



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 April 19, 2022, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 14th day of April, 2022, prior to 10:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Special Meeting Minutes - April 5, 2022. ~ 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. Appointments

2. [Approve the appointment of William Paiz-Tabash or the City of Kyle Emergency Management Coordinator as the data custodian for the State of Texas Emergency Assistance Registry. ~ William Paiz-Tabash, Emergency Management Coordinator](#)

V. Presentation

3. [Resolution honoring the life and legacy of long-time educator and principal, Mr. Armando Chapa. ~ Michael Tobias, Council Member](#)

4. [Presentation from Frontier Communications about deploying fiber optics. ~ David Russell, Frontier Communications](#)
5. [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](#)
 - [Hays County Tire Drive April 23](#)
 - [Earth Day festivities](#)
 - [Summer Job Hiring event April 27](#)
 - [Movies in the Park April 29](#)
 - [Downtown Master Plan survey](#)
 - [Prescription Drug Take Back event April 30](#)
6. [CIP/Road Projects and Consent Agenda Presentation. ~ Leon Barba, P.E., City Engineer](#)

VI. Consent Agenda

7. [Approve Plum Creek Uptown 1B - Final Plat \(SUB-22-0237\) 8.0249 acres; 2 lots; 1 right-of-way located at the intersection of Benner and Jack Ryan. ~ Will Atkinson, Senior Planner](#)
 - [Planning and Zoning Commission voted 7-0 to recommend approval of the final plat.](#)
8. [\(Second Reading\) An ordinance of the City of Kyle, Texas, Regulating Traffic, Authorizing and directing the installation and erection of no stopping signs for traffic control along the east side of Old Stagecoach Road, from West Center Street to Veterans Drive in the city limits of Kyle; Repealing any ordinance or resolution in conflict; Providing a severability clause; Declaring a penalty; and Providing an effective date. ~ Jeff Barnett, Chief of Police](#)
 - [City Council voted 7-0 to approve on First Reading on 4/5/2022.](#)
9. [Authorize a change in the company name from BRIGHTVIEW LANDSCAPE SERVICES, INC., DBA WLE to BRIGHTVIEW LANDSCAPE DEVELOPMENT, INC. On March 1, 2022, a Change Order was authorized by City Council to BRIGHTVIEW LANDSCAPE SERVICES, INC., DBA WLE to add four additional scopes of work in an amount not to exceed \\$430,669.78 for providing landscape, tree planting, and irrigation services in the City's beautification corridors. ~ Jerry Hendrix, Assistant City Manager](#)
10. [Authorize award and execution of a purchase order to AMERICAN FIREWORKS, Bastrop, Texas in an amount not to exceed \\$52,000.00 for the 4th of July Fireworks show. ~ Mariana Espinoza, Director of Parks & Recreation](#)
11. [Authorize award and execution of a purchase order to ARTISTIC HOLIDAY DESIGNS, Lemont, Illinois in an amount not to exceed \\$65,475.74 for holiday displays for Mary Kyle Hartson City Square Park. This Council approval will also authorize staff to reprogram funds from the Historic Water Tower Festive Lighting](#)

project to provide funding for this expenditure. ~ Mariana Espinoza, Director of Parks & Recreation

12. Authorize award and execution of a purchase order to DOWNTOWN DECORATIONS, Fredericksburg, Texas in an amount not to exceed \$19,148.22 for holiday displays for Mary Kyle Hartson City Square Park through Buy Board Contract #643-21. This Council approval will also authorize staff to reprogram funds from the Historic Water Tower Festive Lighting project to provide funding for this expenditure. ~ Mariana Espinoza, Director of Parks & Recreation
13. Approve a contract with LANDMARK SURVEYING, LP., Austin, Texas, in an amount not to exceed \$15,000.00 for construction staking for Phase II of the Old Post Road Improvements Project. ~ Leon Barba, P.E., City Engineer
14. Authorize award and execution of a purchase order to BRZ COATINGS, INC., Watauga, Texas, in an amount not to exceed \$275,000.00, which includes a 10% contingency to perform all work required for the rehabilitation of the Plum Creek Elevated Storage Tank. ~ Leon Barba, P.E., City Engineer
15. Approve Task Order No. 12 to LJA ENGINEERING, INC., Austin, Texas, in the amount not to exceed \$398,029.32 to widen the IH 35 Southbound Frontage Road to 3 lanes with a shared use path from Marketplace Ave. to Center St. ~ Leon Barba, P.E., City Engineer
16. Approve Task Order No. 7 to CP&Y, INC., Austin, Texas in an amount not to exceed \$358,650.00 for developing an FM 150 W extension preliminary engineering report and a 10% schematic for submittal through an application to Capital Area Metropolitan Planning Organization (CAMPO) for competition and possible project funding. ~ Leon Barba, P.E., City Engineer
17. Approve Task Order No. 13 to LJA ENGINEERING, INC., Austin, Texas in an amount not to exceed \$137,036.22 for developing Kohlers Crossing Overpass and Extension to Seton Parkway preliminary engineering report, and a 10% schematic for submittal through an application to Capital Area Metropolitan Planning Organization (CAMPO) for competition and possible project funding. ~ Leon Barba, P.E., City Engineer
18. Authorize the City Manager to negotiate agreements with the following six (6) engineering firms to develop preliminary engineering reports for the planned 2022 Road Bond Program projects: COBB, FENDLEY & ASSOCIATES, INC., RPS INFRASTRUCTURE, INC., KIMLEY-HORN & ASSOCIATES, INC., BGE, INC., LOCKWOOD, ANDREWS, & NEWNAM, INC., and AMERICAN STRUCTUREPOINT, INC. ~ Amber Lewis, Assistant City Manager
19. Authorize the Mayor or his designee to execute a contract with GrantWorks for the purpose of preparing and submitting grant applications on behalf of the City of Kyle. ~ James R. Earp, Assistant City Manager
20. Ratify emergency cleaning at the Wastewater Treatment Plant, in an amount not to exceed \$17,408.57 payable to Wastewater Transport Services, Austin, Texas. ~ Harper Wilder, Director of Public Works

21. [Approve a professional services agreement by and between The Boring Company and the City of Kyle. ~ J. Scott Sellers, City Manager](#)
22. [Approve a Reimbursable Agreement by and between Union Pacific Railroad and the City of Kyle, Texas and to approve payment of associated fees. ~ Allen Ross, Schaumberg and Polk, Inc.](#)

VII. Consider and Possible Action

23. [Consider a sponsorship or donation to the 2022 Operation: Hats off for Veterans event \(April 24, 2022\) benefitting the Kyle VFW Post #12058 and their Veteran services programs. ~ Dex Ellison, Council Member](#)
24. [Discussion and possible action regarding mayor and council expenses to be published and updated every month in the city of Kyle web page. ~ Daniela Parsley, Council Member](#)
25. [Discussion and possible direction to debrief the Boards & Commissions process. ~ Dex Ellison, Yvonne Flores-Cale, Council Members and Robert Rizo, Mayor Pro Tem](#)
26. [Discussion and possible direction regarding creating a new Kyle Uber \\$3.14 service to South Austin. ~ Daniela Parsley, Council Member](#)
27. [Discussion and possible action addressing concerns from council and residents regarding the City Manager and "MUNICIPAL CONSULTING, LIMITED LIABILITY COMPANY, to include any other authorized and/or unauthorized outside business activities. ~ Yvonne Flores-Cale, Council Member](#)
28. [\(First Reading\) An ordinance of the City of Kyle, Texas annexing 119.703 acres of land, more or less located at 1111 and 1113 Roland Lane, approximately 3,000' northwest of the intersection of IH-35 & Roland Lane in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. \(Edward Bullock - ANNX-22-0017\) ~ Will Atkinson, Senior Planner](#)
 - [• Public Hearing](#)
29. [\(First Reading\) An ordinance amending Chapter 53 \(Zoning\) of the City of Kyle, Texas for the purpose of assigning original zoning to approximately 1 acre of land from Agriculture 'A' to Retail Service District 'RS' for property located at 23451 IH-35, in Hays County, Texas. \(Winn Family LP - Z-22-0095\) ~ Will Atkinson, Senior Planner](#)
 - [Planning and Zoning Commission voted 7-0 to recommend approval of the request.](#)
 - [• Public Hearing.](#)
30. [\(First Reading\) An ordinance of the City of Kyle, Texas annexing 176.023 acres of land, more or less, located at 5260 Hillside Terrace, in Hays County, Texas](#)

including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. (Hillside Terrace/Porter Country - ANNX-21-0015) ~ Will Atkinson, Senior Planner

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- Public Hearing

31. (First Reading) An ordinance of the City of Kyle, Texas annexing 82.951 acres of land, more or less, located on FM 2001, approximately 500' north of Windy Hill Road, in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. (Hillside Terrace/Porter Country - ANNX-21-0016) ~ Will Atkinson, Senior Planner

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- Public Hearing

32. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of assigning original zoning to approximately 1.503 acres of land from Agriculture 'A' to Central Business District-1 'CBD-1' for property located at 1400 W. Center Street, in Hays County, Texas. (Richard and Rita Cuellar Sr. - Z-22-0096) ~ Will Atkinson, Senior Planner

Planning and Zoning Commission voted 7-0 to recommend approval of the request.

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- Public Hearing

33. Acceptance of the City's Annual Comprehensive Financial Report (ACFR) and the Independent Auditor's Report for the fiscal year ended September 30, 2021. ~ Perwez Moheet, CPA, Director of Finance & Tino Robledo, CPA, Senior Director, RSM US, LLP, Certified Public Accountants

34. Consider approval of an extension to the Rate Stabilization Agreement between Monarch Utilities I L.P. and City of Kyle. ~ Paige Saenz, City Attorney

35. Consider approval of an agreement between Monarch Utilities I L.P. and the City of Kyle regarding conditions for the suspension of water services. ~ Paige Saenz, City Attorney

36. Consider and possible action to approve Change Order No. 9 in the amount of \$151,394.78 for STODDARD GENERAL CONTRACTORS for adding the construction of a Lift Station for the La Verde Park project. ~ David Harding, AG|CM

37. Consider and possible action to approve Change Order No. 10 in the amount of \$236,630.00 for CADENCE MCSHANE CONSTRUCTION COMPANY for the Heroes Memorial Park project. ~ David Harding, AG|CM

38. Consider and possible action to amend the 2021 Transportation Master Plan. ~ Leon Barba, P.E., City Engineer

39. Reconsideration of the vote on Item Nos. 21 through 27 from the 4/5/2022 City Council Meeting relating to Blanco River Ranch Properties, LP - Z-22-0097,

TIRZ 3, Savannah Ranch Development and Savannah PID. ~ Michael Tobias, Council Member

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40. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 201.4 acres of land from Agriculture 'A' to Single Family Residential-1 'R-1-1' for property located at 1899 Six Creeks Blvd, in Hays County, Texas. (Blanco River Ranch Properties, LP - Z-22-0097) ~ Will Atkinson, Senior Planner

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Planning and Zoning Commission voted 5-0 to recommend approval conditioned on full annexation completed first.

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- Public Hearing left open on 3/22/2022

41. Consider and possible action to approve an Interlocal Agreement regarding City of Kyle Reinvestment Zone No. 3 by and between the City of Kyle, Texas and the County of Hays, Texas. ~ Paige Saenz, City Attorney

42. (Second Reading) An ordinance of the City Council of the City of Kyle, Texas, designating a contiguous geographic area within the City of Kyle, Texas as Reinvestment Zone Number Three, for the purposes of Tax Increment Financing and creating a Board of Directors. ~ Paige Saenz, City Attorney

City Council voted 6-1 to approve on first reading on 3/1/2022.

43. Consider and possible action to approve an agreement regarding the Dissolution of a Public Improvement District (Savannah Ranch Development). ~ Paige Saenz, City Attorney

44. Consider and possible action to approve a Resolution of the City Council Authorizing and Creating the Savannah Ranch Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; Providing for Related Matters; and Providing an Effective Date. ~ Paige Saenz, City Attorney

45. (Second Reading) An ordinance of the City of Kyle, Texas, annexing 201.377 acres of land, more or less located at 1899 Six Creeks Blvd., Hays County, including the abutting streets, roadways, and rights-of-way into the corporate limits of the City of Kyle. (Blanco River Ranch Properties, LP - ANNX-21-0014) ~ Will Atkinson, Senior Planner

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City Council voted 6-1 to approve the ordinance on first reading on 2/15/2022.

46. Consider and possible action to approve a Development Agreement by and between the City of Kyle, Texas and Blanco River Ranch Properties LP and Toll Southwest, LLC, for the Savannah Development. ~ Paige Saenz, City Attorney

47. Consideration, discussion and possible action on a resolution accepting the petition to increase the estimated costs for the Kyle 57 Public Improvement District and setting a public hearing. ~ Jon Snyder, P3Works, LLC, City's PID Administrator

48. (First Reading) An Ordinance Amending Section 47-28 of the Code of Ordinances, Kyle, Texas and Amending the Tow-Away Zone Under Said Section, Relating to the Removal of Vehicles in No Parking Zones, Fire Access Roads, and Fire Lanes; Providing for Enforcement; Containing Findings and Other Provisions Relating to the Foregoing Subject; Providing for Severability; and Providing for Related Matters. ~ Paige Saenz, City Attorney

VIII. Executive Session

49. 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 La Verde and Heroes Memorial Park
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 3. Personnel matters pursuant to Section 551.074.
 - o City Manager Consulting Opportunity Approved 1/19/2021
 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 Razz Matazz
 - o Project Laser Lemon
50. 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."