



# CITY OF KYLE

## Notice of Regular City Council Meeting

Kyle City Hall, 100 W. Center Street, Kyle, TX 78640;  
Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live>

SPECIAL NOTE: Pursuant to the March 16, 2020

proclamation issued by Governor Abbott, this meeting will be held in-person and 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. Some City Council members will be present in the chamber while others 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 June 1, 2021, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640; Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live>, for the purpose of discussing the following agenda.

Posted this 27th day of May, 2021, prior to 11:00 p.m.

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

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

1. [City Council Special Meeting Minutes - May 18, 2021. ~ Jennifer Holm, City Secretary](#)
2. [City Council Meeting Minutes - May 18, 2021. ~ 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.

### **IV. Presentation**

3. [Presentation regarding the ongoing update to the City of Kyle Transportation](#)

Master Plan. ~ Leon Barba, P.E., City Engineer

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

## V. Consent Agenda

5. Approval of a Service Agreement with PRIME GOVERNMENT SOLUTIONS, INC., of Scottsdale, AZ, in an amount not to exceed \$7,076.00 annually (including Electronic Voting) or \$6,276.99 annually (without Electronic Voting) for Agenda Automation, Meeting Management, and Swagit Connector services. ~ Jennifer Holm, City Secretary
6. Approval of Assignment and Assumption of Agreement Regarding Roadway and Drainage Improvements - Spooner Tract. ~ J. Scott Sellers, City Manager
7. Approve Amendment No. 2 to Task Order No. 3 to K FRIESE & ASSOCIATES, INC., Austin, Texas in the amount of \$9,680.00 for a total contract amount not to exceed \$247,795.00 for additional engineering services associated with the Center Street Wastewater Phase I improvements. ~ Leon Barba, P.E., City Engineer
8. Approve Amendment No. 3 to contract Task Order No. 2 to CP&Y, INC., Austin, Texas, in the amount of \$35,267.00 increasing the total contract amount not to exceed \$346,757.50 for design and acquisition services for the North Trails Wastewater Interceptor improvement project. ~ Leon Barba, P.E., City Engineer
9. Authorize the City Manager to enter into an agreement with Texas Realty Retail Partners (Developer) to construct the Center Street Wastewater Phase I improvements and the City agrees to reimburse the developer up to a maximum amount not to exceed \$496,458.11 for the cost of upsizing the wastewater line. ~ Leon Barba, P.E., City Engineer
10. Approve the specifications and construction contract terms between TEXAS REALTY RETAIL PARTNERS (Developer) and LOWDEN EXCAVATING, INC., San Marcos, Texas, in order for the City to reimburse the Developer per the agreement up to a maximum amount not to exceed \$496,458.11 which includes a five (5) percent contingency for the Center Street Wastewater Phase I improvements. ~ Leon Barba, P.E., City Engineer
11. A Resolution of the City Council of the City of Kyle, Texas accepting the Casetta Ranch Section 1 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
12. A Resolution of the City Council of the City of Kyle, Texas accepting the Casetta Ranch Section 2 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
13. Authorize the Chief of Police to Execute and Accept a Grant Award on behalf of the Kyle Police Department from the Texas Association of Property and Evidence Technicians in the non-match amount of \$500.00 for the purpose of acquiring a

new heat sealer and Polyethylene Tubing to aide in a more efficient evidence packaging process. ~ Jeff Barnett, Chief of Police

14. Second Addendum to the Development and Annexation Agreement for the Texas Lehigh Properties. ~ Paige Saenz, City Attorney

## **VI. Consider and Possible Action**

15. (First Reading) An Ordinance of the City of Kyle, Texas, Amending Ordinance 959, which Granted a Transmission and Distribution Electric Utility Franchise to Pedernales Electric Cooperative, Inc, to Address Matters Related to the Location of Facilities in an Urban Development District. ~ Paige Saenz, City Attorney

- • Public Hearing

16. Authorize City Manager to sign agreement with Pedernales Electric Cooperative, Inc., P.E.C., to relocate overhead power lines around the premises of Downtown Square to adjacent streets, alleys, underground, as necessary for beautification of Downtown Square pending the final form agreed to by legal. ~ Leon Barba, P.E., City Engineer

17. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 12.9 acres of land from Agriculture 'AG' to Mixed Use District 'MXD' for property located on the northeast corner of Philomena Drive and Bunton Creek Road, in Hays County, Texas. (Estate of Evelyn Franke, et al - Z-21-0074) ~ Howard J. Koontz, Director of Planning and Community Development

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

- City Council voted 5-2 to approve on First Reading.

18. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 1.63 acres of land from Construction Manufacturing 'CM' to Retail Service District 'RS' for property located at 1050 Bunton Creek Road, in Hays County, Texas. (Goforth Partners, Inc. - Z-21-0078) ~ Howard J. Koontz, Director of Planning and Community Development

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

- City Council voted 6-1 to approve on first reading.

19. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of modifying Section 53-893 Conditional Use Permit, required, in Hays County, Texas. ~ Howard J. Koontz, Director of Planning and Community Development

- Planning and Zoning Commission voted to amend the motion to approve staff's recommendation 4-1, the amended motion was approved 3-2.

City Council voted 6-1 to approve on first reading.

20. Authorize award and execution of a Purchase Order and Construction Contract with T.F. HARPER & ASSOCIATES, LP of AUSTIN, TEXAS in an amount not to exceed \$ 1,798,899.82 for park construction and improvements at Mary Kyle Hartson Park as per plans and specifications prepared by Coleman & Associates through the Buy Board Purchasing Cooperative JOC Contract #581-19. ~ James R. Earp, Assistant City Manager
21. Approve a professional services scope with Coleman and Assoc of Austin TX for landscaping and outdoor space for 104 S Burleson. ~ James R. Earp, Assistant City Manager
22. (First Reading) Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2020-2021 by increasing the total appropriations for expenditures in the General Fund by \$8,375,000.00 to provide \$4,500,000.00 in additional funding for the Uptown Central Park and Heroes Memorial Park projects \$3,500,000.00 for 2021 Road Bond Program, and \$375,000.00 for Christmas Trail of Lights and decorated historic water tower in downtown Kyle. ~ Perwez A. Moheet, CPA, Director of Finance
23. Approve a Resolution expressing intent to finance expenditures to be incurred by the City of Kyle for the 2021 General Obligation Road Bond Program and to seek reimbursement of such expenditures from future general obligation bonds issued by the City for road improvements. ~ Perwez A. Moheet, CPA, Director of Finance
24. (First Reading) An Ordinance of the City of Kyle, Texas Regulating Certain Offenses by Amending Chapter 23, "Miscellaneous Offenses" to add Article XII Titled "Unlawful Activities in Public Area"; Providing a Purpose, Definition, and Enforcement and Penalty Provision in Division I, "General Provisions"; Providing Prohibitions on Camping and Obstruction, Affirmative Defenses, and Disposition of Belongings Provisions In Division II, "Camping and Obstruction Prohibited"; Providing Definitions, Prohibitions, and Offenses in Division III, "Aggressive Confrontation Prohibited"; Providing Prohibitions On Begging In Division IV, "Begging Activity"; and Providing a Severability Clause, Savings Clause; Open Meetings Clause and Effective Date. ~ Yvonne Flores-Cale, Council Member
25. Resolution of the City of Kyle, Texas, accepting the petition for annexation of 24.563 acres, more or less, of land located in Hays County, Texas; setting an annexation schedule; providing for open meetings and other related matters. ~ Howard J. Koontz, Director of Planning and Community Development
26. A Resolution of the City of Kyle, Texas accepting the petition for annexation of 120.458 acres, more or less, of land located in Hays County, Texas; setting annexation schedule; providing for open meetings and other related matters. ~ Howard J. Koontz, Director of Planning and Community Development
27. Consider approval of an agreement with Gap Strategies in an amount not to exceed \$65,000 for providing PR services related to public education for a

[possible November bond election package. ~ Samantha Armbruster, Director of Communications](#)

28. [Discussion and Possible Action on Classifications, Pay and Pay Parity for Telecommunicators. ~ Jeff Barnett, Chief of Police](#)

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

29. [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](#)

- [Joint P&Z and Parks Board meeting Jan. 25, 2022](#)
- [Heroes Memorial Park groundbreaking event recap](#)
- [COVID vaccine and testing information](#)
- [Parks and Recreation programming](#)
- [City Wide Cleanup Event](#)
- [Upcoming Budget Worksessions](#)
- [Click it or Ticket Campaign](#)
- [Team Kyle Is Hiring - Police & Lifeguards](#)
- [Dialogue for Peace and Progress - Juneteenth](#)
- [Food for Fines Drive](#)
- [Updated Census Numbers](#)
- [Trails Open House and Survey](#)

## **VIII. Executive Session**

30. [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 [Kyle Park Ambassador Proposal](#)
  - o [Force Majeure Claims](#)
  - o [Local Government Corporation](#)
  - o [Texas Lehigh](#)
  - o [Ordinance No. 493 Utility Billing](#)
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.](#)
  - o [Project Pacific Blue](#)
  - o [Project Goldfish](#)
  - o [Project Indigo](#)

31. [Take action on items discussed in Executive Session.](#)

## **IX. 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."