



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 June 21, 2022, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 17th day of June, 2022, prior to 10:00 a.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Workshop Meeting Minutes - May 16, 2022. ~ Jennifer Holm, City Secretary](#)
2. [City Council Special Meeting Minutes - May 17, 2022. ~ Jennifer Holm, City Secretary](#)
3. [City Council Regular Meeting Minutes - May 17, 2022. ~ Jennifer Holm, City Secretary](#)
4. [City Council Special Meeting Minutes - June 7, 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. Agenda Order

5. [Agenda Order. ~ Travis Mitchell, Mayor](#)

V. Presentation

6. [Juneteenth proclamation. ~ Dex Ellison, Council Member](#)
7. [Presentation of Graduates of the 2022 Team Kyle Academy. ~ James R. Earp, Assistant City Manager](#)
8. [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](#)
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 - [Budget Workshops](#)
 - [Boards and Commissions Openings](#)
 - [James Adkins Pool Public Swim Day - June 24](#)
 - [July is Parks and Recreation Month](#)
 - [2022 Independence Day Fireworks Show – July 4](#)
 - [Pie in the Sky Day Celebration - Sept. 3](#)
 - [State of the City - June 28](#)
 - [Summer Reading Program](#)
 - [New Employees](#)
9. [CIP/Road Projects and Consent Agenda Presentation. ~ Leon Barba, P.E., City Engineer](#)

VI. Consent Agenda

10. [Approve the submittal of a Section 319\(h\) Nonpoint Source \(NPS\) Grant Program application to the TCEQ to fund a water quality improvement project. The grant has a 60/40 match which would require a city match of ~\\$140,000.00 over 3 years if awarded. ~ Kathy Roecker, Stormwater Management Plan Administrator](#)
11. [Approve Amendment #1 to Task Order No. 2 to K FRIESE & ASSOCIATES, INC., Austin, Texas in an amount not to exceed \\$6,170.00, increasing the total contract amount not to exceed \\$60,580.00 for additional design revisions for the Downtown Electrical Relocation Project. ~ Leon Barba, P.E., City Engineer](#)
12. [\(Second Reading\) An ordinance granting to Universal Natural Gas, LLC \(d/b/a Universal Natural Gas, Inc.\) and its successors and assigns, for a period of ten \(10\) years from the effective date of this ordinance, a non-exclusive franchise and right to enter the public ways to install, operate and maintain a distribution system within, along, across, over and under the public ways of the city of Kyle, Texas for the transportation, distribution and/or sale of gas to customers and the public in the city; defining the words and phrases therein; providing for assignment, sale or lease of the franchise; providing for use and repair of the public ways; providing for regulation of service; establishing depth of pipelines; establishing rights and duties in the movement and alteration of pipelines; providing for indemnification of the city of Kyle; providing for inspection of grantee's records; requiring grantee to pay a franchise fee; providing for conditions of the franchise; providing for construction of this ordinance upon the invalidity of any part thereof; providing for acceptance of this franchise by grantee and both an effective and an operative date thereof; repealing all other ordinances directly in conflict herewith; providing](#)

for severability; providing for publication and prescribing an effective date. ~ Jerry Hendrix, Assistant City Manager

City Council voted 6-0 to approve on first reading on 6/7/2022.

13. Approve a resolution of the City Council of the City of Kyle, Texas accepting the Casetta Ranch Section 3 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
14. Approve a resolution of the City Council of the City of Kyle, Texas accepting the Brooks Ranch Phase 2 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
15. Authorize award and execution of a contract with BURGESS & NIPLE, INC., Austin, Texas in an amount not to exceed \$16,450.00 for providing water distribution modeling for the Kyle Marketplace Development. ~ Leon Barba, P.E., City Engineer
16. Approve ECS contract for Testing at Public Safety Center in the amount of \$25,200.00 to perform the necessary Air Barrier Testing that is called out in the specifications to be provided by owner. ~ David Harding, AG|CM
17. Approve the construction contract agreement between the City of Kyle and TEXAS REALTY/RETAIL PARTNERS, INC., (Developer), in order for the City to reimburse the Developer per the agreement up to a maximum amount not to exceed \$693,796.95 which includes a five (5) percent contingency for the construction of the Center Street Wastewater Phase I improvements. ~ Leon Barba, P.E., City Engineer
18. Approve Brick and Mortar Phase 1B - Site Plan (SD-22-0136) 8.72 acres; 2 lots located at the intersection of Benner and Jack Ryan. ~ Amber Lewis, Assistant City Manager
Planning and Zoning Commission voted 5-0 to recommend approval.
19. Authorize award and execution of a Purchase Order to Solid Border in an amount not to exceed \$165,174.00 for the purchase of IT networking equipment for the new Kyle Public Safety Center. ~ Matt Dawson, Director Information Technology
20. Ratify emergency pump repairs to reclaimed water effluent pump #1 at the Wastewater Treatment Plant, in an amount not to exceed \$18,604.53 payable to AUSTIN ARMATURE WORKS, LP, Buda Texas. ~ Harper Wilder, Director of Public Works
21. In compliance with Ordinance No. 566, the Library Services Department is requesting the City Council to declare all furniture and associated equipment identified by attached photographs as salvage or junk property and authorize the disposal of said city property as appropriate by the department. ~ Paul Phelan, Director of Library Services

VII. Items Pulled from Consent Agenda

VIII. Consider and Possible Action

22. Consideration and approval of a resolution of the City Council of the City of Kyle, Texas, Authorizing the acceptance of certain revenues in the tax increment fund from Tax Increment Reinvestment Zone Number Two, City of Kyle, Texas to pay certain project costs, including projects to be financed by the City through the issuance of Certificates of Obligation; Agreeing to be reimbursed by TIRZ #2 for all annual debt service payments on the Certificates of Obligation until their stated maturity or prior redemption; Making findings of fact; and Other matters in connection therewith. ~ Stephanie Leibe, Norton Rose Fulbright US LLP
23. Consideration and approval of a resolution approving the City's plan of finance pertaining to the contemplated issuance of obligations to be designated as "City of Kyle, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2022"; Authorizing City staff and the City's financial advisor and bond counsel to proceed with this plan of finance; and Authorizing other matters related to the foregoing. ~ Stephanie Leibe, Norton Rose Fulbright US LLP
24. Consideration and approval of a resolution approving the City's plan of finance pertaining to the contemplated issuance of obligations to be designated as "City of Kyle, Texas General Obligation Bonds, Series 2022"; Authorizing City staff and the City's financial advisor and bond counsel to proceed with this plan of finance; and Authorizing other matters related to the foregoing. ~ Stephanie Leibe, Norton Rose Fulbright US LLP
25. Consideration and approval of a resolution relating to Establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various city improvements from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; Authorizing other matters incident and related thereto; and Providing an effective date. ~ Stephanie Leibe, Norton Rose Fulbright US LLP
26. Consider and possible action on a proposal from Verdunity, Inc. for Professional Services for the Comprehensive Plan Update and to authorize the City Manager to execute a contract in an amount not to exceed \$300,000.00. ~ Amber Lewis, Assistant City Manager
27. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 5.4 acres of land from Agriculture 'A' to 'R-1-T' (Residential Townhouse 1) and approximately 4.6 acres 'RS' (Retail Services) for property located at 951 Windy Hill Road in Hays County, Texas. (Everardo Rosales - Z-22-0098) ~ Amber Lewis, Assistant City Manager
- Planning and Zoning Commission voted 5-0 to recommend approval of the request.
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- Public Hearing

28. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 32.34 acres of land from Agriculture 'A' to Retail Service District 'RS' for property located at the north corner of E RR 150 & SH-21 in Hays County, Texas. (FM RD 812, LLC - Z-22-0100) ~ Amber Lewis, Assistant City Manager
- Planning and Zoning Commission voted 5-0 to recommend approval of the request.
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- Public Hearing
29. Consideration and possible action to approve PR-4 "Constant Technologies" addition at Public Safety Center in the amount of \$1,109,678.03. ~ David Harding, AG|CM
30. Consideration and possible action to approve the addition of the Vybe Trail (Option 2) at Public Safety Center in an amount not to exceed \$340,000.00. ~ David Harding, AG|CM
31. Consider and possible action on a proposal from AG|CM Inc. for Project Management Services for the proposed 104 S. Burleson Building Project and to authorize the City Manager to execute a contract in an amount not to exceed \$211,152.00. ~ Amber Lewis, Assistant City Manager
32. Consider and possible action on a Public Improvement District Deposit Agreement by and between the City of Kyle, Texas and Meritage Homes of Texas, LLC (Limestone Creek). ~ Amber Lewis, Assistant City Manager
33. Consider and possible action on a Development Agreement by and between the City of Kyle, Texas and Meritage Homes of Texas, LLC (Limestone Creek). ~ Amber Lewis, Assistant City Manager
34. Consider and possible action on a Resolution of the City Council of the City of Kyle, Texas accepting a Petition for Creation of the Limestone Creek Public Improvement District; Setting a public hearing under Sec. 372.009 of the Texas Local Government Code on the advisability of the creation of the Limestone Creek Public Improvement District within the City of Kyle, Texas; and Authorizing the issuance of notice by the City Secretary of Kyle, Texas regarding the public hearing. ~ Amber Lewis, Assistant City Manager
35. Discussion and possible action regarding pay increases for seasonal pool staff with the purpose of providing residents with more public access to the city pool. ~ Yvonne Flores-Cale, Council Member
36. Grand Junction Trip Recap. ~ Daniela Parsley, Council Member; Dex Ellison, Council Member; and Robert Rizo, Mayor Pro Tem
37. Consider and possible action to host Kyle market dates on a weekly or biweekly basis all year round. Except when City events are taking place. ~ Daniela Parsley, Council Member

38. [Discussion and general direction regarding logistics for selection of time capsule items for Heroes Memorial Park. ~ Travis Mitchell, Mayor](#)
39. [Consider and possible action to create an ordinance to prohibit political signs or partisan tents at any city events and clarify the city's existing political sign regulations. ~ Daniela Parsley, Council Member](#)
40. [Discussion and possible action regarding the creation of a city auditor position under financial department. ~ Yvonne Flores-Cale, Council Member](#)
41. [Discussion and possible action regarding all City policies, to include the process of keeping Council updated on any policy changes, in order to comply with Section 4.03b of the City's Charter. ~ Yvonne Flores-Cale, Council Member](#)

IX. Executive Session

42. [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 [SouthWest Water Company Negotiation](#)
 2. [Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.](#)
 - o [Right of Way Acquisition](#)
 - o [Veterans Drive 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 On the Tracks](#)
43. [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."