



CITY OF KYLE

Notice of Regular City Council Meeting

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

The public can watch remotely at: Spectrum 10;

<https://www.cityofkyle.com/kyletv/kyle-10-live>. One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on December 6, 2021, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 3rd day of December, 2021, prior to 9:15 a.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Special Meeting Minutes - November 16, 2021. ~ Jennifer Holm, City Secretary](#)
2. [City Council Meeting Minutes - November 16, 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

3. [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](#)
 - [Introduction of new Assistant City Manager, Amber Lewis](#)
 - [December City Council meeting scheduled](#)
 - [Planning and Zoning Commission opening](#)

- [Get Hired Job Fair Recap](#)
- [Nitro Announcement](#)
- [Tree Lighting Recap](#)
- [Santa's Tour around Kyle](#)
- [25 Days of Christmas](#)
- [Runoff Election](#)
- [Team Kyle News](#)

V. Appointments

4. [Nomination for the ethics commission Kassie Anderson. ~ Robert Rizo, Council Member](#)

VI. Presentation

5. [Wastewater Treatment Plant Progress Update Video. ~ Harper Wilder, Director of Public Works](#)
6. [CIP/Road Projects and Consent Agenda Presentation. ~ Travis Mitchell, Mayor](#)

VII. Consent Agenda

7. [Ratify the approval of renting a stand-by generator from UNITED RENTALS, Round Rock, Texas, in an amount not to exceed \\$21,223.21 during the time repairs are being conducted. ~ Harper Wilder, Director of Public Works](#)
8. [Authorize the City Manager to execute a Master Service Agreement with Mead & Hunt, Inc., Austin, Texas for on-demand services as needed. ~ Kathy Roecker, Stormwater Management Plan Administrator](#)
9. [Approve of Work Order No. 1 to MEAD & HUNT, INC., Austin, Texas, in the amount not to exceed, \\$24,660.00 for providing an Industrial Waste Survey for the City's Pretreatment Program. ~ Kathy Roecker, Stormwater Management Plan Administrator](#)
10. [Approval of a contract with SCHAUMBURG & POLK, INC., Tyler, Texas, in an amount not to exceed \\$84,000.00 for the TPWD Spring Branch Segment of Plum Creek Trail. ~ J. Scott Sellers, City Manager](#)
11. [Approve a Resolution of the City Council of the City of Kyle Selecting a Grant Writer/Administrator to Assist the City in its Application and Administration of a Contract, if Awarded, from the Texas Division of Emergency Management \(TDEM\) Hazard Mitigation Grant Program \(HMGP\) for DR-4586 February Winter Weather. ~ Harper Wilder, Director of Public Works](#)
12. [Approve a Resolution of the City Council of the City of Kyle Selecting an Engineer in Conjunction with the Submittal of an Application for funding through the Texas Division of Emergency Management \(TDEM\) Hazard Mitigation Grant Program \(HMGP\) for DR-4586 February Winter Weather. ~ Harper Wilder, Director of Public Works](#)

13. Authorize the Police Department to apply for a STEP Comprehensive grant in an amount no greater than \$12,000.00 from TXDOT and authorize matching funding from the Police Department's approved operating budget for FY 2022-2023 in an amount not to exceed \$3,500 to fund a STEP Grant Program for one year beginning October 1, 2022 and ending September 30, 2023. ~ Jeff Barnett, Chief of Police
14. Authorize the Police Department to apply for a STEP CMV grant in an amount no greater than \$12,000.00 from TXDOT and authorize matching funding from the Police Department's approved operating budget for FY 2022-2023 in an amount not to exceed \$3,500 to fund a STEP Grant Program for one year beginning October 1, 2022 and ending September 30, 2023. ~ Jeff Barnett, Chief of Police

VIII. Consider and Possible Action

15. Authorize City Manager to execute Standard Utility Agreement Phase Order No. 3 with Pedernales Electric Cooperative, Inc., P.E.C., to relocate overhead power lines around the premises of Krug Activity Center to adjacent streets, alleys, underground, as necessary for beautification of Downtown Square, Mary Kyle Hartson Park. ~ Leon Barba, P.E., City Engineer
16. Direct staff to issue and RFP for management services to include the maintenance of landscape, structures and furniture for the MKH, La Verde and Heroes Memorial parks with the required scope to ensure these parks are maintained to the Council's Stated "Gold Standard." ~ J. Scott Sellers, City Manager
17. (First Reading) Approve an Ordinance of the City of Kyle, Texas, Authorizing and Approving Exchanges and Conveyances of Land with the Alexander Family Trust, By and Through Mary Jane Alexander as the Director of Mary Jane Alexander GP, the General Partner of BJ - MJ Alexander, LTD.; Making Findings of Fact; and Providing for Related Matters; and Repealing Ordinance No. 1154 in its entirety. ~ Leon Barba, P.E., City Engineer
18. A Resolution of the City of Kyle, Texas, accepting the petition for annexation of approximately 102.1599 acres, located at the north corner of SH-21 & E FM 150, more or less, of land located in Hays County, Texas; setting an annexation schedule; providing for open meetings and other related matters. (FM Rd 812, LLC - ANNX-21-0013) ~ James R. Earp, Assistant City Manager
19. A Resolution of the City of Kyle, Texas, accepting the petition for annexation of 201.377 acres, located at 1899 Six Creeks Blvd., more or less, of land located in Hays County, Texas; setting an annexation schedule; providing for open meetings and other related matters. (Blanco River Ranch Properties, LP - ANNX-21-0014) ~ James R. Earp, Assistant City Manager
20. (Second Reading) An ordinance amending Chapter 41 (Subdivisions) of the City of Kyle, Texas, for the purpose of modifying Section 41-136 - Lots and Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of modifying Section 53-143 - Site Development Regulations (Townhomes); Authorizing the City Secretary to amend the City of Kyle Code of Ordinances 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. ~ James R. Earp, Assistant City Manager

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

- City Council voted 7-0 to approve on first reading, and to bring back amendments as directed.

21. Agreement for Public Improvement District (PID) and Tax Increment Reinvestment Zone (TIRZ) Creation and Administration Services with P3Works, LLC. ~ Paige Saenz, City Attorney
22. Approval of Change Order No. 1 to KOMPAN, INC., Austin, TX, in an additional amount of \$12,462.00 increasing the total contract amount not to exceed \$287,070.35 due to an increase in price of rubberized surface material to be installed for the La Verde Park playground. ~ David Harding, AGCM Project Manager
23. Approval of contingency increase for the Heroes Memorial Park, in an additional amount of \$424,351.60 increasing the total contract award to CADENCE MCSHANE CONSTRUCTION COMPANY LLC, AUSTIN, TX, in an amount not to exceed \$8,745,000.00 for the purpose of future construction scope changes. ~ David Harding, AGCM Project Manager
24. Approval of contingency increase for the La Verde Park, in an additional amount of \$245,750.00 increasing the total contract award to STODDARD ENTERPRISE LLC, SPRING BRANCH, TX, in an amount not to exceed \$5,160,750.00 for the purpose of future construction scope changes. ~ David Harding, AGCM Project Manager
25. Arts Commission Update. ~ Yvonne Flores-Cale, Council Member
26. Discussion and possible action on the public safety center. ~ Robert Rizo, Council Member
27. Discussion and possible action on the city's bar hours of operation during the holidays. ~ Robert Rizo, Council Member
28. Discussion and Update Traffic patterns, Pedestrian Safety Concerns, Update on Speed Study FM 150 to include possible future studies East of Kyle. ~ Michael Tobias, Council Member

IX. Executive Session

29. 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 Center Street Village
 - o Limestone Creek PID
 - o Bebee Rd PUD
 - o Opal Lane TIRZ
 - o Honeywell Agreement
 - o NBFR Development
 - o Extended Alcohol Sales Hours
 - o Downtown PUD
 - o Contingency for Park Construction
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 Phoenix
 - o Project Zest
 - o Project Just Peachy
 - o Project Fire Engine Red
 - o Project Deep Golden
 - o Project Fresco
 - o Project Black Coral
 - o Project Goldfish
 - o Project Fire Engine Red

30. 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."