

# CITY OF KYLE

## Notice of Regular City Council Meeting



<https://www.cityofkyle.com/kyletv/kyle-10-live> OR Spectrum10 OR Call In: US: +1(800)3368975 Meeting ID: 743 645 1934

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on May 5, 2020, at <https://www.cityofkyle.com/kyletv/kyle-10-live> OR Spectrum10 OR Call In: US: +1(800)3368975 Meeting ID: 743 645 1934, for the purpose of discussing the following agenda.

Posted this 30th day of April, 2020, prior to 7:00 p.m.

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### **I. Call Meeting to Order**

### **II. Approval of Minutes**

1. City Council Special Meeting Minutes - January 7, 2020. ~ *Jennifer Vetrano, City Secretary*
2. City Council Meeting Minutes - January 7, 2020. ~ *Jennifer Vetrano, City Secretary*
3. City Council Special Meeting Minutes - January 21, 2020. ~ *Jennifer Vetrano, City Secretary*
4. City Council Meeting Minutes - January 21, 2020. ~ *Jennifer Vetrano, City Secretary*
5. City Council Special Meeting Minutes - February 4, 2020. ~ *Jennifer Vetrano, City Secretary*
6. City Council Meeting Minutes - February 4, 2020. ~ *Jennifer Vetrano, City Secretary*
7. City Council Workshop Meeting Minutes (AM) - February 8, 2020. ~ *Jennifer Vetrano, City Secretary*
8. City Council Workshop Meeting Minutes (PM) - February 8, 2020. ~ *Jennifer Vetrano, City Secretary*
9. City Council Workshop Meeting Minutes - February 9, 2020. ~ *Jennifer Vetrano, City Secretary*

10. City Council Special Meeting Minutes - February 18, 2020. ~ *Jennifer Vetrano, City Secretary*
11. City Council Meeting Minutes - February 18, 2020. ~ *Jennifer Vetrano, 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.

12. This meeting will be held by teleconference. Any citizen wanting to make a comment should dial in to US: +1(800) 336-8975 Meeting ID: 743 645 1934 to register for citizen comments. Those wishing to speak are encouraged to call in 15 minutes before the meeting begins at the number provided above.

### **IV. Presentation**

13. Introduction of Carla Sheridan, Assistant City Secretary. ~ *Jennifer Vetrano, City Secretary*
14. Task force update on Police Headquarters Construction. ~ *Jeff Barnett, Chief of Police*
15. City Manager's Report: 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*
  - Kyle Community Survey 2020
  - Budget Workshop June 13
16. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

### **V. Consent Agenda**

17. A Resolution of the City Council of the City of Kyle, Texas accepting the Cool Springs Subdivision Phase II 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*

### **VI. Consider and Possible Action**

18. Consider approval of Kyle Citizens on Patrol Designs. ~ *Jeff Barnett, Chief of Police*
19. (*First Reading*) Approve an Ordinance regulating traffic, authorizing and directing the installation and erection of stop signs for traffic control at the intersection of Scott Street and W. Allen Street in the city limits of Kyle. ~ *Leon Barba, P.E., City Engineer*

20. Ratify Mayor's Order No. 6 regarding gas station and day care measures, sanitation measures for retail providers, repealing minimum gathering limits in prior orders, and providing for public, HOA, and semi-public pools and playgrounds to remain closed. ~ *Travis Mitchell, Mayor*

## **VII. Executive Session**

21. 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 Plum Creek Escrow Agreement
    - o Private Lot on Philomena
    - o Sunset Hills
    - o Center Street Reconstruction Project
  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 Indigo
    - o Project Just Peachy
    - o Project Scarlet
22. Take action on items discussed in Executive Session.

## **VIII. 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."



# CITY OF KYLE, TEXAS

## 2020 0107 Special Minutes

**Meeting Date: 5/5/2020**

**Date time:7:00 PM**

**Subject/Recommendation:** City Council Special Meeting Minutes - January 7, 2020. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2020 0107 DRAFT Special Minutes

## SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on January 7, 2020 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell  
Mayor Pro Tem Rick Koch  
Council Member Dex Ellison  
Council Member Tracy Scheel  
Council Member Robert Rizo  
Council Member Alex Villalobos  
Council Member Daphne Tenorio  
Scott Sellers, City Manager  
James Earp, Assistant City Manager  
Paige Saenz, City Attorney  
Jerry Hendrix, Chief of Staff  
Jennifer Vetrano, City Secretary  
Diana Torres, Economic Dev Director  
Matt Dawson, IT Director  
Jeff Barnett, Chief of Police  
Pedro Hernandez, Police Captain

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 5:06 p.m. Mayor Mitchell asked the City Secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Scheel, Council Member Rizo, and Council Member Villalobos. A quorum was present. Council Member Ellison and Council Member Tenorio were absent. Council Member Tenorio arrived before executive session. Council Member Ellison arrived during executive session.

### **II. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 5:07 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 5:07 p.m.

### **III. Executive Session**

1. 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.
    - TDS Contract
    - Veterans Memorial
    - RFQ for 104 S. Burluson Street
    - Police Department Facility Update
    - Uptown Park

- Intermandeco Development Agreement
- 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
  - Center Street/Old Stagecoach Road Project
- 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 Wild Blue
  - Restaurant Incentive Program
  - Incentive for Downtown Property

Council Member Scheel read into the record, “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: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - TDS Contract, Veterans Memorial, RFQ for 104 S. Bursleson Street, Police Department Facility Update, Uptown Park, and Intermandeco Development Agreement; Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 - Center Street/Old Stagecoach Road Project; and 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 Wild Blue, Restaurant Incentive Program, Incentive for Downtown Property.”

Council Member Tenorio arrived at 5:07 p.m. The City Council convened into executive session at 5:08 p.m. Council Member Ellison arrived at an unknown time.

2. Take action on items discussed in Executive Session.

The City Council reconvened into open session at 7:05 p.m. Mayor Mitchell called the regular meeting for January 7, 2020 to order before adjournment. The Pledge of Allegiance was recited. Council Member Tenorio requested a moment of silence, which was held, for the international conflicts.

Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

#### **IV. Adjourn**

Mayor Mitchell moved to adjourn. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 7:07 p.m.

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Travis Mitchell, Mayor

Attest:

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Jennifer A. Vetrano, City Secretary

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# CITY OF KYLE, TEXAS

2020 0107 Minutes

Meeting Date: 5/5/2020

Date time:7:00 PM

**Subject/Recommendation:** City Council Meeting Minutes - January 7, 2020. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2020 0107 DRAFT Minutes



## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on January 7, 2020 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell  
Mayor Pro Tem Rick Koch  
Council Member Dex Ellison  
Council Member Tracy Scheel  
Council Member Robert Rizo  
Council Member Alex Villalobos  
Council Member Daphne Tenorio  
Scott Sellers, City Manager  
James Earp, Assistant City Manager  
Paige Saenz, City Attorney  
Jerry Hendrix, Chief of Staff  
Kim Hilsenbeck, Communications Manager  
Jennifer Vetrano, City Secretary  
Leon Barba, City Engineer  
Diana Torres, Economic Dev Director  
Perwez Moheet, Director of Finance  
Matt Dawson, IT Director  
Paul Phelan, Library Director  
Mariana Espinoza, PARD Director  
Howard Koontz, Community Dev Director  
Jeff Barnett, Chief of Police  
Pedro Hernandez, Police Captain  
Andre Marmolejo, Police Lieutenant  
Dan Pruett, Police Officer  
James Plant, Police Officer  
Philip Cleary, Police Officer  
Sarah Bruxvoort, Police Cadet  
Donald Lovelace, Police Cadet  
Eric Champion, Police Cadet  
David Call, Police Cadet  
William Orr, Police Cadet  
Mark Spencer, Police Cadet  
Harper Wilder, Director of Public Works  
Tim Samford, Div. Mgr. – Treatment Operations

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 7:04 p.m. The Pledge of Allegiance was recited. Prior to roll call, Mayor Mitchell went back to the special called meeting to adjourn it.

At 7:08 p.m., Mayor Mitchell recalled this meeting to order and asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tenorio. A quorum was present.

## **II. Approval of Minutes**

1. City Council Special Meeting Minutes - August 28, 2019. ~ *Jennifer Vetrano, City Secretary*  
Mayor Mitchell brought forward the minutes for discussion.

Council Member Tenorio moved to approve the minutes of the August 28, 2019 Special Council Meeting. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

## **III. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 7:08 p.m.

Cindy Slovak-Barton was called to speak as registered in favor of Item No. 10 but did not wish to testify.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:08 p.m.

## **IV. Presentation**

2. Police Cadets Introduction. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 2 for discussion. Chief Barnett presented the item. No action was taken.

3. Ad Hoc Committee update on police facility. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 3 for discussion. Council Member Villalobos provided an update. Council Members Rizo and Ellison also provided information. No action was taken.

4. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 4. Mr. Barba presented on CIP/Road projects and consent agenda items. No action was taken.

## **V. Consent Agenda**

5. Authorize award and execution of a Purchase Order to PUMP SOLUTIONS, INC., Hutto, Texas in an amount not to exceed \$17,602.00 for the purchase and installation of one (1) KSB 30 HP lift station pump located at the wastewater treatment plant for the Public Works Department. ~ *Tim Samford, Division Manager Treatment Operations*
6. *(First Reading)* An Ordinance repealing Ordinance No. 975, authorizing and directing the installation and erection of No Through Truck Signs on Kyle Crossing from Kohlers Crossing to Vista Ridge; in the City Limits of Kyle; providing an effective date; and making such other findings and provisions related hereto. ~ *Leon Barba, P. E., City Engineer*
7. A Resolution of the City of Kyle, Texas Suspending the February 6, 2020 effective date of Texas Gas Service Company's requested increase to permit the city time to study the request and to establish reasonable rates; Approving cooperation with other cities in the Texas Gas Service Company's Central Texas and Gulf Coast Service Areas; Hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; Authorizing intervention in GUD No. 10928 at the Railroad Commission; Requiring

reimbursement of cities' rate case expenses; Finding that the meeting at which this resolution is passed is open to the public as required by law; Requiring notice of this Resolution to the Company and legal counsel. ~ *Jerry Hendrix, Chief of Staff*

Mayor Mitchell brought forward Item Nos. 5, 6, and 7.

Council Member Tenorio moved to approve Consent Agenda Item Nos. 5, 6, and 7. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

## **VI. Consider and Possible Action**

8. Request to Utilize Hotel Occupancy Taxes for KAYAC Summit. ~ *Daphne Tenorio, Council Member*

Mayor Mitchell brought forward Item No. 8 for discussion and gave the floor to Council Member Tenorio. Mr. Moheet presented on HOTT funds. Ms. Torres announced that ENF will be providing a \$1,000 sponsorship for this event. Ms. Hilsenbeck provided information regarding hotel stays related to the KAYAC Summit as well as information regarding the funding from TML.

Mayor Mitchell moved to direct staff to bring back a budget amendment for \$7,000 allocating months from Hotel Occupancy Tax to the KAYAC group for the 2020 Summit. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

9. *(First Reading)* An Ordinance directing the installation of signs and traffic control devices at the intersection of Dorman Lane and FM 1626 to prohibit certain left turns at the intersection. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 9.

Council Member Tenorio moved to approve an Ordinance directing the installation of signs and traffic control devices at the intersection of Dorman Lane and FM 1626 to prohibit certain left turns at the intersection. Council Member Ellison seconded the motion.

There was discussion on the motion. Council Member Villalobos stated this is a perfect location for a roundabout. Mayor Mitchell mentioned that the Council had been engaged in the community and the feedback, especially from residents in Plum Creek, that this item is in the 90 percentiles for approval. Mayor Mitchell mentioned the programming of the message board and asked whether the sign will indicate that this is temporary until a light is installed. Mr. Sellers stated that we can program any message.

All votes aye; motion carried 7-0. With no objections, the ordinance was finally passed.

10. Direct staff to install yield to pedestrians signage in Center Street crosswalks. ~ *Rick Koch, Mayor Pro Tem.*

Mayor Mitchell brought forward Item No. 10 for discussion and gave the floor to Mayor Pro Tem Koch.

Council Member Rizo moved to direct staff to request a speed study from TxDOT to reduce the speed from 30 to 25 on Center Street. Council Member Tenorio seconded the motion.

There was discussion on the motion. Council Member Scheel said she wanted to make sure the study took into consideration morning and evening traffic. City Manager Scott Sellers asked the

Council if they would mind suggesting the parameters for the speed limit decrease. Council Member Rizo suggested from the Railroad tracks to Burlison. Council Member Ellison said he appreciated Mayor Pro Tem Koch's attention to this item. He mentioned this was what he had hoped would come out of the downtown assessment. He spoke about wanting the downtown area to be pedestrian friendly. He said people walk our downtown and for some reason people do not seem to know that you are supposed to yield to pedestrians in crosswalks. Mayor Mitchell said he would like to add on to the motion if no one objected. There was no objection to the amendment.

Mayor Mitchell moved to amend the motion to add direct staff to install yield to pedestrian's signage in Center Street crosswalks. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

A vote on the original motion was taken. All votes aye; motion carried 7-0.

## **VII. City Manager's Report**

11. 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*

Mr. Sellers spoke about the wayfinding signs that have been installed. He stated that he will be out of town Monday through Wednesday and James Earp would be acting city manager in his absence. He mentioned the current events to the Council and said the Storm Water Conference would be on Wednesday at the Performance Arts Center at 8:00 a.m. until the end of the day, Thursday TIRZ Board meeting at 7:00 p.m., and Friday at 2:00 p.m. the ENF groundbreaking ceremony at Kohlers Crossing.

## **VIII. Executive Session**

12. 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.
  - TDS Contract
  - Veterans Memorial
  - RFQ for 104 S. Burlison Street
  - Police Department Facility Update
  - Uptown Park
  - Intermandeco Development Agreement
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
  - Center Street/Old Stagecoach Road Project
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 Wild Blue
  - Restaurant Incentive Program
  - Incentive for Downtown Property

Council Member Scheel read into the record, "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: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - RFQ for 104 S. Burleson Street and Intermandeco Development Agreement; Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 - Center Street/Old Stagecoach Road Project; and 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 Wild Blue, Restaurant Incentive Program, Incentive for Downtown Property." Mayor Mitchell asked her to add the others back in.

Council Member Scheel read into the record, "Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 -TDS Contract, Veterans Memorial, and Police Department Facility Update."

The City Council convened into executive session at 7:57 p.m. Council Member Tenorio left the meeting at 9:08 p.m.

13. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into open session. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0. Council Member Tenorio was absent.

The City Council reconvened into open session at 9:54 p.m. Mayor Mitchell announced that no action took place in Executive Session, and no action would be taken now.

**IX. Adjourn**

Mayor Mitchell moved to adjourn. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0. Council Member Tenorio was absent.

With no further business to discuss, the City Council adjourned at 9:54 p.m.

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Travis Mitchell, Mayor

Attest:

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Jennifer A. Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## 2020 0121 Special Minutes

**Meeting Date: 5/5/2020**  
**Date time: 7:00 PM**

**Subject/Recommendation:** City Council Special Meeting Minutes - January 21, 2020. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2020 0121 DRAFT Special Minutes

## SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on January 21, 2020 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell  
Mayor Pro Tem Rick Koch  
Council Member Dex Ellison  
Council Member Tracy Scheel  
Council Member Robert Rizo  
Council Member Alex Villalobos  
Council Member Daphne Tenorio  
Scott Sellers, City Manager  
James Earp, Assistant City Manager  
Paige Saenz, City Attorney  
Jerry Hendrix, Chief of Staff  
Jennifer Vetrano, City Secretary  
Diana Torres, Economic Dev Director  
Perwez Moheet, Finance Director  
Matt Dawson, IT Director  
Jeff Barnett, Chief of Police  
Pedro Hernandez, Police Captain

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 5:07 p.m. Mayor Mitchell asked the City Secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tenorio. A quorum was present.

### **II. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 5:07 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 5:07 p.m.

### **III. Executive Session**

1. 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.
    - Golf Course Agreement
    - Kinder Morgan Lawsuit Update
    - TDS Contract
    - Veterans Memorial
    - Police Department Facility Update

- Uptown Park
- 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 Wild Blue
  - Project Indigo

Council Member Scheel read into the record, “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: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Golf Course Agreement, Kinder Morgan Lawsuit Update, TDS Contract, Veterans Memorial, Police Department Facility Update, Uptown Park; and 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 Wild Blue, and Project Indigo.”

The City Council convened into executive session at 5:08 p.m.

2. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into open session. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

The City Council reconvened into open session at 7:11 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

#### **IV. Adjourn**

Mayor Mitchell moved to adjourn. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 7:11 p.m.

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Travis Mitchell, Mayor

Attest:

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Jennifer A. Vetrano, City Secretary





# CITY OF KYLE, TEXAS

2020 0121 Minutes

Meeting Date: 5/5/2020  
Date time:7:00 PM

**Subject/Recommendation:** City Council Meeting Minutes - January 21, 2020. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2020 0121 DRAFT Regular Meeting

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on January 21, 2020 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Bobby Gregory
Mayor Pro Tem Rick Koch	Bobby Diaz
Council Member Dex Ellison	Rebecca Chapa
Council Member Tracy Scheel	Angelica Tobias
Council Member Robert Rizo	Brett Corwin
Council Member Alex Villalobos	Lila Knight
Council Member Daphne Tenorio	Evangelina Chapa
Scott Sellers, City Manager	Kate Johnson
James Earp, Assistant City Manager	Gerald Voss
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Jennifer Vetrano, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Matt Dawson, IT Director	
Paul Phelan, Library Director	
Mariana Espinoza, PARD Director	
Arthur Zamarripa, Parks Technician	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Andre Marmolejo, Police Lieutenant	
Tracy Vrana, Police Sergeant	
James Jones, Police Sergeant	
Tim Griffith, Police Sergeant	
Catlyn Bone, Police Sergeant	
Coby Bryant, Police Officer	
Dustin Shuler, Police Officer	
Daniel Preston, Police Officer	
James Plant, Police Officer	
Phillip Cleary, Police Officer	
Dan Pruett, Police Officer	
Nathanael Waters, Police Officer	
Lacy Carnes, Police Officer	
Keith Congdon, Police Officer	
Tera Mayfield, Police Officer	
Roy Jones, Police Officer	
Jacob Flemming, Police Officer	
Matt Clark, Police Officer	
Briana Brecher, Animal Control Officer	
Harper Wilder, Director of Public Works	

## **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 7:11 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tenorio. A quorum was present.

## **II. Consider and Possible Action**

Mayor Mitchell announced at this time they would open Citizen Comments for the first 11 items and after those items were addressed a formal Citizen Comment item would be held during that portion of the meeting. Mayor Mitchell opened Citizen Comments period for the first 11 items at 7:12 p.m. With no one wishing to speak Mayor Mitchell closed the citizen comments for items 1-11 at 7:12 p.m.

1. First Amendment to the Agreement with Texas Disposal Systems for Solid Waste and Refuse Collection and Disposal Services. ~ *Rick Koch, Mayor Pro Tem and Daphne Tenorio, Council Member*
2. Agreement with TDS for Solid Waste and Refuse Collection and Disposal Services. ~ *Rick Koch, Mayor Pro Tem and Daphne Tenorio, Council Member*
3. TDS Heroes Memorial Park Contract. ~ *Dex Ellison, Alex Villalobos, and Robert Rizo, Council Members*
4. Agreement regarding Confirmation of Right to Construct Heroes Memorial on that Certain Tract of Land located at Northwest Corner of Kohler's Crossing and FM 1626. ~ *Dex Ellison, Alex Villalobos, and Robert Rizo, Council Members*
5. Approve Nudge Design as the Landscape Architect for the Heroes Memorial Park and direct staff to bring back a scope of services and budget at the Feb 4 council meeting. ~ *Dex Ellison, Alex Villalobos, and Robert Rizo, Council Members - Steering Committee*
6. Park and Cultural Trail Design and Permitting Agreement with MG Cardinal at Uptown, LLC. ~ *Travis Mitchell, Mayor and Tracy Scheel, Council Member*
7. Land Dedication Agreement with Plum Creek Development Partners, Ltd. and Mountain Plum and Plum Creek Partners. ~ *Travis Mitchell, Mayor and Tracy Scheel, Council Member*
8. Agreement with Plum Creek Development Partners, Ltd. for Conditions to Construction of Infrastructure for Plum Creek Land. ~ *Travis Mitchell, Mayor and Tracy Scheel, Council Member*
9. Police Headquarters Agreement Between Owner, City of Kyle, and Architect, PGAL, Inc. ~ *Alex Villalobos, Robert Rizo, Dex Ellison, Council Members*

10. Direct staff to issue a Request for Proposal for a public relations firm to lead the campaign for the November 2020 General Obligation bond for a new Police Headquarters and Heroes Memorial Park. ~ *Alex Villalobos, Dex Ellison, Robert Rizo, Council Members*
11. Presentation of a \$1.5M Check (\$750,000 cash and \$750,000 in-kind) to the City of Kyle from Texas Disposal Systems for the Kyle Heroes Memorial Park ~ *Travis Mitchell*

Mayor Mitchell brought forward Item Nos. 1-11 for discussion all at one time. Mayor Mitchell presented the items.

Mayor Pro Tem Koch moved to approve Item Nos. 1-10 as written. Council Member Ellison seconded the motion.

There was discussion on the motion. Council Member Tenorio stated she opposes Item Nos. 5 and 10 but voted aye for all the rest. Item Nos. 1-4, and 6-9, all votes aye; motion carried 7-0. Item Nos. 5 and 10, motion carried 6-1 with Council Member Tenorio dissenting.

Mayor Mitchell brought Item 11 forward for discussion. He mentioned the presentation of the \$1.5M check (\$750,000 cash and \$750,000 in-kind) to the City of Kyle from Texas Disposal Systems.

Mr. Bobby Gregory, Owner of Texas Disposal Systems spoke about the business and the partnership with the City of Kyle. Mr. Gregory said, "Forty-two years ago we started out and our goal was to be noticeably different, noticeably better." He paused with emotion. He continued, "God has blessed our business. I am honored to stand here today with the Council, such an articulate amazing Council, city staff, amazing in all they have done in this and I am humbled we have a chance to partner with Kyle and do what we have done for the last 13 years and what we will do for many, many, years to come. I would like to thank Ray and Rick for the tremendous job they did on this. Equally I would like to thank the staff that we have, the team, team TDS that has made this happen for all these years. I would like to start out by recognizing owners Jimmy and myself. We started out just the two of us and one driver 42 years ago with that goal in mind to be a ministry. Crazy isn't it, to be in solid waste and to have a ministry, but that's what it has been all these years." Mr. Gregory continued thanking all the company's employees from Drivers to Management positions. He spoke on behalf of the VFW, expressing thanks and gratitude for pushing this project forward, to the City of Kyle, TDS, and the Kyle Police Department. Mr. Gregory introduced Bobby Diaz who spoke on behalf of the VFW. He thanked everyone for contributing to the memorial and expressed appreciation for all the First Responders, Fire Fighters, Veteran's, and EMS.

Mayor Mitchell announced a recess at 8:20 p.m. Mayor Mitchell called the meeting back to order at 8:45 p.m. Mayor Pro Tem Koch returned at 8:47 p.m. after the recess.

Mayor Mitchell moved to reconvene. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0. Mayor Pro Tem Koch was absent for the vote.

### **III. Approval of Minutes**

12. City Council Meeting Minutes - September 3, 2019. ~ *Jennifer Vetrano, City Secretary*
13. City Council Special Meeting Minutes - September 9, 2019. ~ *Jennifer Vetrano, City Secretary*
14. City Council Special Meeting Minutes - September 16, 2019. ~ *Jennifer Vetrano, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Tenorio moved to approve the minutes of the September 3, 2019 Council Meeting, the minutes of the September 9, 2019 Special Council Meeting, and the minutes of the September 16, 2019 Special Council Meeting. Council Member Villalobos seconded the motion. All votes aye; motion carried 6-0. Mayor Pro Tem Koch was absent for the vote.

### **IV. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 8:46 p.m.

Kate Johnson was called to speak. She asked to wait for the public hearing.

Rebecca Chapa was called to speak. She congratulated the Council on the accomplishments this evening. She spoke about traffic on Center Street. She asked about the City doing a project like Austin's "Don't Block the Box" intersection solution.

Mayor Pro Tem Koch returned at 8:47 p.m.

Evangelina Chapa was called to speak but elected to wait for the public hearing.

Lila Knight was called to speak but elected to wait for the public hearing.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 8:48 p.m.

### **V. Presentation**

15. Martin Luther King, Jr. Proclamation. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 15 for discussion and gave the floor to Council Member Ellison. No action was taken.

16. Recognition of police officers for meritorious conduct in the line of duty. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 16 for discussion. Chief Barnett presented the item. Officers Carnes, Preston, Congdon, Waters, and Bryant were recognized for life saving and merit awards. Officer Roy Jones was recognized for Officer of the Year, and Sergeant Tim Griffith was recognized for Supervisor of the Year. Chief Barnett mentioned absent officers, records specialist Civilian of the Year, Marie Carla Martinez and Rookie of the Year, Officer Daniel Rainwater. No action was taken.

## **VI. Appointments**

18. Appoint nominee for position on City of Kyle Ethics Commission. ~ *Rick Koch, Mayor Pro Tem*
- Brad Growt

Mayor Mitchell brought forward Item No. 18 for discussion and gave the floor to Mayor Pro Tem Koch.

Mayor Mitchell moved to appoint Brad Growt to the Texas Ethics Commission, Seat 5. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

19. Appoint a representative to the CAPCOG Clean Air Coalition. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 19 for discussion and gave the floor to Council Member Ellison.

Council Member Tenorio moved to appoint Council Member Rizo to the CAPCOG Clean Air Coalition. Mayor Mitchell seconded the motion.

There was discussion on the motion. Council Member Ellison stated that Council Member Rizo also sits on the CAPCOG General Assembly.

All votes aye; motion carried 7-0.

20. Economic Development & Tourism Board Re-appointments. ~ *Diana Torres, Director of Economic Development*
- Tony Spano
  - Neal Kelley

Mayor Mitchell brought forward Item No. 20 for discussion. Ms. Torres presented the item.

Council Member Tenorio moved to reappoint Tony Spano and Neal Kelley to the Economic Development & Tourism Board. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

## **VII. Consent Agenda**

21. (*Second Reading*) An Ordinance repealing Ordinance No. 975, authorizing and directing the installation and erection of No Through Truck Signs on Kyle Crossing from Kohlers Crossing to Vista Ridge; in the City Limits of Kyle; providing an effective date; and making such other findings and provisions related hereto. ~ *Leon Barba, P. E., City Engineer*

*City Council voted 7-0 to approve on first reading.*

Mayor Mitchell brought forward Item No. 21. There was no presentation.

Council Member Tenorio moved to approve an Ordinance repealing Ordinance No. 975, authorizing and directing the installation and erection of No Through Truck Signs on Kyle Crossing from Kohlers Crossing to Vista Ridge; in the City Limits of Kyle. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

17. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 17 for discussion out of order after Item No. 21. Mr. Barba presented the item. No action was taken.

### **VIII. Consider and Possible Action**

22. Consider approval of an agreement with Kyle Correctional Center for right-of-ways and parks maintenance. ~ *Mariana Espinoza, Director of Parks & Recreation*

Mayor Mitchell brought forward Item No. 22 for discussion. Ms. Espinoza presented the item. Arthur Zamarripa, Parks Technician, was available as well.

Council Member Tenorio moved to approve an agreement with Kyle Correctional Center for right-of-ways and parks maintenance. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

23. *(First Reading)* An Ordinance of the City of Kyle, Texas, Amending Chapter 5 of the City of Kyle Code of Ordinances in its entirety; Adopting animal control regulations designed to protect the public health and safety; Providing comprehensive requirements for the keeping and care of animals and fowl; Providing for the control, regulation, licensing, permitting and vaccination of dogs and cats; Providing regulations and requirements for other animals, fowl, livestock and wild and exotic animals; Providing for impounding and disposition of animals running at large or otherwise in violation of this ordinance; Providing procedures for rabies reporting and control; Providing certain exemptions; Providing fines and penalties; Repealing all parts of ordinances in conflict. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 23 for discussion and gave the floor to Council Member Ellison. Chief Barnett introduced Animal Control Officer Brecher, who presented the item.

Mayor Mitchell moved to approve Agenda Item No. 23 and to direct staff to bring back enhancements to Section 5-175, making signage more robust. Council Member Tenorio seconded the motion.

There was discussion on the motion. Mayor Mitchell thanked Council Members Ellison and Tenorio for their work on the item. He mentioned the Ordinance was needed. He spoke about rules clearly weighted towards protecting other animals. He mentioned health and warfare of the citizens meaning a lot to him. He said he did not realize we had these issues.

All votes aye; motion carried 7-0. Mayor Mitchell objected to the ordinance being finally passed so that it will come back for second reading.

24. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle for the purpose of assigning original zoning to approximately 41.38 acres of land from Agriculture 'AG' to Single Family Residential-2 'R-1-2' and to assign original zoning to approximately 8.01 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located between Opal Lane and Roland Lane, west and adjacent to Paramount Subdivision, in Hays County, Texas. ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 6-0 to recommend approval of R-1-2 and CC instead of R/S. Please see the staff report for additional information.*

- Public Hearing

Mayor Mitchell brought forward Item No. 24 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 9:40 p.m.

Angelica Tobias spoke, expressing concerns for the narrow road, which she said is not suitable for high traffic. She spoke about the already high use of the road. She spoke about a serious accident that took place there, and the dangers in that area. She stated that she is opposed unless the City improves the road. She requested responsible change and safety for everyone. She spoke about loose cattle on Roland Lane in the County. She also stated that right before the railroad checks, a utility company came in and left the road very rough with holes. She asked that the City check into that.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 9:44 p.m.

Mr. Sellers spoke about the holes, stating that the holes will be addressed with the pipeline. He said that the remainder of Roland Lane has yet to have been placed on any CIP.

Mr. Barba provided information related to the Paramount development. Brett Corwin spoke on behalf of the developer to address Council Member Scheel's question regarding enhancing Roland Lane. He stated the development is improving from the I-35 frontage road to a place he identified on the map. He mentioned the area to east improving but the area to the west not.

Mayor Mitchell moved to approve staff recommendations of R-1-2 and Community Commercial. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0. There were no objections to the item being finally passed.



25. *(First Reading)* An ordinance of the City of Kyle, Texas, amending Section 53-419 "Conditions and Limitation", Section 53-444 "Conditions and Limitations", and Section 53-53-481 "Conditions and Limitations, of Chapter 53 "Zoning", of the City of Kyle, Code of Ordinances, by adding Limited Outdoor Uses, providing for future outdoor uses, and requiring certain buffers between land uses. ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 5-1 to recommend approval with one amendment outlined in staff report.*

- Public Hearing

Mayor Mitchell brought forward Item No. 25 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 9:57 p.m.

Lila Knight was called to speak as registered for a position of "other". She asked the Council to support the residents of CBD-1 and CBD-2's recommendation. She spoke about P&Z Commissioner Paul Scheibmeir's comment that a marching band is acoustical unamplified music. She mentioned drums were not always amplified and mentioned New Orleans type jazz band. There are music styles that fall within this definition. She stated that she is supportive of outdoor uses and dining. She stated Council should make use of Neighborhood Commercial, Community Commercial and Mixed Use as well. She said she hopes the Council will look again at whether residential uses should be explicitly allowed as well.

Evangelina Chapa was called to speak as registered in opposition of the item. She stated that last year, concerns were brought forward in addition to a signed petition. She stated the main concern was the noise. She spoke about the City's meeting in June or July and said most of those in attendance at meeting were those concerned two blocks to the right and left of Center Street and most all concerns were the noise from the Railhouse that they can hear it all the way to their homes. She asked Council to think of the citizens.

Rebecca Chapa was called to speak as registered in opposition of the item. She stated that she is concerned about the noise but has no objections to an outdoor seating area. She stated that there is a lot of residential in the area still. She spoke of the area children being affected by loud music.

Kate Johnson was called to speak as registered. She mentioned that she is Chairman of Hays County Historical Commission but also the President of Preservation Associates. She spoke on behalf of the Literary Center as the owner of the historic house. She spoke about First Lady Laura Bush attending events in Kyle and she thanked the City and Kyle Police Department for generously providing security support and working with the Secret Service during those events. She mentioned she was in support of the recommendation of the Planning & Zoning Commission to allow outdoor dining and display of merchandise. She said she agreed with Commissioners that outdoor unamplified, and acoustical music should be by conditional use permit only. She mentioned small children getting up early to attend school as well as elderly in the area. She spoke about the indoor book readings by authors at the Katherine Anne Porter House. She mentioned an

incident related to her concerns of a nearby business playing music and although she tried to cooperate by providing the owner a schedule, the music did interfere with the readings by the authors.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 10:05 p.m.

Council Member Tenorio moved to approve an ordinance of the City of Kyle, Texas, amending Section 53- 419 "Conditions and Limitation", Section 53-444 "Conditions and Limitations", and Section 53-53-481 "Conditions and Limitations," of Chapter 53 "Zoning", of the City of Kyle, Code of Ordinances, by adding Limited Outdoor Uses, providing for future outdoor uses and requiring certain buffers between land uses with the exception of making music a conditional use and the conditional approval will be given by Planning & Zoning, and Council will come up with a way for a petitioner to appeal. Mayor Mitchell seconded the motion.

There was discussion on the motion. Council Member Villalobos mentioned that there could be a compromise with the conditional use and the hours and mentioned recommended hours of 8:00 and time zones and said there needed to be more discussion concerning hours. He stated that Council needs to come up with a compromise in case another development comes close to the area of residential areas to limit length they are playing. He asked, "Can we center that around certain locations?" Mayor Mitchell stated that he is not opposed to that. He said we have three different zonings, RS should be different than CBD-1 versus CBD-2 and mentioned CBD-1 is where there should be more restrictive hours. Mayor Mitchell asked staff to bring that back for consideration.

All votes aye; motion carried 7-0. Mayor Mitchell objected to the item being finally passed.

26. *(First Reading)* An ordinance of the City of Kyle, amending Section 53-930 (3), Section 53-933 (b)(d)(e), and Section 53-934 (e) of Chapter 53 "Zoning", of the City of Kyle, Code or Ordinances, by editing Neighborhood Design, Garage Requirements and Design.  
~ Howard J. Koontz, Director of Planning and Community Development

*Planning and Zoning Commission voted 5-1 to recommend approval.*

- Public Hearing

Mayor Mitchell brought forward Item No. 26 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 10:31 p.m.

Rebecca Chapa spoke. She asked whether this is only for new development, not current, and she asked about the positioning of the trees that they are not positioned in such a way to destroy the sidewalks like in other Kyle communities.

Gerald Voss stated that there should be a compromise on the garage requirements because some people prefer attached garages, and some people did not buy in Plum Creek because they wanted their garages attached and facing the street. He would like for people who move to Kyle to have a choice and would like for the Council to compromise so that not all subdivisions are detached garages in the back.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 10:33 p.m.

Mayor Mitchell moved to postpone this item to the next regularly scheduled council meeting, and direct staff to work on a few options and rationale for percentages they might bring back related to this ordinance and alley loaded garages. Motion failed from the lack of a second.

Mayor Mitchell moved to postpone this item until staff has adequate time to bring back and direct staff to bring back with percentages and options for Council to consider. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

#### **IX. City Manager's Report**

27. 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*
- 20th Annual Texas Youth Advisory Commission (YAC) Summit Feb 1-2

Mr. Sellers spoke about the 20th Annual Texas Youth Advisory Commission (YAC) Summit Feb 1-2 here in Kyle. He also asked Council to let him know if they and a plus-one would like to attend.

#### **X. Executive Session**

28. 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.
    - Golf Course Agreement
    - Kinder Morgan Lawsuit Update
    - TDS Contract
    - Veterans Memorial
    - Police Department Facility Update
    - Uptown Park
  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 Wild Blue
    - Project Indigo

Council Member Scheel read into the record, "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: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Kinder Morgan Lawsuit Update.”

The City Council convened into executive session at 11:06 p.m.

29. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

Council reconvened at 11:35 p.m. Mayor Mitchell announced there was no action taken in executive session and there would be action taken now.

Council Member Tenorio moved to bring forth an item to join the Kinder Morgan lawsuit as discussed in executive session. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Tenorio stated that the item would be discussed and voted on February 4th.

All votes aye; motion carried 7-0.

#### **XI. Adjourn**

Council Member Tenorio moved to adjourn. Mayor Mitchell seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 11:36 p.m.

Attest:

\_\_\_\_\_  
Travis Mitchell, Mayor

\_\_\_\_\_  
Jennifer A. Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## 2020 0204 Special Minutes

**Meeting Date: 5/5/2020**  
**Date time: 7:00 PM**

**Subject/Recommendation:** City Council Special Meeting Minutes - February 4, 2020. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- 2020 0204 DRAFT Special Minutes

## SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on February 4, 2020 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell  
Mayor Pro Tem Rick Koch  
Council Member Dex Ellison  
Council Member Tracy Scheel  
Council Member Robert Rizo  
Council Member Alex Villalobos  
Council Member Daphne Tenorio  
Incoming Council Member Michael Tobias  
Scott Sellers, City Manager  
James Earp, Assistant City Manager  
Paige Saenz, City Attorney  
Jerry Hendrix, Chief of Staff  
Jennifer Vetrano, City Secretary  
Leon Barba, City Engineer  
Perwez Moheet, Finance Director  
Matt Dawson, IT Director  
Mariana Espinoza, PAR Director

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 5:34 p.m. The Pledge of Allegiance was recited.

Mayor Mitchell asked the city secretary to call roll. Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tenorio. A quorum was present.

### **II. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 5:35 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 5:35 p.m.

### **III. Consider and Possible Action**

1. A Resolution Canvassing the Returns and Declaring the Results of the January 25, 2020 Special Election of the City of Kyle, Texas. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 1 for discussion and presented the item. He read into the record, "There came to be considered the returns of the special election held on the 25th day of January, 2020, for the purpose of electing Council Members for District 6, and it appearing from said returns duly and legally made; that each of the candidates in said election received the following votes: Michael Tobias 51 Early Votes, 46 Election Day Votes, for a total of 97 Votes; Brandy L. Heindl 28 Early Votes, 14 Election Day Votes, for a total of 42 Votes. It is found, determined and declared by the City Council that said election was duly called; that notice of said election was given in accordance with law, and that said election was held in accordance with law; and that Michael Tobias was duly elected to Council District 6. Said above named party is hereby declared duly elected to said office, subject to the taking of the oath of office as provided by the laws of the State of Texas."

Mayor Mitchell moved to approve a Resolution Canvassing the Returns and Declaring the Results of the January 25, 2020 Special Election of the City of Kyle, Texas. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

2. Recognizing the service of Daphne Tenorio, Council Member District 6. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 2 for discussion and presented the item. No action was taken.

3. Michael Tobias Oath of Office.

Mayor Mitchell brought forward Item No. 2 for discussion. Hays County Judge Ruben Becerra performed Incoming Council Member Tobias' Oath of Office. No action was taken. Mayor Mitchell announced at 5:49 that Council would take up Executive Session at 6:00 p.m.

#### **IV. Executive Session**

4. 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.
    - Kinder Morgan Lawsuits
    - Burleson driveway
    - Bond Election
  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.

Council Member Scheel read into the record, "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: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Kinder Morgan Lawsuits, Burleson Driveway, and Bond Election."

The City Council convened into executive session at 6:01 p.m.

5. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into open session. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0. Council Member Ellison was absent for the vote.

The City Council reconvened into open session at 6:32 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

**V. Adjourn**

Council Member Scheel moved to adjourn. Mayor Mitchell seconded the motion. All votes aye; motion carried 6-0. Council Member Ellison was absent for the vote.

With no further business to discuss, the City Council adjourned at 6:32 p.m.

\_\_\_\_\_  
Travis Mitchell, Mayor

Attest:

\_\_\_\_\_  
Jennifer A. Vetrano, City Secretary

DRAFT





# CITY OF KYLE, TEXAS

2020 0204 Minutes

Meeting Date: 5/5/2020

Date time: 7:00 PM

**Subject/Recommendation:** City Council Meeting Minutes - February 4, 2020. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2020 0204 DRAFT Minutes

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on February 4, 2020 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Lila Knight
Mayor Pro Tem Rick Koch	Daphne Tenorio
Council Member Dex Ellison	Suzi Mitchell
Council Member Tracy Scheel	Kyle Taylor
Council Member Robert Rizo	Sharri Boyett
Council Member Alex Villalobos	Chris Johnson
Council Member Michael Tobias	Chantay Gordon
Scott Sellers, City Manager	Philip Koske
James Earp, Assistant City Manager	
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Jennifer Vetrano, City Secretary	
Leon Barba, City Engineer	
Yvonne Gil-Vallejo, Project Manager	
Sandra Duran, Human Resources Director	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Matt Dawson, IT Director	
Paul Phelan, Library Director	
Mariana Espinoza, PARD Director	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
James Jones, Police Sergeant	
Tim Griffith, Police Sergeant	
Dustin Schuler, Police Officer	
Philip Cleary, Police Officer	
Briana Brecher, Animal Control Officer	
Harper Wilder, Director of Public Works	
Brian Lillibridge, Asst Director of Public Works	
Tim Samford, Div. Mgr. – Treatment Ops	
Sarah Watson, Special Events Coordinator	

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 7:01 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tobias. A quorum was present.

## **II. Approval of Minutes**

1. City Council Meeting Minutes - September 17, 2019. ~ *Jennifer Vetrano, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Villalobos moved to approve the minutes of the September 17, 2019 Council Meeting. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

## **III. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 7:02 p.m.

Lila Knight was called to speak as registered. She spoke about the many ad hoc committees established by City Council. She stated they are out of compliance with Charter Section 13.10. requiring compliance with the Open Meetings Act. She also mentioned that the RFP for a downtown retail development partner is not in compliance with zoning ordinance for CBD-2. She talked about the RFP consisting of multiple stories and any additional stories above the main floor maybe any use suitable to the downtown district including office or residential space. CBD-1 and CBD-2 do not allow with these uses. She stated she does not agree with that. She stated that this could be easily fixed with the insertion of one word.

Mayor Mitchell stated that Daphne Tenorio registered an opinion on 13, 14, and 18, and support any actions for the City to participate in the Kinder Morgan lawsuits.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:06 p.m.

## **IV. Appointments**

2. Appoint nominee for position on City of Kyle Ethics Commission. ~ *Tracy Scheel, Council Member*
  - Margaret Somma

Mayor Mitchell brought forward Item No. 2 for discussion and gave the floor to Council Member Scheel.

Council Member Scheel moved to appoint Margaret Somma to the Ethics Commission. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

## **V. Presentation**

3. Dating Violence Awareness and Prevention Month. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 3. Council Member Villalobos presented the proclamation. No action was taken.

4. Career and Technical Education Month Proclamation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 4 and presented the proclamation. Suzi Mitchell with Hays CISD thanked Council and stated she is appreciative of the partnership with the City of Kyle. She spoke about students who are interns here in City Hall and expressed appreciation for other local businesses for hosting interns. No action was taken.

5. Proclamation for Spay Neuter Awareness Month. ~ *Tracy Scheel, Council Member*

Mayor Mitchell brought forward Item No. 5 and gave the floor to Council Member Scheel who presented the proclamation. Shari Boyett stated that fixing animals saves a lot of money. It is much less expensive to spay or neuter than to house and care for an animal. No action was taken.

6. Recognition of the County Court at Law Judge and others for the NYE DWI No Refusal Event. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 6 for discussion. Chief Barnett presented the item. He recognized Judge Chris Johnson, Phlebotomist Jacquelyn Jones, and Kyle Police Sergeant James Jones. Judge Johnson spoke about Kyle Police Department and their number of warrants. He stated that he is elected, so it is his job. He stated the true volunteer in this was Jacquelyn Jones. No action was taken.

7. Ad Hoc Committee update on police facility. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 7 for discussion. Chief Barnett presented the item. No action was taken.

8. Presentation on Kyle Pie in the Sky and Spring Event. ~ *Sarah Watson, Special Events*

Mayor Mitchell brought forward Item No. 8 for discussion. Ms. Watson presented the item. No action was taken.

9. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 9 for discussion. Mr. Barba presented the item. No action was taken.

## **VI. Consent Agenda**

Mayor Mitchell asked if there were any items to be pulled from the Consent Agenda. Council Member Ellison requested to pull Item No. 10. Mayor Mitchell brought forward Item Nos. 11, and 12.

11. Approve Change Order No. 3 to QRO MEX CONSTRUCTION CO, INC. 2801 Prairie Creek Rd, Granite Shoals, TX 78654 Austin, Texas, in an additional amount not to exceed \$12,897.85, increasing the total contract amount not to exceed \$1,371,438.25 for the purpose of providing additional work for the Bunton Creek Interceptor Project. ~ *Leon Barba, P.E., City Engineer*

12. License and Maintenance Agreement with Majestic Kyle, LLC. ~ *J. Scott Sellers, City Manager*

Council Member Scheel moved to approve Consent Agenda Item Nos. 11, and 12. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

10. Amendment to the name and increase of square footage to the First Year on Us incentive previously granted by City Council for Tags World Gymnastics. ~ *Diana Torres, Director of Economic Development*

Mayor Mitchell brought forward Item No. 10 and gave the floor to Council Member Ellison. Ms. Torres presented the item.

Council Member Ellison moved to approve an amendment to the name and increase of square footage to the First Year on Us incentive previously granted by City Council for Tags World Gymnastics. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

## VII. Consider and Possible Action

13. *(First Reading)* An Ordinance of the City of Kyle, Texas amending Chapter 8, Article II, Section 8-30 of the Code of Ordinances to adopt language Prohibiting Outdoor Burning within the city limits of Kyle without a permit and repealing conflicting Ordinance Article VII of Chapter 23 in its entirety. ~ *Alex Villalobos, Council Member*

Mayor Mitchell brought forward Item No. 13 for discussion and gave the floor to Council Member Villalobos. Kyle Fire Chief Kyle Taylor spoke about the ordinance.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas amending Chapter 8, Article II, Section 8-30 of the Code of Ordinances to adopt language Prohibiting Outdoor Burning within the city limits of Kyle without a permit and repealing conflicting Ordinance Article VII of Chapter 23 in its entirety. Council Member Rizo seconded the motion.

There was discussion on the motion Council Member Ellison thanked Chief Taylor for being here. Mr. Sellers asked whether Council would like to finally pass the ordinance. Mayor Mitchell objected to the ordinance being finally approved.

All votes aye; motion carried 7-0.

14. *(Second Reading)* An Ordinance of the City of Kyle, Texas, Amending Chapter 5 of the City of Kyle Code of Ordinances in its entirety; Adopting animal control regulations designed to protect the public health and safety; Providing comprehensive requirements for the keeping and care of animals and fowl; Providing for the control, regulation, licensing, permitting and vaccination of dogs and cats; Providing regulations and requirements for other animals, fowl, livestock and wild and exotic animals; Providing for impounding and disposition of animals running at large or otherwise in violation of this ordinance; Providing procedures for rabies reporting and control; Providing certain exemptions; Providing fines and penalties; Repealing all parts of ordinances in conflict. ~ *Dex Ellison, Council Member*

*City Council voted 7-0 to approve on first reading.*

Mayor Mitchell brought forward Item No. 14 for discussion and gave the floor to Council Member Ellison. Ms. Brecher presented the item. Chantay Gordon spoke favorably about the changes to the ordinances. She thanked Council for pursuing these changes and putting their family in touch with key City Staff. She stated that all issues were addressed. She thanked Animal Control Officer Brecher.

Mayor Mitchell moved to approve Item No. 14, with the addition of language in the appropriate sections within the animal control ordinance, "the owner of a dangerous animal shall post signs giving notice of the presences of the dangerous animal on the property in the form and in the locations designated by the Animal Control Officer or a Court Order and it is a violation of this chapter for the owner of a dangerous animal to fail to post signs in accordance with this chapter or

to remove signs that are required by this chapter and fail to replace them.” Council Member Ellison seconded the motion.

There was discussion on the motion. Mayor Mitchell stated his appreciation for Council Member Ellison for working hard on this item and others who have worked hard on this. He said it is a great pleasure watching our laws continue to evolve in response to citizen feedback as a result of initiatives taken by this body.

All votes aye; motion carried 7-0.

15. Pilot Services Agreement between VOYCE, Inc. and the Kyle Police Department for Remote Language Interpreting Services. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 15 for discussion. Chief Barnett presented the item.

Council Member Rizo moved to approve a Pilot Services Agreement between VOYCE, Inc. and the Kyle Police Department for Remote Language Interpreting Services. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

16. (*Second Reading*) An ordinance of the City of Kyle, Texas, amending Section 53-419 "Conditions and Limitation", Section 53-444 "Conditions and Limitations", and Section 53-53-481 "Conditions and Limitations, of Chapter 53 "Zoning", of the City of Kyle, Code of Ordinances, by adding Limited Outdoor Uses, providing for future outdoor uses, and requiring certain buffers between land uses. ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 5-1 to recommend approval with one amendment outlined in staff report.*

*City Council voted 7-0 to approve on first reading.*

Mayor Mitchell brought forward Item No. 16 for discussion. Mr. Koontz presented the item.

Mayor Mitchell moved to approve an ordinance of the City of Kyle, Texas, amending Section 53-419 "Conditions and Limitation", Section 53-444 "Conditions and Limitations", and Section 53-53-481 "Conditions and Limitations, of Chapter 53 "Zoning", of the City of Kyle, Code of Ordinances, by adding Limited Outdoor Uses, providing for future outdoor uses, and requiring certain buffers between land uses. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

17. Consider and take possible action on a request from Sandra DeLeon to waive City Code Section 41-142(f)(2) which requires connection to City wastewater service. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item No. 17 for discussion. After bringing forward the item, Mayor Mitchell asked Ms. Saenz to look into whether the action Council took to approve the previous item was its intended action with the amendments. The clarification was regarding Item No. 14. Council discussed and requested.

Mr. Barba presented Item No. 17.

Council Member Rizo moved to approve a request from Sandra DeLeon to waive City Code Section 41-142(f)(2) which requires connection to City wastewater service. Council Member Scheel seconded the motion.

There was discussion on the motion. Mayor Mitchel said this was what the appellate process was for.

All votes aye; motion carried 7-0.

18. *(First Reading)* An Ordinance granting a Franchise to Texas Disposal Systems, Inc. to provide recycling and solid waste collection and disposal services within the City of Kyle; providing for the scope and nature of the operation; providing for the disposal of garbage, solid waste and refuse; Providing a procedure for the handling of complaints; Providing for a franchise fee; Providing for the establishment and adjustment of charges; Requiring indemnity and insurance; Providing for revocation and amendment; Providing for payment of taxes by the franchisee; Prohibiting assignment and subletting of the franchise without consent; Providing for forfeiture; and Making other provisions. ~ *Paige Saenz, City Attorney*

- Public Hearing

Mayor Mitchell brought forward Item No. 18 for discussion. Ms. Saenz presented the item. Mayor Mitchell opened the public hearing at 8:31 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:31 p.m.

Mayor Mitchell moved to approve an Ordinance granting a Franchise to Texas Disposal Systems, Inc. to provide recycling and solid waste collection and disposal services within the City of Kyle; providing for the scope and nature of the operation; providing for the disposal of garbage, solid waste and refuse; Providing a procedure for the handling of complaints; Providing for a franchise fee; Providing for the establishment and adjustment of charges; Requiring indemnity and insurance; Providing for revocation and amendment; Providing for payment of taxes by the franchisee; Prohibiting assignment and subletting of the franchise without consent; Providing for forfeiture; and Making other provisions. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

There was discussion after the motion. Mayor Mitchell asked if there were any objections to this being finally passed. Paige Saenz, City Attorney suggested holding a second reading on the item to satisfy the requirements of the City Charter. Mayor Mitchell stated he objected to the item being finally passed.

19. Ratify an agreement between MG Cardinal at Uptown, LLC and Lionheart for Master Plan and Stakeholder Engagement for Uptown Central Park and Cultural Trail in the amount of \$49,000.00 to be paid by the City of Kyle and subsequently reimbursed by TIRZ #2. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell stated there are some legal items to convene into executive session on regarding Agenda Item Nos. 19 - 24.

Mayor Mitchell read into the record, "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: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Agenda Item Nos. 19 - 24." The City Council convened into executive session at 8:33 p.m.

Mayor Mitchell moved to reconvene into open session. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

The City Council reconvened into open session at 9:10 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

Mayor Mitchell brought forward Item No. 19 for discussion. Mr. Sellers presented the item.

Mayor Mitchell moved to ratify an agreement between MG Cardinal at Uptown, LLC and Lionheart for Master Plan and Stakeholder Engagement for Uptown Central Park and Cultural Trail in the amount of \$49,000.00 to be paid by the City of Kyle and subsequently reimbursed by TIRZ #2. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

20. Approve a professional services agreement with NUDGE DESIGN for study and conceptual design services in an amount totaling \$91,300.00 for the Heroes Memorial Park.  
~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 20 for discussion. Mr. Sellers presented the item.

Philip Koske spoke on behalf of Nudge Design.

Mayor Mitchell moved to approve a professional services agreement with Nudge Design for study and conceptual design services in an amount totaling \$91,300.00 for the Heroes Memorial Park. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

21. Authorize award and execution of a purchase order to ARCHER WESTERN CONSTRUCTION, LLC., Irving, Texas, lowest and most responsible bidder, in an amount not to exceed \$30,338,070.00, which includes a five (5) percent contingency for the construction expansion of the City of Kyle wastewater treatment plant. ~ *Leon Barba, P.E., City Engineer*
23. Consider authorizing the City's Director of Finance to begin the process for the issuance of approximately \$33,955,000 in Certificates of Obligation bonds to pay for engineering, design, construction and other related services associated with the City's wastewater treatment plant expansion project. This process will include but not limited to document preparation, underwriter bids, credit rating, and coordination of all other necessary steps with the City's Financial Advisor and Bond Counsel. ~ *Perwez A. Moheet, CPA, Director of Finance*



24. Approve a Resolution directing publication of Notice of Public Hearing and Intention to Issue Combination Tax and Revenue Certificates of Obligation totaling approximately \$33,955,000 in association with the City's wastewater treatment plant expansion project.  
~ *Perwez A. Moheet, CPA, Director of Finance*

Mayor Mitchell brought forward Item Nos 21, 23, and 24 simultaneously for discussion. Mr. Barba introduced Ms. Yvonne Gil-Vallejo who presented Item No. 21. Mr. Tim Samford also addressed council's question regarding concern for capacity at the wastewater treatment plant during this process. Mr. Moheet presented Item Nos. 23 and 24.

Mayor Mitchell moved to approve Agenda Item Nos. 21, 23, and 24. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

22. (*First Reading*) Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2019-2020 by increasing the total appropriations for expenditures in the General Fund by \$900,000.00 for design/construction plans new police facility, in the Hotel Occupancy Tax Fund by \$7,000.00 for additional funding for the 2020 KAYAC summit, in the Wastewater Utility Bond Fund by \$21,900,000.00 for treatment plant expansion project, and in the Tax Increment Reinvestment Zone No. 2 Donation Fund by \$750,000.00 for architectural services. ~ *Perwez A. Moheet, CPA, Director of Finance*

Mayor Mitchell brought forward Item No. 22 for discussion. Mr. Moheet made himself available for questions.

Council Member Ellison moved to approve an Ordinance amending the City's Approved Budget for Fiscal Year 2019-2020 by increasing the total appropriations for expenditures in the General Fund by \$900,000.00 for design/construction plans new police facility, in the Hotel Occupancy Tax Fund by \$7,000.00 for additional funding for the 2020 KAYAC summit, in the Wastewater Utility Bond Fund by \$21,900,000.00 for treatment plant expansion project, and in the Tax Increment Reinvestment Zone No. 2 Donation Fund by \$750,000.00 for architectural services. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

Before the item of City Managers Report was discussed, Mayor Mitchell asked City Attorney Paige Saenz if she had a response on his previous question regarding the Dangerous Animal Ordinance motion and if the motion was clarified on the item. Ms. Saenz responded, yes. Mayor Mitchell stated it was the final version of the Ordinance regarding Dangerous Animals. The clarification was regarding Item No. 14.

### **VIII. City Manager's Report**

25. 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*
- 20th Annual Texas Youth Advisory Commission (YAC) Summit Feb 1-2.
  - Mr. Sellers provided a report on the Youth Advisory Council Summit hosted in and by the City of Kyle the past weekend. Mr. Sellers thanked everyone who participated in the event from staff, Council, volunteers, sponsor's and Citizen's. Mr. Sellers mentioned there were 230 registered in attendance for the event.

### **IX. Executive Session**

26. 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.
    - Kinder Morgan Lawsuits
    - Burleson driveway
    - Bond Election
  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.

Council Member Scheel read into the record, "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: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Kinder Morgan Lawsuits and Bond Election."

The City Council convened into executive session at 9:50 p.m.

Council Member Tobias recused himself from the Kinder Morgan Lawsuits and left the meeting at 10:09 p.m.

27. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into open session. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0. Council Member Tobias was absent.

The City Council reconvened into open session at 10:40 p.m. Mayor Mitchell announced that no action took place in Executive Session, but action would be taken momentarily.

Mayor Mitchell asked if there were any objections regarding finally passing the budget amendments. There were none.

Mayor Mitchell moved to authorize Braun & Gresham to represent City of Kyle in litigation against Kinder Morgan asserting claims under the Endangered Species Act, the Clean Water Act, the Safe Drinking Water Act, the National Environmental Policy Act and authorizing the Mayor to sign the Agreement and Consent to Multi-Party Litigation in a contract for legal services in an amount not to exceed \$5000.00. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0. Council Member Tobias was absent.

### **X. Adjourn**

Mayor Mitchell moved to adjourn. Council Member Ellison seconded the motion. All votes aye; motion carried 6-0. Council Member Tobias was absent.

With no further business to discuss, the City Council adjourned at 10:41 p.m.

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Travis Mitchell, Mayor

Attest:

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Jennifer A. Vetrano, City Secretary

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# CITY OF KYLE, TEXAS

## 2020 0208 AM Workshop Minutes

**Meeting Date: 5/5/2020**

**Date time:7:00 PM**

**Subject/Recommendation:** City Council Workshop Meeting Minutes (AM) - February 8, 2020. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2020 0208 AM DRAFT Special Minutes

## WORKSHOP CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Workshop Session on February 8, 2020 at Pioneer Museum, 325 W Main St, Fredericksburg, TX 78624 with the following persons present:

Mayor Travis Mitchell	Linda Langerhans
Mayor Pro Tem Rick Koch	Kent Myers
Council Member Dex Ellison	Douglas Thomas
Council Member Tracy Scheel	
Council Member Robert Rizo	
Council Member Alex Villalobos	
Council Member Michael Tobias	
Scott Sellers, City Manager	
James Earp, Assistant City Manager	
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Jennifer Vetrano, City Secretary	
Samantha Armbruster, Comm. Director	

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 9:34 a.m. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tobias. A quorum was present.

### **II. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 9:36 a.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 9:37 a.m.

### **III. General Discussion**

1. Council Retreat for Strategic Visioning. ~ *Travis Mitchell, Mayor*  
Priority and Vision setting for the City to include:
  1. Economic Development Projects and Initiatives
  2. Convene into Executive Session pursuant to Section 551.087, Texas Government Code, to deliberate the offer of economic development incentives to business prospects that the City desires to locate, stay or expand in the City.
  3. Uptown Kyle
  4. Development of Downtown Kyle
  5. Land Development Codes
  6. Capital Improvements Projects and Transportation
  7. City Facilities; Recreation and park improvements
  8. Communications, Branding, and Information Technology
  9. Community Development and Beautification
  10. Comprehensive plan
  11. Public Safety
  12. Police Facilities

13. Seniors
  14. Organizational culture and performance measures
  15. Finance and budget
  16. Events
- (Topics may be taken up out of order)

Mayor Mitchell brought forward Item No. 1 for discussion. He gave the floor to Fredericksburg Mayor, Linda Langerhans, who provided welcoming comments and information about the City of Fredericksburg. City of Fredericksburg City Manager Kent Myers spoke about the City, its challenges, tourism attractions, no litter, safety, hospital, good schools, 20 month visioning process completed in October 2018, short-term rentals – regulated by ordinance and inspections, working on dark sky, stormwater improvements, challenges with affordable housing and associated workforce issues, state legislature – caps, expand Police station/Fire station, and growth management issues.

Mayor Mitchell opened discussion on feedback from the Fredericksburg mayor and City Manager discussion. Samantha Arbruster was introduced and welcomed to Team Kyle. Douglas Thomas, SGR Facilitator, began his presentation/activities.

A break was held from 12:06 p.m. to 12:19 p.m. Discussion continued via the facilitator presentation, including the reasons each elected official ran and their goals for their terms, and then staff reasons for working for the City of Kyle and goals/missions.

#### **IV. Adjourn**

Council Member Ellison moved to adjourn. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 1:37p.m.

\_\_\_\_\_  
Travis Mitchell, Mayor

Attest:

\_\_\_\_\_  
Jennifer A. Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## 2020 0208 PM Workshop Minutes

**Meeting Date: 5/5/2020**

**Date time:7:00 PM**

**Subject/Recommendation:** City Council Workshop Meeting Minutes (PM) - February 8, 2020. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2020 0208 PM DRAFT Workshop Minutes

## WORKSHOP CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Workshop Session on February 8, 2020 at Pioneer Museum, 325 W Main St, Fredericksburg, TX 78624 with the following persons present:

Mayor Travis Mitchell  
Mayor Pro Tem Rick Koch  
Council Member Dex Ellison  
Council Member Tracy Scheel  
Council Member Robert Rizo  
Council Member Alex Villalobos  
Council Member Michael Tobias  
Scott Sellers, City Manager  
James Earp, Assistant City Manager  
Paige Saenz, City Attorney  
Jerry Hendrix, Chief of Staff  
Jennifer Vetrano, City Secretary  
Samantha Armbruster, Comm. Director

Douglas Thomas

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 4:34 p.m.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tobias. A quorum was present.

### **II. Citizen Comment Period with City Council**

No members of the public were present.

### **III. General Discussion**

1. Council Retreat for Strategic Visioning. ~ *Travis Mitchell, Mayor*  
Priority and Vision setting for the City to include:
  1. Economic Development Projects and Initiatives
  2. Convene into Executive Session pursuant to Section 551.087, Texas Government Code, to deliberate the offer of economic development incentives to business prospects that the City desires to locate, stay or expand in the City.
  3. Uptown Kyle
  4. Development of Downtown Kyle
  5. Land Development Codes
  6. Capital Improvements Projects and Transportation
  7. City Facilities; Recreation and park improvements
  8. Communications, Branding, and Information Technology
  9. Community Development and Beautification
  10. Comprehensive plan
  11. Public Safety
  12. Police Facilities
  13. Seniors
  14. Organizational culture and performance measures



- 15. Finance and budget
- 16. Events  
(Topics may be taken up out of order)

Douglas Thomas, SGR Facilitator, resumed his presentation/activities. Topics included:

- Vision Statement brainstorming
  - Community Development & Image
  - Public Safety
  - Business Growth
  - Communications
  - Quality of Life

#### **IV. Adjourn**

With no further business to discuss, the City Council adjourned at 6:32 p.m.

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Travis Mitchell, Mayor

Attest:

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Jennifer A. Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## 2020 0209 Workshop Minutes

**Meeting Date: 5/5/2020**

**Date time:7:00 PM**

**Subject/Recommendation:** City Council Workshop Meeting Minutes - February 9, 2020. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2020 0209 DRAFT Workshop Minutes

## WORKSHOP CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Workshop Session on February 9, 2020 at Pioneer Museum, 325 W Main St, Fredericksburg, TX 78624 with the following persons present:

Mayor Travis Mitchell  
Mayor Pro Tem Rick Koch  
Council Member Dex Ellison  
Council Member Tracy Scheel  
Council Member Robert Rizo  
Council Member Alex Villalobos  
Council Member Michael Tobias  
Scott Sellers, City Manager  
James Earp, Assistant City Manager  
Paige Saenz, City Attorney  
Jerry Hendrix, Chief of Staff  
Jennifer Vetrano, City Secretary  
Samantha Armbruster, Comm. Director

Douglas Thomas

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 9:05 a.m.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tobias. A quorum was present.

### **II. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 9:06 a.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 9:06 a.m.

### **III. General Discussion**

1. Council Retreat for Strategic Visioning. ~ *Travis Mitchell, Mayor*  
Priority and Vision setting for the City to include:
  1. Economic Development Projects and Initiatives
  2. Convene into Executive Session pursuant to Section 551.087, Texas Government Code, to deliberate the offer of economic development incentives to business prospects that the City desires to locate, stay or expand in the City.
  3. Uptown Kyle
  4. Development of Downtown Kyle
  5. Land Development Codes
  6. Capital Improvements Projects and Transportation
  7. City Facilities; Recreation and park improvements
  8. Communications, Branding, and Information Technology
  9. Community Development and Beautification
  10. Comprehensive plan
  11. Public Safety
  12. Police Facilities
  13. Seniors

14. Organizational culture and performance measures
  15. Finance and budget
  16. Events
  17. Boards, Commissions and Committees
- (Topics may be taken up out of order)

Douglas Thomas, SGR Facilitator, resumed his presentation/activities. Topics included:

- Vision Statement brainstorming
  - Capital Improvement / Infrastructure
- City Council Goals
  - Community Development & Image
  - Public Safety
  - Business Growth
  - Communications
  - Quality of Life
  - Capital Improvement / Infrastructure
- Future of Kyle – Community Survey Results

A break was held at 10:51 a.m. The meeting reconvened at 11:02 a.m. A break was held at 12:20 p.m. The meeting reconvened at 12:30 p.m.

#### **IV. Adjourn**

With no further business to discuss, the City Council adjourned at 1:07 p.m.

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Travis Mitchell, Mayor

Attest:

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Jennifer A. Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## 2020 0218 Special Minutes

**Meeting Date: 5/5/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** City Council Special Meeting Minutes - February 18, 2020. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2020 0218 DRAFT Special Minutes

## SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on February 18, 2020 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell  
Mayor Pro Tem Rick Koch  
Council Member Dex Ellison  
Council Member Tracy Scheel  
Council Member Robert Rizo  
Council Member Alex Villalobos  
Council Member Michael Tobias  
Scott Sellers, City Manager  
Paige Saenz, City Attorney  
Jerry Hendrix, Chief of Staff  
Samantha Armbruster, Communications Director  
Jennifer Vetrano, City Secretary  
Diana Torres, Economic Dev Director  
Matt Dawson, IT Director  
Jeff Barnett, Chief of Police

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 6:02 p.m. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tobias. A quorum was present.

### **II. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 6:03 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 6:03 p.m.

### **III. Executive Session**

1. 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.
  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 Green
    - Project Goldfish

- Project Sriracha
- Project Zig
- Project Indigo
- Project Dandelion
- Project Lime Green
- Project Wild Blue
- Project King
- Project Lavender
- Project Shamrock

Council Member Scheel read into the record, “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: 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 Green, Project Goldfish, Project Sriracha, Project Zig, Project Indigo, Project Dandelion, Project Lime Green, Project Wild Blue, Project King, Project Lavender, and Project Shamrock.” The City Council convened into executive session at 6:04 p.m.

2. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into open session. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

The City Council reconvened into open session at 7:05 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

#### **IV. Adjourn**

Mayor Mitchell moved to adjourn. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 7:05 p.m.

---

Travis Mitchell, Mayor

Attest:

---

Jennifer A. Vetrano, City Secretary



# CITY OF KYLE, TEXAS

2020 0218 Minutes

Meeting Date: 5/5/2020

Date time:7:00 PM

**Subject/Recommendation:** City Council Meeting Minutes - February 18, 2020. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2020 0218 DRAFT Minutes



## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on February 18, 2020 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Lila Knight
Mayor Pro Tem Rick Koch	Bo Wingo
Council Member Dex Ellison	Bill Haser
Council Member Tracy Scheel	Stu Hoyt
Council Member Robert Rizo	Chris Ruebush
Council Member Alex Villalobos	
Council Member Michael Tobias	
Scott Sellers, City Manager	
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Samantha Armbruster, Communications Dir.	
Sarah Watson, Special Events	
Jennifer Vetrano, City Secretary	
Leon Barba, City Engineer	
Kathy Roecker, SWMP Administrator	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Matt Dawson, IT Director	
Paul Phelan, Library Director	
Mariana Espinoza, PARD Director	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Harper Wilder, Director of Public Works	

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 7:06 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tobias. A quorum was present.

### **II. Approval of Minutes**

1. City Council Special Meeting Minutes - September 24, 2019. ~ *Jennifer Vetrano, City Secretary*
2. City Council Special Meeting Minutes - September 30, 2019. ~ *Jennifer Vetrano, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Ellison moved to approve the minutes of the September 24, 2019 Special Council Meeting and the minutes of the September 30, 2019 Special Council Meeting. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

### **III. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 7:07 p.m.

Lila Knight was called to speak as registered for various items. She spoke of concerns that Council will consider appointing Mayor Pro Tem Koch's brother-in-law to the Planning & Zoning Commission. She also spoke about her concerns regarding the City declaring its population in excess of 50,000 and extending the ETJ. She spoke about discrepancies between family size and household size, as well as the single population. She asked why the City does not just wait for the 2020 Census so that they could have an accurate account. She asked if the Census is less than 50,000 will the City have to pull back its ETJ.

Bo Wingo was called to speak as registered in opposition of Item No. 21. He stated that he thought when the time came for him to oppose ETJ jurisdiction and ultimately annexation, he thought he would be coming before the Wimberley City Council. He spoke about his representation by County officials and his address in Wimberley. He spoke about the 35-minute drive home he will be taking when he leaves this meeting and stated he does not want to be in Kyle.

Bill Haser was called to speak as registered in opposition of Item No. 21. He mentioned that he was here in support of Mr. Wingo and to echo his comments.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:13 p.m.

### **IV. Presentation**

3. Black History Month City Council Proclamation. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 3 for discussion and gave the floor to Council Member Ellison. No action was taken.

4. President George Washington Day Proclamation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 4. Stu Hoyt stated that he is a 34-year resident of Kyle. He spoke about George Washington having been the greatest man in this nation. He spoke of his veteran status and his ancestry having been involved in every conflict the nation has had. Mr. Hoyt continued that when congress enacted the Monday holiday, it took away from George Washington's birthday. No action was taken.

5. Task force update on Police Headquarters Construction. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 5 for discussion. Chief Barnett presented the item. No action was taken.

6. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 6 for discussion. Mr. Barba presented the item. No action was taken.

**V. Consent Agenda**

Mayor Mitchell asked if there were any items to be pulled from the Consent Agenda. There were none. Mayor Mitchell brought forward Item Nos. 7, 8, 9, 10, 11, 12, 13, and 14.

7. Ratification of an Interlocal Agreement between the City of Kyle and Hays County in an amount not to exceed \$30,000.00 for relocating and upsizing approximately 4,250 linear feet of wastewater force main associated with the Indian Paintbrush Lift Station project. ~ *Leon Barba, P.E., City Engineer*

8. Approve a reimbursement agreement with TIRZ No. 2 for expenditures incurred on the Park and Cultural Trail Design and Permitting with MG Cardinal at Uptown, LLC and Heroes Memorial Scope of Service Agreement with Nudge. ~ *J. Scott Sellers, City Manager*

9. *(Second Reading)* An Ordinance of the City of Kyle, Texas amending Chapter 8, Article II, Section 8-30 of the Code of Ordinances to adopt language Prohibiting Outdoor Burning within the city limits of Kyle without a permit and repealing conflicting Ordinance Article VII of Chapter 23 in its entirety. ~ *Alex Villalobos, Council Member*

*City Council voted 7-0 to approve on first reading.*

10. *(Second Reading)* An Ordinance granting a Franchise to Texas Disposal Systems, Inc. to provide recycling and solid waste collection and disposal services within the City of Kyle; providing for the scope and nature of the operation; providing for the disposal of garbage, solid waste and refuse; Providing a procedure for the handling of complaints; Providing for a franchise fee; Providing for the establishment and adjustment of charges; Requiring indemnity and insurance; Providing for revocation and amendment; Providing for payment of taxes by the franchisee; Prohibiting assignment and subletting of the franchise without consent; Providing for forfeiture; and Making other provisions. ~ *Paige Saenz, City Attorney*

*City Council voted 7-0 to approve on first reading.*

11. Approve the conveyance of a wastewater line easement to the City of Kyle, Hays County, Texas from Park PC II, LP being more particularly described as a tract of land containing 0.0481 acres (2,095 square feet) out of the Jesse Day Survey, Abstract No. 152 in Hays County, Texas. ~ *Leon Barba, P.E., City Engineer*

12. Plum Creek Village - Site Plan (SD-19-0046) 2.523 acres; 1 lot and 3 buildings located at 4460, 4500 and 4520 FM 1626. ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 5-0 to approve the site plan.*

13. Approve contract Task Order No. 5 to LJA ENGINEERING, INC., Austin, Texas, in an amount not to exceed \$22,300.00 for the purpose of providing engineering services for the Rehabilitation and Repainting of the Well #4 Elevated Storage Tank located on Kohlers Crossing. ~ *Leon Barba, P.E., City Engineer*
14. Approve Amendment No. 2 to LJA ENGINEERING, INC., Austin, Texas, in the amount of \$30,326.41 increasing the total contract amount not to exceed \$232,980.91 for the Schlemmer & Porter St. Wastewater Project. ~ *Leon Barba, P.E., City Engineer*

Council Member Scheel moved to approve Consent Agenda Item Nos. 7, 8, 9, 10, 11, 12, 13, and 14. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

#### **VI. Consider and Possible Action**

15. Approve a Resolution to Adopt the City of Kyle Drainage Master Plan (DMP) completed by Halff Associates, Inc. ~ *Kathy Roecker, Stormwater Management Plan Administrator*
16. Possible Action to Adopt an Easement Maintenance Policy. ~ *Kathy Roecker, Stormwater Management Plan Administrator*
17. Discussion of Ordinance Updates related to the Drainage Master Plan (DMP). ~ *Kathy Roecker, Stormwater Management Plan Administrator*

Mayor Mitchell brought forward Item Nos. 15, 16, and 17 for discussion simultaneously with no objections. Ms. Roecker presented the items.

Mayor Mitchell moved to approve agenda Item Nos. 15 and 16. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Ellison stated that Council has provided updates to the maintenance policy. Mayor Mitchell stated that the only change he has is for Item No. 17. Council Member Ellison mentioned issues with the silt. Mayor Mitchell stated that by taking that out, the City would be taking on the responsibility for that. Mayor Mitchell suggested to approve as is, but then direct staff to bring forward a hybrid policy, such as the sidewalk correcting that allows Council to correct things in certain circumstances. Council Member Scheel stated that the City needs to educate HOAs and homeowners as to what their responsibilities are. She spoke about a Masonwood drainage where half is beautifully maintained, and the other half is not. Council Member Ellison left the dais at 8:50 p.m. Mr. Wilder provided information about the situation where the City cannot access the drainage infrastructure. Mr. Wilder stated that it is important for everyone to be on the same page. Council Member Rizo stated that this is a living document, so Council should put the policy in place and then revise as needed.

All votes aye; motion carried 6-0. Council Member Ellison was absent for the vote.

Council Member Ellison returned to the dais at 8:52 p.m.

21. *(First Reading)* An Ordinance of the City of Kyle, Texas, Making findings of fact; Determining the number of inhabitants in the City of Kyle; and Providing for related matters. ~ *J. Scott Sellers, City Manager*

With no objections, Mayor Mitchell brought forward Item No. 21 for discussion out of order after Item No. 17. Mr. Sellers presented the item.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, making findings of fact; determining the number of inhabitants in the City of Kyle; and providing for related matters. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0. With no objections, the ordinance was finally passed.

18. Consideration of nominations for appointments to the Planning and Zoning Commission to fill vacancies. ~ *Travis Mitchell, Mayor*
- Alex Guerra (Seat 5)

Mayor Mitchell brought forward Item No. 18 for discussion. Mayor Pro Tem Koch recused himself and left the dais at 9:08 p.m.

Mayor Mitchell moved to reconsideration of the vote to approve the appointment of Alex Guerra to Seat 5 of the Planning & Zoning Commission. Council Member Ellison seconded the motion. All votes aye; motion carried 6-0, with Mayor Pro Tem Koch's recusal.

Mayor Mitchell moved to approve the appointment of Alex Guerra to Seat 5 of the Planning & Zoning Commission. Council Member Ellison seconded the motion. All votes aye; motion carried 6-0, with Mayor Pro Tem Koch's recusal.

20. Construction Manager at Risk Request for Qualifications for the Police Headquarters Construction. ~ *Alex Villalobos, Council Member*

With no objections, Mayor Mitchell brought forward Item No. 20 for discussion out of order after Item No. 18 and gave the floor to Council Member Villalobos. Mayor Pro Tem Koch returned to the dais at 9:15 p.m. Chris Ruebush with PGAL presented information for this item.

Council Member Villalobos moved to approve a Request for Proposals for Construction Manager at Risk for the Police Headquarters Construction. Council Member Rizo seconded the motion.

There was discussion on the motion. Mayor Mitchell stated that this is fantastic, and he cannot wait to see what Bautex has to offer and mentioned a locally manufactured product. He stated that it seems revolutionary to him. Mayor Mitchell stated that the communication is very important.

All votes aye; motion carried 7-0.

19. Creation of an Arts, Culture, and Events Task Force. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 19. Mr. Sellers presented the item. After much discussion, no action was taken.

17. Discussion of Ordinance Updates related to the Drainage Master Plan (DMP). ~ *Kathy Roecker, Stormwater Management Plan Administrator*

Mayor Mitchell brought back Item No. 17 after Item No. 19. Ms. Roecker presented the item. No action was taken.

## **VII. City Manager's Report**

22. 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*
  - Joint Council Meeting with Planning & Zoning Commission
  - Pedestrian Signs

Mr. Sellers spoke about scheduling a Joint Council Meeting with Planning & Zoning Commission, for which Mr. Koontz recommended a 2nd meeting of the P&Z as it is more of a workshop. March 24 was the recommended date. He also mentioned the installation of pedestrian signs downtown on Center Street.

## **VIII. Executive Session**

23. 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.
  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 Green
    - Project Goldfish
    - Project Sriracha
    - Project Zig
    - Project Indigo
    - Project Dandelion
    - Project Lime Green
    - Project Wild Blue
    - Project King
    - Project Lavender
    - Project Shamrock

There was no executive session.

24. Take action on items discussed in Executive Session.

**IX. Adjourn**

Mayor Mitchell moved to adjourn. Council Member Rizo seconded the motion. Motion carried 6-1 with Mayor Mitchell dissenting.

With no further business to discuss, the City Council adjourned at 10:13 p.m.

\_\_\_\_\_  
Travis Mitchell, Mayor

Attest:

\_\_\_\_\_  
Jennifer A. Vetrano, City Secretary

DRAFT



# CITY OF KYLE, TEXAS

## New Employee Introduction

**Meeting Date: 5/5/2020**

**Date time:7:00 PM**

**Subject/Recommendation:** Introduction of Carla Sheridan, Assistant City Secretary. ~ *Jennifer Vetrano, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available





# CITY OF KYLE, TEXAS

## Police Headquarters Construction Update

**Meeting Date: 5/5/2020**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Task force update on Police Headquarters Construction. ~ *Jeff Barnett, Chief of Police*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## City Manager's Report

Meeting Date: 5/5/2020

Date time: 7:00 PM

**Subject/Recommendation:** City Manager's Report: 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*

- Kyle Community Survey 2020
- Budget Workshop June 13

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## CIP/Road Projects Update

**Meeting Date: 5/5/2020**  
**Date time: 7:00 PM**

**Subject/Recommendation:** CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Acceptance of Cool Springs Subdivision Phase II

**Meeting Date: 5/5/2020**

**Date time: 7:00 PM**

**Subject/Recommendation:** A Resolution of the City Council of the City of Kyle, Texas accepting the Cool Springs Subdivision Phase II 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*

**Other Information:** A final walkthrough was completed on April 21, 2020. The punch list items have been completed on the project. The street, drainage and wastewater improvements have been constructed in substantial accordance with the City's requirements. Record drawings have been provided to the City.

A Maintenance Bond (Westfield Insurance Company – Bond No. 064820V) in the amount of \$1,737,016.51 has been provided for a period of two (2) years.

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

- Acceptance Package

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS ACCEPTING COOL SPRINGS SUBDIVISION PHASE II; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the developer of this subdivision has completed construction of the improvements in general accordance with plans approved by the City of Kyle; and

**WHEREAS**, the subdivision improvements are defined as street, drainage, and wastewater systems installed within public rights-of-way and any dedicated public utility easements within the subdivision; and

**WHEREAS**, the contractor has also provided the City a two (2) year maintenance bond in an amount of more than thirty five percent (35%) of the cost of the construction for any repairs that may be necessary during a two-year period from the date of acceptance by City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS** hereby accepts the public improvements and certifies completion of the improvements for the Cool Springs Subdivision Phase II. The current maintenance surety is hereby \$1,737,016.51 being thirty five percent of the total cost of required improvements, to be held for two years from this date.

**SECTION 1.** That the subdivision improvements within the Cool Springs Subdivision Phase II are hereby accepted for operation and maintenance.

**SECTION 2.** That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF KYLE, TEXAS

\_\_\_\_\_  
Travis Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Vetrano, City Secretary

**EXHIBIT A**

**STAFF ACCEPTANCE MEMO**




# CITY OF KYLE

100 W. Center St.  
Office (512) 262-1010

Kyle, Texas 78640  
Fax (512) 262-3915

## MEMORANDUM

TO: Scott Sellers, City Manager

FROM: Leon Barba, P.E., City Engineer 

DATE: April 28, 2020

SUBJECT: Cool Springs Subdivision, Phase II  
Final Acceptance

The referenced subdivision is recommended for acceptance by the City of Kyle.

A final walkthrough was completed on April 21, 2020. The punch list items have been completed on the project. The street, drainage, and wastewater improvements have been constructed in substantial accordance with the City's requirements. Record drawings have been provided to the City.

A Maintenance Bond (Westfield Insurance Company – Bond No. 064820V) in the amount of \$1,737,016.51 has been provided for a period of two (2) years.

Please let me know if you need any additional information.

Xc: Harper Wilder, Public Works Dept.  
Perwez Moheet, Finance Dept.  
Debbie Guerra, Planning and Zoning

**ENGINEER'S CONCURRENCE  
FOR FINAL INSPECTION AND  
ENGINEERING RELEASE**

**PROJECT:** Cool Springs Subdivision Phase II  
2000 Block of Ranch to Market Road 150  
Kyle, Texas 78640

**SCOPE OF WORK:** W   X   WW   X   S/D   X   ALL   X  

**OWNER/DEVELOPER'S NAME & ADDRESS**

Lennar Homes of Texas Land and Construction, Ltd.  
12401 Research Blvd.  
Austin, Texas 78759


**CONSULTANT ENGINEER'S NAME & ADDRESS**

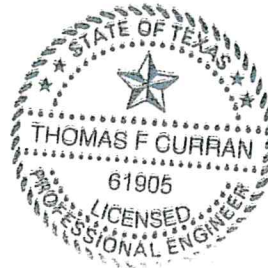
Tom Curran, P.E.  
Doucet & Associates  
7401B Hwy 71 West, #160  
Austin, Texas 78735

On this day 04/22/2020, I, the undersigned professional engineer made a final visual inspection of the above referenced project. I also have visited the site during construction and observed that the public subdivision improvements consisting of water & wastewater lines, streets, drainage inlets and pipes, channels and detention facilities, were constructed per the approved plans, with insignificant deviation. I, therefore, verify the adequate completion of the following items:

All streets, drainage piping system, channels, ponds, water and wastewater lines contained within the Cool Springs Subdivision Phase II Construction Plans; with the following deviations or incompletes items noted below.

1. The alignments of the 21-inch WW interceptor and 12-inch reclaimed water line were swapped along the eastern property line within the parkland lot. This is reflected in the as-builts.
2. Curb ramp x-ings at uncontrolled street T intersections were not installed. This is reflected in the as-builts.
3. Street signage at roundabouts still to be installed.
4. Re-vegetation of site still to be completed.

  
\_\_\_\_\_  
Signature  
Tom Curran, P.E.  
\_\_\_\_\_  
Typed Name  
61905  
\_\_\_\_\_  
Texas Registration No.



4/27/2020

Company form Engineers Concurrence Letter



**EXHIBIT B**

MAINTENANCE BOND

General  
Power  
of Attorney

POWER NO. 4220012 14

**Westfield Insurance Co.  
Westfield National Insurance Co.  
Ohio Farmers Insurance Co.**  
Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint TONY FIERRO, JOHNNY MOSS, JAY JORDAN, MISTIE BECK, JEREMY BARNETT, JADE PORTER, ROBERT G. KANUTH, JARRETT WILLSON, JACK NOTTINGHAM, JOINTLY OR SEVERALLY

of ROCKWALL and State of TX its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship.

**LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.**

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 02nd day of JANUARY A.D., 2020.

Corporate  
Seals  
Affixed



WESTFIELD INSURANCE COMPANY  
WESTFIELD NATIONAL INSURANCE COMPANY  
OHIO FARMERS INSURANCE COMPANY

By: Gary W. Stumper, National Surety Leader and Senior Executive

State of Ohio  
County of Medina ss.:

On this 02nd day of JANUARY A.D., 2020, before me personally came Gary W. Stumper to me known, who, being by me duly sworn, did depose and say, that he resides in Hartford, CT; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial  
Seal  
Affixed



David A. Kotnik, Attorney at Law, Notary Public  
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio  
County of Medina ss.:

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 21st day of April A.D., 2020.



Frank A. Carrino, Secretary

# MAINTENANCE BOND

Bond No.: 064820V

KNOW ALL PERSONS BY THESE PRESENTS, that we, JL Gray Construction, Inc., as Principal and Westfield Insurance Company, a corporation organized and doing business under and by virtue of the laws of the State of Ohio and duly licensed to conduct surety business in the State of Texas, as Surety, are held and firmly bound unto City of Kyle as Obligee, in the sum of One Million Seven Hundred Thirty-seven Thousand Sixteen And 51/100 (\$1,737,016.51) Dollars, for which payment, will and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

THE CONDITIONS OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal entered into an agreement or agreements with said Obligee(s) to: Cool Springs Phase 2 (Wastewater, Drainage, and Street Improvements)

WHEREAS, said agreement provided that Principal shall guarantee replacement and repair of improvements as described therein for a period of 2 years following final acceptance of said improvements: Cool Springs Phase 2 (Wastewater, Drainage, and Street Improvements)

NOW THEREFORE, if the above Principal shall indemnify the Obligee for all loss that Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of 2 years from and after acceptance of said improvements by Obligee, then this obligation shall be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact.

This 21st day of April, 2020.

JL Gray Construction, Inc.  
Principal

By: \_\_\_\_\_

Westfield Insurance Company  
Surety

Seal

By: \_\_\_\_\_

Jack Nottingham, Attorney-in-fact

Local Recording Agency:  
K & S Insurance  
P O Box 277  
Rockwall, TX 75087

**IMPORTANT NOTICE  
STATE OF TEXAS  
COMPLAINT PROCEDURES**

**1. IMPORTANT NOTICE**

To obtain information or make a complaint:

2. You may contact your agent.

3. You may call **Westfield Insurance Company, Westfield National Insurance Company, and/or Ohio Farmers Insurance Company's** toll-free telephone number for information or to make a complaint at:

**1-800-243-0210**

4. You may also write to **Westfield Insurance Company, Westfield National Insurance Company, and/or Ohio Farmers Insurance Company** at:

**Attn: Bond Claims  
One Park Circle  
P O Box 5001  
Westfield Center, OH 44251-5001  
Fax #330-887-0840**

5. You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

**1-800-252-3439**

6. You may write to the Texas Department of Insurance, Consumer Protection Section (MC 111-1A):

P.O. Box 149091  
Austin, TX 78714-9091  
Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**7. PREMIUM OR CLAIM DISPUTES:**

Should you have a dispute concerning your premium or about a claim, you should contact the agent, Westfield Insurance Company, Westfield National Insurance Company, or Ohio Farmers Insurance Company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

**8. ATTACH THIS NOTICE TO YOUR POLICY:**

This notice is for information only and does not become a part or condition of the attached document.

**AVISO IMPORTANTE**

Para obtener informacion o para someter una queja:

Puede comunicarse con su (title) al (telephone number).

Usted puede llamar al numero de telefono gratis de **Westfield Insurance Company, Westfield National Insurance Company, and/or Ohio Farmers Insurance Company's** para informacion o para someter una queja al:

**1-800-243-0210**

Usted tambien puede escribir a **Westfield Insurance Company, Westfield National Insurance Company, and/or Ohio Farmers Insurance Company:**

**Attn: Bond Claims  
One Park Circle  
P O Box 5001  
Westfield Center, OH 44251-5001  
Fax #330-887-0840**

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companies, coberturas, derechos o quejas al:

**1-800-252-3439**

Puede escribir al Departamento de Seguros de Texas, Consumer Protection Section (MC 111-1A):

P.O. Box 149091  
Austin, TX 78714-9091  
Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**DISPUTAS SOBRE PRIMAS O RECLAMOS:**

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente, Westfield Insurance Company, Westfield National Insurance Company, o Ohio Farmers Insurance Company primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

**UNA ESTE AVISO A SU POLIZA:** Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.

## Cool Springs Phase 2 Final Cost and Quantities

City of Kyle

Contractor: JL Gray

Owner: Lennar

Engineer: Doucet Engineers

<b>Wastewater, Streets and Drainage</b>				
117,572	CY	Excavation, Plan Quantity	\$ 2.25	\$ 264,537.00
2,355	CY	Borrow Class D, Plan Quantity - Clay Liner for Pond	\$ 11.25	\$ 26,493.75
47,107	CY	Embankment	\$ 1.75	\$ 82,437.25
40,906	SY	Lime Treated Subgrade, (8-inch thick), with Subgrade Preparation	\$ 7.50	\$ 306,795.00
8,602	CY	Flexible Base (Compacted)	\$ 47.00	\$ 404,294.00
25,201	SY	HMAC Pavement, 2 Inches, Type D	\$ 11.00	\$ 277,211.00
5,148	SY	HMAC Pavement, 2.5 Inches, Type D	\$ 16.50	\$ 84,942.00
266	SY	Colored and Stamped Concrete at Round About	\$ 170.00	\$ 45,220.00
1	EA	Pond Outlet Structure (Weir & Channel)	\$ 38,000.00	\$ 38,000.00
18,755	LF	P.C. Concrete Curb and Gutter (Excavation)	\$ 13.50	\$ 253,192.50
300	LF	Mountable Curb	\$ 26.00	\$ 7,800.00
17,322	SF	New P.C. Concrete Sidewalks, 4 Inch Thickness - Developer SW Only	\$ 4.75	\$ 82,279.50
64	EA	P.C. Sidewalk Curb Ramp with Pavers (Type 1)	\$ 1,100.00	\$ 70,400.00
3,120	SF	P.C. Concrete Valley Gutters	\$ 9.50	\$ 29,640.00
1	EA	Connection to Existing Manhole	\$ 6,900.00	\$ 6,900.00
66	VF	Extra Depth of Manhole, 4' Dia. (>8')	\$ 275.00	\$ 18,150.00
206	VF	Extra Depth of Manhole, 5' Dia. (>8')	\$ 300.00	\$ 61,800.00
6	EA	Junction Box, 4 Ft. x 4 Ft.	\$ 3,000.00	\$ 18,000.00
1	EA	Junction Box, 5 Ft. x 5 Ft.	\$ 3,700.00	\$ 3,700.00
15	EA	Standard Pre-cast Manhole w/Pre-cast Base,5 Dia. (0'-8' deep)	\$ 6,100.00	\$ 91,500.00
44	EA	Standard Pre-cast Manhole w/Pre-cast Base,4 Dia. (0'-8' deep)	\$ 3,700.00	\$ 162,800.00
2	EA	Standard Pre-cast Manhole w/Pre-cast Base, 4' Dia.	\$ 2,900.00	\$ 5,800.00
8	EA	Standard Pre-cast Manhole w/Pre-cast Base, 5' Dia.	\$ 3,500.00	\$ 28,000.00
3	EA	Standard Pre-cast Manhole w/Pre-cast Base, 6' Dia.	\$ 4,100.00	\$ 12,300.00
1	EA	30" Sloping Headwall	\$ 3,200.00	\$ 3,200.00
4	EA	36" Sloping Headwall	\$ 3,400.00	\$ 13,600.00
1	EA	48" Sloping Headwall	\$ 4,900.00	\$ 4,900.00
45	EA	Inlet, Standard 10 Ft. Curb Inlet	\$ 4,000.00	\$ 180,000.00
1	EA	Inlet, Standard 20 Ft. Curb Inlet	\$ 7,400.00	\$ 7,400.00
26,784	LF	Trench Excavation Safety Protective Systems (All Depths)	\$ 1.50	\$ 40,176.00
80	LF	PIPE, 4" Dia. PVC Schedule 40 (All Depths), Including Excavation And Backfill, Irrigation Sleeves	\$ 27.00	\$ 2,160.00
1,522	LF	PIPE, 18" Dia. RCP CL III, with Water Tight Joints (All Depths), Including Excavation And Backfill	\$ 45.00	\$ 68,490.00
1,256	LF	PIPE, 24" Dia. RCP CL III, with Water Tight Joints (All Depths), Including Excavation And Backfill	\$ 57.00	\$ 71,592.00
964	LF	PIPE, 30" Dia. RCP CL III, with Water Tight Joints (All Depths), Including Excavation And Backfill	\$ 73.00	\$ 70,372.00
2,180	LF	PIPE, 36" Dia. RCP CL III, with Water Tight Joints (All Depths), Including Excavation And Backfill	\$ 105.00	\$ 228,900.00

529	LF	PIPE, 36" Dia. RCP CL IV, with Water Tight Joints (All Depths), Including Excavation And Backfill	\$ 116.00	\$ 61,364.00
180	LF	PIPE, 42" Dia. RCP CL III, with Water Tight Joints (All Depths), Including Excavation And Backfill	\$ 137.00	\$ 24,660.00
661	LF	PIPE, 48" Dia. RCP CL III, with Water Tight Joints (All Depths), Including Excavation And Backfill	\$ 166.00	\$ 109,726.00
440	LF	PIPE, 12" Dia. PVC C900 CL 200 Type (All Depths), Including Excavation And Backfill	\$ 44.00	\$ 19,360.00
130	LF	PIPE, 6" Dia. Ductile Iron (All Depths), Including Excavation And Backfill	\$ 33.00	\$ 4,290.00
7,875	LF	PIPE, 8" Dia. PVC C900 CL 200 Type (All Depths), Including Excavation And Backfill	\$ 30.00	\$ 236,250.00
-	LF	PIPE, 10" DIA. PVC SDR-26, (10'-12'), Including Excavation And Backfill	\$ -	\$ -
32	LF	PIPE, 10" DIA. PVC SDR-26, (12'-14'), Including Excavation And Backfill	\$ 37.00	\$ 1,184.00
17	LF	PIPE, 10" DIA. PVC SDR-26, (14'-16'), Including Excavation And Backfill	\$ 40.00	\$ 680.00
597	LF	PIPE, 10" DIA. PVC SDR-26, (16'-20'), Including Excavation And Backfill	\$ 44.00	\$ 26,268.00
2,617	LF	PIPE, 10" DIA. PVC SDR-26, (20'-24'), Including Excavation And Backfill	\$ 60.00	\$ 157,020.00
4,630	LF	PIPE, 8" DIA. PVC SDR-26, (0'-8'), Including Excavation And Backfill	\$ 27.00	\$ 125,010.00
1,890	LF	PIPE, 8" DIA. PVC SDR-26, (8'-10'), Including Excavation And Backfill	\$ 28.00	\$ 52,920.00
292	LF	PIPE, 8" DIA. PVC SDR-26, (10'-12'), Including Excavation And Backfill	\$ 30.00	\$ 8,760.00
621	LF	PIPE, 8" DIA. PVC SDR-26, (12'-14'), Including Excavation And Backfill	\$ 33.00	\$ 20,493.00
265	LF	PIPE, 8" DIA. PVC SDR-26, (14'-16'), Including Excavation And Backfill	\$ 35.00	\$ 9,275.00
217	LF	PIPE, 8" DIA. PVC SDR-26, (16'-20'), Including Excavation And Backfill	\$ 38.00	\$ 8,246.00
350	CY	Dry Rock Riprap	\$ 78.00	\$ 27,300.00
32,447	SY	Non-Native Seeding for Erosion Control Method, Hydraulic Planting	\$ 1.40	\$ 45,425.80
2,220	SY	Soil Retention Blanket Class 1; Type A	\$ 1.50	\$ 3,330.00
250	EA	Planting Type Deep Water Zone	\$ 13.00	\$ 3,250.00
500	EA	Planting Type Marsh Zone	\$ 13.00	\$ 6,500.00
500	EA	Planting Type Pond Edge Zone	\$ 13.00	\$ 6,500.00
200	LF	Rock Berm	\$ 23.00	\$ 4,600.00
110	LF	Chain Link Fence	\$ 26.00	\$ 2,860.00
3	EA	Barricades	\$ 1,100.00	\$ 3,300.00
8	Month	Barricades, Signs, and Traffic Handling	\$ 200.00	\$ 1,600.00
37	EA	Traffic Signs	\$ 400.00	\$ 14,800.00
1	LS	Pavement Marking Paint	\$ 14,000.00	\$ 14,000.00
			<b>Subtotal</b>	<b>\$ 4,071,953.80</b>
<b>Alternate 3 - Delete 10" Wastewater Line, Add 21" Wastewater Line</b>				

32	LF	PIPE, 10" DIA. PVC SDR-26, (12'-14'), Including Excavation And Backfill	\$ (2.25)	\$ (72.00)
17	LF	PIPE, 10" DIA. PVC SDR-26, (14'-16'), Including Excavation And Backfill	\$ (11.25)	\$ (191.25)
597	LF	PIPE, 10" DIA. PVC SDR-26, (16'-20'), Including Excavation And Backfill	\$ (1.75)	\$ (1,044.75)
2,617	LF	PIPE, 10" DIA. PVC SDR-26, (20'-24'), Including Excavation And Backfill	\$ (7.50)	\$ (19,627.50)
<b>Subtotal</b>			<b>\$</b>	<b>(20,935.50)</b>
225	LF	PIPE, 21" DIA. PVC SDR-26, (10'-12'), Including Excavation And Backfill	\$ 190.00	\$ 42,750.00
476	LF	PIPE, 21" DIA. PVC SDR-26, (12'-14'), Including Excavation And Backfill	\$ 74.00	\$ 35,224.00
217	LF	PIPE, 21" DIA. PVC SDR-26, (14'-16'), Including Excavation And Backfill	\$ 77.00	\$ 16,709.00
814	LF	PIPE, 21" DIA. PVC SDR-26, (16'-20'), Including Excavation And Backfill	\$ 85.00	\$ 69,190.00
2,617	LF	PIPE, 21" DIA. PVC SDR-26, (20'-24'), Including Excavation And Backfill	\$ 108.00	\$ 282,636.00
1	EA	4' MANHOLE	\$ 3,800.00	\$ 3,800.00
<b>Subtotal</b>			<b>\$</b>	<b>450,309.00</b>
<b>Total ADDED</b>			<b>\$</b>	<b>429,373.50</b>
<b>Alternate 4 - Add 12" Reclaimed Water Main</b>				
4,350	LF	PIPE, 12" DIA. C900 Purple Pipe Reclaimed Water Main (All Depth), Including Excavation And Backfill	\$ 59.00	\$ 256,650.00
<b>Total ADDED</b>			<b>\$</b>	<b>256,650.00</b>
<b>JLG Alternates</b>				
6293	Tns	Extra Gravel for Ground Water Above Bedding per Detail - 21" WW	\$ 23.00	\$ 144,739.00
1351	Tns	Extra Gravel for Ground Water Trench - 8" WW	\$ 23.00	\$ 31,073.00
-481	LF	48" Dia. RCP CL III	\$ 166.00	\$ (79,846.00)
481	LF	48" Class 3 RCP - Rubber Gasketed	\$ 205.00	\$ 98,605.00
-313	LF	36" Class 3 RCP CL III	\$ 105.00	\$ (32,865.00)
313	LF	36" Class 3 RCP - Rubber Gasketed	\$ 132.00	\$ 41,316.00
<b>Total ADDED</b>			<b>\$</b>	<b>203,022.00</b>
<b>Change Orders</b>				
1	LS	3"-8" Tex-Mex Gravel and Ground Cover for Roundabouts	\$ 8,500.00	\$ 8,500.00
16	EA	P.C. Sidewalk Curb Ramp with Pavers (Type 1)	\$ (1,100.00)	\$ (17,600.00)
30	SF	P.C. Concrete Valley Gutters	\$ 9.50	\$ 285.00
32	EA	Remove and Dispose Curb Ramp Transitions	\$ 200.00	\$ 6,400.00
320	LF	P.C. Concrete Curb and Gutter (Excavation)	\$ 13.50	\$ 4,320.00
<b>Total ADDED</b>			<b>\$</b>	<b>1,905.00</b>

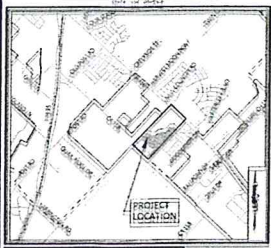
<b>Total Final Cost and Quantities City of Kyle</b>	<b>\$ 4,962,904.30</b>
---	------------------------

**EXHIBIT C**

SUBDIVISION MAP



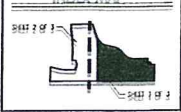
**VIGNITY MAP**  
SHEET 22 OF 24



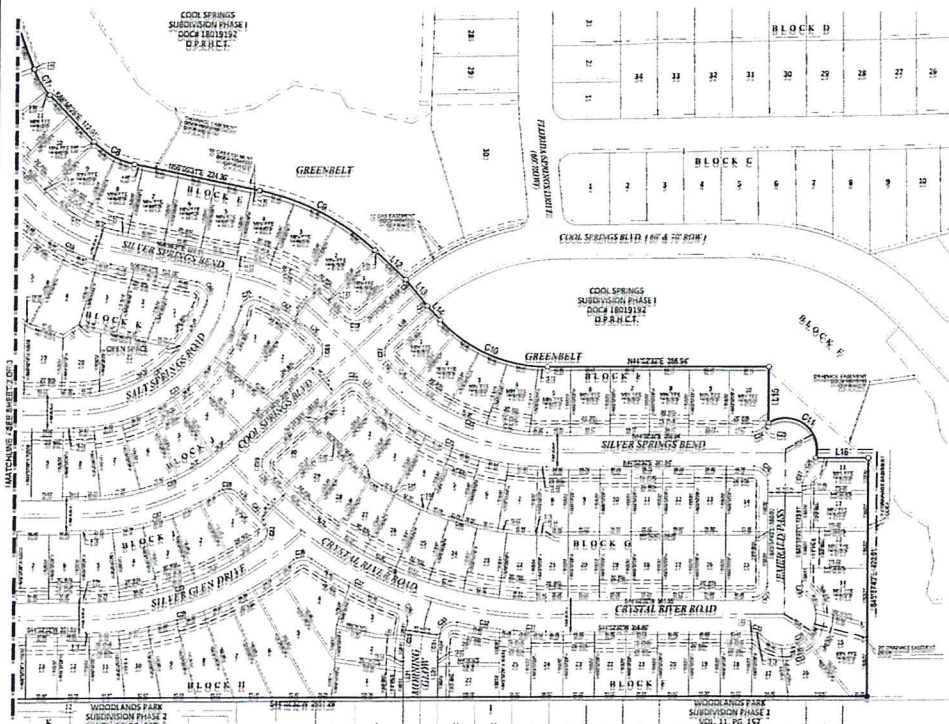
**LEGEND**

	BOUNDARY LINE
	EASEMENT
	UTILITY LINE
	STREET
	LOT
	BLOCK BOUNDARY
	SUBDIVISION BOUNDARY
	PROPOSED BOUNDARY
	PROPOSED LOT
	PROPOSED EASEMENT
	PROPOSED UTILITY LINE
	PROPOSED STREET
	PROPOSED BLOCK BOUNDARY
	PROPOSED SUBDIVISION BOUNDARY

**INDEX MAP**



**COOL SPRINGS SUBDIVISION  
PHASE II  
HAYS COUNTY, TEXAS**



**DA DOUCET**  
& ASSOCIATES  
Civil Engineers & Planners  
7401 B. Highway 71 W. Suite 160  
Austin, Texas 78735 Phone: (512) 583-2400  
www.doucetengineers.com  
TSP12 Firm #1010020 / TSP# Firm #2727

DATE	2/21/2020
PROJECT	COOL SPRINGS SUBDIVISION PHASE II
CLIENT	WOODLAND PARK SUBDIVISION PHASE II
SCALE	AS SHOWN
DRAWN BY	J.M.
CHECKED BY	J.M.
APPROVED BY	J.M.
DATE	2/21/2020
DRAWN BY	J.M.
CHECKED BY	J.M.
APPROVED BY	J.M.

**COOL SPRINGS SUBDIVISION  
PHASE II  
HAYS COUNTY, TEXAS**

12.6823 ACRES  
FREDDIE LEE STURDIVANT, VOL. 4116, PG. 152, H.C. 2  
INSTRUMENT 338342



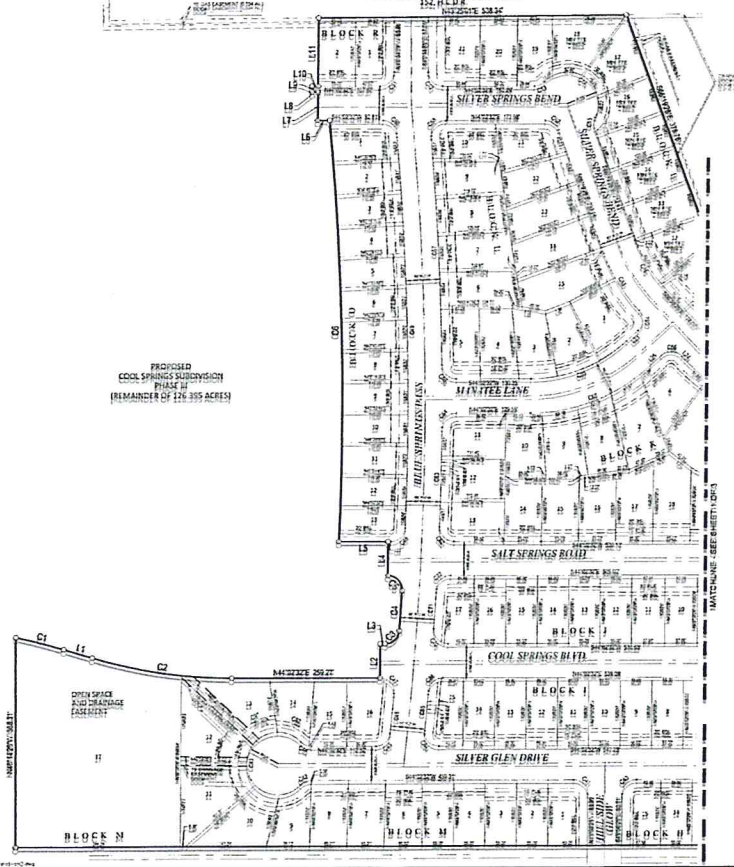
**LEGEND**

- EXISTING PROPERTY LINE
- PROPOSED LINE
- BUILDING FOOTPRINT
- PUBLIC UTILITY RIGHT-OF-WAY
- 10' SIDEWALK
- 10' DRIVEWAY
- PUBLIC UTILITY EASEMENT
- BUILDING SETBACK LINE
- VOLUME
- FENCE
- MEDIAN
- PLAT RECORD
- SURVEY
- OFFICIAL PLANNING RECORD
- UNOFFICIAL RECORD
- CALLED INTEREST
- NOTE

**INDEX MAP**

SHEET 2 OF 3

SHEET 1 OF 3



PROPOSED  
COOL SPRINGS SUBDIVISION  
PHASE II  
(REMAINDER OF 126.955 ACRES)

**DA DOUCET & ASSOCIATES**  
Civil Engineering & Planning Services  
7401 E. Highway 71 W. Suite 140  
Austin, Texas 78735 Phone: (512) 583-2100  
www.daoucelandinc.com

DATE	02/04/2020
DRAWN BY	DA
CHECKED BY	DA
PROJECT NO.	1920-002
SCALE	AS SHOWN
DATE PLOTTED	02/04/2020
SCALE	1:1
DATE	02/04/2020

1. Computer-generated drawing. All dimensions shall be as shown on this drawing.

COOL SPRINGS SUBDIVISION  
PHASE II  
HAYS COUNTY, TEXAS

Curve Table with columns: Curve #, Length, PVI, Data, Elev. Station, Conv. Elev. Station. Table contains 15 rows of data for various curves.

Curve Table with columns: Curve #, Length, PVI, Data, Elev. Station, Conv. Elev. Station. Table contains 15 rows of data for various curves.

Parcel Line Table with columns: Parcel #, Length, Width, Area, etc. Table contains 10 rows of parcel data.

OWNER'S DECLARATION

I, the undersigned, owner of the above described land, do hereby certify that the plat is correct and true to the original survey and that the same has been approved by the proper authorities.

Dated this 19th day of March, A.D. 2015.

Signature of Owner

Notary Public State of Texas

Notary Signature

Notary Seal

Reviewed by City Engineer

Reviewed by Director of Public Works

Reviewed by Planning and Zoning Commission

City Seal

Reviewed by Planning and Zoning Commission

Reviewed by Planning and Zoning Commission

City Seal

Reviewed by Planning and Zoning Commission

City Seal

GENERAL NOTES

- 1. ALL RIGHTS RESERVED TO THE OWNER...
2. ALL RIGHTS RESERVED TO THE OWNER...
3. ALL RIGHTS RESERVED TO THE OWNER...
4. ALL RIGHTS RESERVED TO THE OWNER...
5. ALL RIGHTS RESERVED TO THE OWNER...
6. ALL RIGHTS RESERVED TO THE OWNER...
7. ALL RIGHTS RESERVED TO THE OWNER...
8. ALL RIGHTS RESERVED TO THE OWNER...
9. ALL RIGHTS RESERVED TO THE OWNER...
10. ALL RIGHTS RESERVED TO THE OWNER...
11. ALL RIGHTS RESERVED TO THE OWNER...
12. ALL RIGHTS RESERVED TO THE OWNER...
13. ALL RIGHTS RESERVED TO THE OWNER...
14. ALL RIGHTS RESERVED TO THE OWNER...
15. ALL RIGHTS RESERVED TO THE OWNER...

BENCHMARK NOTE

SQUARE 601 IN CENTERLINE OF HIGHWAY ON THE SOUTH SIDE OF FM 110 APPROXIMATELY 70 FEET FROM THE NORTHWEST CORNER OF SQUARE TRACT 1225 769-3128

SURVEY CONTROL

BASE OF BENCHMARK IS THE MEAN COORDINATE SYSTEM NORTH-CENTRAL ZONE STATE PLANE COORDINATE SYSTEM. THE SURFACE OF THE BENCHMARK IS APPROXIMATELY 1.5 METERS ABOVE THE MEAN SEA LEVEL SURFACE.

OWNER'S DECLARATION

I, the undersigned, owner of the above described land, do hereby certify that the plat is correct and true to the original survey and that the same has been approved by the proper authorities.

OWNER'S DECLARATION

I, the undersigned, owner of the above described land, do hereby certify that the plat is correct and true to the original survey and that the same has been approved by the proper authorities.

UTILITIES

WATER CONNECTIONS SHOWN ON THIS PLAN SHALL BE CONSIDERED TO BE THE PROPERTY OF THE UTILITY COMPANY AND SHALL BE MAINTAINED BY SAID COMPANY.

ENGINEER'S DECLARATION

I, the undersigned, a duly licensed Professional Engineer in the State of Texas, do hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Texas.

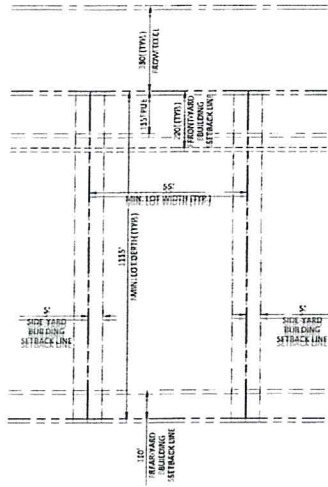


Street Summary Table with columns: Street Name, Right-of-Way, Square Feet, Acres. Lists streets like Blue Springs Pass, Vantage Lane, etc.

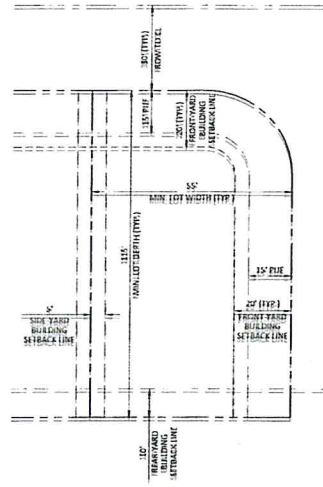
Lot Summary Table with columns: Total Number of Blocks, Total Number of Lots, Landscaped Lots, etc. Shows 10 lots in total.

DA DOUCET & ASSOCIATES logo and contact information: 7401 E. Highway 71 W, Suite 140, Austin, Texas 78745. Phone: (512) 583-2400.

COOL SPRINGS SUBDIVISION  
 PHASE II  
 HAYS COUNTY, TEXAS



TYPICAL LOT P.U.E. ASSIGNMENT  
 NOT TO SCALE



TYPICAL CORNER LOT P.U.E. ASSIGNMENT  
 NOT TO SCALE

<b>DA DOUCET &amp; ASSOCIATES</b> Civil Engineering / Planning / Geospatial 7401 B. Highway 71 W. Suite 140 Austin, Texas 78736. Phone: (512)-583-2400 www.doucet-engineers.com TDEB Form #10105000 / TAFE Form #3937	Date: 02/05/2020
	Scale: 1"=100'
	Project: GC
	Drawn: TSC/2020
	By: TSC
	Scale: 1"=100'



# CITY OF KYLE, TEXAS

## K-COP Designs

Meeting Date: 5/5/2020

Date time: 7:00 PM

**Subject/Recommendation:** Consider approval of Kyle Citizens on Patrol Designs. ~ *Jeff Barnett, Chief of Police*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- Kyle COP Logo March 2020
- COP Vehicle side view
- COP Vehicle rear view
- Raincoat for COP
- Traffic Vest for COP
- COP polo shirt

Sketch ID# : G41421

Type : Embroidered Emblem

Date : 03 - 07 - 20

Size : 3-1/2" X 3-1/2"

Thread  
Count : 4

#800

#900

#367

#701



<b>APPROVED BY</b>
<b>CSR:</b>
<b>CUSTOMER:</b>
<b>QUANTITY NEEDED:</b>
<b>FAX BACK TO CSR</b>

Border Style : Morrow

Border Color : #701

Background Style : Twill

Background Color : E-943

Special Notes :

- 1) colors are closest match available
- 2) Ticket # 379819

\*Colors may vary, see company thread & fabric chart for actual colors. Design may be modified slightly from original art for enhancement or quality purposes.

**IN CASE OF EMERGENCY  
CALL 911**

**CITIZENS ON PATROL**  
**KYLE**

**VOLUNTEER**



TEXAS  
★ MWK-0149  
The Lone Star State

EXPLORER

4x4

**VOLUNTEER**





Item # 18



Item # 18





# CITY OF KYLE, TEXAS

Installation of STOP signs at Scott Street and W. Allen Street

Meeting Date: 5/5/2020  
Date time: 7:00 PM

**Subject/Recommendation:** *(First Reading)* Approve an Ordinance regulating traffic, authorizing and directing the installation and erection of stop signs for traffic control at the intersection of Scott Street and W. Allen Street in the city limits of Kyle. ~ *Leon Barba, P.E., City Engineer*

**Other Information:**

**Legal Notes:** N/A

**Budget Information:** N/A

---

**ATTACHMENTS:**

**Description**

- Ordinance
- Engineering Memo
- Location Map

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REGULATING TRAFFIC, AUTHORIZING AND DIRECTING THE INSTALLATION AND ERECTION OF STOP SIGNS FOR TRAFFIC CONTROL AT THE INTERSECTION OF SCOTT STREET AND W. ALLEN STREET 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.**

**WHEREAS**, the regulation of traffic, motor vehicles and conveyances upon all public streets, roadway and right-of-ways within the City limits of the City of Kyle (the “City”) is essential and necessary to protect the traveling public and to preserve and protect the public safety of the City; and

**WHEREAS**, the: City Engineer, Director of Public Works, Chief of Police and City Council have reviewed the situation and issues that are the subject matter of this Ordinance; and

**WHEREAS**, the City Council of the City find that the safety and welfare of the citizens of the City requires that stop signs be provided at such points within the City;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:**

**SECTION 1:** Findings. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

**SECTION 2:** That all vehicles proceeding along the following streets shall come to a full stop immediately before reaching the intersections hereinafter set forth;

- AT THE INTERSECTION OF SCOTT STREET AND W. ALLEN STREET

**SECTION 3:** That at each place designated in Section 2 of this ordinance, for vehicles to stop in proceeding along the street, there shall be placed a sign, either in the surface of the street or at the side thereof, directing traffic to stop at such point, and no provisions of this ordinance for which signs are required shall be enforceable against an alleged violator, if at the time and place of the alleged violation the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

**SECTION 4:** That it shall be unlawful for the operator of any vehicle to disobey the instructions of the stop sign placed in accordance with the provisions of this ordinance.

**SECTION 5:** That it shall be unlawful for any person to willfully deface, injure, move, remove, obstruct or interfere with any stop sign under the provisions of this ordinance.

**SECTION 6:** Any person violating any provisions of this Ordinance shall be subject to the penalty provided in Section 1-14 of the Code of Ordinances.

**SECTION 7. Conflicting Ordinances or Resolutions.** All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby REPEALED to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

**SECTION 8. Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

**SECTION 9. Effective Date.** This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

**PASSED AND APPROVED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2020

**FINALLY PASSED AND APPROVED** on this \_\_\_\_ day of \_\_\_\_\_, 2020.

**THE CITY OF KYLE, TEXAS**

\_\_\_\_\_  
Travis Mitchell, Mayor

**ATTEST:**

\_\_\_\_\_  
Jennifer A. Vetrano, City Secretary




# CITY OF KYLE

100 W. Center St.  
Office (512) 262-3958

Kyle, Texas 78640  
Fax (512) 262-3915

## MEMORANDUM

TO: Scott Sellers, City Manager

FROM: Leon Barba, P.E., City Engineer 

DATE: April 24, 2020

SUBJECT: Multi-way Stop Investigation – Scott St. and W. Allen St.

Scott St. runs in a generally northeast direction starting at Opal Lane and ending at W. Moore St. W. Allen St. is stop-controlled at its intersection with Scott St.

Staff from the Kyle Police Department, the Public Works Department and the Engineering Department visited the subject intersection to observe the existing conditions. Recent construction of a new residential unit and the related privacy fence have created a blind corner for traffic entering the intersection from W. Allen St. Additionally, the Kyle Public Library is located near this intersection.

**Based on staff observation, Guideline E (Optional Criteria) of the TMUTCD is met. It is my engineering judgment the installation of a multi-way stop control and markings is appropriate at the intersection of Scott St. and W. Allen St.**

Please let me know if you need any additional information.

Xc: Harper Wilder, Director of Public Works  
Jeff Barnett, Chief of Police

# Scott St and W. Allen St. Intersection

**Legend**

- Bunton Creek Sanitary Sewer line
- Feature 1
- Feature 2
- Feature 3
- Feature 4
- Feature 5
- Kyle Public Library
- Polyline [3921]:0
- Scott St. and W. Allen St.
- Style1
- Style2
- Style33

Scott St. and W. Allen St.





# CITY OF KYLE, TEXAS

## COVID 19 Order No. 6

**Meeting Date: 5/5/2020**

**Date time:7:00 PM**

**Subject/Recommendation:** Ratify Mayor's Order No. 6 regarding gas station and day care measures, sanitation measures for retail providers, repealing minimum gathering limits in prior orders, and providing for public, HOA, and semi-public pools and playgrounds to remain closed. ~  
*Travis Mitchell, Mayor*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ Order.6.Extension.of.Orders

**ORDER NUMBER 6 AND PROCLAMATION BY THE  
MAYOR OF THE CITY OF KYLE**

**WHEREAS**, on March 17, 2020, the Mayor of the City of Kyle issued a disaster declaration declaring a local state of disaster for the City of Kyle due to COVID-19 posing an imminent threat of disaster in the City (the “Declaration”) which was subsequently extended by the City Council;

**WHEREAS**, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster, the President of the United States of America declared a national emergency;

**WHEREAS**, on March 31, 2020, the Governor of the State of Texas issued Executive Order No. GA-14 (“GA-14”) implementing Essential Services and Activities Protocols for the entire State of Texas which orders certain businesses to close or to limit operations; and

**WHEREAS**, the Governor issued Executive Orders GA-16 and GA-18 opening up additional businesses to operate; and

**WHEREAS**, the Governor issued Texas Helping Texans, The Governor’s Report to Open Texas which provides guidelines for individuals and businesses to operate while minimizing the spread of COVID019;

**NOW THEREFORE, I, MAYOR OF THE CITY OF KYLE, TEXAS, PURSUANT TO THE AUTHORITY VESTED IN ME BY THE CITY CHARTER AND TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND, ORDER, AND PROCLAIM THAT:**

**Section 1.** The findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

**Section 2.** Effective as of 12:00 a.m. on May 1, 2020, and continuing until 11:59 p.m. on May 18, 2020, I hereby ORDER as follows:

- (a) The maximum gathering limit set forth in the Declaration is hereby repealed.
- (b) Section 13 of the Declaration is repealed, except that public, HOA and semi-public pools and playground equipment shall remain closed.
- (c) Gas stations must provide sanitation stations and occupants must practice social distancing. Gas stations may use City-provided sanitation stations and supplies. Social distancing includes maintaining at least a six-foot distance from other individuals, washing hands with soap and water for at least 20 seconds as frequently as possible or using hand

sanitizer with at least 60% alcohol, covering coughs or sneezes (into the sleeve or elbow, not into hands), and not shaking hands.

- (d) Daycare facilities may operate to provide childcare, as that term is defined in GA-14, provided that said facilities comply with the following requirements:
  - (1) Childcare must be carried out in stable groups. "Stable" means that the same children are in the same group each day. Groups shall consist of a maximum of 9 children.
  - (2) Children shall not change from one group to another.
  - (3) If more than one group of children is cared for at one facility, each group shall be in a separate room.
  - (4) Groups shall not mix with each other.
  - (5) Childcare providers shall remain solely with one group of children.
  - (6) Childcare facility staff shall wear a facemask that is consistent with CDC guidelines at all times while working. Children above the age of two are encouraged to wear a facemask as recommended by CDC guidelines where underlying circumstances or health conditions do not require otherwise.
  - (7) Day care providers may sign up with the Texas Frontline Child Care Program.
  - (8) Day care providers may use the Texas Frontline Care Child Program to accept and admit children to the day care facility.
  - (9) Day care providers must follow all current COVID-19 CDC and state guidelines for childcare providers.
  
- (e) Retail facilities that offer carts for customers' use shall clean and sanitize the carts after each use.
  
- (f) Retail facilities shall require employees who interact with customers at the point of sale to wear a mask.

**Section 3.** The Kyle Police Department, the Fire Marshal, and other peace officer are authorized to enforce this Order. A violation of this Order is a misdemeanor punishable by fine not to exceed \$1,000 for each day that the violation continues.

**Section 4.** The City will post this Order on its website and Order shall be widely advertised to help accomplish the public health and safety objectives of the City of Kyle. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy

**Section 5.** If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity.

**Section 6.** The provisions of the Disaster Declaration, Order No. 4, and Order No. 5 are hereby amended to extent of any conflict with this Order.

Ordered and proclaimed this the \_\_\_\_\_ day of April, 2020, in the City of Kyle, Texas.

\_\_\_\_\_  
Travis Mitchell, Mayor  
City of Kyle, Texas

Attest:

\_\_\_\_\_  
Jennifer Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## Executive Session-Convene

**Meeting Date: 5/5/2020**

**Date time:7:00 PM**

**Subject/Recommendation:** 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 Plum Creek Escrow Agreement
  - o Private Lot on Philomena
  - o Sunset Hills
  - o Center Street Reconstruction Project
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 Indigo
  - o Project Just Peachy
  - o Project Scarlet

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

Reconvene

Meeting Date: 5/5/2020  
Date time: 7:00 PM

**Subject/Recommendation:** Take action on items discussed in Executive Session.

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available