



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 May 17, 2022, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 12th day of May, 2022, prior to 11:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Special Meeting Minutes - April 11, 2022. ~ Jennifer Holm, City Secretary](#)
2. [City Council Special Meeting Minutes - April 19, 2022. ~ Jennifer Holm, City Secretary](#)
3. [City Council Regular Meeting Minutes - April 19, 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. Presentation

4. [National Police Week Proclamation. ~ Michael Tobias, Council Member](#)
5. [Asian Pacific American Heritage Month City Council Proclamation. ~ Dex Ellison, Council Member](#)

6. 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
 - Downtown Master Plan Survey
 - Budget Workshops
 - Memorial Day City offices closed - May 30th
 - Citywide Cleanup Event - May 21st
 - Family Skate Night May 20th
 - Movie In the Park May 27th
 - Seeking Vendors for Market Days and Juneteenth
 - National Trails Day June 4th
7. Update on low-hanging wires and unused utility poles on E RM 150. ~ Chance Padier, Environmental Services & Trades Division Manager
8. CIP/Road Projects and Consent Agenda Presentation. ~ Leon Barba, P.E., City Engineer

V. Consent Agenda

9. Approve Reimbursement Agreement between UNION PACIFIC RAILROAD, Omaha, Nebraska, in the amount not exceed \$75,000.00, for preliminary engineering services for the Vybe Trail Tunnel project bore underneath the railroad. ~ Allen Ross, Schaumberg and Polk, Inc.
10. Approve revised invoice from WASTEWATER TRANSPORT SERVICES reducing the final cost from \$17,408.57 to \$16,877.57 for emergency cleaning at the City's wastewater treatment Plant. The City Council considered and approved ratification of the original invoice on April 19, 2022. ~ Harper Wilder, Director of Public Works
11. Approve a resolution authorizing the Mayor to execute an Advance Funding Agreement with the Texas Department of Transportation, Austin, Texas, which includes an amount not to exceed \$8,960.00 for TxDOT services, for street and raised median improvements on FM 150 (Center Street) at the Union Pacific Railroad Company crossing for future implementation of the Quiet Zone. ~ Leon Barba, P.E., City Engineer
12. Approve Task Order No. 8 to CP&Y, INC., Austin, Texas, in an amount not to exceed \$65,847.50, to develop a Preliminary Engineering Report for the possible installation of traffic signals or roundabouts at the intersections of Kohlers Crossing and Sanders, Kohlers Crossing and Benner, and Kohlers Crossing and Cromwell Drive. ~ Leon Barba, City Engineer
13. Authorize award and execution of a purchase order to QRO MEX CONSTRUCTION CO. INC.; Granite Shoals, Texas; lowest and most responsible bidder (only bid submitted), in an amount not to exceed \$233,048.55, which includes a five (5) percent contingency to perform all work required for the decommissioning of the Bunton Creek and Southlake lift stations. ~ Leon Barba, P.E., City Engineer

14. Approve Task Order No. 2 to PAPE-DAWSON ENGINEERING, INC., Austin, Texas, in the amount not to exceed \$36,400.00 for the development of a preliminary engineering report for Center Street from Veterans Drive to Old Stagecoach Road and Old Stagecoach Road, from Center St. to Veterans Drive. ~ Leon Barba, P.E., City Engineer
15. Approve Task Order No. 3 to PAPE-DAWSON ENGINEERING, INC., Austin, Texas, in the amount not to exceed \$112,882.50 for the development of a preliminary engineering report for FM 150 (Center Street) from Main St. to Veterans Drive). ~ Leon Barba, P.E., City Engineer
16. Approve a master agreement with BGE INCORPORATED, Austin, Texas, a civil engineering consulting firm, to provide professional services for Bunton Creek Road and Task Order #1 in an amount of \$170,393.70 to develop a preliminary engineering report for Bunton Creek Road. ~ Leon Barba, P.E., City Engineer
17. Approve a master agreement with AMERICAN STRUCTUREPOINT, INCORPORATED, Austin, Texas, a civil engineering consulting firm, to provide professional services for Bebee Road and Task Order #1 in an amount of \$190,781.35 to develop a preliminary engineering report. ~ Leon Barba, P.E., City Engineer
18. Approve a master agreement with RPS INFRASTRUCTURE, INC., Austin, Texas, a civil engineering consulting firm, to provide professional services for Marketplace Ave. Extension and Task Order #1 in an amount of \$106,975 to develop a preliminary engineering report. ~ Leon Barba, P.E., City Engineer
19. Approve a master agreement with COBB, FENDLEY & ASSOCIATES, INC., San Marcos, Texas, a civil engineering consulting firm, to provide professional services for Kyle Parkway and Lehman Road Extension and Task Order #1 in an amount of \$209,894.60 to develop a preliminary engineering report. ~ Leon Barba, P.E., City Engineer
20. Approve a master agreement with KIMLEY-HORN & ASSOCIATES, INC., Austin, Texas, a civil engineering consulting firm, to provide professional services for Goforth Road and Task Order #1 in an amount of \$184,251.00 to develop a preliminary engineering report. ~ Leon Barba, P.E., City Engineer
21. Approve a master agreement with LOCKWOOD, ANDREWS, & NEWNAM, INC., San Marcos, Texas, a civil engineering consulting firm, to provide professional services for Windy Hill Road and Task Order #1 in an amount of \$127,436.00 to develop a preliminary engineering report. ~ Leon Barba, P.E., City Engineer
22. (Second Reading) An ordinance of the City of Kyle, Texas Providing for withholding of Water Taps and Water Meters or Other Reasonable Enforcement Actions to be taken for Crosswinds Municipal Utility District Properties that are out of Compliance with the Rules on Erosion and Sediment Control. ~ James R. Earp, Assistant City Manager

City Council voted 7-0 to approve on first reading on 5/3/2022.

23. Approved Resubdivision of Plum Creek Phase 1, Lot 1, Block A, Business Park (SUB-22-0250) 5.01 acres; 2 lots located at 1670 Kohler's Crossing. ~ Will Atkinson, Senior Planner

Planning and Zoning Commission voted 7-0 to recommend approval.
24. Approve a contract with VIKING CONSTRUCTION, INC., Georgetown, Texas, in an amount not to exceed \$492,157.10 for the 2022 Miscellaneous Streets Micro-Surfacing Project. ~ Leon Barba, P.E., City Engineer
25. Addendum to the March 15, 2021 Letter Agreement for Legal Services to add the following matter: CauseNo. 22-0813; The State of Texas, ex. rel. 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 207th Judicial District Court of Hays County, Texas. ~ Paige Saenz, City Attorney
26. Agreement by and between the City of Kyle, Texas and Barnes, Gromatzky, Kosarek Architects for services in relation to the design of 104. S. Burleson building. ~ Amber Lewis, Assistant City Manager

VI. Items Pulled from Consent Agenda

VII. Consider and Possible Action

27. Discussion and possible action regarding the City's legal procedures, to include updating the City of Kyle's registered agent, as well as reviewing and updating current/future policies regarding pending litigation. ~ Yvonne Flores-Cale, Council Member
28. Update and discussion of Papa Jack's and Jack's Axes. ~ Yvonne Flores-Cale, Council Member
29. 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
30. Professional services agreement for 2022 Bond Election Public Education with Dandy Planning dba Gap Strategies for \$65,000. ~ Jerry Hendrix, Assistant City Manager
31. Consider authorizing the City's Director of Finance to initiate process, prepare documents, and to coordinate all necessary steps for the issuance of General Obligation Bonds, Series 2022 in an amount not to exceed \$37,000,000.00 to provide funding for the design, construction, and all furniture, fixture, and equipment required for the new Kyle Public Safety Center facility as authorized by the voters of Kyle, Texas on November 3, 2020. ~ Perwez A. Moheet, CPA, Director of Finance
32. Authorize the city manager or his designee to negotiate a contract with Core Office Interiors for the design, procurement and installation of furniture for the Public Safety Center. ~ Bob Farmer, AG/CM

33. (Second 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 Coster Bullock Jr. - ANNX-22-0017) ~ Will Atkinson, Senior Planner
- City Council voted 7-0 to approve on first reading.
34. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 87.694 acres of land from 'A' to 'R-1-C' (Residential Condominium, 30.565 acres), 'R-1-3' (Single Family Residential – 3, 26.322 acres), 'R-1-2' (Single Family Residential – 2, 19.130 acres) & 'CC' (Community Commercial, 11.677 acres) for property located at 1111 & 1113 Roland Lane, in Hays County, Texas. (Edward Coster Bullock Jr. - Zoning -Z-22-0094) ~ Will Atkinson, Senior Planner
- Planning and Zoning Commission voted 7-0 to recommend approval the request contingent on full annexation.
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 - Public Hearing
35. Consider and possible action on a development agreement by and between the City of Kyle, Texas and Edward Coster Bullock, Jr. ~ Will Atkinson, Senior Planner
36. (Second 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
- City Council voted 7-0 to approve on first reading.
37. (Second 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
- City Council voted 7-0 to approve on first reading.
38. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 259 acres of land from Agriculture 'A' to Planned Unit Development 'PUD' for property located at 5260 Hillside Terrace, in Hays County, Texas. (Hillside Terrace Development LLC - Zoning - Z-21-0090) ~ Will Atkinson, Senior Planner
- Planning and Zoning Commission voted 7-0 to recommend approval the request contingent on full annexation.
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 - Public Hearing

39. Consider and possible action on a development agreement by and between the City of Kyle, Texas and Hillside Terrace Development, LLC. ~ Paige Saenz, City Attorney
40. Consideration and Possible Action on a Resolution of the City of Kyle, Texas, Approving an Amendment to the Kyle 57 Public Improvement District within the City of Kyle pursuant to Chapter 372 of the Texas Local Government Code. ~ Jon Snyder, P3Works, LLC, City's PID Administrator
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 - Public Hearing
41. Consideration and Possible Action on a Resolution Approving an Amendment to the Kyle 57 Public Improvement District Financing Agreement within the City of Kyle pursuant to Chapter 372 of the Texas Local Government Code. ~ Jon Snyder, P3Works, LLC, City's PID Administrator
42. Consideration and Possible Action on approval of a Completion Agreement with Kyle 57 Development, Inc. ~ Jon Snyder, P3Works, LLC, City's PID Administrator
43. Consideration and Possible Action on a Resolution Approving the Form and Authorizing the Distribution of a Preliminary Limited Offering Memorandum for City of Kyle, Texas Special Assessment Revenue Bonds, Series 2022 (Kyle 57 Public Improvement District). ~ Jon Snyder, P3Works, LLC, City's PID Administrator
44. Consideration and Possible Action on a Resolution Accepting a Preliminary Service and Assessment Plan for the Kyle 57 Public Improvement District; Directing the Filing of a Proposed Assessment Roll for said Public Improvement District; Approving the Publication of Notice of a Public Hearing to Consider an Ordinance Levying Assessments on Property Located within Said Public Improvement District that is Specially Benefitted by the Improvements being Financed; Directing City Staff to Publish and Mail Notice of Said Public Hearing; and Resolving Other Matters Incident and Related Thereto; and Providing an Effective Date. ~ Jon Snyder, P3Works, LLC, City's PID Administrator
45. Consideration and Possible Action on Calling a Public Hearing to Issue Special Assessment Revenue Bonds in the Kyle 57 Public Improvement District. ~ Jon Snyder, P3Works, LLC, City's PID Administrator

VIII. Executive Session

46. 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 Communication protocol with city manager and city attorney

- [Woodmere Park Development Agreement](#)
 - [Combined Emergency Communications Center](#)
 - [Intersection at RM 150 and Silverado](#)
 - [Cause No. 22-0873 The State of Texas, Ex. Rel. 1200 S. Old Stagecoach Road, LLC vs. City of Kyle, Texas](#)
 - [ETJ Swap](#)
 - [Cause No. 21-2336 John D. Ferrara vs. J. Scott Sellers, City Manager for the City of Kyle, Texas](#)
 - [Stoddard Construction Contract](#)
 - 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.](#)
 - [Project Fire Engine Red](#)
 - [Project French Lime](#)
47. [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."