 'CC' FOR PROPERTY LOCATED OFF OF E. POST ROAD, JUST NORTH OF QUAIL RIDGE SUBDIVISION, IN HAYS COUNTY, TEXAS. (JOHN H. SPOONER REVOCABLE TRUST – Z-20-0061); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to assign original zoning to approximately 128.58 acres of land from Agriculture 'AG' to Single Family Residential-3 'R-1-3' and approximately 30.27 acres of land to Residential Townhome 'R-1-T' and approximately 20.37 acres of land to Community Commercial 'CC' for property located off of E. Post Road, just north of Quail Ridge Subdivision, 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 Holm, City Secretary

A DESCRIPTION OF 20.379 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 134.5 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER IN VOLUME 2490, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (OPRHCT); SAID 20.379 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the southeast right-of-way-line of E Post Road (right-of-way width varies) at the west corner of said 134.5 acre tract, same being the north corner of Lot 86, Quail Ridge Subdivision, recorded in Volume 2, Page 337 of the Plat Records of Hays County, Texas (PRHCT);

THENCE, with the northwest line of said 134.5 acre tract, same being the southeast right-of-way line of E Post Road, **N43°16'11"E**, a distance of **988.90** feet to a calculated point, from which a 1/2-inch iron rod with "RPLS 4046" cap found at the north corner of a called 44.83 acre tract of land conveyed to John H. Spooner in Volume 2490, Page 806 (OPRHCT), same being the west corner of a called 85.1806 acre tract of land conveyed to Allaudin N. Maredia in Document No. 17039745 (OPRHCT), bears **N43°16'11"E**, a distance of 958.25 feet;

THENCE, crossing said 134.5 tract, the following five (5) courses and distances:

- 1) **S47°21'20"E**, a distance of **511.90** feet to a calculated point;
- 2) With a curve to the left, having a radius of **300.04** feet, a delta angle of **21°57'40"**, an arc length of **115.00** feet, and a chord which bears **S13°43'14"W**, a distance of **114.30** feet to a calculated point;
- 3) **S02°44'24"W**, a distance of **782.58** feet to a calculated point;
- 4) With a curve to the left, having a radius of **300.04** feet, a delta angle of **22°04'08"**, an arc length of **115.57** feet, and a chord which bears **S08°17'40"E**, a distance of **114.85** feet to a calculated point;
- 5) **S43°15'48"W**, a distance of **228.70** feet to a calculated point in the southwest line of said 134.5 acre tract, same being the northeast line of Lot 74, Quail Ridge Subdivision, from which a 1/2-inch iron rod found at the south corner of said 134.5 acre tract, same being the east corner of Lot 45, Quail Ridge Subdivision, also being in the northwest line of a called 236.1 acre tract of land conveyed to Tack Development, Ltd. in Document No. 18007777 (OPRHCT), bears **S46°44'12"E**, a distance of 2,843.98 feet;

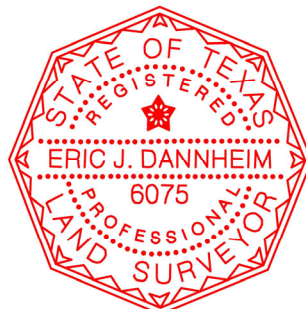
THENCE, with the southwest line of said 134.5 acre tract, same being the northeast line of Quail Ridge Subdivision, **N46°44'12"W**, a distance of **1166.79** feet to the **POINT OF BEGINNING** hereof, and containing 20.379 acres, more or less.

Surveyed on the ground May 1, 2020. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions from SmartNet. Attachments: drawing 1960-001-C-C

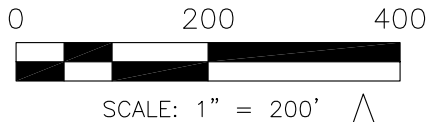


8/27/20

Eric J. Dannheim, RPLS
State of Texas #6075



CURVE	DELTA	RADIUS	ARC	BEARING	CHORD
C1	21°57'40"	300.04'	115.00'	S13°43'14"W	114.30'
C2	22°04'08"	300.04'	115.57'	S08°17'40"E	114.85'



17039745 OPRHCT
ALLAUDDIN N.
MARELIA
(85.1806 ACRES)

2940/806 OPRHCT
JOHN H. SPOONER
(44.83 ACRES)

2940/806 OPRHCT
JOHN H. SPOONER
(134.5 ACRES)

BEARINGS, DISTANCES AND AREAS IN PARENTHESIS ARE FROM RECORD INFORMATION.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1960-001-C-C

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM SMARTNET.

DATE OF SURVEY: 5/01/2020

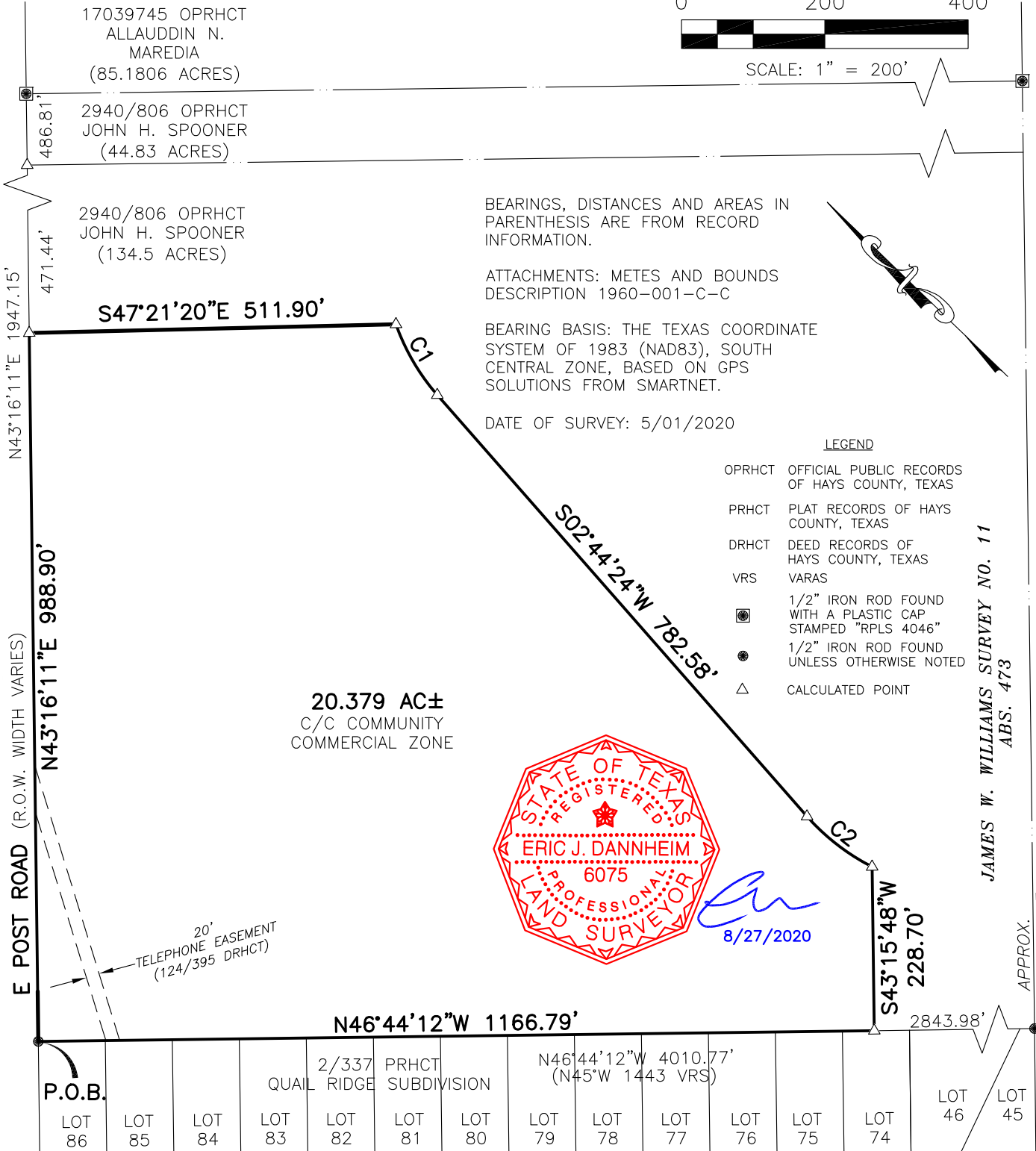
LEGEND

- OPRHCT OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- PRHCT PLAT RECORDS OF HAYS COUNTY, TEXAS
- DRHCT DEED RECORDS OF HAYS COUNTY, TEXAS
- VRS VARAS
- 1/2" IRON ROD FOUND WITH A PLASTIC CAP STAMPED "RPLS 4046"
- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- △ CALCULATED POINT

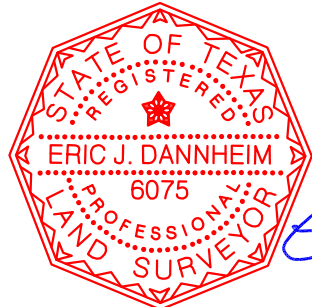
1800777 OPRHCT
TACK DEVELOPMENT, LTD.
(236.1 ACRES)

JAMES W. WILLIAMS SURVEY NO. 11
ABS. 473

WILLIAM HEMPHILL SURVEY NO. 4
ABS. 221



20.379 AC±
C/C COMMUNITY
COMMERCIAL ZONE



P.O.B.		QUAIL RIDGE		2/337 PRHCT SUBDIVISION		N46°44'12"W 4010.77' (N45°W 1443 VRS)		LOT 79		LOT 78		LOT 77		LOT 76		LOT 75		LOT 74		LOT 46		LOT 45	
LOT 86	LOT 85	LOT 84	LOT 83	LOT 82	LOT 81	LOT 80	LOT 79	LOT 78	LOT 77	LOT 76	LOT 75	LOT 74	LOT 74	LOT 74	LOT 74	LOT 74	LOT 74	LOT 74	LOT 74	LOT 74	LOT 46	LOT 45	

ADDRESS: 6605 E. POST ROAD KYLE, TX 78640
DWG NO.: 1960-001-C-C
CLIENT: SANDERA LAND CO.
DATE: 8/27/2020
FIELD CREW: DV/BJ
OFFICE: RM/ED
FB/PG: 9/16

SKETCH TO ACCOMPANY A DESCRIPTION OF 20.379 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 134.5 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER IN VOLUME 2490, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

PAYNE
INDUSTRIES
Item # 27

302 W. Hopkins, Ste. 1A, San Marcos, TX 78666
Firm No. 10194453 (979) 567-4500

A DESCRIPTION OF 128.625 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 134.5 ACRE TRACT OF LAND AND A PORTION OF A CALLED 44.83 ACRE TRACT OF LAND, BOTH CONVEYED TO JOHN H. SPOONER IN VOLUME 2490, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (OPRHCT); SAID 128.625 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found at the south corner of said 134.5 acre tract, same being the east corner of Lot 45, Quail Ridge Subdivision, recorded in Volume 2, Page 337 of the Plat Records of Hays County, Texas (PRHCT), also being in the northwest line of a called 236.1 acre tract of land conveyed to Tack Development, Ltd. in Document No. 18007777 (OPRHCT);

THENCE, with the southwest line of said 134.5 acre tract, same being the northeast line of Quail Ridge Subdivision, **N46°44'12"W**, a distance of **1271.49** feet to a calculated point in the southwest line of said 134.5 acre tract and the northeast line of Lot 57, Quail Ridge Subdivision, from which a 1/2-inch iron rod found in the southeast right-of-way-line of E Post Road (right-of-way width varies) at the west corner of said 134.5 acre tract, same being the north corner of Lot 86, Quail Ridge Subdivision, bears **N46°44'12"W**, a distance of 2739.28 feet;

THENCE, crossing said 134.5 tract and said 44.83 acre tract, the following ten (10) courses and distances:

- 1) **N07°22'21"W**, a distance of **307.49** feet to a calculated point;
- 2) **N46°44'12"W**, a distance of **716.26** feet to a calculated point;
- 3) **N42°08'33"E**, a distance of **786.47** feet to a calculated point;
- 4) With a curve to the left, having a radius of **1000.78** feet, a delta angle of **38°38'31"**, an arc length of **674.95** feet, and a chord which bears **N67°15'12"W**, a distance of **662.24** feet to a calculated point;
- 5) **N86°34'23"W**, a distance of **347.23** feet to a calculated point;
- 6) **N02°44'24"E**, a distance of **484.34** feet to a calculated point;
- 7) With a curve to the right, having a radius of **300.04** feet, a delta angle of **40°31'47"**, an arc length of 212.24 feet, and a chord which bears **N23°00'18"E**, a distance of **207.84** feet to a calculated point;
- 8) **N43°16'11"E**, a distance of **702.17** feet to a calculated point;
- 9) **S46°44'17"E**, a distance of **283.36** feet to a calculated point;
- 10) **N42°38'40"E**, a distance of **155.03** feet to a calculated point in the northeast line of said 44.83 acre tract, same being the southwest line of a called 85.1806 acre tract of land conveyed to Allauddin N. Maredia in Document No. 17039745 (OPRHCT), from which a 1/2-inch iron rod with "RPLS 4046" cap found in the southeast right-of-way line of E Post Road, at the north corner of said 44.83 acre tract, same being the west corner of said 85.1806 acre tract, bears **N46°44'17"W**, a distance of 777.92 feet;

THENCE, with the northeast line of said 44.83 acre tract, same being the southwest line of said 85.1806 acre tract, **S46°44'17"E**, a distance of **3232.45** feet to a 1/2-inch iron rod with "RPLS 4046" cap found at the east corner of said 44.83 acre tract, same being the south corner of said 85.1806 acre tract, also being in the northwest line of said 236.1 acre tract;

THENCE, with the southeast line of said 44.83 acre tract, same being the northwest line of said 236.1 acre tract, **S43°15'29"W**, at a distance of 486.81 feet passing a calculated point for the south corner of said 44.83 acre tract, same being the east corner of said 134.5 acre tract, and continuing with the common line of said 134.5 acre tract and said 236.1 acre tract, for a total distance of **1947.24** feet to the **POINT OF BEGINNING** hereof, and containing 128.625 acres, more or less.

Surveyed on the ground May 1, 2020. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions from SmartNet. Attachments: drawing 1960-001-R-1-3

8/27/20

Eric J. Dannheim, RPLS
State of Texas #6075



17039745 OPRHCT
ALLAUDDIN N. MAREIDIA
(85.1806 ACRES)

PAGE 4

2940/806 OPRHCT
JOHN H. SPOONER
(44.83 ACRES)

2940/806 OPRHCT
JOHN H. SPOONER
(134.5 ACRES)

PAGE 5

128.625 AC±

PAGE 2

PAGE 3

2/337 PRHCT
QUAIL RIDGE SUBDIVISION

18007777 OPRHCT TACK DEVELOPMENT, LTD.
(236.1 ACRES)

P.O.B.

E POST ROAD (R.O.W. WIDTH VARIES)

ADDRESS:

6605 E. POST
ROAD KYLE, TX 78640

DWG NO.: 1980-001-R-1-3

CLIENT: SANDERA LAND CO.

DATE: 8/27/2020

FIELD CREW: DV/BJ

OFFICE: RM/ED

FB/Pg: 9/16



[Signature]
8/27/2020

SKETCH TO ACCOMPANY A DESCRIPTION OF 128.625 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 134.5 ACRE TRACT OF LAND AND A PORTION OF A CALLED 44.83 ACRE TRACT OF LAND, BOTH CONVEYED TO JOHN H. SPOONER, IN VOLUME 2490, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.



SCALE: 1" = 400'

PAGE 1 OF 5

Item # 27



302 W. Hopkins, Ste. 1A, San Marcos, TX 78666
Firm No. 10194453 (979) 567-4500

128.625 AC±
 R-1-3
 (DETACHED)
 GARDEN HOME & ALLEY
 LOAD MIX

OPRCHT OFFICIAL PUBLIC RECORDS
 OF HAYS COUNTY, TEXAS
 PRHCT PLAT RECORDS OF HAYS
 COUNTY, TEXAS
 DRHCT DEED RECORDS OF
 HAYS COUNTY, TEXAS
 VRS VARAS
 1/2" IRON ROD FOUND
 WITH A PLASTIC CAP
 STAMPED "RPLS 4046"
 1/2" IRON ROD FOUND
 UNLESS OTHERWISE NOTED
 ●
 ▲ CALCULATED POINT

2940/806 OPRHCT
 JOHN H. SPOONER
 (134.5 ACRES)

BEARINGS, DISTANCES AND
 AREAS IN PARENTHESIS ARE
 FROM RECORD INFORMATION.
 ATTACHMENTS: METES AND
 BOUNDS DESCRIPTION
 1960-001-R-1-T_1
 BEARING BASIS: THE TEXAS
 COORDINATE SYSTEM OF 1983
 (NAD83), SOUTH CENTRAL
 ZONE, BASED ON GPS
 SOLUTIONS FROM SMARTNET.
 DATE OF SURVEY: 5/01/2020

CURVE	DELTA	RADIUS	ARC	BEARING	CHORD
C1	38°38'31"	1000.78'	674.95'	N67°15'12"W	662.24'
C2	40°31'47"	300.04'	212.24'	N23°00'18"E	207.84'

N46°44'12"W 2739.28'

N42°08'33"E 786.47'

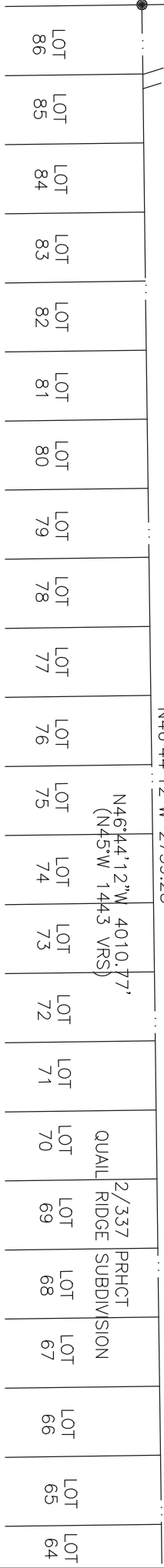
N46°44'12"W
 716.26'

JAMES W. WILLIAMS
 SURVEY NO. 11
 ABS. 473

Item # 27

E POST ROAD (R.O.W. WIDTH VARIES)

20' EASEMENT
 TELEPHONE (124/395 DRHCT)

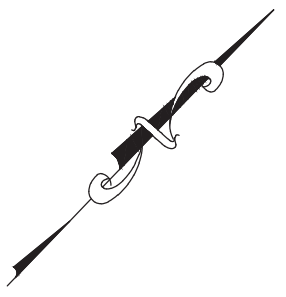


ADDRESS:
 6605 E. POST
 ROAD KYLE, TX 78640

DWG NO.: 1960-001-R-1-3
 CLIENT: SANDERA LAND CO.
 DATE: 8/27/2020
 FIELD CREW: DV/BJ
 OFFICE: RM/ED
 FB/Pg: 9/16



Eric J. Dannheim
 8/27/2020



SCALE: 1" = 200'
 PAGE 2 OF 5

PAYNE
 INDUSTRIES
 302 W. Hopkins, Ste. 1A, San Marcos, TX 78666
 Firm No. 10194453 (979) 567-4500

100' L.C.R.A. TRANSMISSION
LINE EASEMENT
(150/120 DRHCT)

30' WATER PIPELINE EASEMENT
(2671/737 OPRHCT)
(2940/806 OPRHCT)

128.625 ACRE
R-1-3
(DETACHED)
GARDEN HOME & ALLEY
LOAD MIX

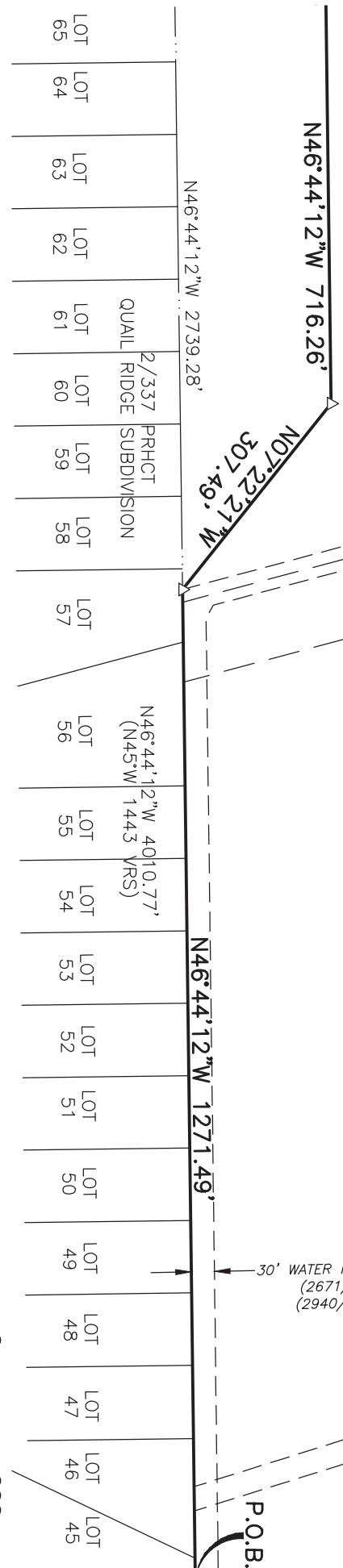
2940/806 OPRHCT
JOHN H. SPOONER
(134.5 ACRES)

30' LO-YACA
GATHERING COMPANY
EASEMENT
(231/490 DRHCT)

JAMES W. WILLIAMS
SURVEY NO. 11
ABS. 473

S43°15'29"W 1460.43'

WILLIAM HEMPHILL
SURVEY NO. 24
ABS. 221



18007777 OPRHCT TACK DEVELOPMENT, LTD.
(236.1 ACRES)

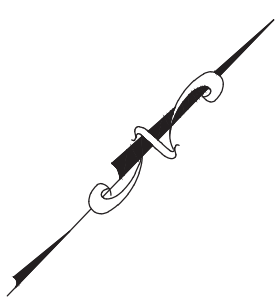
ADDRESS:
6605 E. POST
ROAD KYLE, TX 78640

DWG NO.: 1980-001-R-1-3
CLIENT: SANDERA LAND CO.

DATE: 8/27/2020
FIELD CREW: DV/BJ
OFFICE: RM/ED
FB/Pg: 9/16



8/27/2020



SCALE: 1" = 200'
PAGE 3 OF 5

PAYNE
INDUSTRIES

302 W. Hopkins, Ste. 1A, San Marcos, TX 78666
Firm No. 10194453 (979) 567-4500

LINE	BEARING	DISTANCE
L1	N42°38'40"E	155.03'

17039745 OPRHCT
 ALLAUDDIN N.
 MAREDA
 (85.1806 ACRES)

(S45°E 1443 VRS)
 S46°44'17"E 4010.37'

Item # 27

777.92'

S46°44'17"E 3232.45'

N43°16'11"E 486.81'
 (N45°E 175-1/4 VRS)

E POST ROAD (R.O.W. WIDTH VARIES)

S46°44'17"E
 283.36'

L1

N43°16'11"E 702.17'

C2

128.625 AC±

R-1-3
 (DETACHED)
 GARDEN HOME & ALLEY
 LOAD MIX

2940/806 OPRHCT
 JOHN H. SPOONER
 (44.83 ACRES)

2940/806 OPRHCT
 JOHN H. SPOONER
 (134.5 ACRES)

C1

JAMES W. WILLIAMS
 SURVEY NO. 11
 ABS. 473

ADDRESS:
 6605 E. POST
 ROAD KYLE, TX 78640

DWG NO.: 1960-001-R-1-3
 CLIENT: SANDERA LAND CO.
 DATE: 8/27/2020
 FIELD CREW: DV/BJ
 OFFICE: RM/ED
 FB/Pg: 9/16



[Signature]
 8/27/2020



PAGE 4 OF 5

PAYNE
 INDUSTRIES

302 W. Hopkins, Ste. 1A, San Marcos, TX 78666
 Firm No. 10194453 (979) 567-4500

(S45°E 144.3 VRS)
S46°44'17"E 4010.37'

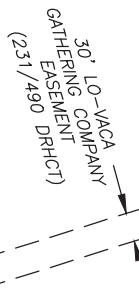
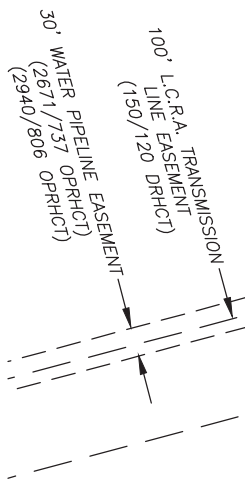
17039745 OPRHCT
ALLAUDDIN, N.
MAREDA
(85.1806 ACRES)

S46°44'17"E 3232.45'

2940/806 OPRHCT
JOHN H. SPOONER
(44.83 ACRES)

2940/806 OPRHCT
JOHN H. SPOONER
(134.5 ACRES)

128.625 ACRES
R-1-3
(DETACHED)
GARDEN HOME & ALLEY
LOAD MIX



(S45°W 175-1/4 VRS)
S43°15'29"W 486.81'

18007777 OPRHCT
TACK DEVELOPMENT, LTD.
(236.1 ACRES)

Item # 27

S43°15'29"W 1947.24'

S43°15'29"W 1460.43'

WILLIAM HEMPHILL
SURVEY NO. 4
ABS. 221

JAMES W. WILLIAMS
SURVEY NO. 11
ABS. 473



SCALE: 1" = 200'

PAGE 5 OF 5

ADDRESS:
6605 E. POST
ROAD KYLE, TX 78640
DWG NO.: 1960-001-R-1-3
CLIENT: SANDERA LAND CO.
DATE: 8/27/2020
FIELD CREW: DV/BJ
OFFICE: RM/ED
FB/Pg: 9/16



Eric J. Dannheim
8/27/2020



A DESCRIPTION OF 11.903 IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 134.5 ACRE TRACT OF LAND AND A PORTION OF A CALLED 44.83 ACRE TRACT OF LAND, BOTH CONVEYED TO JOHN H. SPOONER, IN VOLUME 2490, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (OPRHCT); SAID 11.903 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with "RPLS 4046" cap found in the southeast right-of-way line of E Post road (right-of-way width varies) at the north corner of said 44.83 acre tract, same being the west corner of a called 85.1806 acre tract of land conveyed to Allauddin N. Maredia in Document No. 17039745 (OPRHCT);

THENCE, with the northeast line of said 44.83 acre tract, same being the southwest line of said 85.1806 acre tract, **S46°44'17"E**, a distance of **777.92** feet to a calculated point, from which a 1/2-inch iron rod with "RPLS 4046" cap found at the east corner of said 44.83 acre tract, same being the south corner of said 85.1806 acre tract, bears **S46°44'17"E**, a distance of 3232.45 feet;

THENCE, crossing said 134.5 tract, and said 44.83 acre tract, the following five (5) courses and distances:

- 1) **S42°38'40"W**, a distance of **155.03** feet to a calculated point;
- 2) **N46°44'17"W**, a distance of **283.36** feet to a calculated point;
- 3) **S43°16'11"W**, a distance of **702.17** feet to a calculated point;
- 4) With a curve to the left, having a radius of **300.04** feet, a delta angle of **18°34'07"**, an arc length of **97.24** feet, and a chord which bears **S33°59'08"W**, a distance of **96.81** feet to a calculated point;
- 5) **N47°21'20"W**, a distance of **511.90** feet to a calculated point in the southeast right-of-way-line of E Post Road, same being the northwest line of said 134.5 acre tract, from which a 1/2-inch iron rod found at the west corner of said 134.5 acre tract, same being the north corner of Lot 86, Quail Ridge Subdivision, recorded in Volume 2, Page 337 of the Plat Records of Hays County, Texas (PRHCT), bears **S43°16'11"W**, a distance of 988.90 feet;

THENCE, with the northwest line of said 134.5 acre tract, same being the southeast right-of-way line of E Post Road, **N43°16'11"E**, at a distance of 471.44 feet passing a calculated point for the north corner of said 134.5 acre tract, same being the west corner of said 44.83 acre tract, and continuing with the common line of E Post Road and said 44.83 acre tract, for a total distance of **958.25** feet **POINT OF BEGINNING** hereof, and containing 11.903 acres, more or less.

Surveyed on the ground May 1, 2020. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions from SmartNet. Attachments: drawing 1960-001-R-1-T_1



8/27/20

Eric J. Dannheim, RPLS
State of Texas #6075



17039745 OPRHCT
 ALLAUDDIN N.
 MAREDA
 (85.1806 ACRES)

(S45°E 1443 VRS)
 S46°44'17"E 4010.37'

P.O.B.
 S46°44'17"E 777.92'

3232.45'

486.81'
 (175-1/4 VRS)

11.903 AC±
 R-1-T
 TOWNHOMES

N46°44'17"W
 283.36'

2940/806 OPRHCT
 JOHN H. SPOONER
 (44.83 ACRES)

2940/806 OPRHCT
 JOHN H. SPOONER
 (134.5 ACRES)

18007777 OPRHCT
 TACK
 DEVELOPMENT, LTD.
 (236.1 ACRES)

E POST ROAD
 (R.O.W. WIDTH VARIES)

N43°16'11"E 958.25'

471.44'

S43°16'11"W 702.17'

N47°21'20"W 511.90'

LINE	BEARING	DISTANCE
L1	S42°38'40"W	155.03'

LEGEND

- OPRHCT OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- PRHCT PLAT RECORDS OF HAYS COUNTY, TEXAS
- VRS VARAS
- 1/2" IRON ROD FOUND WITH A PLASTIC CAP STAMPED "RPLS 4046"
- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- △ CALCULATED POINT

BEARINGS, DISTANCES AND AREAS IN PARENTHESIS ARE FROM RECORD INFORMATION.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1960-001-R-1-T_1

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM SMARTNET.

DATE OF SURVEY: 5/01/2020



LOT 86	LOT 85	LOT 84	LOT 83	LOT 82	LOT 81	LOT 80	LOT 79	LOT 78	LOT 77
2/337 PRHCT QUAIL RIDGE SUBDIVISION									

CURVE	DELTA	RADIUS	ARC	BEARING	CHORD
C1	18°34'07"	300.04'	97.24'	S33°59'08"W	96.81'



Eric J. Dannheim 8/27/2020

SKETCH TO ACCOMPANY A DESCRIPTION OF 11.903 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 134.5 ACRE TRACT OF LAND AND A PORTION OF A CALLED 44.83 ACRE TRACT OF LAND, BOTH CONVEYED TO JOHN H. SPOONER, IN VOLUME 2490, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

PAYNE INDUSTRIES
 Item # 27
 302 W. Hopkins, Ste. 1A, San Marcos, TX 78666
 Firm No. 10194533 (979) 567-4500

ADDRESS:
 6605 E. POST ROAD KYLE, TX 78640

DWG NO.: 1960-001-R-1-T_1

CLIENT: SANDERA LAND CO.

DATE: 8/27/2020

FIELD CREW: DV/BJ

OFFICE: RM/ED

FB/PG: 9/16

A DESCRIPTION OF 18.372 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 134.5 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER IN VOLUME 2490, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (OPRHCT); SAID 18.372 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point on the southwest line of said 134.5 acre tract, same being the northeast line of Lot 74, Quail Ridge Subdivision, recorded in Volume 2, Page 337 of the Plat Records of Hays County, Texas (PRHCT), from which a 1/2-inch iron rod found in the southeast right-of-way line of E Post Road (right-of-way width varies) at the west corner of said 134.5 acre tract, same being the north corner of Lot 86, Quail Ridge Subdivision bears N46°44'12"W, a distance of 1166.79 feet;

THENCE, crossing said 134.5 tract, the following eight (8) courses and distances:

- 1) N43°15'48"E, a distance of 228.70 feet to a calculated point;
- 2) With a curve to the right, having a radius of 300.04 feet, a delta angle of 22°04'08", an arc length of 115.57 feet, and a chord which bears N08°17'40"W, a distance of 114.85 feet to a calculated point;
- 3) N02°44'24"E, a distance of 298.24 feet to a calculated point;
- 4) S86°34'23"E, a distance of 347.23 feet to a calculated point;
- 5) With a curve to the right, having a radius of 1000.78 feet, a delta angle of 38°38'31", an arc length of 674.95 feet, and a chord which bears S67°15'12"E, a distance of 662.24 feet to a calculated point;
- 6) S42°08'33"W, a distance of 786.47 feet to a calculated point;
- 7) S46°44'12"E, a distance of 716.26 feet to a calculated point;
- 8) S07°22'21"E, a distance of 307.49 feet to a calculated point in the southwest line of said 134.5 acre tract, same being the northeast line of Lot 57, Quail Ridge Subdivision, from which a 1/2-inch iron rod found at the south corner of said 134.5 acre tract, same being the east corner of Lot 45, Quail Ridge Subdivision, also being in the northwest line of a called 236.1 acre tract of land conveyed to Tack Development, Ltd. in Document No. 18007777 (OPRHCT), bears S46°44'12"E, a distance of 1271.49 feet;

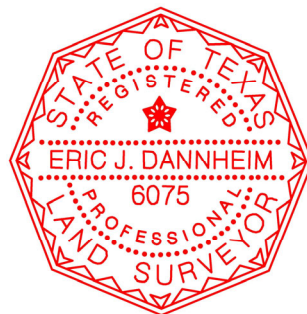
THENCE, with the southwest line of said 134.5 acre tract, same being the northeast line of Quail Ridge Subdivision, N46°44'12"W, a distance of 1572.49 feet to the **POINT OF BEGINNING** hereof, and containing 18.372 acres, more or less.

Surveyed on the ground May 1, 2020. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions from SmartNet. Attachments: drawing 1960-001-R-1-T_2



8/27/20

Eric J. Dannheim, RPLS
State of Texas #6075



CURVE	DELTA	RADIUS	ARC	BEARING	CHORD
C1	22°04'08"	300.04'	115.57'	N08°17'40"W	114.85'
C2	38°38'31"	1000.78'	674.95'	S67°15'12"E	662.24'

2940/806 OPRHCT
 JOHN H. SPOONER
 (134.5 ACRES)

LEGEND

- OPRHT OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- PRHCT PLAT RECORDS OF HAYS COUNTY, TEXAS
- DRHCT DEED RECORDS OF HAYS COUNTY, TEXAS
- VRS VARAS
- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- △ CALCULATED POINT

BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.

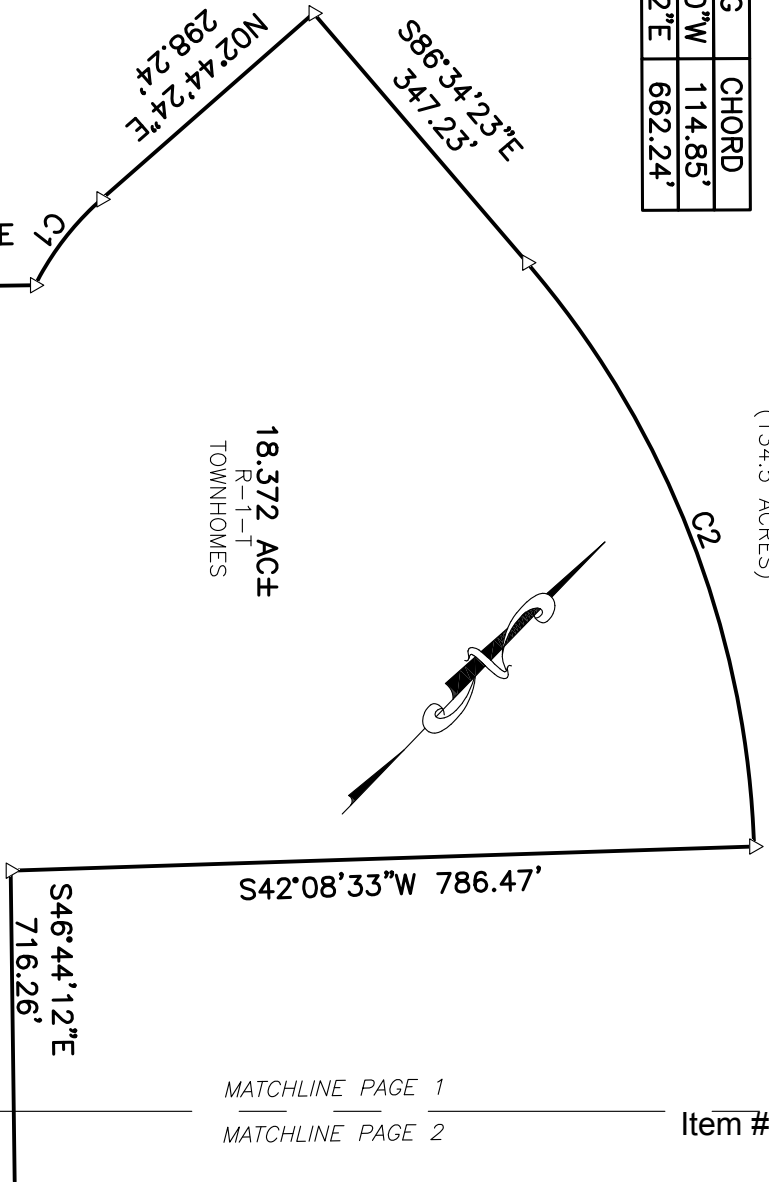
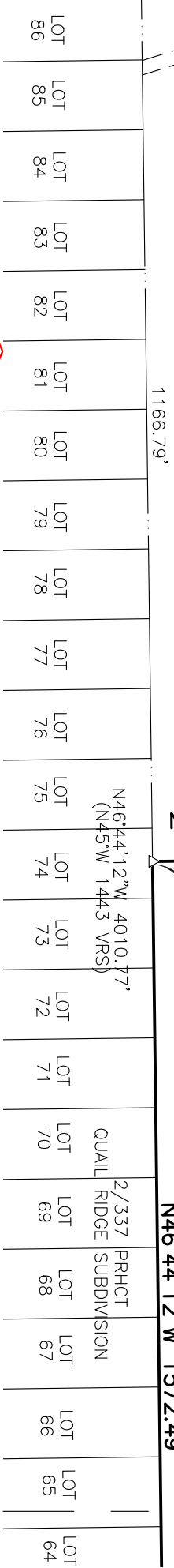
ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1960-001-R-1-T_2

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM SMARTNET.

DATE OF SURVEY: 5/01/2020

E POST ROAD (R.O.W. WIDTH VARIES)

20' EASEMENT
 TELEPHONE (124/395 DRHCT)



ADDRESS:
 6605 E. POST ROAD KYLE, TX 78640

DWG NO.: 1960-001-R-1-T_2

CLIENT: SANDERA LAND CO.

DATE: 8/27/2020

FIELD CREW: DV/BJ

OFFICE: RM/ED

FB/Pg: 9/16



8/27/2020

SKETCH TO ACCOMPANY A DESCRIPTION OF 18.372 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 134.5 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER IN VOLUME 2490, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

SCALE: 1" = 200'

PAGE 1 OF 2

PAYNE
 INDUSTRIES

302 W. Hopkins, Ste. 1A, San Marcos, TX 78666
 Firm No. 101944453 (979) 567-4500

MATCHLINE PAGE 1
 MATCHLINE PAGE 2

Item # 27

MATCHLINE PAGE 1
 MATCHLINE PAGE 2

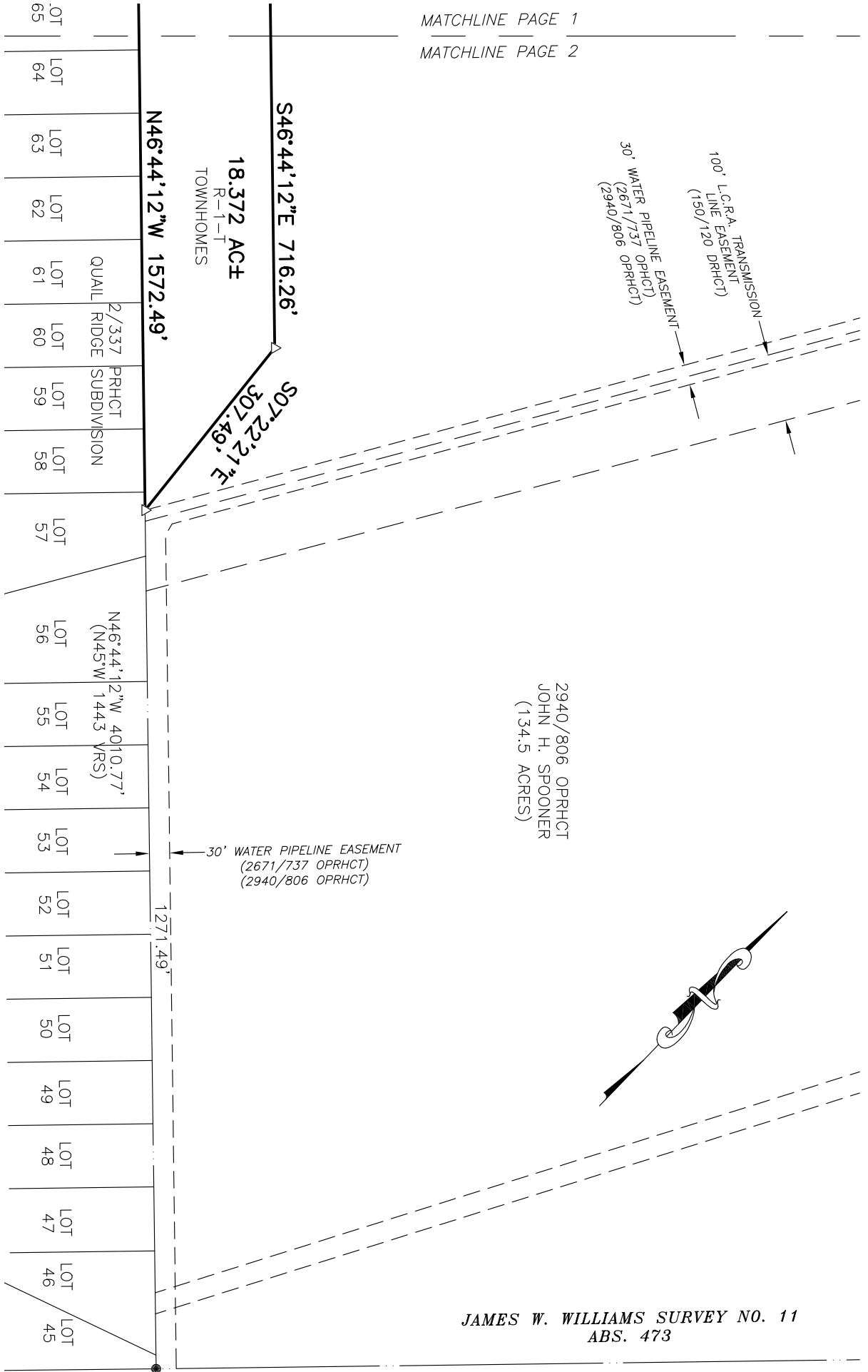
100' L.C.R.A. TRANSMISSION
 LINE EASEMENT
 (150/120 DRHCT)

30' WATER PIPELINE EASEMENT
 (2671/737 OPRHCT)
 (2940/806 OPRHCT)

2940/806 OPRHCT
 JOHN H. SPOONER
 (134.5 ACRES)

JAMES W. WILLIAMS SURVEY NO. 11
 ABS. 473

WILLIAM HEMPHILL SURVEY NO. 4
 ABS. 221 **Item # 27**



18007777 OPRHCT APPROX. SURVEY LINE
 TACK DEVELOPMENT, LTD.
 (236.1 ACRES)

ADDRESS:
 6605 E. POST
 ROAD KYLE, TX 78640

DWG NO.: 1960-001-R-1-T-2

CLIENT: SANDERA LAND CO.

DATE: 8/27/2020

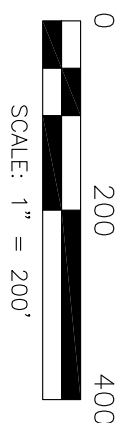
FIELD CREW: DV/BJ

OFFICE: RM/ED

FB/PG: 9/16



[Signature]
 8/27/2020



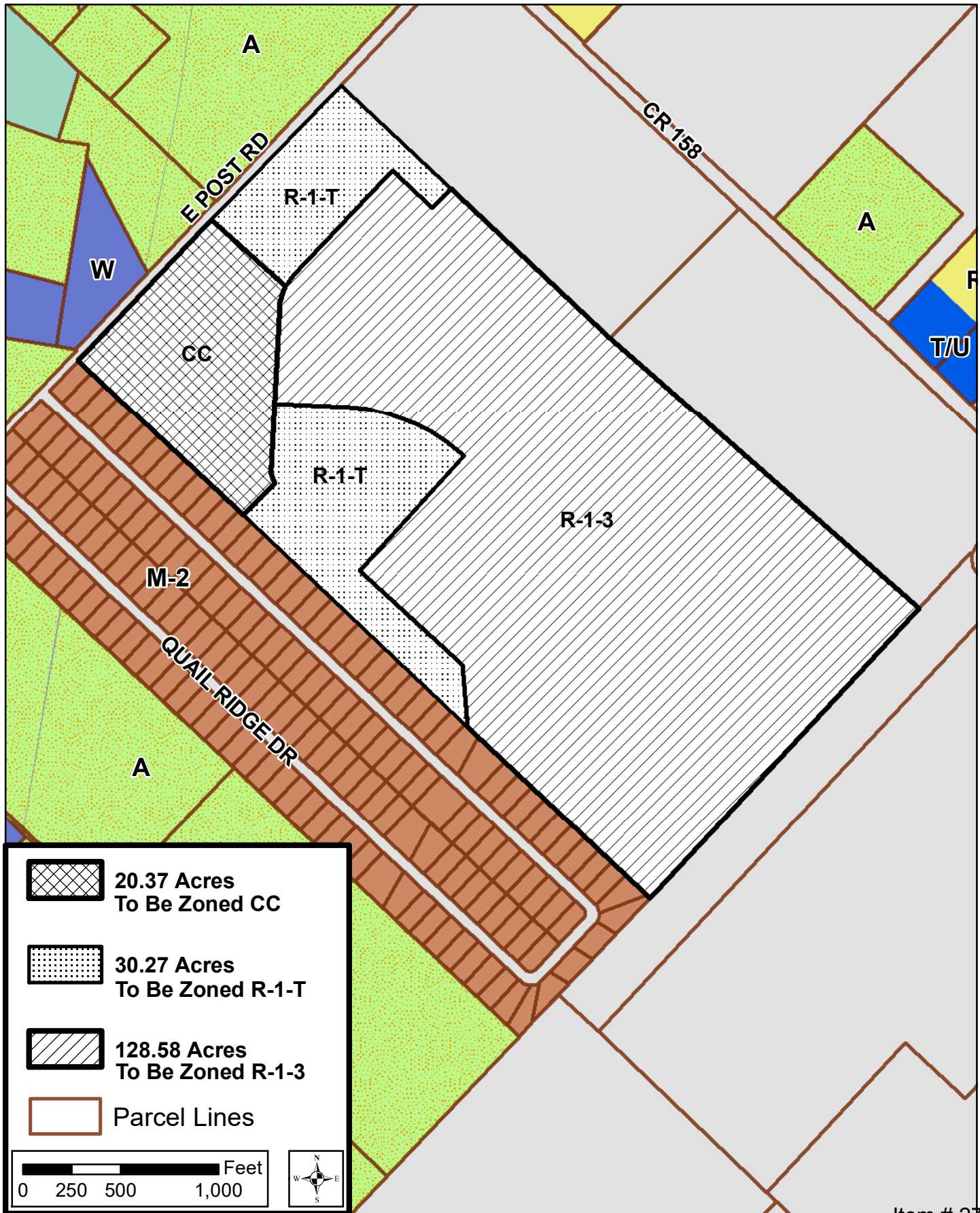
PAGE 2 OF 2

PAYNE
 INDUSTRIES

302 W. Hopkins, Ste. 1A, San Marcos, TX 78666
 Firm No. 10194453 (979) 567-4500

Exhibit B

Z-20-0061 E Post Rd 179.22 Acres



APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: John Hoopner Revocable Trust August 07, 2020
(Name of Owner) (Submittal Date)

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

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. PAID

Newspaper Publication Fee: \$190.21 **Sign Notice Fee:** \$127.00 PAID

Total Fee: 190.21

- 4. A map or plat showing the area being proposed for rezoning.
- 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- 6. Certified Tax certificates: County School City N/A
- 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: Unzoned / Temp. Ag

Proposed Zoning Classification: R-1-3 (128.62⁺ Acres) ; R-1-T (30.28⁺ Acres) ; &

Proposed Use of the Property: Community Commercial & Residential CC (20.37 Acres)

Acreage/Sq. Ft. of Zoning Change: 179.32⁺ Acres

2. **Address and Legal Description:**

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: Old Post Rd (east side of I.35)

Subdivision Name/Lot & Block Nos.: _____

Property Recording Information: Hays County
Volume/Cabinet No. 2940

Page/Slide No. 806

3. **Ownership Information:**

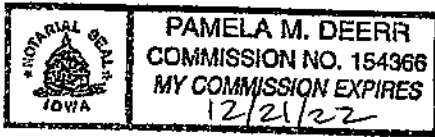
Name of Property Owner(s): John H. Spooner Revocable Trust

Certified Public Notary:

This document was acknowledged before me on the 6th day of August, 2020, by
James Spooner (Owner(s)).

Notary Public State of ~~Texas~~ Iowa

(Seal)



Pamela M. Deerr

(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: 324 4th St

Des Moines, IA 50312

Phone Number: _____

Fax Number: _____

Email Number: _____

I hereby request that my property, as described above, be considered for rezoning:

Signed: John H. Spooner Managing Trust by [Signature]

Date: 6 Aug 20

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: _____

Agent's Address: _____

Agent's Phone Number: _____

Agent's Fax Number: _____

Agent's Mobile Number: _____

Agent's Email Number: _____

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: _____

August 7, 2020

Mr. Howard J. Koontz, AICP
Director, Planning & Community Development
City of Kyle
100 Center Street
Kyle, Texas 78640

Re: Letter of Request for Zoning Change

Dear Mr. Koontz:

Please find the attached application for Zoning Change of the approximate 179.33 acres of land, more or less, in two parcels out of the James W. Williams 1/3 League Survey Abstract No. 473, identified as Hays Central Appraisal District R18884 and R18885; referenced on Item 4 and attached herein (referred to as the "Property"). The Property is within the incorporated limits of the City of Kyle, following the recent annexation under City Ordinance No. 1065 and recorded as document number 20002402 on 01/21/20 (attached).

The purpose for this request is to convert the Temporary Agricultural District A identified in Section 7 of the above referenced annexation Ordinance into **Permanent Zoning of R-1-3, R-1-T, and Community Commercial (CC)** as depicted in the accompanying zoning exhibit. The property is generally divided into 13 acres under the Regional Node district and the remainder, 166 acres in the New Settlement district following the City's Comprehensive Plan.

Regional Node (13 acres): Proposed Zoning of CC is a Recommended Use
New Settlement (166 acres): R-1-3, R-1-T, and CC are Conditional Uses

Based on review of the adjacent residential developments, both existing and proposed, as well as market evaluation of increased demand for diverse residential products that fit within the City's planning for the area, we request your consideration in the attached zoning application.

For additional information, you may reach me at Steve@stephenmjenkinsinc.com.

Sincerely,

Sandera Land Company



Stephen M. Jenkins

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File # Z-20-0061).

live@ 296 Ferrule Dr. Kyle, TX

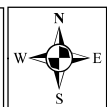
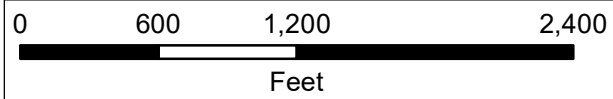
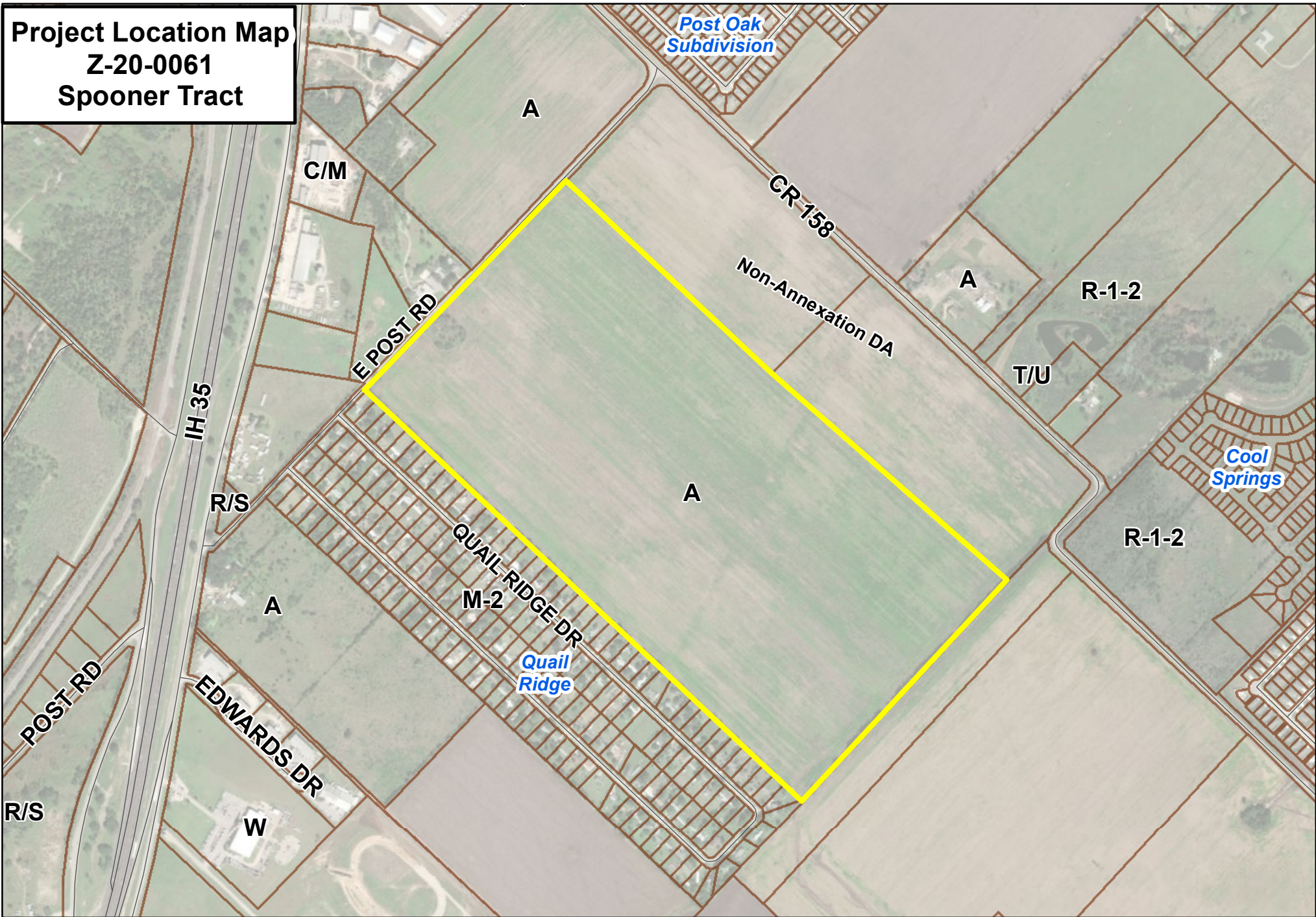
Name: MARIA EBERLE

Address: ~~296~~^{own} 201 Quail Ridge Dr. Kyle, TX


I am in favor, this is why _____

I am not in favor, and this is why: that field has a 100yr. flood plain running thru it to the back end of Q.R., thru 201 Q.R.. My property floods everytime it rains hard. Been lucky so far with water not reaching house. Have dug a hole in the back corner to help slow water down & help it go around & not through the middle of the property. Building in the field will ~~probably~~ probably make the flow of water worse for our property. I say please don't. I know it'll get worse for us. Thank-you.

Project Location Map
Z-20-0061
Spooner Tract



 Property Location
Item # 27

 Parcel Lines

Landuse Districts
Z-20-0061
Spooner Tract

Local
Node

Regional Node

New Settlement
Community

MUSGRAV

E RR-150

CR-158

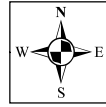
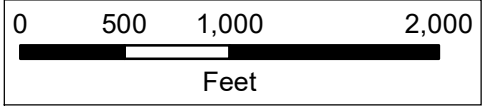
E POST RD

IH 35

QUAIL RIDGE DR

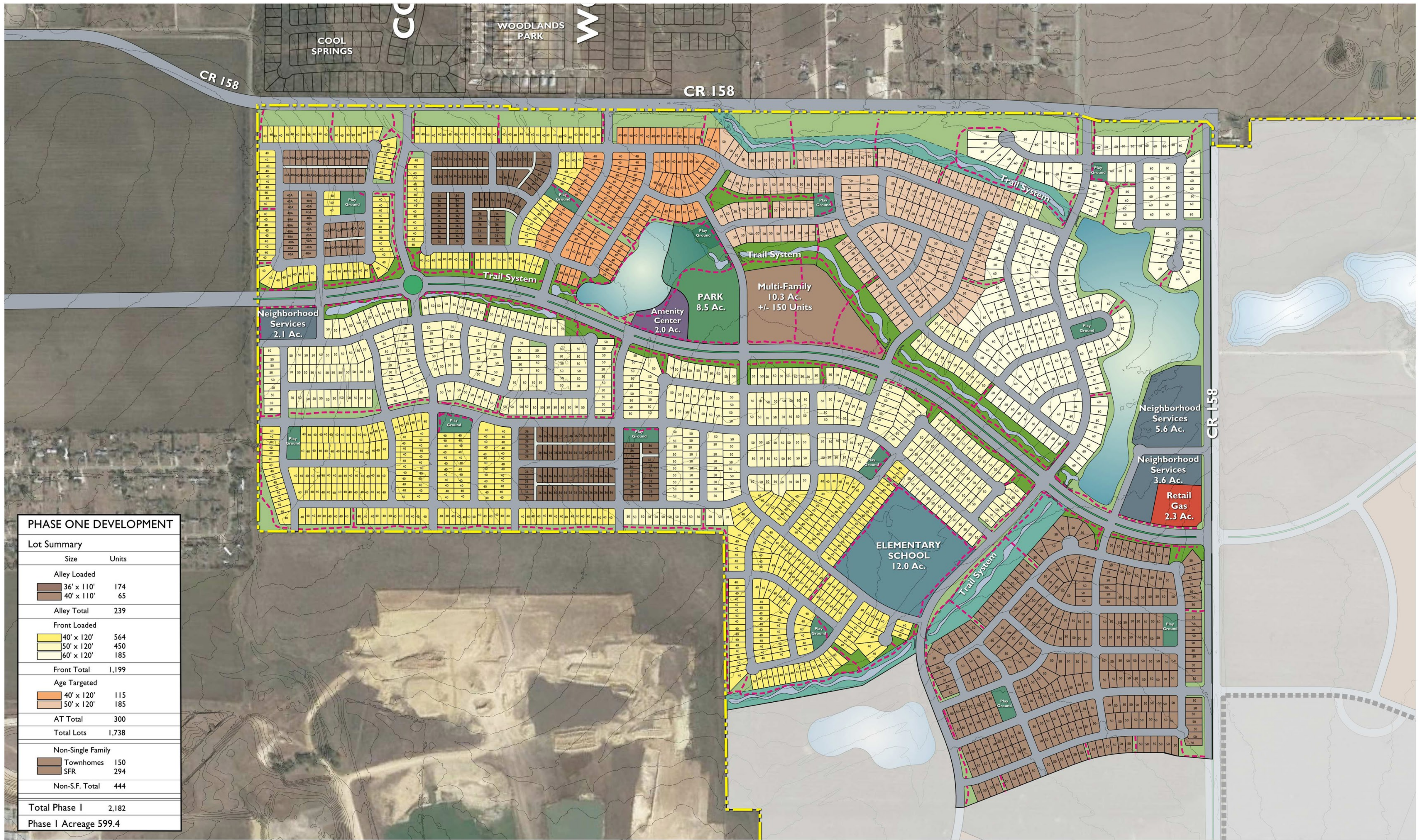
EVENING STAR

EDWARDS DR



Property Location
Item # 27

Parcel Lines



PHASE ONE DEVELOPMENT

Lot Summary

Size	Units
Alley Loaded	
36' x 110'	174
40' x 110'	65
Alley Total	239
Front Loaded	
40' x 120'	564
50' x 120'	450
60' x 120'	185
Front Total	1,199
Age Targeted	
40' x 120'	115
50' x 120'	185
AT Total	300
Total Lots	1,738
Non-Single Family	
Townhomes	150
SFR	294
Non-S.F. Total	444
Total Phase I	2,182
Phase I Acreage	599.4

Copyright RVI

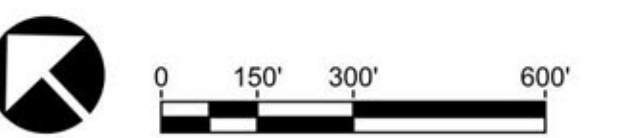
Aerial Photography: January 18, 2018



WATERSTONE • CONCEPTUAL LOTTING PLAN - Phase 1 Area

- 📍 Hays County, Texas
- 📅 April 20, 2020
- 🏗️ # 17001932
- 👤 Tack Development

712 Congress Avenue
Suite 300
Austin, Texas 78701
Tel: 512.480.0032
www.rviplanning.com



Information furnished regarding this property is from sources deemed reliable. RVI has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.
L:\2017\17001932 Waterstone - Lotting Plans\2020-04 lotting update\Conceptual Plan - CR158 2020-04-20 update.dwg



CITY OF KYLE, TEXAS

Dacy Lane LLC (Z-20-0062)

Meeting Date: 9/15/2020

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 4.66 acres of land from Retail Service District 'RS' to Residential Condominium District 'R-1-C' for property located on Bebee Road, just west of Dacy Lane, in Hays County, Texas. (Dacy Lane LLC - Z-20-0062) ~
Howard J. Koontz, Director of Planning and Community Development

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

- Public Hearing

Other Information: See attachments.

Legal Notes: N/A

Budget Information: N/A

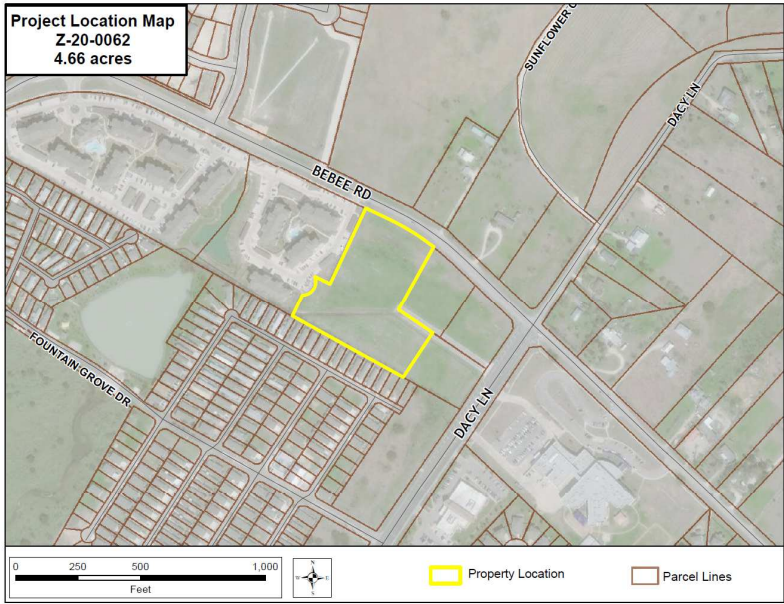
ATTACHMENTS:

Description

- Staff Memo
- Ordinance with Exhibits
- Application
- Project Location Map
- Land Use Districts Map

Property Location	Approximately 430' NW of Dacy Lane & Bebee Rd Intersection, Kyle, TX 78640
Owner	Dacy Lane, LLC 2308 Cypress Point West Drive, Austin, TX 78746
Agent	Hugo Elizondo Jr, P.E. Cuatro Consultants, Ltd. 3601 Kyle Crossing, Ste. A, Kyle, TX 78640.
Request	Rezone 4.66-Acres RS (Retail Services) to 4.66-Acres R-1-C (Residential Condominium District)

Vicinity Map



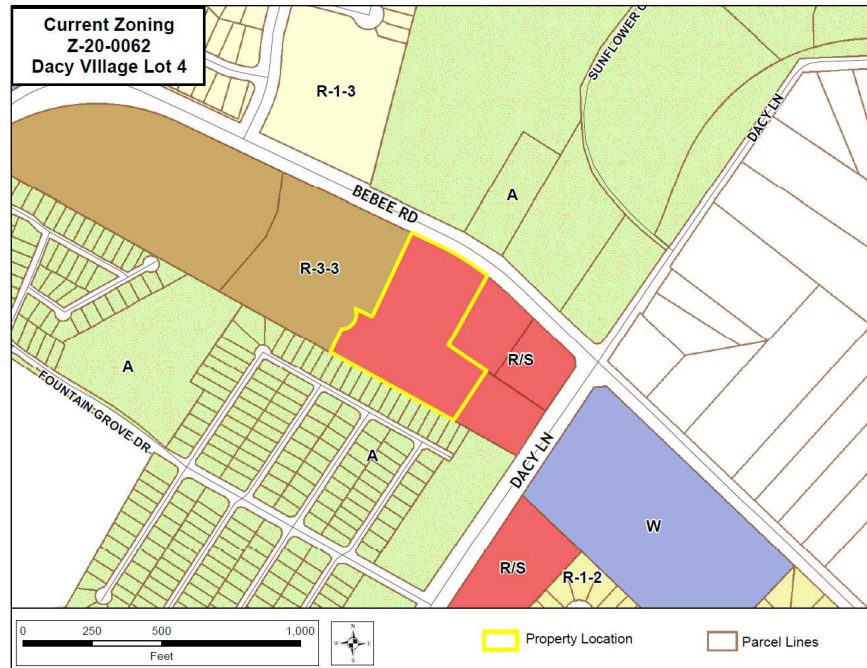
Site Description

The site, also known as “Dacy Village Lot 4” is an undeveloped parcel zoned RS (Retail Services). It is currently in review to be platted. To the north and across Bebee Rd is vacant land zoned “A” or “Agriculture and owned by the City of Kyle and two residential lots. To the southeast are three “RS” lots. One, adjacent to Dacy Village Lot 4 and abutting Bebee Rd, is under construction (convenience store & fuel sales). To the south is the Lakeside

Crossing Manufactured Home park and to the northwest is the Hays Junction Apartments (zoned R-3-3).

The applicant seeks to rezone the property from “RS” (Retail Services) to “R-1-C” (4.66-Acres).

Current Zoning



RS (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](#).

(Ord. No. 438, § 42(a), 11-24-2003)

Requested Zoning

R-1-C (Residential Condominium District, R-1-C)

Sec. 53-172. - Purpose and permitted use.

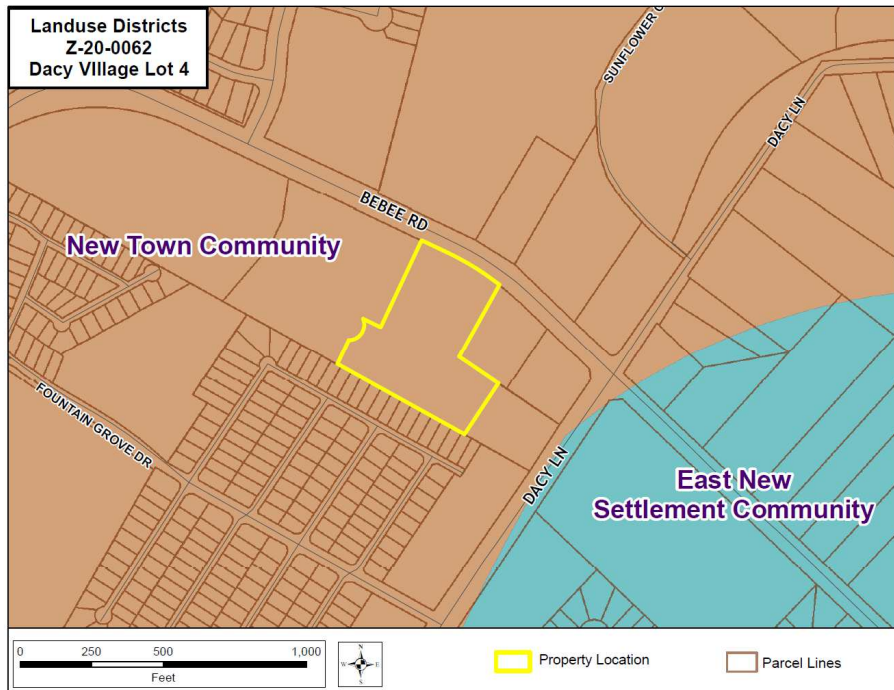
The residential condominium district R-1-C allows the establishment of a residential housing in compliance with the Texas Uniform Condominium Act, V.T.C.A., Property Code ch. 82, with individual apartments or units having a minimum of 500 square feet living area, inclusive of separate sleeping, living and kitchen facilities.

(Ord. No. 438, § 29(a), 11-24-2003)

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 “New Town Community” District. The R-1-C zoning district is recommended in the “New Town Community” District.

Current Land Use Chart

New Town Community

Recommended Zoning Categories: R-1-1, R-1-2, R-1-3, **R-1-C**, R-1-T, R-2, R-3-2, R-3-3, CC, NC, RS, MXD, O/I

Conditional Zoning Categories: E, A, C/M, R-1-A, R-3-1, RV, T/U, UE, HS, W

New Town Community

‘Character’: Currently consisting of primarily residential uses, open fields, some commercial uses along I-35, and the City’s new Performing Arts Center, the New Town District will likely experience significant development pressures in the near future. This

District straddles both I-35 and FM 1626, and growth from Austin and Buda is spreading south along these roadways. These land uses and the forms that follow are wide ranging and varying according to the existing development pattern in place today, and the availability for utility service to as-yet undeveloped lands. The New Town District includes undeveloped residential areas, the proposed site for an 'Uptown' shopping/activity center, proposed and existing commercial along higher classified roadways, and legacy residential that has existed for many years. This District should be livable, comfortable, and convenient for all residents of Kyle and surrounding region. Elements of form and design are critical to ensuring transitions between neighboring uses.

'Intent': The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes and nodes.

As parcels along major roadways and along side high capacity wet utilities come available, the development density of those parcels should be established higher than other areas of the city, especially any properties in proximity to either I-35, FM 1626 or both. 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 leading way to make this a reality is to build off the strength of the urban form supported in the Core Area Transition District, make use of the transportation network already in place that runs through and along this district, and enable more uses and architectural types that blend well into the urban design form. This District should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-Use development should be encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Establishing mixed use zoning districts and employment districts will compliment the existing retail and service uses present today, and should be supported by the adjacent residential and future integrated multi-family residential.

Analysis

Dacy Village Lot 4 is an unplatted lot requesting to be rezoned from RS to R-1-C. The lot is approximately 430-feet northwest of the intersection of Dacy Lane and Bebee Road, between the Hays Junction Apartment community and a convenience store/fuel sales (under construction). This stretch of Bebee Road, especially on the south side of the street, has a significantly high density/intensity of uses (Hays Junction – 28 units per acre, and RS lots and uses at the intersection).

The City of Kyle Comprehensive Plan (updated in September of 2019), shows this area to be within the “New Town Community” land use district. This land use district anticipates a mix of reasonably high intensity of land uses (with appropriate densities), as well as middle to lower density uses as well. The more intense uses (multifamily, commercial, vertical mixed use) would typically be along major road networks/intersections with higher capacity wet utilities (Bebee Road, Dacy Lane). Less intense uses would be off of smaller classification roads or between major intersections (Single family residential). In most cases, the Comprehensive Plan calls for various types of residential and commercial opportunities related to retail and office uses.

Regarding Dacy Village Lot 4, the R-1-C zoning district is an appropriate request. To the west, the Hays Junction Apartments are allowed to operate at a maximum density of 28 units per buildable acre. To the east, of Dacy Village Lot 4, the RS zoning district has a significant number of high intensity commercial uses (as appropriate for a major intersection). The R-1-C district fits in between these developments at a maximum density of 36 units per buildable acre, though parking requirements may bring this number down. The closer one is to the intersection, development should be allowed to build “up”.

The R-1-C district is also a flexible zoning district as well. One can build a number of housing types within the district, as long as it's a condominium regime. Single Family detached, attached, townhomes, stacked flats (apartments), are allowed. A condominium is where a person owns the building (or portion thereof) and an association owns/maintains the land underneath.

Adequate Road Network To and From The Site

The site will have access to Dacy Lane through an access easement to the east, and direct access onto Bebee Road. Given the small acreage of the site, it's not likely to have a significant impact on the existing road network. When developed, the lot will be

required to dedicate rights-of-way for future widening and likely pay to improve road infrastructure, per City of Kyle requirements.

Adequate Wastewater Availability

Adequate water and wastewater services exist in close proximity to the site.

Recommendation

In conclusion, staff supports the rezoning from “RS” (Retail Services) to R-1-C (Residential Condominium District) for the Dacy Village Lot 4 as requested. At the September 8, 2020 Planning & Zoning Commission meeting, the Commission voted to recommend approval in a 6-0 vote. Staff asks the Mayor & Council to consider the request favorably and vote accordingly.

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 4.66 ACRES OF LAND FROM RETAIL SERVICE DISTRICT 'RS' TO RESIDENTIAL CONDOMINIUM DISTRICT 'R-1-C' FOR PROPERTY LOCATED ON BEBEE ROAD, JUST WEST OF DACY LANE, IN HAYS COUNTY, TEXAS. (DACY LANE LLC – Z-20-0062); 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 4.66 acres of land from Retail Service 'RS' to Residential Condominium District 'R-1-C', 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 Holm, City Secretary

FIELD NOTE DESCRIPTION FOR A 4.68 ACRE TRACT OF LAND, HAYS COUNTY, TEXAS:

BEING A 4.68 ACRE TRACT OF LAND OUT OF THE REMAINING 5.88 ACRE TRACT CONVEYED TO DACY LANE, LLC. BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN IN DOCUMENT NO. 2011-11022936, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found on the southwest right-of-way line of Hays County Road 122 (Beebe Road), a public street, said point marking the east corner of Lot 5 Block B of the Dacy Village Subdivision as recorded in Document No. 17002992, of the Plat Records of Hays County, Texas, same being that certain tract conveyed to Hays Junction Phase II, LLC. by Special Warranty Deed in Document No. 2019010580, of the Official Public Records of Hays County, Texas, common with the north corner of said remaining 5.88 acre Dacy Lane, LLC. tract, for the north corner of this tract;

THENCE South 64°44'22" East along the northeast line of this tract, common with said southwest right-of-way line of Bebee Road, and the northeast line of said remaining 5.88 acre Dacy Lane, LLC. tract, a distance of 99.89 feet to an iron rod found marking the beginning of a curve to the right, for an angle corner of this tract;

THENCE following said curve to the right along the northeast line of this tract, common with southwest right-of-way line of Bebee Road, and the northeast line of said remaining 5.88 acre Dacy Lane, LLC. tract, an arc length of 77.72 feet, said curve having a radius of 958.30 feet, a delta angle of 4°38'48", and a chord which bears South 62°24'06" East, for a distance of 77.70 feet to a ½ inch iron rod found marking another curve to the right, for an angle corner of this tract;

THENCE following said curve to the right along the northeast line of this tract, common with southwest right-of-way line of Bebee Road, and the northeast line of said remaining 5.88 acre Dacy Lane, LLC. tract, an arc length of 76.04 feet, said curve having a radius of 958.30 feet, a delta angle of 4°32'46", and a chord which bears South 57°48'19" East, for a distance of 76.02 feet to a ½ inch iron rod found marking another curve to the right, for an angle corner of this tract;

THENCE following said curve to the right along the northeast line of this tract, common with southwest right-of-way line of Bebee Road, and the northeast line of said remaining 5.88 acre Dacy Lane, LLC. tract, an arc length of 60.87 feet, said curve having a radius of 958.30 feet, a delta angle of 3°38'22", and a chord which bears South 53°42'45" East, for a distance of 60.86 feet to a ½ inch iron rod found marking the east corner of said remaining 5.88 acre Dacy Lane, LLC. tract, and the east corner of this tract;

THENCE South 28°57'06" West along the northeast line of this tract, common with the northeast line of said remaining 5.88 acre Dacy Lane, LLC. tract, at a distance of 8.52 feet pass a ½ inch iron rod found marking the north corner of Lot 3 Block B of the Dacy Village Subdivision Lots 1 and 3, as recorded in Document No. 17008932, of the Official Public Records of Hays County, Texas, and continue along the northwest line of said Lot 3 Block B for a total distance of 290.37 feet to a ½ inch iron rod found, marking the west corner of said Lot 3 Block B, common with an interior corner of said remaining 5.88 acre Dacy Lane, LLC. tract, for an interior corner of this tract;

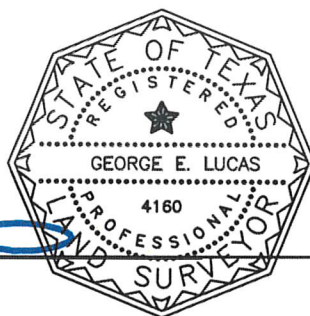
THENCE South 56°05'44" East along the east line of this tract, common with the west line of said Lot 3 Block B, and the east line of said remaining 5.88 acre Dacy Lane, LLC. tract, a distance of 167.49 feet to ½ inch iron rod found, for the east corner of this tract;

THENCE South 33°54'16" West along the southeast line of this tract, through and across said remaining 5.88 acre Dacy Lane, LLC. tract, and along the future Lot 2, Block B of said Dacy Village Subdivision, a distance of 213.70 feet to a ½ inch iron rod found lying on the north line of that certain 41.409 acre tract conveyed to Kyle Bluebonnet MHC, LLC. by Special Warranty Deed with Vendors Lien in Volume 5121, Page 81 of the Official Public Records of Hays County, Texas, common with the south line of said remaining 5.88 acre Dacy Lane, LLC. tract, for the south corner of this tract;

THENCE North 61°02'58" West along the south line of this tract, common with the south line of said remaining 5.88 acre Dacy Lane, LLC. tract, and north line of that certain 41.409 acre tract a distance of 509.00 feet to a ½ inch iron rod found, marking the south corner of said Hays Junction Phase II, LLC. Lot 5 Block B, common with the west corner of said remaining 5.88 acre Dacy Lane LLC. tract, and the west corner of this tract;

THENCE along the northwest line of this tract, common with the southeast line of said Hays Junction Phase II, LLC. Lot 5 Block B, and the northwest line of said remaining 5.88 acre Dacy Lane, the following four (4) courses and distances:

1. North 25°15'38" East, for a distance of 93.23 feet to a ½ inch iron pin found, beginning a curve to the right;
2. Along said curve to the right, an arc length of 105.64 feet, said curve having a radius of 55.00 feet, a delta angle of 110°02'55", and a chord which bears North 33°43'03" East, for a distance of 90.13 feet, to a ½ inch iron pin found;
3. South 64°44'22" East, for a distance of 67.19 feet to a ½ inch iron pin found;
4. North 25°15'38" East, for a distance of 335.06 feet to the POINT OF BEGINNING, and containing 4.68 acres of land, more or less.



George E. Lucas
R.P.L.S. No. 4160
CELCO Surveying Firm Registration No. 10193975
2205 Stonecrest Path
New Braunfels, Texas 78130
July 9, 2020

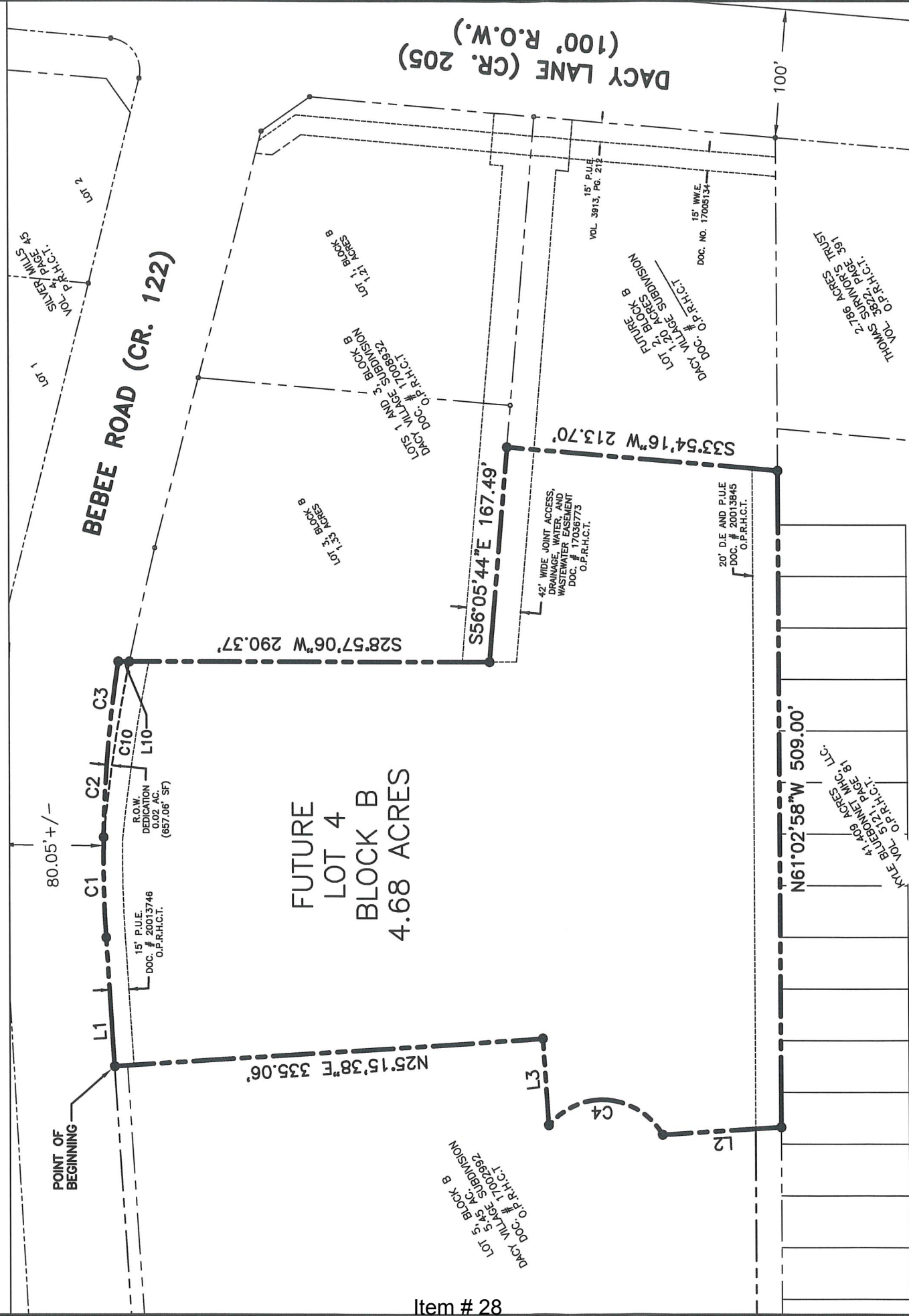
SKETCH TO ACCOMPANY FIELD NOTES

LEGEND

- IRON ROD FOUND
- IRON ROD SET
- BOUNDARY LINE
- EXISTING R.O.W. LINE
- EXISTING LOT LINE
- OHE EXISTING OVERHEAD ELECTRIC EASEMENT
- FIRE HYDRANT
- POWER POLE
- GUYWIRE
- WATER METER
- CHAIN LINK FENCE
- WOOD PRIVACY FENCE
- IRON ROD FENCE
- BARBED WIRE FENCE
- OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS



O.P.R.H.C.T.



Item # 28

LEGAL DESCRIPTION:

BEING A 4.68 ACRE TRACT OF LAND OUT OF THE REMAINING 5.88 ACRE TRACT CONVEYED TO DACY LANE, LLC. BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN IN DOCUMENT NO. 2011-11022936, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

FLOOD INFORMATION: THIS SITE LIES WITHIN ZONE "X" FLOODPLAIN AREA. NO PORTION OF THIS PROPERTY LIES WITHIN A 100-YEAR FLOODPLAIN BOUNDARY ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP FOR BURNET COUNTY, TEXAS.

COMMUNITY PANEL NUMBER: 48209C 0290F
FLOOD MAP DATED: SEPTEMBER 2, 2005



DATE: 7-9-2020

GEORGE E. LUCAS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4160
CELCO SURVEYING, FIRM REGISTRATION NO. 10193975
2205 STONECREST PATH
NEW BRAUNFELS, TEXAS 78130
OFFICE (512) 635-4857

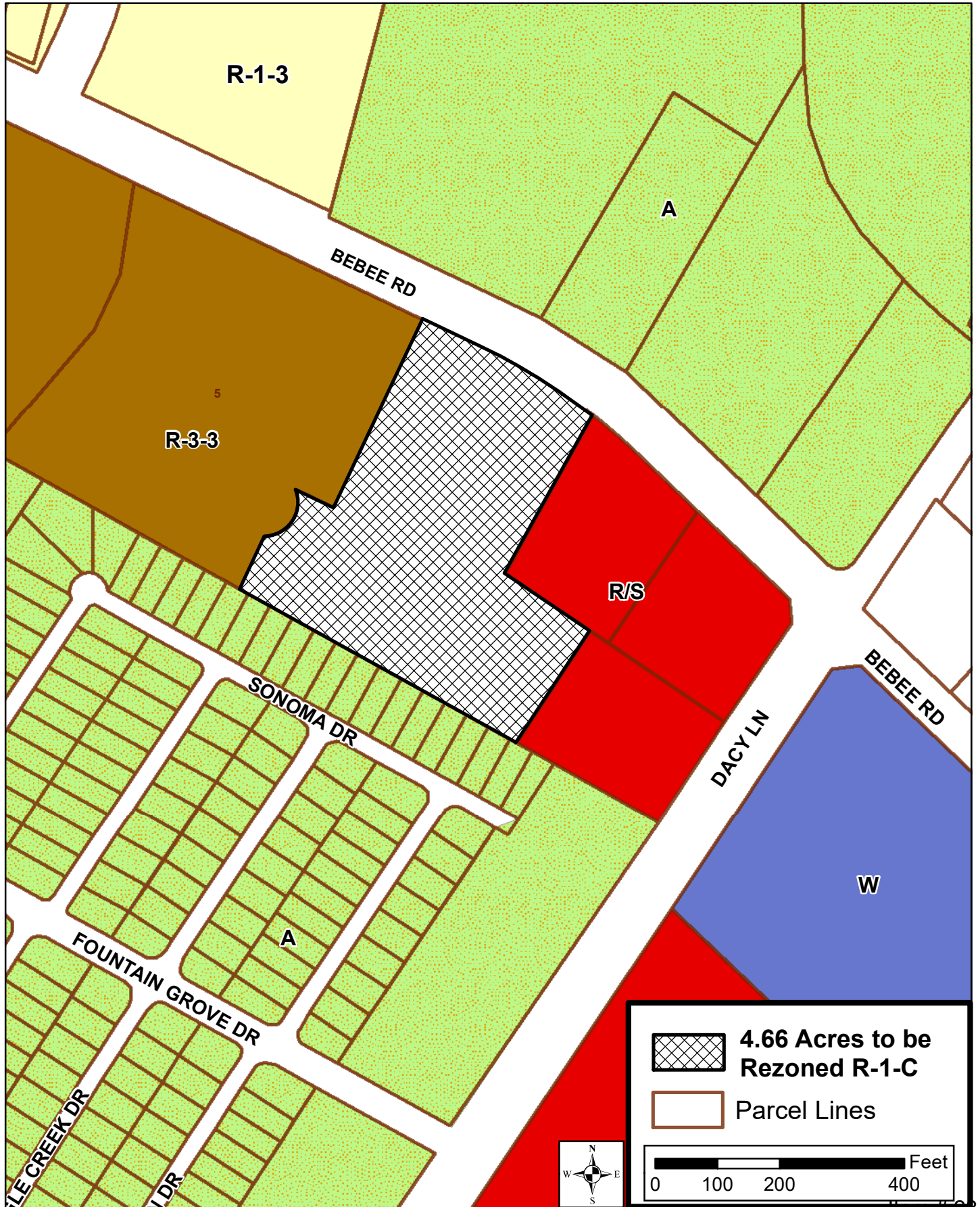
CURVE TABLE

Line Table		CURVE TABLE						
Line #	Length	Direction	ARC LENGTH	RADIUS	BEARING	CHORD LENGTH	TANGENT	DELTA
L1	99.89'	S64° 44' 22"E		958.30'	S62°24'06"E	77.70'	38.88'	4°38'48"
L2	93.23'	N25° 15' 38"E		958.30'	S57°48'19"E	76.02'	38.04'	4°32'46"
L3	67.19'	S64° 44' 22"E		958.30'	S53°42'45"E	60.86'	30.45'	3°38'22"
L10	8.52'	S28° 57' 06"W		55.00'	N33°43'03"E	90.13'	78.62'	11°02'55"
C10	138.06'		1,492.53'		S52°27'35"E	138.01'	69.08'	5°18'00"

CURVE #	ARC LENGTH	RADIUS	BEARING	CHORD LENGTH	TANGENT	DELTA
C1	77.72'	958.30'	S62°24'06"E	77.70'	38.88'	4°38'48"
C2	76.04'	958.30'	S57°48'19"E	76.02'	38.04'	4°32'46"
C3	60.87'	958.30'	S53°42'45"E	60.86'	30.45'	3°38'22"
C4	105.64'	55.00'	N33°43'03"E	90.13'	78.62'	11°02'55"
C10	138.06'	1,492.53'	S52°27'35"E	138.01'	69.08'	5°18'00"

Exhibit B

Z-20-0062 1200 Block of Bebee Rd 4.66 Acres



APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: Dacy Lane, LLC
(Name of Owner)

8/7/20
(Submittal Date)

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City’s website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

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

Total Fee: \$762.14

- 4. A map or plat showing the area being proposed for rezoning.
- 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- 6. Certified Tax certificates: County ___ School ___ City ___
- 7. Copy of Deed showing current ownership.

*** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.

1. Zoning Request:
Current Zoning Classification: R/S – Retail/Services
Proposed Zoning Classification: R-1-C - Residential Condominium District
Proposed Use of the Property: Residential Condominiums
Acreage/Sq. Ft. of Zoning Change: 4.66 acre/202,989.6 square feet

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: Beebee Road, Kyle, TX

Subdivision Name/Lot & Block Nos.: _____

Property Recording Information: Hays County
Volume/Cabinet No. Doc. No. 2011-11022936

Page/Slide No. _____

3. Ownership Information:

Name of Property Owner(s): Dacy Lane, LLC, Jonathan W. Cheng

[Signature]

Certified Public Notary: State of Nevada, County of Washoe

This document was acknowledged before me on the 08th day of JULY, 2020 by

Jonathan W. Cheng (Owner(s)).

Notary Public State of ~~Texas~~ Nevada EL

(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: 2308 Cypress Point West Drive

Austin, TX 78746

Phone Number: 617-308-4568

Fax Number: N/A

Email Number: jonwcheng@gmail.com

I hereby request that my property, as described above, be considered for rezoning:

Signed:

[Signature]

Date:

July 8, 2020

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./Cuatro Consultants, Ltd.

Agent's Address: 3601 Kyle Crossing, Suite A/PO Box 2579

Kyle, TX 78640

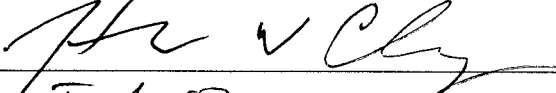
Agent's Phone Number: 512-312-5040 ext. 1

Agent's Fax Number: N/A

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: July 8, 2020

*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

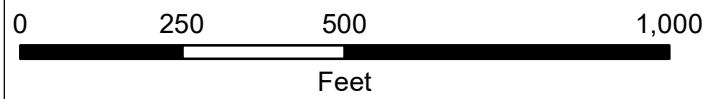
Accepted for Processing By: _____ Date: _____


Date of Public Notification in Newspaper: _____


Date of Public Hearing Before Planning and Zoning Commission: _____

Date of Public Hearing Before City Council: _____

Project Location Map
Z-20-0062
4.66 acres



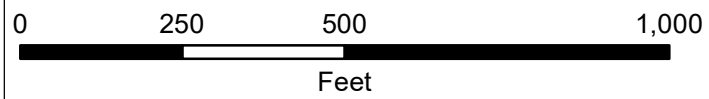
 Property Location
Item # 28

 Parcel Lines


Landuse Districts
Z-20-0062
Dacy Village Lot 4

New Town Community

East New Settlement Community



 Property Location
Item # 28

 Parcel Lines



CITY OF KYLE, TEXAS

Kyle Parkway Storage Phase II - SD-20-0077

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Consider a request by Shrenik Shah to not construct additional parking for Phase Two of the Kyle Parkway expansion project (SD-20-0077). ~ *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
- Request Letter and Site Plan
- Plum Creek Architectural Control Committee Letter of Support



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Mayor & Council

FROM: Howard J. Koontz – Director of Planning & Community Development

DATE: September 15, 2020

SUBJECT: Kyle Parkway Storage Site Plan – SD-20-0077 – Parking Special Exception (5141 Cromwell Drive)

REQUEST

The applicant requests a Special Exception to determine a parking metric for the second phase of their self-storage project.

LOCATION

Kyle Parkway Storage is located at 5141 Cromwell Drive. This facility is at the southern terminus of Cromwell Drive, and the second phase of the facility is located at the northern end of the property. This portion of the property is currently undeveloped.



TEXT OF THE ZONING ORDINANCE

Chapter 53, Exhibit A. - Plum Creek Planned Unit Development, Art. II. – Planned Unit Development District, Part D. – Additional Use Regulations, Sec. 2. – Parking regulations applicable to PUD districts unless otherwise approved by the city council, Subsection “I” and “Schedule C”

- (I) *[Off-street and on-street parking.]* Off-street and on-street parking for all uses not within the categories above shall be adequate to meet the anticipated needs and shall be determined by the city council using standards outlined for special exception and with a view towards providing adequate parking and carrying out the general scheme of the parking requirements herein set out.

Warehouses, manufacturing plants and other similar commercial establishments not catering to the general public	One space per 1,000 feet of gross floor area
---	--

ANALYSIS

Kyle Parkway Storage Phase Two is currently in review by staff, and the last outstanding comment is the deficit of required parking. Per the Plum Creek PUD, self-storage or mini storage uses fall under the “warehouse” category. The closest parking ratio in the Plum Creek PUD is “one space per 1,000 feet of gross floor area” and this is for “warehouses, manufacturing plants and other similar commercial establishments not catering to the general public”. This, by default, leaves self-storage facilities without a required parking ratio, because they *do* serve the general public.

If both phases of the project follow the “one space per 1,000 feet of gross floor area” requirement, then the overall facility will require 123 spaces (123,000 feet of gross floor area). The existing facility has approximately 50,000 square feet of floor area, and features 34 spaces which service the office area, guest/client parking, and a small number of ‘storage spaces for lease’. The addition of phase two will add approximately 72,000 additional square feet of floor area, and accordingly would require an additional 89 required spaces (to compensate for the new floor area and make up the existing deficit). The existing site plan in review does not adequately provide for this parking ratio, and site constraints may make it difficult to adhere to the parking ratio in light of the additional floor area proposed.

According to the letter of the city’s Zoning Ordinance, there is no set parking ratio required of this project; however, the Plum Creek PUD allows City Council to consider requests to approve off-street and on-street parking for all uses not specifically within Schedule C (parking chart). The applicant asks the Mayor and Council to consider the request to not construct additional parking for Phase Two, and to make a determination as they feel appropriate.

ATTACHMENTS

1. Request letter with site plan

CROMWELL STORAGE LP

Project: Kyle Parkway Storage Expansion - 72,231 SF
5141 Cromwell, Kyle, Texas in the Plum Creek area

City Planning Number: SD-20-0077

Request: Determination of parking for Self-Storage facility expansion in Plum Creek due to category not listed on Plum Creek Schedule C.

Existing Facility 2015: 6 Buildings for 50,042 SF
Parking provided: 15 spaces in front of gate + 19 behind gate

New Building: One 3-story 73,321 SF. Loading/unloading around building perimeter
Two entries to interior climate-controlled areas & elevator
Located at back of the property at area planned for Phase 2 expansion.

Dear City Council Members,

On the behalf of Cromwell Storage LP, we are requesting your approval of the Special Exception related to the required additional parking. I have outlined our position in the summary section below followed by specifics & supplemental drawings to further support our position. My architect & I will be available to answer any additional questions you may have during the council meeting on 9/15/2020 at 6 PM.

Summary:

Cromwell Storage LP is expanding an existing Class A self-storage facility in Kyle, TX. The expansion will take place at the rear of the site and consists of one (single) building, 3 stories, with a tower element facing Kyle Parkway (rear of site). Project is ready to break ground once parking is determined. We have all other reviews now approved by the buildings/site development team. We are seeking this Special Exception because:

- Project is an expansion to an existing facility. Parking constructed in Phase 1 exceeded the spaces required. We are following the same calculation for Phase 2.
- Current PUD Parking Designation does not have a “Self-Storage” category and city has used the “warehousing and manufacturing plants” category. These uses do not cater to the general public, while self-storage is the consumer facing business. Self-Storage use is not a listed category in the PUD, and as a result, we are seeking city council approval.

A. Ordinance Section:

EXHIBIT A. - PLUM CREEK PLANNED UNIT DEVELOPMENT

ARTICLE II. - PLANNED UNIT DEVELOPMENT ZONING DISTRICT

Part D. - Additional Use Regulations

Sec. 2. - Parking regulations applicable to PUD districts unless otherwise approved by the city council.

- (I) [Off-street and on-street parking.] Off-street and on-street parking for all uses not within the

CROMWELL STORAGE LP

categories above shall be adequate to meet the anticipated needs and *shall be determined by the city council* using standards outlined for special exception and with a view towards providing adequate parking and carrying out the general scheme of the parking requirements herein set out.

Schedule C

Listed Category as similar by City Planning/Zoning Department review:

Use: Warehouses, manufacturing plants and other similar commercial establishments not catering to the general public.

Number of Parking Spaces: 1:1000 GSF

B. Items to consider:

1) Self-Storage use: Not a listed category.

Self-Storage is not a category listed on Schedule C. The **warehouse** use on Schedule C is listed as “*not catering to the general public*”. Self-Storage is *open to the general public* to lease and access a lease space. Office is provided for transactions. Units are accessible either inside or from outside.

City planner, by assigning this facility to 'Warehouse' use, is using 1:1000 GSF for parking, results in **123 spaces** for the facility with expansion. This is very excessive. If this were the case on the original plans, then they would have required **51 spaces** for the existing 50,402 GSF facility. Yet original plans were permitted with **15 parking spaces for offices/apartment.**

2) Parking ratio:

The warehouse use parking ratio at 1:1000 GSF would be excessive for the Self-Storage use. At this ratio, $122,273 \text{ GSF} / 1000 = 123$ spaces and original plans would have had 51 spaces for 50,402 GSF. ***For a storage facility of this size, parking spaces of 5-6 at leasing office and temporary non-striped loading/unloading at building entries and along perimeter is sufficient and typical.***

3) Existing 50,042 SF facility permitted in 2015:

The existing facility was permitted in city of Kyle with **15 parking spaces** located outside of the fenced/gated area as stated on the original Architectural Site Plan for the office, mini offices and apartment. An additional 19 parking spaces are provided inside the gated area. The temporary parking for the storage units behind the gate is in the drive aisles at each outside unit and at the entry doors for climate-controlled units, typical for self-storage. This has adequately served this facility for 5 years.

CROMWELL STORAGE LP

From original project permit plans:

From Civil C-103

PARKING TABULATION	
14	REGULAR SPACES
1	VAN ACCESSIBLE SPACE
20	RV/BOAT SPACES
35	TOTAL SPACES

From Architectural Site Plan A1.1

PARKING CALCULATIONS:

RENTAL OFFICE - $1608/1000 = 1.608 \times 3.5 = 5.628$, THUS 6 SPACES
APARTMENT - 2 SPACES FOR ONE BEDROOM + .5 FOR EACH ADDITIONAL = 2.5, THUS 3 SPACES
MINI-OFFICES - $1053/1000 = 1.053 \times 3.5 = 3.6855$, THUS 4 SPACES

TOTAL REQUIRED: 13 SPACES
TOTAL PARKING PROVIDED: 15 SPACES

4) New building: The additional area of the new expansion, located at the rear of the property at the planned expansion location, will have loading/unloading around the entire perimeter of the building, enough for up to 25 vehicles. Parking at the units is temporary and staggered throughout the day. We followed the same logic for the expansion and the original Phase 1: Parking at offices/apartment (striped) and loading/unloading around perimeter of all buildings.

While the expansion more than doubles the number of units, the nature of self-storage is such that there are few visitors per day at the facility, perhaps 20, and much fewer at one time, perhaps 4-5. Even at the busy times, visitors are parking next to their exterior unit or at the entry doors. We have designed many self-storage facilities for various clients in various cities and this is typical for this use.

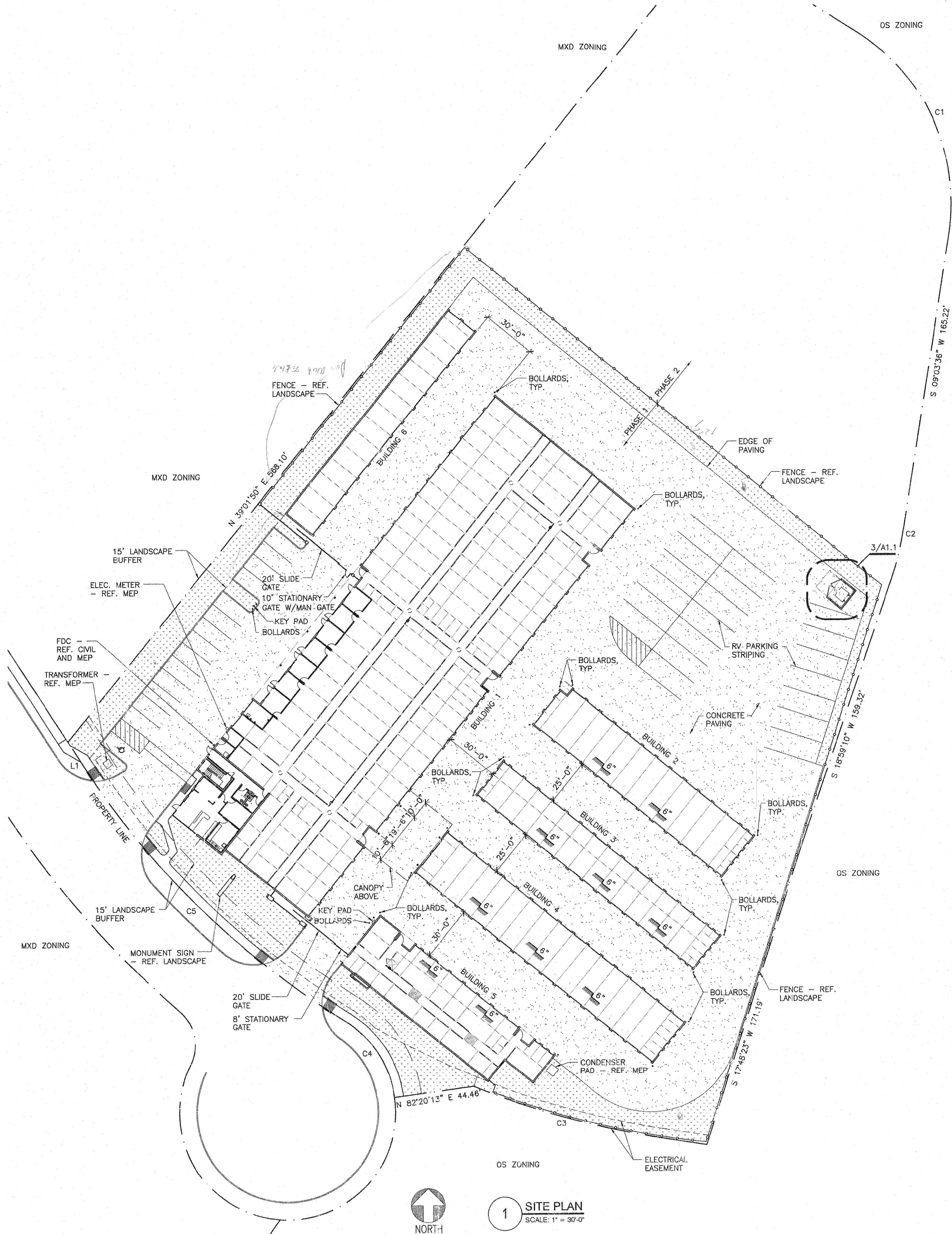
C. CONCLUSION

- Warehouse designation listed on Plum Creek Schedule C does not fit with the self-storage use.
- Parking for the office & apartment areas have already been provided in phase one existing facility with 15 spaces and additional 19 spaces behind the gate for 34 total striped spaces.
- Parking for this new building will be sufficient with the loading/unloading areas around the new building without needing additional striped parking spaces.

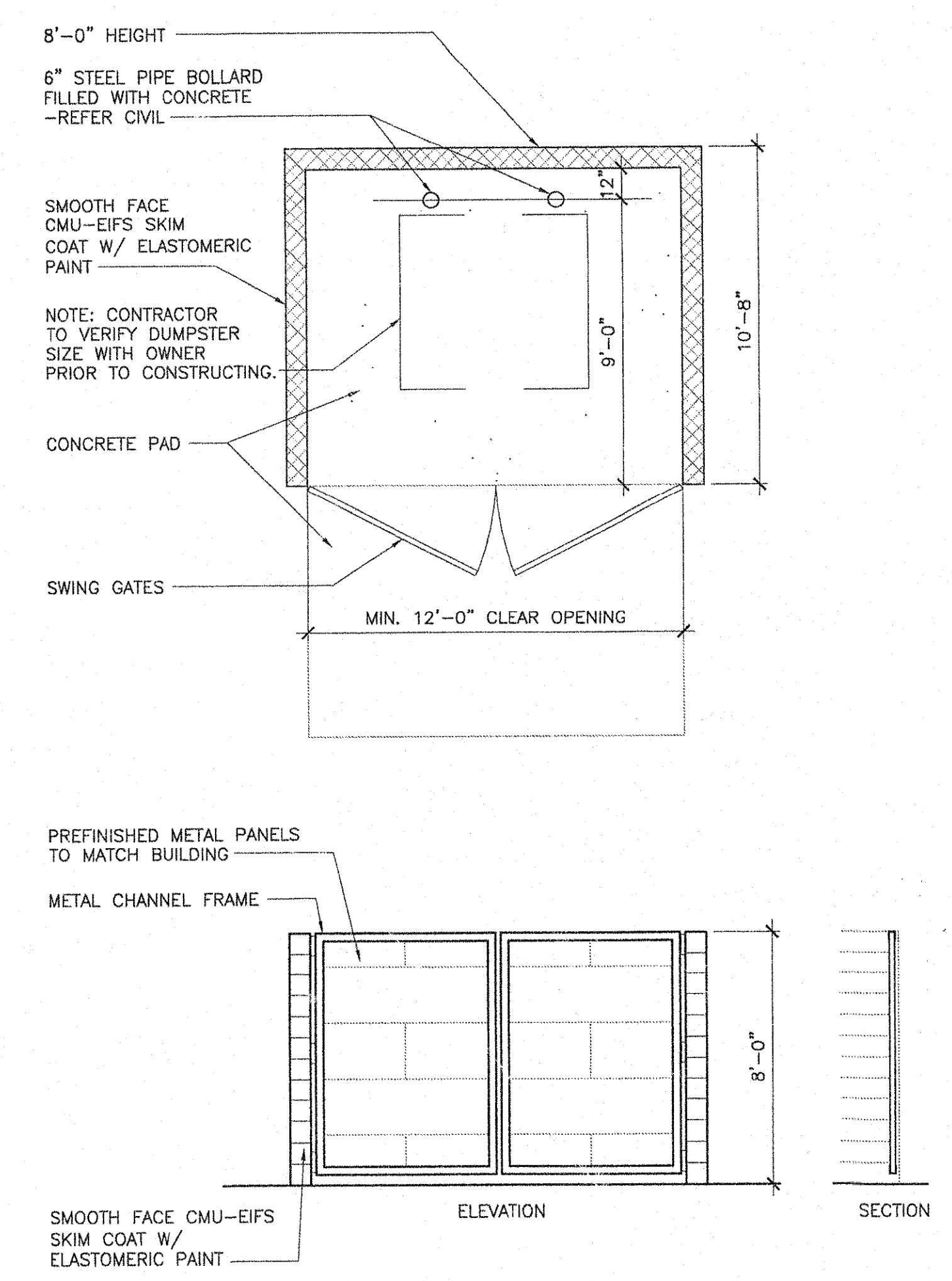
Sincerely,



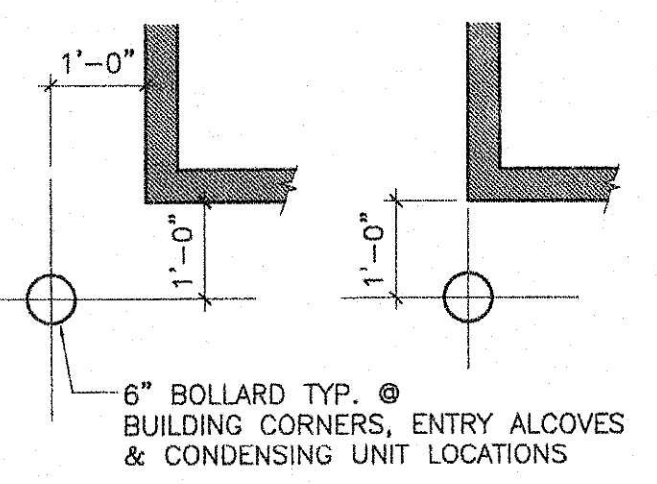
Shrenik Shah - 9/9/2020
Cromwell Storage LP
469-438-4588
Shrenik.Shah@montfortcp.com



1 SITE PLAN
SCALE: 1" = 30'-0"



3 DUMPSTER DETAIL
SCALE: 1/4" = 1'-0"



4 BOLLARD DETAIL
SCALE: 1/2" = 1'-0"

SITE PLAN LEGEND	
	BUFFERS/ EASEMENTS
	PROPERTY LINES
	6'-0" WROUGHT IRON FENCE
	CONCRETE PAVING -REF. CIVIL DRAWINGS
	LANDSCAPE AREA -REF. LANDSCAPE DRAWINGS
	6" STEEL PIPE BOLLARD -REF. DETAIL 4/A1.1
	4" STRIPES PAINTED ON PAVING AT 2'-0" O.C. -REF. CIVIL DRAWINGS

- SITE PLAN NOTES**
- REFER CIVIL DRAWINGS FOR RECORDED PLAT/SURVEY FOR PROPERTY BOUNDARIES, EASEMENTS, SETBACKS, ETC. REPORT ANY DISCREPANCIES TO ARCHITECT PRIOR TO CONSTRUCTION
 - REFER CIVIL DRAWINGS FOR ALL DRIVE, PARKING, AND CURB LOCATIONS, DETAILS, AND DIMENSIONAL INFORMATION.
 - REFER LANDSCAPE DRAWINGS FOR EXTENTS OF REQUIRED LANDSCAPING.
 - PROVIDE CONCRETE FILLED STEEL TUBE BOLLARD AT BUILDING CORNERS AND BUILDING ENTRIES AT DRIVE AREAS
-REF. DETAIL 4/A1.1 FOR LOCATION.
-REF. CIVIL DRAWINGS FOR DETAIL.

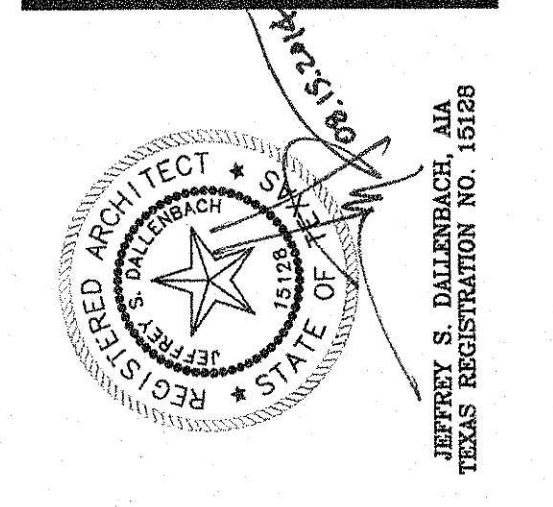
PARKING CALCULATIONS:

RENTAL OFFICE - 1608/1000 = 1.608 x 3.5 = 5.628, THUS 6 SPACES
 APARTMENT - 2 SPACES FOR ONE BEDROOM + .5 FOR EACH ADDITIONAL = 2.5, THUS 3 SPACES
 MINI-OFFICES - 1053/1000 = 1.053 x 3.5 = 3.6855, THUS 4 SPACES

TOTAL REQUIRED: 13 SPACES
 TOTAL PROVIDED: 15 SPACES

If this sheet isn't on YELLOW paper, it is the wrong version

ARCHCON
architecture
12035 COLWICK - SUITE 200, SAN ANTONIO, TX 78216
P 210.493.2234



**KYLE PARKWAY
STORAGE**
5141 GROMWELL DRIVE
KYLE, TEXAS 78640

PROJECT NO. 1213
 DATE: 08.15.14
 DRAWN:
 REVISIONS:
CONSTRUCTION SET

SITE PLAN
 SHEET NO.
A1.1

A NEW BUILDING FOR
KYLE PARKWAY SELF STORAGE
 5141 Cromwell Drive
 Kyle, Texas 78640

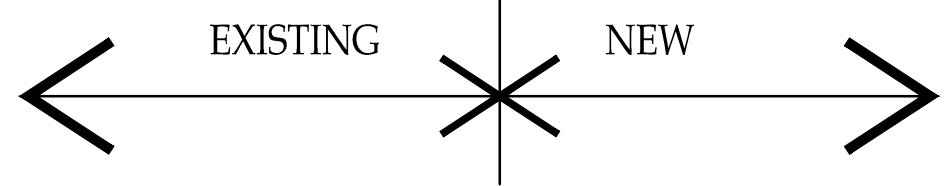
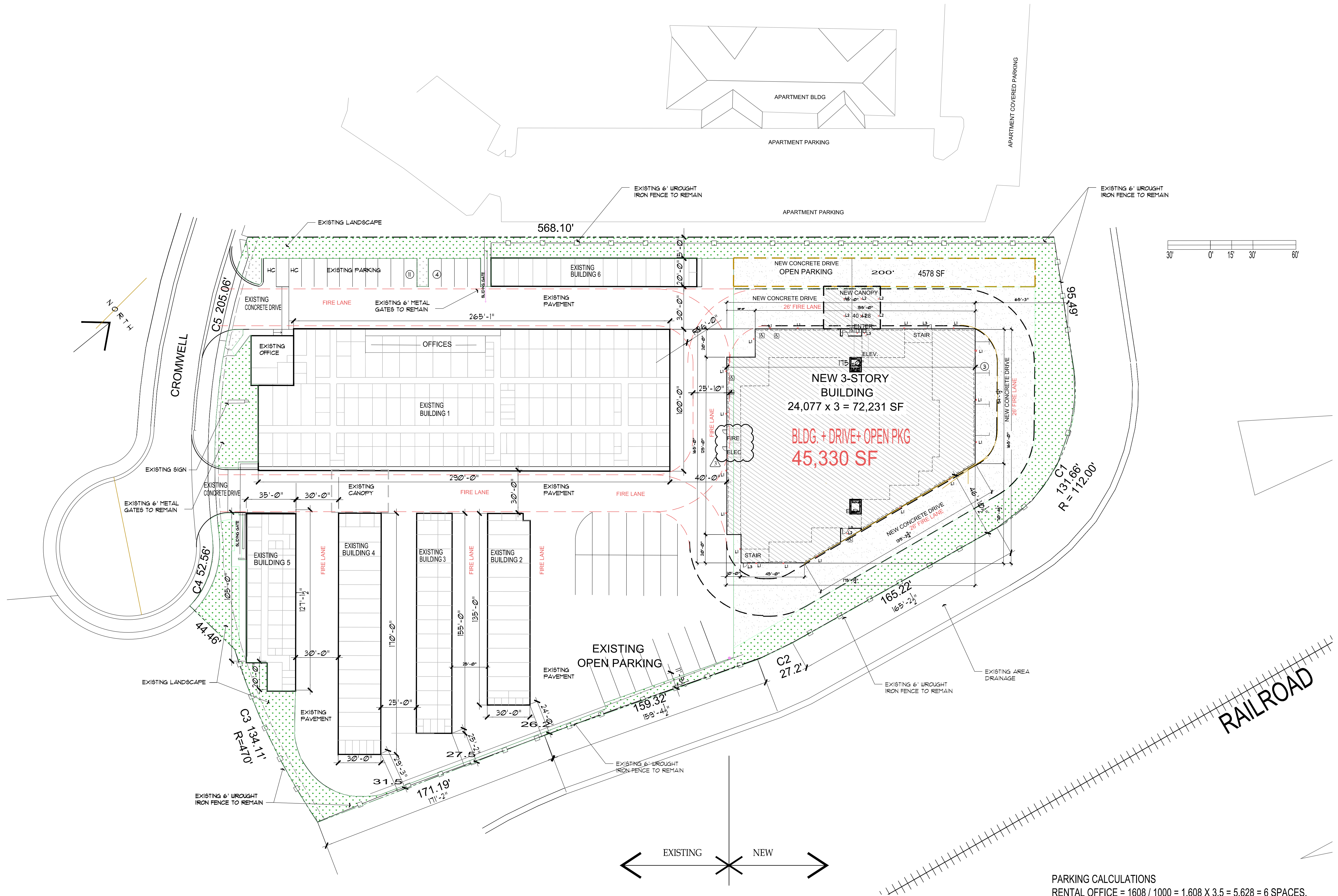
REVISIONS:	NO.	DESCRIPTION	DATE
	1	CITY COMMENT REVISIONS	08/26/20

DATE: 03/26/2020

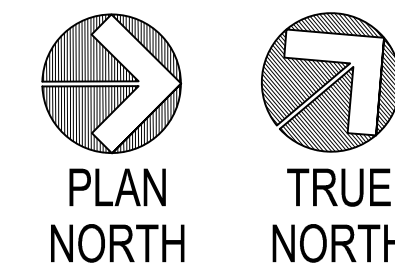
SHEET TITLE:
 SITE PLAN

SHEET NUMBER:

ASP1



01 SITE PLAN
 SCALE: 1" = 30'-0"



PARKING CALCULATIONS
 RENTAL OFFICE = 1608 / 1000 = 1.608 X 3.5 = 5.628 = 6 SPACES.
 APARTMENT: 2 SPACES
 MIN-OFFICES: 1053 / 1000 = 1.053 X 3.5 = 3.6 = 4 SPACES.

TOTAL REQUIRED: 13 SPACES
 TOTAL PROVIDED: 15 SPACES.

From:Terry Mitchell <tmitchell@momarkdevelopment.com>
To:Mike Mauldin <michael_mauldin@sbcglobal.net>; Megan Shannon <megan@momarkdevelopment.com>
Sent:Friday, September 11, 2020, 12:36:39 PM CDT
Subject:Re: ACC Approval of Kyle Storage Expansion 5141 Cromwell Drive

Mike,

This email confirms that the Declarant (and Architectural Control Committee) for Plum Creek have no objection to the parking as laid out in the proposed site plan, which has been approved by the ACC for Plum Creek.

The current parking has worked well. We have not had any issues with the current parking and we so no issues with the proposed addition of additional self storage.

Please have let me know if you have questions or comments.

Terry Mitchell

Terry Mitchell

Momark Development LLC

P.O. Box 5654

Austin, Texas 78763

O: (512) 391-1789

F: (512) 233-2331

C: (512) 924-8066

www.momarkdevelopment.com

@tmitchell555





CITY OF KYLE, TEXAS

Ordinance Code Enforcement Amendments

Meeting Date: 9/15/2020
Date time: 7:00 PM

Subject/Recommendation: *(Second Reading)* An Ordinance of the City of Kyle, Texas, Amending Chapter 23 – Miscellaneous Offenses, Chapter 29 – Sign Standards and Permits, and Chapter 47 – Local Traffic Regulations, of the Code of Ordinances; Providing for Property Maintenance Requirements and the Right to Inspect and Abate Noncompliant Conditions, Assessment of the City’s Costs related to Abatement, Collection of Costs, and the Ability to Appeal City’s Determination regarding Noncompliance; Amending Procedures related to the Abatement of Junk Vehicles; Permitting the use of Certain Moving Signs; Prohibiting the Parking of Trailers on Public Streets unless official work is being performed or a delivery is being made at the location of the parked trailer; Providing for repeal of conflicting ordinances; Providing for an effective date, savings clause and an open meetings clauses; and Providing for related matters. ~ Gary Bickford, Code Enforcement Officer

City Council voted 7-0 to approve on first reading with amendments.

Other Information: A redline version of the Ordinance showing suggested changes and comments will be available.

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- ☐ Ordinance_Amend Code Chapters 23_29_43 remove 8 ft fence_CLEAN
- ☐ Ordinance_Amend Code Chapters 23_29_43 Redline

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING CHAPTER 23 – MISCELLANEOUS OFFENSES, CHAPTER 29 – SIGN STANDARDS AND PERMITS, AND CHAPTER 47 – LOCAL TRAFFIC REGULATIONS, OF THE CODE OF ORDINANCES; PROVIDING FOR PROPERTY MAINTENANCE REQUIREMENTS AND THE RIGHT TO INSPECT AND ABATE NONCOMPLIANT CONDITIONS, ASSESSMENT OF THE CITY’S COSTS RELATED TO ABATEMENT, COLLECTION OF COSTS, AND THE ABILITY TO APPEAL CITY’S DETERMINATION REGARDING NONCOMPLIANCE; AMENDING PROCEDURES RELATED TO THE ABATEMENT OF JUNK VEHICLES; PERMITTING THE USE OF CERTAIN MOVING SIGNS; PROHIBITING THE PARKING OF TRAILERS ON PUBLIC STREETS UNLESS OFFICIAL WORK IS BEING PERFORMED OR A DELIVERY IS BEING MADE AT THE LOCATION OF THE PARKED TRAILER; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, SAVINGS CLAUSE AND AN OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City of Kyle (the “City”) has an extensive regulation adopted and codified in its Code of Ordinances;

Whereas, on occasion, it is necessary to review and amend certain regulations contained in the City’s Code of Ordinances or to enact new regulations to the Code of Ordinances to better reflect the needs and changes within the City;

Whereas, amendments to the City’s Code of Ordinances can help facilitate and assist City staff with proper, consistent and more efficient enforcement of adopted regulations and better address concerns, requests or complaints of members of the community; and

Whereas, the City finds it is necessary for the benefit, health and welfare of its citizens to have regulations contained in the Code of Ordinances reviewed, amended, enacted and available that provide the City with the ability to better regulate, prevent and enforce issues and concerns occurring within the City;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Section 23-118 - Right to inspect. The City Code of Ordinances, Chapter 23 – Miscellaneous Offenses, Article V – Nuisances, Division 2 – Weeds and Offensive Conditions on Private Property, Section 23-118 is hereby amended in its entirety to read as follows:

Sec. 23-118. – Right to Inspect.

The City Manager or their designee, Building Official, Code Enforcement Officer or any duly sworn peace officer shall be authorized to inspect any property within the city, at any reasonable time, subject, however, to the restrictions against such inspection and entry of private residence for health inspection as are provided for in the laws of the state.

Section 3. Amendment of Section 23-119 - Violations; notice; failure to abate. The City Code of Ordinances, Chapter 23 – Miscellaneous Offenses, Article V – Nuisances, Division 2 – Weeds and Offensive Conditions on Private Property, Section 23-119 is hereby amended in its entirety to read as follows:

Sec. 23-119. - Violations; notice; failure to abate.

- (a) In the event the officer charged with enforcement of this article shall determine that a situation exists which immediately affects the health, safety and well-being of the general public and that immediate action is necessary, such officer may take such action as shall be necessary, including issuing citations for violations of the terms and provisions hereof to the owner or occupant of the property upon which such condition exists, as may be deemed appropriate and necessary.
- (b) In the event the officer charged with enforcement of this article shall determine that a situation constitutes a threat to the public health, safety and welfare, and the owner or occupant of the property is absent or fails to immediately remedy the violation, the city council may, at a regular session or at any emergency session called for the purpose of considering the issue, upon evidence heard, determine that an emergency exists and orders such action as may be required to protect the public health, safety and welfare. In such event, the city may prosecute an action in any court of competent jurisdiction to recover its costs.
- (c) In the event any owner or occupant shall fail to refuse to remedy any of the conditions prohibited by section 23-116 within seven (7) days after notice to abate the prohibited condition(s), the city may do such work or cause the same to be done, and pay therefor, and charge the expenses in doing or having such work done or improvements made, to the owners of the property by placing a lien on the property, whereupon such charge shall be a personal liability of such owner to the city. Such notice shall be in writing and:

- (1) served upon such owner and occupant in person by an officer or employee of the city;
- (2) or may be by letter addressed to such owner at the owner's address as recorded in the records of the appraisal district in which the property is located and occupants at their mailing address.

If personal service cannot be had, or the owner and occupant's address is unknown, then notice may be given by:

- (3) publishing a brief summary of such order at least once in the official newspaper of the city addressed "Sanitary Improvements, To Whom it may Concern," and such publication shall be deemed sufficient notice;
 - (4) by posting the notice on or near the front door of each building on the property to which the violation relates;
or
 - (5) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (d) In the event that a violation of this article is occurring and is not observed by a Code Enforcement Officer, Police Officer, or designee charged in the enforcement of this chapter, a Citizen Complaint Form can be completed by the complainant serving as the affiant.
- (1) The Citizen Complaint Form is to be completed voluntarily, truthfully, and accurately by the complainant, signed and then submitted to Municipal Court.
 - (2) The Complainant shall agree to testify if the case proceeds to trial in Municipal Court.
 - (3) Any evidence of the violation such as photographs, audio or video recordings, or supporting documents shall be provided to Municipal Court along with the Citizen Complaint Form.

Section 4. Amendment of Section 23-120 - Assessment of city's abatement cost; collections of costs; appeals. The City Code of Ordinances, Chapter 23 – Miscellaneous Offenses, Article V – Nuisances, Division 2 – Weeds and

Offensive Conditions on Private Property, Section 23-120 is hereby amended in its entirety to read as follows:

Sec. 23-120. - Assessment of city's abatement cost; collections of costs; appeals.

In addition to the remedy provided in section 23-119 and cumulative thereto, the city manager or their designee, after giving the owner or occupant of the property seven (7) days' notice as required in section 23-119 (c), may cause any of the work or improvements mentioned in sections 23-116, 23-117 and 23-119 to be done at the expense of the city, on the account of the owner of the property on which such work or improvements are done, and cause all of the actual cost to the city to be assessed on the real estate or lot on account of which such expenses occurred; provided that the owner of any such real estate may appeal to the city council from the order of the city manager or designee by filing a written statement with the city manager or designee within ten (10) days after receipt of the notice provided for in section 23-119(c), stating that such real estate complied with and abated the prohibited condition(s) provided in section 23-116 before the expiration of the seven (7) day period. The city council shall set a date, within thirty (30) days from the date of the requested appeal, for hearing upon such appeal to determine whether the real estate complied with the provisions of section 23-116 before the expiration of such seven (7) day period. The authority of the city manager or designee to proceed to cause such work to be done shall not be suspended while an appeal from the order is pending, but if it shall be determined by the city council that the seven (7) day period, then no personal liability of the owner shall arise nor shall any lien be created against the premises upon which such abatement work was performed.

Section 5. Amendment of Section 23-265 – Procedures for abatement. The City Code of Ordinances, Chapter 23 – Miscellaneous Offenses, Article VIII – Junked, Wrecked, Abandoned Vehicles, Division 3 – Junked Vehicles, Section 23-265 is hereby amended in its entirety to read as follows:

Sec. 23-265. - Procedures for abatement.

- (a) The police department, when desiring to remove and dispose of junked vehicles from private property, public property or public rights-of-way, shall comply with the applicable procedures in this section.
- (b) A written notice stating the nature of the public nuisance on private property and that it must be removed and abated within ten (10) days after the date on which the notice was personally delivered or mailed, and further stating that any request for a hearing must be

made before the expiration of said ten (10) day period, shall be mailed, by certified mail with a five (5) day return receipt requested, to the last known registered owner of the junked vehicle, any lienholder of record and the owner or the occupant of the private premises whereupon such public nuisance exists. If the nuisance is located on a public right-of-way, notice shall be sent to the owner or the occupant of the property adjacent to the right-of-way. If the notice is returned undelivered by the United States Post Office, official action to abate such nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

- (c) If the nuisance is not removed and abated and a hearing is not requested within the ten (10) day period provided, in addition to any other procedure authorized by this article, a complaint may also be filed in municipal court for the violation of maintaining a public nuisance; provided that such notice shall not be a requirement for any such complaint being filed in municipal court.
- (d) Once a vehicle has been removed under the provisions of this section, it shall not be reconstructed or made operable.
- (e) The vehicle must be removed or otherwise brought into compliance or a hearing with municipal court requested. If requested, the hearing will be held not earlier than the 11th day after the date of the service of the notice before the chief of police or their designee. If a hearing is requested by a person for whom notice is required under V.T.C.A., Transportation Code § 683.075(a)(3), the hearing shall be held not earlier than the 11th day after the date of the service of notice. At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable. If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicle's:
 - (1) Description;
 - (2) Vehicle identification number; and
 - (3) License plate number.
- (f) Should the chief of police or designee find that such vehicle is a public nuisance as defined herein, he shall request an order from the municipal court judge seeking abatement of such public nuisance. The Court order shall require the removal of the vehicle or part thereof from the public or private property or public right-of-way where it is situated, and such order shall include a

description of the vehicle and the correct identification number and license number of the vehicle, if available. Any aggrieved city officer, owner or lienholder may appeal any such decision of the chief of police or designee to the Municipal Court.

- (g) The procedures set out in this section shall not apply to:
 - (1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;
 - (2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard; or
 - (3) An antique and special interest vehicle stored by a collector on his property; provided that the vehicle and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.
- (h) The administration of the procedures of this section shall be carried out by regularly salaried, fulltime employees of the city, except that the removal of vehicles or parts thereof from property may be accomplished by any other duly authorized person, including authorized wrecker service operators acting at the direction of the city.

Section 6. Amendment of Section 29-9 – Prohibited Signs. The City Code of Ordinances, Chapter 29 – Sign Standards and Permits, Section 29-9 – Prohibited Signs, Part 1, is hereby amended in its entirety to read as follows:

Sec. 29-9. - Prohibited signs.

The following signs are prohibited from installation, construction, repair, alteration, location or relocation within the city, except as otherwise permitted in this chapter:

- (1) Signs with flashing lights or revolving beacon lights. For purposes of this ordinance, an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of “flashing” as defined in this chapter.

Section 7. Amendment of Section 47-39 – Parking other than noncommercial vehicles in residential areas. The City Code of Ordinances, Chapter 47 – Local Traffic Regulations, Article II – Parking, Division – Noncommercial Vehicles, Section 47-39 is hereby amended in its entirety to read as follows:

Sec. 47-39. - Parking other than noncommercial vehicles in residential areas.

- (a) Except as provided in subsection (a)(1), (2), or (3) of this section, no person shall park or leave standing any trailers, utility trailers, recreational vehicles, campers, boats, watercraft, snowmobiles, OHVs, structures, equipment, or apparatuses on a city street, road or public right-of-way within a residential district in the city. This does not apply to trash, recycling, compost receptacles used or regulated by the city or other contracted disposal service when placed overnight. Exceptions to paragraph(a) are granted for the following:
- (1) Actively loading or unloading the recreational vehicle, trailer, utility trailer, camper, or boat.
 - (2) Structures, equipment, and apparatuses may be left standing on the right-of-way temporarily for purposes such as loading/unloading and movement onto private property, and:
 - a. Not to exceed 24 hours regardless of whether the property is moved to a different location within the public right-of-way.
 - b. Remains contiguous/abutted to the curb of the residence (not further than 18 inches).
 - c. Does not obstruct traffic or create any safety hazards to motorists, pedestrians, etc.
 - d. Reoccurrence of the specific property left on the public right-of-way does not exceed once per 30 days.
 - e. It shall not be a defense that the trailers, utility trailers, campers, boats, snowmobiles, OHVs, or other recreational vehicles, have been moved to a different location within the public right-of-way.

- (b) No person shall park or leave standing any trailers, utility trailers, campers, boats, snowmobiles, OHVs, other recreational vehicles, structures, equipment, or apparatuses within the city limits in such a manner to impede a safe traffic flow.
- (c) It shall be prima facie evidence that any property left in the public right-of-way is abandoned if it is not a motor vehicle or trailer as defined in this division.
- (d) Structures, equipment and apparatuses will be considered abandoned property if not removed after 48 hours. The city maintains the authority to remove such property and may do so if said property is not removed within 48 hours. If said structures, equipment or apparatuses are obstructing traffic or creating a hazard, it shall be removed immediately. If said structure, equipment and apparatuses are not properly registered, an order shall be submitted to municipal court for the disposition of the property.
- (e) The entirety of this division shall not apply to city, state, county or contracted individuals or companies by the same while performing services of official capacity, i.e. vehicles being used to provide any municipal service such as the installation, repair or maintenance of any public street, asset or property, collection of garbage, grounds keeping, etc.; and vehicles being used to install, repair or maintain any public service or utility such as telephone, electricity, cable television, gas, water or sewer lines.
- (f) All costs associated with property removal shall be borne by the owner, operator, person in control of the property or other person responsible for the property.

Section 8. Amendment of Ordinances. The City Code of Ordinances, Chapters 23, 29 and 47 are hereby amended to the extent of any conflict or inconsistency herewith only and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

Section 9. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting public nuisances, enforcement, abatement, parking, signs and screening that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 10. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 11. 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 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.

PASSED AND APPROVED on First Reading this 1st day of September, 2020.

FINALLY PASSED AND APPROVED on this _____ day of _____, 2020.

ATTEST:

THE CITY OF KYLE, TEXAS

Jennifer Vetrano, City Secretary

Travis Mitchell, Mayor

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING CHAPTER 23 – MISCELLANEOUS OFFENSES, CHAPTER 29 – SIGN STANDARDS AND PERMITS, AND CHAPTER 47 – LOCAL TRAFFIC REGULATIONS, AND ~~CHAPTER 54 – LANDSCAPING AND SCREENING REQUIREMENTS~~ OF THE CODE OF ORDINANCES; PROVIDING FOR PROPERTY MAINTENANCE REQUIREMENTS AND THE RIGHT TO INSPECT AND ABATE NONCOMPLIANT CONDITIONS, ASSESSMENT OF THE CITY’S COSTS RELATED TO ABATEMENT, COLLECTION OF COSTS, AND THE ABILITY TO APPEAL CITY’S DETERMINATION REGARDING NONCOMPLIANCE; AMENDING PROCEDURES RELATED TO THE ABATEMENT OF JUNK VEHICLES; PERMITTING THE USE OF CERTAIN MOVING SIGNS; PROHIBITING THE PARKING OF TRAILERS ON PUBLIC STREETS UNLESS OFFICIAL WORK IS BEING PERFORMED OR A DELIVERY IS BEING MADE AT THE LOCATION OF THE PARKED TRAILER; ~~AUTHORIZING THE INSTALLATION OF EIGHT (8) FOOT FENCING TO THE SIDE AND REAR BOUNDARIES OF RESIDENTIAL LOTS~~; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, SAVINGS CLAUSE AND AN OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City of Kyle (the “City”) has an extensive regulation adopted and codified in its Code of Ordinances;

Whereas, on occasion, it is necessary to review and amend certain regulations contained in the City’s Code of Ordinances or to enact new regulations to the Code of Ordinances to better reflect the needs and changes within the City;

Whereas, amendments to the City’s Code of Ordinances can help facilitate and assist City staff with proper, consistent and more efficient enforcement of adopted regulations and better address concerns, requests or complaints of members of the community; and

Whereas, the City finds it is necessary for the benefit, health and welfare of its citizens to have regulations contained in the Code of Ordinances reviewed, amended, enacted and available that provide the City with the ability to better regulate, prevent and enforce issues and concerns occurring within the City;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Section 23-118 - Right to inspect. The City Code of Ordinances, Chapter 23 – Miscellaneous Offenses, Article V – Nuisances, Division 2 – Weeds and Offensive Conditions on Private Property, Section 23-118 is hereby amended in its entirety to read as follows:

Sec. 23-118. – Right to Inspect.

The City Manager or their designee, Building Official, Code Enforcement Officer or any duly sworn peace officer shall be authorized to inspect any property within the city, at any reasonable time, subject, however, to the restrictions against such inspection and entry of private residence for health inspection as are provided for in the laws of the state.

Section 3. Amendment of Section 23-119 - Violations; notice; failure to abate. The City Code of Ordinances, Chapter 23 – Miscellaneous Offenses, Article V – Nuisances, Division 2 – Weeds and Offensive Conditions on Private Property, Section 23-119 is hereby amended in its entirety to read as follows:

Sec. 23-119. - Violations; notice; failure to abate.

- (a) In the event the officer charged with enforcement of this article shall determine that a situation exists which immediately affects the health, safety and well-being of the general public and that immediate action is necessary, such officer may take such action as shall be necessary, including issuing citations for violations of the terms and provisions hereof to the owner or occupant of the property upon which such condition exists, as may be deemed appropriate and necessary.
- (b) In the event the officer charged with enforcement of this article shall determine that a situation constitutes a threat to the public health, safety and welfare, and the owner or occupant of the property is absent or fails to immediately remedy the violation, the city council may, at a regular session or at any emergency session called for the purpose of considering the issue, upon evidence heard, determine that an emergency exists and orders such action as may be required to protect the public health, safety and welfare. In such event, the city may prosecute an action in any court of competent jurisdiction to recover its costs.
- (c) In the event any owner or occupant shall fail to refuse to remedy any of the conditions prohibited by section 23-116 within seven (7) days after notice to abate the prohibited condition(s), the city may do such work or cause the same to be done, and pay therefor, and charge the expenses in doing or having such work done or improvements made, to the owners of the property by placing a

lien on the property, whereupon such charge shall be a personal liability of such owner to the city. Such notice shall be in writing and:

- (1) served upon such owner and occupant in person by an officer or employee of the city;
- (2) or may be by letter addressed to such owner at the owner's address as recorded in the records of the appraisal district in which the property is located and occupants at their mailing address.

If personal service cannot be had, or the owner and occupant's address is unknown, then notice may be given by:

- (3) publishing a brief summary of such order at least once in the official newspaper of the city addressed "Sanitary Improvements, To Whom it may Concern," and such publication shall be deemed sufficient notice;
- (4) by posting the notice on or near the front door of each building on the property to which the violation relates;
or
- (5) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(d) In the event that a violation of this article is occurring and is not observed by a Code Enforcement Officer, Police Officer, or designee charged in the enforcement of this chapter, a Citizen Complaint Form can be completed by the complainant serving as the affiant.

- (1) The Citizen Complaint Form is to be completed voluntarily, truthfully, and accurately by the complainant, signed and then submitted to Municipal Court.
- (2) The Complainant shall agree to testify if the case proceeds to trial in Municipal Court.
- (3) Any evidence of the violation such as photographs, audio or video recordings, or supporting documents shall be provided to Municipal Court along with the Citizen Complaint Form.

Section 4. Amendment of Section 23-120 - Assessment of city's abatement cost; collections of costs; appeals. The City Code of Ordinances, Chapter 23 – Miscellaneous Offenses, Article V – Nuisances, Division 2 – Weeds and Offensive Conditions on Private Property, Section 23-120 is hereby amended in its entirety to read as follows:

Sec. 23-120. - Assessment of city's abatement cost; collections of costs; appeals.

In addition to the remedy provided in section 23-119 and cumulative thereto, the city manager or their designee, after giving the owner or occupant of the property seven (7) days' notice as required in section 23-119 (c), may cause any of the work or improvements mentioned in sections 23-116, 23-117 and 23-119 to be done at the expense of the city, on the account of the owner of the property on which such work or improvements are done, and cause all of the actual cost to the city to be assessed on the real estate or lot on account of which such expenses occurred; provided that the owner of any such real estate may appeal to the city council from the order of the city manager or designee by filing a written statement with the city manager or designee within ten (10) days after receipt of the notice provided for in section 23-119(c), stating that such real estate complied with and abated the prohibited condition(s) provided in section 23-116 before the expiration of the seven (7) day period. The city council shall set a date, within thirty (30) days from the date of the requested appeal, for hearing upon such appeal to determine whether the real estate complied with the provisions of section 23-116 before the expiration of such seven (7) day period. The authority of the city manager or designee to proceed to cause such work to be done shall not be suspended while an appeal from the order is pending, but if it shall be determined by the city council that the seven (7) day period, then no personal liability of the owner shall arise nor shall any lien be created against the premises upon which such abatement work was performed.

Section 5. Amendment of Section 23-265 – Procedures for abatement. The City Code of Ordinances, Chapter 23 – Miscellaneous Offenses, Article VIII – Junked, Wrecked, Abandoned Vehicles, Division 3 – Junked Vehicles, Section 23-265 is hereby amended in its entirety to read as follows:

Sec. 23-265. - Procedures for abatement.

- (a) The police department, when desiring to remove and dispose of junked vehicles from private property, public property or public rights-of-way, shall comply with the applicable procedures in this section.

- (b) A written notice stating the nature of the public nuisance on private property and that it must be removed and abated within ten (10) days after the date on which the notice was personally delivered or mailed, and further stating that any request for a hearing must be made before the expiration of said ten (10) day period, shall be mailed, by certified mail with a five (5) day return receipt requested, to the last known registered owner of the junked vehicle, any lienholder of record and the owner or the occupant of the private premises whereupon such public nuisance exists. If the nuisance is located on a public right-of-way, notice shall be sent to the owner or the occupant of the property adjacent to the right-of-way. If the notice is returned undelivered by the United States Post Office, official action to abate such nuisance shall be continued to a date not earlier than the 11th day after the date of the return.
- (c) If the nuisance is not removed and abated and a hearing is not requested within the ten (10) day period provided, in addition to any other procedure authorized by this article, a complaint may also be filed in municipal court for the violation of maintaining a public nuisance; provided that such notice shall not be a requirement for any such complaint being filed in municipal court.
- (d) Once a vehicle has been removed under the provisions of this section, it shall not be reconstructed or made operable.
- (e) The vehicle must be removed or otherwise brought into compliance or a hearing with municipal court requested. If requested, the hearing will be held not earlier than the 11th day after the date of the service of the notice before the chief of police or their designee. If a hearing is requested by a person for whom notice is required under V.T.C.A., Transportation Code § 683.075(a)(3), the hearing shall be held not earlier than the 11th day after the date of the service of notice. At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable. If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicle's:
 - (1) Description;
 - (2) Vehicle identification number; and
 - (3) License plate number.
- (f) Should the chief of police or designee find that such vehicle is a public nuisance as defined herein, he shall request an order from

the municipal court judge seeking abatement of such public nuisance. The Court order shall require the removal of the vehicle or part thereof from the public or private property or public right-of-way where it is situated, and such order shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available. Any aggrieved city officer, owner or lienholder may appeal any such decision of the chief of police or designee to the Municipal Court.

- (g) The procedures set out in this section shall not apply to:
 - (1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;
 - (2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard; or
 - (3) An antique and special interest vehicle stored by a collector on his property; provided that the vehicle and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.
- (h) The administration of the procedures of this section shall be carried out by regularly salaried, fulltime employees of the city, except that the removal of vehicles or parts thereof from property may be accomplished by any other duly authorized person, including authorized wrecker service operators acting at the direction of the city.

Section 6. Amendment of Section 29-9 – Prohibited Signs. The City Code of Ordinances, Chapter 29 – Sign Standards and Permits, Section 29-9 – Prohibited Signs, Part 1, is hereby amended in its entirety to read as follows:

Sec. 29-9. - Prohibited signs.

The following signs are prohibited from installation, construction, repair, alteration, location or relocation within the city, except as otherwise permitted in this chapter:

- (1) Signs with flashing lights or revolving beacon lights. For purposes of this ordinance, an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of “flashing” as defined in this chapter.

Section 7. Amendment of Section 47-39 – Parking other than noncommercial vehicles in residential areas. The City Code of Ordinances, Chapter 47 – Local Traffic Regulations, Article II – Parking, Division – Noncommercial Vehicles, Section 47-39 is hereby amended in its entirety to read as follows:

Sec. 47-39. - Parking other than noncommercial vehicles in residential areas.

- (a) Except as provided in subsection (a)(1), (2), or (3) of this section, no person shall park or leave standing any trailers, utility trailers, recreational vehicles, campers, boats, watercraft, snowmobiles, OHVs, structures, equipment, or apparatuses on a city street, road or public right-of-way within a residential district in the city. This does not apply to trash, recycling, compost receptacles used or regulated by the city or other contracted disposal service when placed overnight. Exceptions to paragraph(a) are granted for the following:
 - (1) Actively loading or unloading the recreational vehicle, trailer, utility trailer, camper, or boat.
 - (2) Structures, equipment, and apparatuses may be left standing on the right-of-way temporarily for purposes such as loading/unloading and movement onto private property, and:
 - a. Not to exceed 24 hours regardless of whether the property is moved to a different location within the public right-of-way.
 - b. Remains contiguous/abutted to the curb of the residence (not further than 18 inches).
 - c. Does not obstruct traffic or create any safety hazards to motorists, pedestrians, etc.
 - d. Reoccurrence of the specific property left on the public right-of-way does not exceed once per 30 days.

- e. It shall not be a defense that the trailers, utility trailers, campers, boats, snowmobiles, OHVs, or other recreational vehicles, have been moved to a different location within the public right-of-way.
- (b) No person shall park or leave standing any trailers, utility trailers, campers, boats, snowmobiles, OHVs, other recreational vehicles, structures, equipment, or apparatuses within the city limits in such a manner to impede a safe traffic flow.
- (c) It shall be prima facie evidence that any property left in the public right-of-way is abandoned if it is not a motor vehicle or trailer as defined in this division.
- (d) Structures, equipment and apparatuses will be considered abandoned property if not removed after 48 hours. The city maintains the authority to remove such property and may do so if said property is not removed within 48 hours. If said structures, equipment or apparatuses are obstructing traffic or creating a hazard, it shall be removed immediately. If said structure, equipment and apparatuses are not properly registered, an order shall be submitted to municipal court for the disposition of the property.
- (e) The entirety of this division shall not apply to city, state, county or contracted individuals or companies by the same while performing services of official capacity, i.e. vehicles being used to provide any municipal service such as the installation, repair or maintenance of any public street, asset or property, collection of garbage, grounds keeping, etc.; and vehicles being used to install, repair or maintain any public service or utility such as telephone, electricity, cable television, gas, water or sewer lines.
- (f) All costs associated with property removal shall be borne by the owner, operator, person in control of the property or other person responsible for the property.

~~Section 8. Amendment of Section 54-11—Screening. The City Code of Ordinances, Chapter 54—Landscaping and Screening Requirements, Section 54-11—Screening, Part (b)(3) Privacy fences, section b. is hereby amended in its entirety to read as follows:~~

- ~~b. Fences up to ten (10) feet in height, but not less than six (6) feet, shall be allowed for impeding access to hazardous and sensitive facilities including, but not limited to, electrical substations, wireless telecommunication facilities, public utility facilities and substations, swimming pools, correctional facilities, and chemical~~

~~or equipment storage yards, where the slope of a line drawn perpendicular to the fence line averages twenty (20) percent or more on either side of the fence over a distance no less than fifteen (15) feet, or where the fence forms a continuous perimeter around a subdivision. All lots zoned for one or two family residential use, or used for one or two family residential use, that share a common property boundary inside the parent boundary of a subdivision, may provide screening along those common property boundaries of the side and rear yards with vegetative screening and/or fences of no more than eight (8) feet in height.~~

Section 98. Amendment of Ordinances. The City Code of Ordinances, Chapters 23, 29 ~~and~~, 47 ~~and~~ 54 is hereby amended to the extent of any conflict or inconsistency herewith only and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

Section 109. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting public nuisances, enforcement, abatement, parking, signs and screening that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 110. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 121. 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 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.

PASSED AND APPROVED on First Reading this 1st day of September, 2020.

FINALLY PASSED AND APPROVED on this _____ day of _____, 2020.

ATTEST:

THE CITY OF KYLE, TEXAS

Jennifer Vetrano, City Secretary

Travis Mitchell, Mayor



CITY OF KYLE, TEXAS

Landscape Maintenance Contract Award - WLE, LLC

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: Approve award and execution of a 1-year landscape maintenance services contract with WLE, LLC in an amount of \$234,504.13 of a total contract amount of \$597,197.71 with two optional annual extensions subject to future appropriations. ~ *James R. Earp, Assistant City Manager*

Other Information: Staff is recommending approval of the WLE contract with the maintenance portion for the roads that were in the original RFP for \$166,527. There was \$430,670 additional in the original bid so WLE agreed to put the \$430,670 in as optional projects pending future appropriations.

Staff recommends awarding the base maintenance portion of \$166,527.93 and Option #1 of \$67,976.20 for a total of \$234,504.13 in year one. This is less than the \$250,000 Council budgeted and will allow us enough room for reasonable change orders should the list of roads change.

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Civil Service Agreement Amendment

Meeting Date: 9/15/2020

Date time: 7:00 PM

Subject/Recommendation: An Amendment to the Meet and Confer Agreement between the City of Kyle and Kyle Law Enforcement Association to adopt physical fitness standards in accordance with the conditional approval of the agreement. ~ *James R. Earp, Assistant City Manager*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

City Manager's Report

Meeting Date: 9/15/2020

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*

- 2021 Legislative Agenda
- Proposition A Bond Open Houses
- Ash Pavilion

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Executive Session-Convene

Meeting Date: 9/15/2020

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 Heroes Memorial Park Base Flood Elevation
 - o Development Standards Rough proportionality determination for Paramount Section 1
 - o Coronavirus Relief Fund and Subrecipient Agreements
 - o 104 S. Burluson
 - o Bunton Lane Development Agreement
 - o Anthem Electrical
 - o Buie Contract
 - o West RM 150 Access
 - o Prairie Lakes
 - o Marketplace Avenue
 - o Landscape Maintenance Contract
 - o LDG Development
 - o North Trails Property Acquisition
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - o North Trails Property 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 Indigo
 - o Project Cranberry
 - o Project Shamrock
 - o Project Candy Cane
 - o Project Wild Blue
 - o 104 S. Burluson

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Reconvene

Meeting Date: 9/15/2020
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