



# CITY OF KYLE

## Notice of Regular City Council Meeting

Kyle City Hall, 100 W. Center Street, Kyle, TX 78640

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on September 7, 2021, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 2nd day of September, 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 - August 17, 2021. ~ Jennifer Holm, City Secretary](#)
2. [City Council Meeting Minutes - August 17, 2021. ~ Jennifer Holm, City Secretary](#)
3. [City Council Special Meeting Minutes - August 25, 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. City Manager's Report**

4. [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](#)
  - [Gathering of Kyles photo](#)
  - [Emergency Preparedness Fair](#)
  - [Public Safety Center groundbreaking](#)
  - [Squeeze Box event](#)
  - [Founders and Veterans Parade](#)
  - [Team Kyle News](#)

### **V. Presentation**

5. [Hunger Action Month Mayoral Proclamation. ~ Travis Mitchell, Mayor](#)
6. [CIP/Road Projects and Consent Agenda Presentation. ~ Travis Mitchell, Mayor](#)

## **VI. Consent Agenda**

7. [A Resolution of the City Council of the City of Kyle, Texas accepting the Cypress Forest Phase 3B Subdivision improvements: finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ Leon Barba, P.E., City Engineer](#)
8. [A Resolution of the City Council of the City of Kyle, Texas accepting the Cypress Forest Phase 4B 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](#)
9. [Authorize the Chief of Police to Execute a Memorandum of Understanding with the Office of the Texas Attorney General for the Purpose of Continuing Participation as a Member of Internet Crimes Against Children Task Force. ~ Jeff Barnett, Chief of Police](#)
10. [Approve an Engagement Agreement with Tim Austin of ALLEN BOONE HUMPHRIES ROBINSON LLP for TIRZ Consultant Services. ~ J. Scott Sellers, City Manager](#)
11. [Authorize award and execution of a Purchase Order to CEDAR HILLS CONSTRUCTION, LLC, Leander, Texas, lowest and most responsible bidder, in an amount not to exceed \\$456,665.99 which includes a five \(5\) percent contingency for the Schlemmer and Porter Wastewater, Phase 1 improvement project. ~ Leon Barba, P.E., City Engineer](#)
12. [Approval of Work Order #145535 between PEDERNALES ELECTRIC COOPERATIVE, INC., and the City of Kyle for an amount not to exceed \\$29,876.51 for electrical service installation to Heroes Memorial Park located near intersection of Kohlers Crossing and FM 1626. ~ Leon Barba, P.E., City Engineer](#)
13. [Approve an Additional Service Request #3 with NUDGE DESIGN in an amount not to exceed \\$9,500.00, increasing the total contract amount to \\$656,200.00 for the design/engineering for an 8-inch reclaimed water line extension for Heroes Memorial Park. ~ Leon Barba, P.E., City Engineer](#)
14. [Discussion and approval of a Sludge Handling Services Agreement with Wastewater Transport Services. ~ Harper Wilder, Director of Public Works](#)

## **VII. Consider and Possible Action**

15. [Approval of the guaranteed maximum price in an amount not to exceed \\$30,139,839.00 as proposed and guaranteed by BARTLETT COCKE GENERAL CONTRACTORS and authorization to issue notice to proceed for the construction of the City's Public Safety Center facility. ~ Bob Farmer, AGCM](#)

16. Consider approval of a Site Specific Declaration of Covenants, Restrictions, and Easements for the Public Safety Center; and authorize the City Manager or Mayor to execute all documents necessary to accept conveyance of the Public Safety Center site. ~ Paige Saenz, City Attorney
17. Approval of an agreement with ECS SOUTHWEST, LLP in an amount not to exceed \$93,233.06 for materials testing in association with the construction of the City's Public Safety Center facility project. ~ Bob Farmer, AGCM
18. Update on the the Police Department's Citizens On Patrol program and to seek approval to increase the size of the program from four (4) to eight (8) members as discussed in the recent budget workshop. ~ Jeff Barnett, Chief of Police
19. Approval of Transportation Master Plan. ~ J. Scott Sellers, City Manager
20. Presentation on a citywide trail master plan. ~ J. Scott Sellers, City Manager
21. [Postponed 8/3/21] (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 10.81 acres of land to Retail Service District 'RS' and approximately 34.83 acres to Multi-Family Residential-3 'R-3-3' for property located at 20139 IH-35, in Hays County, Texas. (Sunrise Village Investments, LLC - Z-21-0082) ~ Howard J. Koontz, Director of Planning and Community Development  
- Planning and Zoning Commission voted 4-0 to recommend approval of the request.  
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  - Public Hearing
22. Approve a contract with UBER TECHNOLOGIES, INC., to provide public transit services within the Kyle city limits and other areas as specified in the agreement. ~ Jerry Hendrix, Chief of Staff
23. Public Hearing on the creation of the Kyle 57 Public Improvement District. ~ James R. Earp, Assistant City Manager
24. Approve a Resolution of the City of Kyle, Texas, Authorizing and Creating the Kyle 57 Public Improvement District within the City of Kyle, Texas Pursuant to Chapter 372 of the Texas Local Government Code and Providing an Effective Date. ~ James R. Earp, Assistant City Manager
25. Approve a Deposit Agreement with Kyle Mortgage Investors regarding Proposed Kyle 57 Public Improvement District. ~ James R. Earp, Assistant City Manager
26. Approve an Agreement with Kyle Mortgage Investors Regarding the Dissolution of Kyle 57 Public Improvement District. ~ James R. Earp, Assistant City Manager
27. Approve a proposal from BARNES GROMATZKY KOSAREK ARCHITECTS (BGK Architects) in an amount not to exceed \$215,000 for professional services

for Downtown Master Planning and city-wide Design Standards. ~ J. Scott Sellers, City Manager

28. Engage Honeywell on a Smart Cities initiative in an amount not to exceed \$25,000.00. ~ Robert Rizo, Council Member
29. Approve an agreement with AKIN GUMP STRAUSS HAUER & FELD, LLP in the amount of \$172,000.00 for providing federal legislative advocacy services to the City of Kyle. ~ J. Scott Sellers, City Manager
30. (Second 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  
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City Council voted 6-1 to approve on first reading.
31. Consideration of the reappointment of Amanda Stark to Seat 5 of the Park & Recreation Board for a two-year term to expire September 30, 2023. ~ Mariana Espinoza, Director of Parks & Recreation
32. Consideration of nominations for reappointments to the Library Board to fill expired terms. ~ Paul Phelan, Director of Library Services  
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  - Morgan Harrell (for a second term)
  - Susan Reyna (for a second term)
  - Gracie Rocha (for a third term)
33. Discussion regarding proposed code changes to Sec. 11-176, Sec. 11-177, Sec. 41-136, Sec. 53-33 (Chart 4), Sec. 53-143 and provide direction to staff to pursue code amendments. ~ Howard J. Koontz, Director of Planning and Community Development
34. A Resolution of the City of Kyle, Texas accepting the petition for annexation of 2.548 acres of land, more or less, located at 4750 Dacy Lane, in Hays County, Texas; setting annexation schedule; providing for open meetings and other related matters. (ANNX-21-0011) ~ Howard J. Koontz, Director of Planning and Community Development  
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35. Consider a request from the Southlake Ranch HOA to remove no parking signs on Granite Shoals Dr. ~ Dex Ellison, Council Member
36. Consider a request for a comprehensive plan amendment to add Warehouse ‘W’ and Construction Manufacturing ‘CM’ Zoning Districts to the ‘Regional Node’ Land Use District in the Comprehensive Plan, in the City of Kyle, Texas. (Caraway Cattle Co. Family Partnership – Z-21-0087) ~ Howard J. Koontz, Director of Planning and Community Development  
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Planning and Zoning Commission voted 6-0 to recommend approval.

- [Public Hearing](#)

37. [A Resolution of the City of Kyle, Texas accepting the petition for annexation of 37.99 acres, more or less, of land located in Hays County, Texas; setting annexation schedule; providing for open meetings and other related matters. \(ANNX-21-0012\) ~ Howard J. Koontz, Director of Planning and Community Development](#)
38. [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](#)
39. [Evaluation of expectations, from City Council and City Manager, when presenting direction of council, to staff. ~ Yvonne Flores-Cale, Council Member](#)
40. [Discussion and possible action to restructure official City task forces. ~ Travis Mitchell, Mayor](#)

## VIII. Executive Session

41. [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 Discussion regarding the City's task forces](#)
    - [o TIRZ Consultant](#)
    - [o Alexander Mediation](#)
    - [o Belt Press and Sludge Hauling Service Agreements](#)
    - [o Brick and Mortar District Roadway Funding](#)
    - [o City Lights and Kyle Marketplace Subdivision/Development DA](#)
    - [o FM 150 Zoning](#)
    - [o 104 S. Burleson](#)
    - [o Bebee Road Development Agreement](#)
    - [o Event Contracts and COVID Policies](#)
  - [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 Fire Engine Red](#)
    - [o Project Wild Strawberry](#)
    - [o Project MBA](#)
    - [o Project Just Peachy](#)

42. [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."