



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 August 17, 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 12th day of August, 2021, prior to 7:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Special Meeting Minutes - July 27, 2021. ~ Jennifer Holm, City Secretary](#)
2. [City Council Special Meeting Minutes - July 31, 2021. ~ Jennifer Holm, City Secretary](#)
3. [City Council Special Meeting Minutes - August 3, 2021. ~ Jennifer Holm, City Secretary](#)
4. [City Council Meeting Minutes - August 3, 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. Public Hearings

5. [Conduct a public hearing on the City's Proposed Budget for Fiscal Year 2021-2022, as amended by City Council on July 31, 2021, totaling approximately \\$172.6 million for all City Funds, including a tax rate of \\$0.5082 per \\$100 assessed valuation, a 6.0% increase in water service rates, no changes in wastewater service rates, no changes in storm drainage fees, a 2.51% increase in solid waste service charges \(trash collection\) per contract terms, all other fees and charges for City services as provided for in the fee schedule, capital improvement program expenditures, and the addition of 21.0 new full-time positions for a total of 302.0 full-time equivalent positions. ~ J. Scott Sellers, City Manager](#)
6. [Conduct a public hearing to obtain comments on the proposal to set the City's ad valorem tax \(property tax\) rate at \\$0.5082 per \\$100 assessed valuation for tax year 2021 \(Fiscal Year 2021-2022\). ~ J. Scott Sellers, City Manager](#)

V. City Manager's Report

7. [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](#)
 - [Up Up & Away event](#)
 - [Upcoming Budget worksession](#)
 - [Back to School Family Skate Night](#)
 - [Pie in the Sky event Sept 3-5th](#)
 - [Squeeze Box event](#)
 - [Founders Day Parade](#)
 - [Texas DPS Crime Analyst Training Program Graduate, Ciara Chamberlain, KPD Senior Records Specialist](#)

VI. Presentation

8. [Update on railroad siding relocation and overpass. ~ Maria Castanon, HNTB](#)
9. [Uber Kyle 3.14 program update. ~ Jerry Hendrix, Chief of Staff](#)
10. [CIP/Road Projects and Consent Agenda Presentation. ~ Travis Mitchell, Mayor](#)

VII. Consent Agenda

11. [Approve the conveyance of a municipal utility easement to the City of Kyle, Hays County, Texas from Plum Creek Development Partners, Ltd. for the Heroes Memorial Park. ~ Leon Barba, P.E., City Engineer](#)
12. [Approve the conveyance of a drainage easement to the City of Kyle, Hays County, Texas from Mountain Plum, LTD. for the Heroes Memorial Park. ~ Leon Barba, P.E., City Engineer](#)
13. [Approve the conveyance of a temporary construction easement to the City of](#)

Kyle, Hays County, Texas from Plum Creek Development Partners, LTD. for the Heroes Memorial Park. ~ Leon Barba, P.E., City Engineer

14. Approval of a temporary construction license agreement to the City of Kyle, Hays County, Texas and Stoddard Construction Company, Inc. from PC Operating Partners, LTD. for the La Verde Park project. ~ Leon Barba, P.E., City Engineer
15. Approve conveyance of a permanent 15' Electrical Easement and approve an Underground Agreement to Pedernales Electrical Cooperative (PEC) to provide electrical power to the wastewater treatment plant headworks. ~ Leon Barba, P.E., City Engineer
16. Approve Amendment No. 1 to Task Order No. 6 to LJA ENGINEERING, INC., Austin, Texas, in the amount of \$130,134.09 increasing the total contract amount not to exceed \$206,473.09 for the Anthem to Kohlers Crossing Waterline Connection Project. ~ Leon Barba, P.E., City Engineer
17. Approval of Change Order No. 2 to N.G. PAINTING, LP, Kerrville, TX, in an additional amount of \$3,200.00 increasing the total contract amount not to exceed \$395,200.00 for the purpose of providing additional work for Well #4 elevated storage tank located on Kohlers Crossing. ~ Leon Barba, P.E., City Engineer
18. Approval of Change Order No. 3, to ARCHER WESTERN CONSTRUCTION, LLC, Irving Texas, in an additional amount not to exceed \$3,676,597.00 increasing the total contract amount not to exceed \$34,014,667.00 for the purpose of constructing a Sludge Dewatering Facility at the Wastewater Treatment Plant Site. ~ Leon Barba, P.E., City Engineer
19. Approve a Resolution to record the annual review of the City's Investment Policy as required by the Public Funds Investment Act and to document findings that no changes to the policy or to the investment strategies are necessary in the 2021 review. ~ Perwez A. Moheet, CPA, Director of Finance
20. Approve a professional services agreement with P3WORKS, LLC, Austin, Texas, to provide Public Improvement District (PID) formation and administration services to the City of Kyle in association with the Kyle 57 PID. All costs incurred for services under this agreement will be paid through future PID assessments collected. ~ J. Scott Sellers, City Manager
21. Sludge Handling Services Agreement with Sheridan Environmental dba Sheridan Clearwater, LLC. ~ Harper Wilder, Director of Public Works
22. Approve Change Order No. 2 in the sum of \$329,334.46 to SMITH CONTRACTING CO. INC., Austin, TX, to address the increased price of 36" PVC and 12" PVC pipe for the Bunton Creek Interceptor project. ~ Leon Barba, P.E., City Engineer
23. Approve and ratify a purchase order to DIANNA L. TINKLER, Austin, Texas in the amount of \$16,012.90 for providing acquisition services for the Bunton Creek Interceptor project. ~ Leon Barba, P.E., City Engineer

24. [A Resolution of the City Council of the City of Kyle, Texas accepting the 6 Creeks Boulevard, Phase 1, Section 3 \(Right of Way Only\) 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](#)

VIII. Consider and Possible Action

25. [\(First Reading\) An Ordinance of the City of Kyle, Texas Continuing with Curfew for Minors Under Seventeen Years of Age per Sections 23-23 Through 23-30; Entitled Triennial Review; Providing for Enforcement; Establishing Criminal Penalties; and Setting an Effective Date. ~ Jeff Barnett, Chief of Police](#)
26. [Arts Commission Update. ~ Paul Phelan, Director of Library Services](#)
27. [\(First Reading\) An Ordinance of the City of Kyle, Texas Amending the Code of Ordinances Sec 2-40. – Definitions, Sec. 2-43. - Term of Appointment, and Sec. 2-45 - Qualifications; Providing Exceptions; Providing an Effective Date; and Making Such Other Findings and Provisions Related Hereto. ~ J. Scott Sellers, City Manager](#)
28. [\(First Reading\) Approve an Ordinance of the City of Kyle, Texas, adopting a budget totaling \\$172.6 million for all City Funds for the ensuing fiscal year beginning October 1, 2021 and ending September 30, 2022; appropriating revenue and expenditure amounts thereof for all City Funds, authorizing a 6.0 percent increase in water service rates, no changes in wastewater service rates, no changes in storm drainage fees, a 2.51 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-one \(21.0\) new full-time positions for a total of 302.0 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](#)
29. [\(First Reading\) Approve an Ordinance of the City of Kyle, Texas, fixing the ad valorem tax \(property tax\) rate for Tax Year 2021 \(Fiscal Year 2021-2022\) at \\$0.5082 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, 2021 and ending September 30, 2022; 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](#)
30. [Proposal to update the City of Kyle Building and Trades code standards from the 2015 Edition to the 2021 Edition of the ICC code, and to update the electric standard from the 2014 Edition to the 2020 Edition of the National Electric Code, and providing for local amendments to the 2021 International Fire Code. ~ Gary Stubbins, Building Official](#)
31. [Developing a Smart Cities Initiative and Creating a City Council Task Force. ~ Robert Rizo, Council Member](#)

32. [Discussion and possible action on implementing a process to create a Human Services Board/Commission to review, advise, and create an equitable and fair process for allocating grant funding to non-profits organizations serving in the Kyle area. ~ Dex Ellison, Council Member](#)

IX. Executive Session

33. [Take action on items discussed in 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.](#)
 - o [Possible Creation of TIRZ](#)
 - o [Sludge Handling Services Agreement](#)
 - o [Akin Gump Agreement](#)
 - o [Water Tank Painting Contract](#)
 - o [Pie in the Sky Contracts](#)
 - o [Proposal with BGK Architects](#)
 - o [Cromwell Sidewalk](#)
 - o [Frontage Road Properties](#)
 2. [Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.](#)
 - o [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 MBA](#)
 - o [Project SUFC](#)
 - o [Project Deep Golden](#)
 - o [Project Vincere](#)

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."