

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 March 22, 2022, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 18th day of March, 2022, prior to 10:00 a.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Special Meeting Minutes - February 28, 2022. ~ Jennifer Holm, City Secretary](#)
2. [City Council Special Meeting Minutes - March 1, 2022. ~ Jennifer Holm, City Secretary](#)
3. [City Council Regular Meeting Minutes - March 1, 2022. ~ Jennifer Holm, City Secretary](#)
4. [City Council Special Meeting Minutes - March 9, 2022. ~ Jennifer Holm, City Secretary](#)
5. [City Council Special Meeting Minutes - March 10, 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

6. [Proclamation Recognizing the One Year Anniversary of the Council for the Indigenous and Tejano Community. ~ Robert Rizo, Mayor Pro Tem](#)
7. [Presentation from Grande Communications about deploying fiber in Plum Creek. ~ Gabriel Morales, Grande Communications](#)
8. [Smart City Strategic Plan Presentation - Honeywell. ~ James R. Earp, Assistant City Manager](#)
9. [Hog Damage along Plum Creek & Trails presentation. ~ Kathy Roecker, Stormwater Management Plan Administrator](#)
10. [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](#)
 - [Boards/ Commissions Mid-Term Vacancy Special Meeting](#)
 - [Kyle Kudas Swim Team](#)
 - [Sunrise Yoga](#)
 - [Baton Twirling Classes](#)
 - [Library Info Desk](#)
 - [Pie-rate Treasure Hunt winner](#)
 - [Community Survey](#)
 - [Team Kyle News](#)
11. [CIP/Road Projects and Consent Agenda Presentation. ~ Travis Mitchell, Mayor](#)

V. Consent Agenda

12. [Authorize award and execution of a construction agreement with PROTA, INC., Austin, Texas, the best value and lowest bidder, in an amount not to exceed \\$2,857,431.15, which includes a five \(5\) percent contingency to perform all work required for the construction of the Indian Paintbrush Lift Station Improvements Project. ~ Leon Barba, P.E., City Engineer](#)
13. [Approve a Resolution in support of the Keep Texas Beautiful, Inc. organization in the City of Kyle and establishing a Keep Kyle Beautiful committee. ~ Mariana Espinoza, Director of Parks & Recreation](#)
14. [Approve a Resolution recognizing the support of the Hays County Food Bank for the City of Kyle Community Gardens. ~ Mariana Espinoza, Director of Parks & Recreation](#)
15. [Authorize award and execution of a purchase order to WLE, LLC, AUSTIN, TX, in an amount not to exceed \\$256,437.25 for irrigation at Gregg-Clarke Park sports fields. ~ Mariana Espinoza, Director of Parks & Recreation](#)
16. [Approve a Resolution by the City of Kyle, Texas suspending the April 11, 2022 effective date of the proposal by Texas Gas Service Company, A division of One Gas, Inc. to implement interim GRIP rate adjustments for gas utility investment in 2021 and requiring delivery of the resolution to the company and legal counsel. ~ Jerry Hendrix, Assistant City Manager](#)

17. Approve a Resolution by the City of Kyle, Texas suspending the May 2, 2022 effective date of the proposal by CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas - South Texas Division to implement Interim GRIP Rate Adjustments for gas utility investment in 2021 and requiring delivery of this resolution to the company and legal counsel. ~ Jerry Hendrix, Assistant City Manager
18. Approve Task Order No. 2, Amendment No. 3 to HDR ENGINEERING, INC., Austin, Texas, in the amount, not to exceed, of \$2,877,286.00 for the FM 1626 Pump Station Phase 1 Improvements and a transmission main. ~ Leon Barba, P.E., City Engineer
19. Authorize and award a purchase order to Diexon Group, DBA Tactica Training Solutions, LLC, in an amount not to exceed \$38,684 for the purchase of bullet resistant body armor for the Police Department. ~ Jeff Barnett, Chief of Police
20. Approve a contract with Maruti Transportation Group, Inc. for Wheelchair Accessible Vehicle (WAV) services as part of the City of Kyle's Kyle Uber \$3.14 program, including a one time implementation fee not to exceed \$35,000, \$12.00 per trip Load Fee, and \$2.50 per mile fee. ~ Jerry Hendrix, Assistant City Manager
21. Approve a Master Interlocal Cooperative Purchasing Agreement with Lubbock County. ~ Jeff Barnett, Chief of Police
22. Approval of Utility Easement between PEDERNALES ELECTRIC COOPERATIVE, INC., and the City of Kyle for the Heroes Memorial Park. ~ Leon Barba, P.E., City Engineer

VI. Public Hearing Action Items

23. (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
- Planning and Zoning Commission voted 5-0 to recommend approval conditioned on full annexation completed first.
-
 - Public Hearing
24. (First Reading) An ordinance Authorizing the Issuance of City of Kyle, Texas Special Assessment Revenue Bonds, Series 2022 (Plum Creek North Public Improvement District Major Improvement Area Project); Approving and Authorizing an Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement, and Other Agreements and Documents in Connection Therewith; Making Findings with Respect to the Issuance of Such Bonds; Providing an Effective Date; and Accepting and Approving an Amended and Restated Service and Assessment Plan

and Updated Major Improvement Area Assessment Roll. ~ Gregory Miller, Bickerstaff Heath Delgado Acosta LLP

- Public Hearing

25. (First Reading) An ordinance Authorizing the Issuance of City of Kyle, Texas Special Assessment Revenue Bonds, Series 2022 (Plum Creek North Public Improvement District Improvement Area #1 Project); Approving and Authorizing an Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement, and Other Agreements and Documents in Connection Therewith; Making Findings with Respect to the Issuance of Such Bonds; Providing an Effective Date; and Accepting and Approving an Amended and Restated Service and Assessment Plan and Updated Improvement Area #1 Assessment Roll. ~ Gregory Miller, Bickerstaff Heath Delgado Acosta LLP

- Public Hearing

VII. Items Pulled from Consent Agenda

VIII. Consider and Possible Action

26. [Postponed 2/15/2022] (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of assigning original zoning to approximately 5.13 acres of land from 'A' Agriculture to 'W' Warehouse District for property located at 1351 Bunton Creek Rd, in Hays County, Texas. (Abel and Linda Tenorio - Z-21-0093) ~ Will Atkinson, Senior Planner

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

City Council voted 5-2 to approve on first reading on 3/1/2022.

27. [Postponed 1/4/2022] Consider approval of an extension to the Rate Stabilization Agreement between Monarch Utilities I L.P. and City of Kyle. ~ J. Scott Sellers, City Manager

28. 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

29. (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.

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

31. 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
32. (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

City Council voted 6-1 to approve the ordinance on first reading on 2/15/2022.
33. 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
34. Consider and possible action on a Resolution approving and authorizing the First Amendment to the Financing Agreement for the Plum Creek North Public Improvement District. ~ Paige Saenz, City Attorney
35. Consider and possible action on a Memorandum of Understanding by and between Yarrington Logistics Owner, LP and the City of Kyle, Texas for an industrial and commercial development within a tax reinvestment zone (TIRZ). ~ J. Scott Sellers, City Manager
36. Consider and possible action to approve a resolution of the City of Kyle, Texas accepting the petition for annexation of 176.023 acres of land, more or less, located at 5260 Hillside Terrace, in Hays County, Texas; setting annexation schedule; providing for open meetings and other related matters. (Hillside Terrace/Porter Country - ANNX-21-0015) ~ Will Atkinson, Senior Planner
37. Consider and possible action to approve a Resolution of the City of Kyle, Texas accepting the petition for annexation of 82.951 acres of land, more or less, located on FM 2001, approximately 500' north of Windy Hill Road, in Hays County, Texas; setting annexation schedule; providing for open meetings and other related matters. (Hillside Terrace/Porter Country - ANNX-21-0016) ~ Will Atkinson, Senior Planner
38. Consider and possible action to approve a Resolution of the City of Kyle, Texas accepting the petition for annexation of 119.703 acres of land, more or less, located at 1111 and 1113 Roland Lane, in Hays County, Texas; setting annexation schedule; providing for open meetings and other related matters. (Edward Bullock - ANNX-22-0017) ~ Will Atkinson, Senior Planner
39. Consider and possible action to select a professional firm for the purposes of developing the City's Comprehensive Plan and to authorize the City Manager to negotiate and execute a contract for services. ~ Amber Lewis, Assistant City Manager
40. Consider and possible action to approve a Resolution of the City Council of the

City of Kyle, Texas, Authorizing the Award of Service Providers for the Texas Hazard Mitigation Assistance Project Funded through the Texas Division of Emergency Management (TDEM) and/or Texas Water Development Board (TWDB). ~ James R. Earp, Assistant City Manager

41. Consider and possible action to approve a Resolution of the City Council of the City of Kyle, Texas, Authorizing the Award of Engineering Services for the Texas Hazard Mitigation Assistance Project Funded through the Texas Division of Emergency Management (TDEM) and/or Texas Water Development Board (TWDB). ~ James R. Earp, Assistant City Manager
42. (First Reading) An ordinance of the City of Kyle, Texas, Amending or Repealing: Part II, Chapter 2, Article III Boards, Committees and Commissions, Division 1 Generally, Subdivision I Boards, Section 2-42 Appointment and Section 2-45 Qualifications; and, Subdivision II Committees, Sec 2-60 Appointment; and, Division 2 Planning and Zoning Commission, Sec 2-70 Vacancies, Appointments and Service; and, Article V Library, Division 2 Board of Directors, Sec 2-441 (c) Membership and Officers of Board, of the City of Kyle Municipal Code and Establishing Application and Appointment Standards for Boards, Committees and Commissions; Repealing Conflicting Ordinances, and Providing for Related Matters. ~ James R. Earp, Assistant City Manager
43. Consider and possible action to waive City of Kyle purchasing requirements requiring three competitive quotes and authorize the City Manager to execute a contract in the amount of \$28,500 for grant writing services for the RAISE grant for the Kyle Vybe project to Karl Kalbacher, PG. ~ J. Scott Sellers, City Manager
44. Consider and possible action regarding an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of modifying Section 53-1230 to restrict certain uses, and amend the zoning use chart. ~ Will Atkinson, Senior Planner
 - Planning and Zoning Commission voted 4-1 to deny Restrictions for Gas stations.
 - Planning and Zoning Commission voted 4-1 to deny Restrictions for Car washes.
 - Planning and Zoning Commission voted 5-0 to approve Restrictions Self-storage.
 - Planning and Zoning Commission voted 4-1 to deny Bar without restaurant in CBD-2.
 - Planning and Zoning Commission voted 5-0 to Approve Brew pub in CBD-2.
 - Planning and Zoning Commission voted 5-0 to restrict Self-storage.
 - City Council voted 6-1 to deny microbreweries in CBD-2.
 - City Council voted 5-2 to approve the recommended amendments and P&Z recommendation for self-storage on 2/15/22.
 - City Council took no action on gas stations and car wash items.

IX. General Discussion and Possible Direction

45. Discussion and possible direction regarding how to proceed with the replacement of Special Events Manager; to include discussion of hiring of a Special Event Consultant or Manager for City-Sponsored Events. ~ Yvonne Flores-Cale, Council Member

46. [Discussion and possible direction on revision and amendment of the Code of Ordinances to establish that private roads will fall under the same fire apparatus lane rules as public roads within the City of Kyle. ~ Daniela Parsley, Council Member](#)
47. [Discussion and possible direction regarding getting translation services for the COK website/ app. ~ Daniela Parsley, Council Member](#)
48. [Discussion and possible direction to direct staff to create a TIRZ policy to provide uniformity, consistency and compliance with all state and federal laws regarding this particular Tax Increment Financing tool. ~ Dex Ellison, Council Member](#)
49. [Discussion and possible direction of dates & times for a TIRZ workshop. ~ Yvonne Flores-Cale, Council Member](#)
50. [Discussion and possible direction regarding the City's noise ordinance. ~ Robert Rizo, Mayor Pro Tem](#)

X. General Discussion

51. [Discuss potential times for City Council to tour the Seguin Public Library. ~ J. Scott Sellers, City Manager](#)

XI. Executive Session

52. [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.](#)
 - [Cause No. 18-1282; Jesse Espinoza v. the City of Kyle, Texas, in the 22nd Judicial District, Hays County, Texas](#)
 - [Hays County Cost Participation Agreement](#)
 - [PUD with Tri Pointe Development](#)
 - [Frontage Road Engineering with LJA](#)
 - [602 Creekside Trail](#)
 - [Advanced Funding Agreement with TxDOT for Roadway Construction](#)
 - [TML Claim](#)
 2. [Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.](#)
 - [Property acquisition on Center Street](#)
 3. [Personnel matters pursuant to Section 551.074.](#)
 - [City Manager Contract](#)
 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 Deep Golden](#)
 - [Project Titanium](#)

53. [Take action on items discussed in Executive Session.](#)

XII. 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."