

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 April 21, 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 17th day of April, 2020, prior to 1:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. City Council Special Meeting Minutes - November 19, 2019. ~ *Jennifer Vetrano, City Secretary*
2. City Council Meeting Minutes - November 19, 2019. ~ *Jennifer Vetrano, City Secretary*
3. City Council Special Meeting Minutes - December 3, 2019. ~ *Jennifer Vetrano, City Secretary*
4. City Council Meeting Minutes - December 3, 2019. ~ *Jennifer Vetrano, City Secretary*
5. City Council Special Meeting Minutes - December 16, 2019. ~ *Jennifer Vetrano, City Secretary*
6. City Council Workshop Meeting Minutes - December 16, 2019. ~ *Jennifer Vetrano, City Secretary*
7. City Council Special Meeting Minutes - December 17, 2019. ~ *Jennifer Vetrano, City Secretary*
8. City Council Meeting Minutes - December 17, 2019. ~ *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.

9. 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

10. Hays-Caldwell Women's Center Letter on Child Abuse and Sexual Assault Prevention and Awareness Month. ~ *Travis Mitchell, Mayor*
11. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

V. Consent Agenda

12. *(Second Reading)* An Ordinance amending Article IX, Chapter 50, Stormwater Regulations to include restrictions upon the unnecessary distribution of printed materials. ~ *Kathy Roecker, Stormwater Management Plan Administrator and Aaron McInnes, Management Intern*

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

13. Approve Amendment No. 1 to RAILPROS, INC., Grapevine, Texas, in an amount not to exceed \$6,950.00, increasing the total contract amount not to exceed \$25,450.00 for the purpose of providing additional observation services for the Southside Wastewater Improvements Project. ~ *Leon Barba, P.E., City Engineer*
14. Approve Amendment No. 1 to RAILPROS, INC., Grapevine, Texas, in an amount not to exceed \$11,304.00, increasing the total contract amount not to exceed \$27,884.00 for the purpose of providing additional flagging services for the Southside Wastewater Improvements Project. ~ *Leon Barba, P.E., City Engineer*
15. Approve a Resolution authorizing the negotiation of an agreement with BLACK & VEATCH CORPORATION, Austin, Texas, to provide consulting services as the Construction Manager/Construction Inspector for the wastewater treatment plant expansion. ~ *Leon Barba, P.E., City Engineer*
16. *(First Reading)* An Ordinance authorizing and directing the acquisition of 0.403 acres, more or less, for a permanent wastewater easement, in addition to the acquisition of 0.240 acres, more or less, for a permanent waterline easement out of separate economic unit of 3.500 acres, more or less, out of a 9.250 acre tract of land ("tract 21"), more or less, Hays County, Texas, and owned by Alexander Family Trust and BJ-MJ Alexander, LTD, more fully described by metes and

bounds in Exhibit “A” to this ordinance and required for the completion of the construction, operation, and maintenance of the municipal water and wastewater facilities known as both the Southside Wastewater Improvements Project and the Blanco Basin Water and Wastewater Line Project; finding the acquisition of the property is required and necessary for a bona fide public use and the public’s safety, health and welfare is advanced by such acquisition; finding that the city has complied with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code; confirming and ratifying prior authorizations, actions, and good faith negotiations with the owner of the property pursuant to the Texas Property Code; authorizing and directing city personnel to take such actions as are necessary to exercise the City’s power of eminent domain and acquire the easements on, over, through, and across the tract of land in a condemnation action and to take all other necessary steps to obtain such lands. ~ *Leon Barba, P.E., City Engineer*

17. *(First Reading)* An Ordinance authorizing and directing the acquisition of 0.20 acres, more or less, for a permanent wastewater easement, in addition to the acquisition of 0.12 acres, more or less, for a permanent waterline easement out of a separate economic unit of 3.00 acres, more or less, out of the 7.75 acre tract of land (tract 22), more or less, located in Hays County, Texas, and owned by Alexander Family Trust and BJ-MJ Alexander, LTD, more fully described by metes and bounds in Exhibit “A” to this ordinance and required for the completion of the construction, operation, and maintenance of the municipal water and wastewater facilities known as both the Southside Wastewater Improvements Project and the Blanco Basin Water and Wastewater Line Project; finding the acquisition of the property is required and necessary for a bona fide public use and the public’s safety, health and welfare is advanced by such acquisition; finding that the city has complied with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code; confirming and ratifying prior authorizations, actions, and good faith negotiations with the owner of the property pursuant to the Texas Property Code; authorizing and directing city personnel to take such actions as are necessary to exercise the City’s power of eminent domain and acquire the easements on, over, through, and across the tract of land in a condemnation action and to take all other necessary steps to obtain such lands. ~ *Leon Barba, P.E., City Engineer*

18. *(First Reading)* An Ordinance making findings of fact; authorizing and directing the acquisition of 0.475 acres, more or less, for a permanent wastewater easement, in addition to the acquisition of 0.285 acres, more or less, for a permanent waterline easement out of a separate economic unit of 6.00 acres, more or less, out of the 23.700 acre tract of land (tract 23), more or less, located in Hays County, Texas, and owned by Alexander Family Trust and BJ-MJ Alexander, LTD, more fully described by metes and bounds in Exhibit “A” to this ordinance and required for the completion of the construction, operation, and maintenance of the municipal water and wastewater facilities known as both the Southside Wastewater Improvements Project and the Blanco Basin Water and Wastewater Line Project; finding the acquisition of the property is required and necessary for a bona fide public use and the public’s safety, health and welfare is advanced by such acquisition; finding that the city has complied with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code; confirming and ratifying prior authorizations, actions, and good faith negotiations with the owner

of the property pursuant to the Texas Property Code; authorizing and directing city personnel to take such actions as are necessary to exercise the City's power of eminent domain and acquire the easements on, over, through, and across the tract of land in a condemnation action and to take all other necessary steps to obtain such lands. ~ *Leon Barba, P.E., City Engineer*

19. Approve a Second Amended Development Agreement between City of Kyle and Clayton Properties Group, Inc. d/b/a Brohn Homes. ~ *James R. Earp, Assistant City Manager*
20. A Resolution by the City of Kyle, Texas suspending the May 4, 2020 effective date of the proposal by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – South Texas Division to implement interim grip rate adjustments for gas utility investment in 2019 and requiring delivery of this resolution to the company and legal counsel. ~ *Jerry Hendrix, Chief of Staff*

VI. Consider and Possible Action

21. Authorize a Purchase Order to HOLT CAT in the amount not to exceed \$33,844.26 for the purchase of a drum mulcher attachment for Skid Steer for use by the Parks Maintenance crews on City's parks and trails. ~ *Mariana Espinoza, Director of Parks & Recreation*
22. Authorize the hiring of two new seasonal positions to be dedicated for the maintenance of City's park trails in the Parks and Recreation Department. ~ *Mariana Espinoza, Director of Parks & Recreation*
23. *(First Reading)* An Amendment to an Ordinance of the City of Kyle, Texas Regulating City Roads, Rights of Way, Easements or Utility Infrastructure and such use thereof by Pipelines; Making Findings of Fact; Providing Definitions; Providing a Maximum Penalty; Providing Severability and Open Meetings Clauses; and Providing for Related Matters. ~ *Barbara Boulware-Wells, Assistant City Attorney*
24. Consider a request for a waiver to allow 50-foot wide rights-of-way (ROW) for the local, residential streets, internal to the subdivision. (Goforth Kyle Subdivision - SUB-19-0084) ~ *Howard J. Koontz, Director of Planning and Community Development*
25. Discussion and possible action for a three-way stop at the intersection of Scott and Allen Streets. ~ *Robert Rizo, Council Member*
26. *(First Reading)* An Ordinance of the City of Kyle, Texas Repealing Portions of City Ordinances Closing Daycare Facilities; and Providing for Related Matters. ~ *Travis Mitchell, Mayor*
27. Recommend Mayor Issue an Order to suspend and waive rules related to Recreational Vehicles in Kyle. ~ *Michael Tobias, Council Member*

VII. City Manager's Report

28. 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*

VIII. Executive Session

29. 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 Pipeline Litigation
 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 Indigo
 - Project Just Peachy
30. Take action on items discussed in Executive Session.

IX. Adjourn

At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held

*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC. 551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to: (1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting."



CITY OF KYLE, TEXAS

2019 1119 Special Minutes

Meeting Date: 4/21/2020

Date time:7:00 PM

Subject/Recommendation: City Council Special Meeting Minutes - November 19, 2019. ~ *Jennifer Vetrano, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- ☐ 2019 1119 DRAFT Special Minutes

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on November 19, 2019 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell
Mayor Pro Tem Dex Ellison
Council Member Tracy Scheel
Council Member Robert Rizo
Council Member Alex Villalobos
Council Member Rick Koch
Council Member Daphne Tenorio
Scott Sellers, City Manager
Paige Saenz, City Attorney
Jerry Hendrix, Chief of Staff
Jennifer Vetrano, City Secretary
Perwez Moheet, Finance Director
Matt Dawson, IT Director
Adrian Gooden, IT Technician

Lisa Trahan

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 5:04 p.m. The Pledge of Allegiance was recited.

Mayor Mitchell asked the city secretary to call roll.

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

II. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 5:05 p.m.

Lisa Trahan was called to speak as registered regarding D&L Brooks Investments. She mentioned appreciation of the Council for considering Development agreement for the 1200-1600 block of Rebel Drive. She said she appreciated their consideration regarding proposals on the petition that was emailed a few weeks ago. She presented a copy of the petition with neighbor support on Mather Wetzel and the broader community. She mentioned understanding the need to balance housing needs with preservation. Mr. Sellers mentioned that the item was listed on the agenda for action. He mentioned the applicant requested to postpone action until the December 3rd meeting.

With no one else 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
 - Ordinance No. 955, Parking
 - D&L Brooks Investments, LLC Development Agreement
 - Legal advice on a waiver of conflict of interest for Lloyd Gosselink
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 Just Peachy
 - Restaurant Incentive Program

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, Ordinance No. 955 - Parking, D&L Brooks Investments, LLC Development Agreement, Legal advice on a waiver of conflict of interest for Lloyd Gosselink; Personnel matters pursuant to Section 551.074 - Evaluation Criteria Discussion; 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 Just Peachy, and Restaurant Incentive Program.”

The City Council convened into executive session at 5:09 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 6-0. Council Member Rizo was absent for the vote.

The City Council reconvened into open session at 7:00 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 6-0. Council Member Rizo was absent for the vote.

With no further business to discuss, the City Council adjourned at 7:00 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer A. Vetrano, City Secretary

DRAFT



CITY OF KYLE, TEXAS

2019 1119 Minutes

Meeting Date: 4/21/2020
Date time:7:00 PM

Subject/Recommendation: City Council Meeting Minutes - November 19, 2019. ~ *Jennifer Vetrano, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2019 1119 DRAFT Minutes

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on November 19, 2019 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Lisa Trahan
Mayor Pro Tem Dex Ellison	Mark Rhemann
Council Member Tracy Scheel	Peter Parcher
Council Member Robert Rizo	Sandra O'Neal
Council Member Alex Villalobos	Tracy Gerrish
Council Member Rick Koch	Rick Hanna
Council Member Daphne Tenorio	Ned Davenport
Scott Sellers, City Manager	Scott Stoker
James Earp, Assistant City Manager	Thomas Rhodes
Paige Saenz, City Attorney	Chris Allen
Jerry Hendrix, Chief of Staff	
Kim Hilsenbeck, Communications Mgr.	
Jennifer Vetrano, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Adrian Gooden, IT Technician	
Paul Phelan, Library Director	
Mariana Espinoza, PARD Director	
Howard Koontz, Community Dev. Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Harper Wilder, Director of Public Works	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:04 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

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

III. Citizen Comment Period with City Council

Mayor Mitchell brought forward citizen comments out of order. He opened citizen comments at 7:05 p.m.

Lisa Trahan was called to speak as registered. She thanked Mayor Mitchell and Mayor Pro Tem Ellison for their work on the development plans concerning the property of the 1200 to 1600 block of Rebel Drive. She mentioned that her daughter asked her to speak about the Woodpecker they spotted while walking recently in the area. She spoke about the different species of birds that habitat the area. Ms. Trahan said that she was speaking primarily for the wildlife in the area. She said that she knew Council cared about preserving the critical natural needs of Kyle and the

balance of needs of housing in their growing community. She thanked the Council for their service.

Mark Rhemann was called to speak as registered in favor of Item No. 23. He spoke about the traffic from 6:30 a.m. - 8:00 p.m. Mr. Rhemann spoke about retail property in front of his neighborhood that has been sitting there for four years with no development. He said another retail property going in later down the road would leave the space undeveloped. He stated that he knew the Council did not control the road, but he would prefer residential over retail.

Peter Parcher was called to speak as registered. He congratulated Mr. Rizo on his re-election and thanked Council Member Tenorio for everything she has done. Mr. Parcher said he was there to address Mayor Mitchell directly regarding a statement that he said Mayor Mitchell made regarding a petition. There was no response by Mayor Mitchell.

Sandra O'Neal was called to speak as registered in opposition of Item No. 23. She spoke about the Brooks property and stated that she believes the Brooks family would rather see more preservation of the wildlife. She said that residential would suit the area so much better than retail and mentioned not being happy if retail space was put in. She talked about the road noise and future road widening, pleading to Council to consider area residential only. She mentioned their consideration going far with citizens.

Tracy Gerrish was called to speak as registered in opposition of Item No. 23. She said that she has lived in Kyle for 16 years. She spoke about moving here from Austin and said it had turned into a concrete jungle with few green spaces. Ms. Gerrish mentioned reasons for moving to Kyle were that she could see the stars at night and still see green trees and had a hometown feel. She talked about putting commercial properties in residential areas that were taking away from the hometown feeling. She mentioned retail/residential being unaffordable. She said that she would not like concrete, lights, and a box store near residential area.

Mayor Mitchell said Rick Hannah wanted to speak on an item but the item concerning Brooks Crossing has postponed until December 3rd, due to work on a development agreement to accommodate concerns brought up by the residents. Rick Hannah with Blackburn Group spoke about the development of the area. He stated that he is in the process of working out a development agreement. He is aware of the petition circulating about the area. He stated that they are listening, they are preserving a tremendous amount of green space. He spoke about a 10-foot buffer between their development and the Plum Creek development. He said, they intend to keep that buffer, as well as R-1-3 and R-1-2. Even R-1-1. Overall density in line with R-1-2.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:16 p.m.

II. Approval of Minutes

1. City Council Special Meeting Minutes - August 3, 2019. ~ *Jennifer Vetrano, City Secretary*
2. City Council Meeting Minutes - August 6, 2019. ~ *Jennifer Vetrano, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Tenorio moved to approve the minutes of the August 3, 2019 Special Council Meeting and the minutes of the August 6, 2019 Council Meeting. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

IV. Presentation

3. Introduction of new Parks and Recreation Director, Mariana Espinoza. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 3 for discussion. Mr. Sellers introduced Mariana Espinoza. Ms. Espinoza introduced herself to the Council.

4. *[Postponed 11/4/2019]* Presentation by Ned Davenport related to development in the City of Kyle ETJ. ~ *Tracy Scheel, Council Member*

Mayor Mitchell brought forward Item No. 4 for discussion and gave the floor to Council Member Scheel who introduced Mr. Ned Davenport. Mr. Davenport presented the item.

Council Member Tenorio moved to direct staff to work with Ned Davenport to bring forward a development agreement that staff has vetted and is in support. Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Villalobos mentioned that he would like to see a diagram of surrounding properties that are under development in the area. Mayor Mitchell asked for clarification on annexing when the use changes versus annexing once building is complete. Mayor Mitchell spoke about Stormwater runoff, building standards, setback rules, project, and exceptions for. He said his thoughts were that, if they offered an exception to allow to build to county standards and exempt the development agreement he was a part of from the Ordinance, that it takes the city out of the equation as far as contribution to what kind of project he put in. Mayor Mitchell said he was not saying he was for or against and mentioned he was interested to see staff analysis as it relates to what I am referring to here on development standards and stormwater runoff. Mr. Sellers added, water and wastewater requirements to the items Mayor Mitchell mentioned. Mr. Davenport said Wastewater isn't there yet, so they are talking septic. Council Member Rizo talked briefly about an updated map for the 150 alignment.

All votes aye; motion carried 7-0.

5. CIP/Road Projects Update. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item No. 5 for discussion. Mr. Barba presented the item. Mr. Wilder spoke about the consent agenda items for his department.

V. Appointments

6. Consideration of nominations for (re)appointment to the Kyle Public Library Advisory Board to fill 2 vacancies. ~ *Paul Phelan, Director of Library Services*

- Priscilla Carruthers, New Appointment
- Gracie Rocha, Reappointment

Mayor Mitchell brought forward Item No. 6 for discussion. Mr. Phelan presented the item.

Council Member Tenorio moved to approve the appointment of Priscilla Carruthers and the reappointment of Gracie Rocha to the Kyle Public Library Advisory Board to fill 2 vacancies. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

7. Consider and Appoint a Representative to the San Marcos Regional Animal Shelter Board. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 7 for discussion. Chief Jeff Barnett presented the item.

Mayor Mitchell moved to appoint Briana Brecher to the San Marcos Regional Animal Shelter Board. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

8. Consider and nomination for appointments to the Kyle Parks and Recreation Board to fill 2 vacancies and reappoint existing board members. ~ *Mariana Espinoza, Director of Parks and Recreation*

- Reappointments Chuck Koenen (seat 3) Amanda Stark (seat 5)
- Appointments Tracey Garza (seat 1) Anne Duhon (seat 6)

Mayor Mitchell brought forward Item No. 8 for discussion. Mr. Scott Stoker, Chair of the Parks and Recreation Board presented the item.

Council Member Tenorio moved to approve the reappointments of Chuck Koenen to Seat 3 and Amanda Stark Seat 5 and the appointments of Tracey Garza to Seat 1 and Anne Duhon to Seat 6 to the Kyle Parks and Recreation Board to fill 2 vacancies. Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Scheel stated that all four applicants were phenomenal. She looks forward to the ideas that come forward in the future. She spoke about Amanda Stark's insight and past work. She stated she has great expectations for the Parks Board. Mayor Pro Tem Ellison stated that it is great to see that the Boards and Commission applicants are competitive. He expressed appreciation that citizens are showing interest to serve on the board.

All votes aye; motion carried 7-0.

9. Consider appointment to CAPCOG General Assembly to replace Shane Arabie. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 9 for discussion and presented the item.

Council Member Villalobos moved to appoint Robert Rizo to CAPCOG General Assembly to replace Shane Arabie. Council Member Tenorio seconded the motion.

There was discussion on the motion. Mr. Sellers stated that there are two seats, Mayor Mitchell being the other. Mayor Mitchell mentioned being open to vacate his seat on this board if anyone else were interested, then said he felt Mr. Rizo would do a fantastic job.

All votes aye; motion carried 7-0.

10. Appoint a member of City Council to CAMPO. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 10 for discussion. Mr. Sellers presented the item.

Mayor Mitchell moved to appoint Mayor Mitchell to serve as the appointment and Mayor Pro Tem Ellison as proxy to CAMPO. Council Member Scheel seconded the motion. Motion carried 6-1 with Council Member Tenorio dissenting.

11. Consider appointment to the Hays County Citizens Election Advisory Commission. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 11 for discussion and presented the item.

Council Member Scheel moved to appoint Penny Krug to the Hays County Citizens Election Advisory Commission. Mayor Pro Tem Ellison seconded the motion.

There was discussion on the motion. Council Member Villalobos stated that this is a critical piece being worked on, creating structure to take feedback from each political subdivision, and to make recommendations based on usage and projecting out other locations. Council Member Villalobos mentioned that it will give opportunity to locate other locations based on growth patterns. He spoke about assessments and recommendations to change polling locations. Mayor Mitchell asked whether the committee makes recommendations to each political subdivision or straight to Elections Administrator. Council Member Villalobos stated that it will go to Elections Administrator and then through the Commissioners Court and they would make those recommendations based on what they felt appropriate.

All votes aye; motion carried 7-0.

12. A Resolution of the City of Kyle, Texas, Casting and Defining Jurisdictional Votes by the City for the Official Ballot for Election of the 2020-2021 Hays Central Appraisal District Board of Directors. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 12 for discussion. Mr. Sellers presented the item.

Mayor Mitchell moved to approve a Resolution of the City of Kyle, Texas, Casting and Defining Jurisdictional Votes by the City for the Official Ballot for Election of the 2020-2021 Hays Central Appraisal District Board of Directors, splitting the votes between Abel Tenorio and Traci Maxwell. Council Member Tenorio seconded the motion.

There was discussion on the motion. Council Member Tenorio stated Abel Tenorio was a family member. She also said that he was from a different family tree, so there was no proximity to family.

All votes aye; motion carried 7-0.

VI. Consent Agenda

City Attorney Paige Saenz presented changes related to Item No. 18. Council Member Tenorio asked if it would be best to pull the item. Ms. Saenz stated that would probably be easier. Mayor Mitchell said the item was pulled. Mayor Mitchell asked if there were any other items to be pulled from the Consent Agenda. Council Member Koch requested to pull Item No. 19. Council Member Tenorio said she wanted to mention that the items were budgeted for since there were high ticket items on the agenda.

Mayor Mitchell brought forward Item Nos. 13, 14, 15, 16, and 17.

13. Approve a Resolution of the City of Kyle, Texas, accepting dedication of Parkland Dedication in connection with the platting of the Kyle Estates Development and authorizing the Mayor to execute the Special Warranty Deed conveying the parkland; and providing for related matters and approve an Open Space Improvements Agreement with Kyle Estates Development. ~ *Paige Saenz, City Attorney*
14. Authorize award and execution of a Purchase Order to RDO EQUIPMENT COMPANY, Pflugerville, Texas, in an amount not to exceed \$202,735.36 for the purchase of one (1) new John Deere 544L Front End Loader with attachments through Buy Board Purchasing Cooperative (Contract # 515-16) for the Public Works Department (Street Construction). ~ *Harper Wilder, Director of Public Works*
15. Authorize award and execution of a Purchase Order to RDO EQUIPMENT COMPANY, Pflugerville, Texas, in an amount not to exceed \$179,116.36, for the purchase of one (1) new John Deere 544L Front End Loader through Buy Board Purchasing Cooperative (Contract # 515-16) for the Public Works Department (Water/Wastewater). ~ *Harper Wilder, Director of Public Works*
16. Authorize award and execution of a Purchase Order to RDO EQUIPMENT COMPANY, Pflugerville, Texas, in an amount not to exceed \$107,357.25, for the purchase of one (1) new John Deere 310SL Backhoe with attachments through Buy Board Purchasing Cooperative (Contract # 515-16) for the Public Works Department (Water/Wastewater). ~ *Harper Wilder, Director of Public Works*

17. Approve The Park at Plum Creek, Phase 2 - Site Plan (SD-19-0045) 3.5809 acres; 1 Lot located on the southwest corner of Kohler's Crossing and Cromwell Drive. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to approve the site plan.

Council Member Tenorio moved to approve Consent Agenda Item Nos. 13, 14, 15, 16, and 17. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

18. Consider approval of a Resolution of the City of Kyle, Texas consenting to the annexation of land into North Hays County Municipal Utility District No. 1; an Addendum to the Consent Agreement (Trails at Windy Hill); and an Annexation Agreement. ~ *James R. Earp, Assistant City Manager*

Mayor Mitchell brought forward Item No. 18 for discussion. Ms. Saenz presented the item.

City Attorney Paige Saenz stated, "Mayor, Council, if you approve the Resolution in the Annexation Agreement in the form that was emailed to you, that would be sufficient." Mayor Mitchell asked Ms. Saenz if that would be on the backup material so citizens could see what was being voted on. Ms. Saenz replied, "It is currently not in the backup material and that Council had a draft in backup material and what was different from the back up material is that the addendum is no longer part of the package and the Resolution and the Annexation Agreement prevent the developer from being reimbursed through mud bonds." Mayor Mitchell mentioned that he wanted to make sure the backup information was available to the public in the case citizens wanted to see what was being voted on. He clarified with the City Secretary Jennifer Vetrano that the packet with backup material would be updated with what was being voted on today.

Mayor Mitchell moved to approve Item No. 18 with revisions that were emailed to Council by Ms. Saenz and give direction to the City Secretary to update the backup material so that what we are voting on is made available to the public. Council Member Scheel seconded the motion. Motion carried 6-1 with Council Member Tenorio dissenting.

19. Plum Creek Phase II, Uptown North Subdivision - Final Plat (SUB-19-0067) 29.618 acres; 3 Lots located west of and along FM 1626 in Plum Creek Phase 2, approximately 1800 feet south of FM 2770 and approximately 3300 north of Kohler's Crossing. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to approve the final plat.

Mayor Mitchell brought forward Item No. 19 and gave the floor to Council Member Koch.

Mr. Koontz presented the item.

Mayor Pro Tem Ellison moved to approve Item No. 19. Mayor Mitchell seconded the motion. All votes aye; motion carried 7-0.

VII. Consider and Possible Action

20. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose to assign original zoning to approximately 7.027 acres of land from Agriculture 'AG' and to rezone approximately 2.495 acres of land from Commercial-2 District 'C-2' to Retail Service District 'RS' for properties located south of 22801 IH-35 in Hays County, Texas. (Texas Realty Retail Partners - Z-19-0050) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

- Public Hearing

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

Mayor Mitchell opened the public hearing at 8:03 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:03 p.m.

Mayor Mitchell moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose to assign original zoning to approximately 7.027 acres of land from Agriculture 'AG' and to rezone approximately 2.495 acres of land from Commercial-2 District 'C-2' to Retail Service District 'RS' for properties located south of 22801 IH-35 in Hays County, Texas. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0. There were no objections to finally passing the ordinance.

21. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 275.376 acres of land from Retail Service District 'RS', Residential Townhome 'R-1-T', Single Family Residential-Attached 'R-1-A', Multi-Family Residential-1 'R-3-1', Single Family Residential-2 'R-1-2' and Single Family Residential-1 'R-1-1' to Single Family Residential-3 'R-1-3' for property located at 410 Bunton Lane, in Hays County, Texas. (Walton Texas, LP - Z-19-0049) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 4-2 to recommend approval of R-1-3 within the requested boundary and maintain the R-1-1 & R-1-2 zoning within the Riparian land-use district inside the requested zoning boundary.

- Public Hearing

Mayor Mitchell brought forward Item No. 21 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 8:14 p.m.

Thomas Rhodes with TKR Commercial Real Estate Services spoke on behalf of Walton. He mentioned property being originally annexed in 2007 and zoned in 2008. He mentioned going through the Planning and Zoning Commission and working through staff reports and realized issues with the riparian zone. He said so they requested to change the boundary. He mentioned changing from the staff recommendation to follow the R1-3 to follow the riparian zone, area outside riparian R1-3, and the inside riparian to stay as zoned today. He said reason for request is

line on map is arbitrary line from concept land from 2008, which gives no consideration of future growth. He mentioned it would be easier to land plan and layout the subdivision. He spoke about the result of zoning changes and density reducing units by 200. He talked about the area along Plum Creek remaining R1-1. He said per agenda item 13 it is not city property that it is public parkland dedicated as part of this development and development agreement. He mentioned next steps after zoning if approved would be design and engineering.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 8:17 p.m.

Mr. Koontz continued his presentation.

Council Member Tenorio moved to approve an ordinance amending Chapter 53 (Zoning) based on staff recommendation. Council Member Villalobos seconded the motion.

There was discussion on the motion. Mr. Sellers spoke about Bunton Lane Adjacent Line Mile Fee. Council Member Tenorio stated that the roads do not get finished as quickly as the development. Mayor Pro Tem Ellison spoke about the applicant's comment that he would be amendable, regarding R-1-1 being in riparian and the rest R-1-3. He mentioned the changing maps and floodplain to Mr. Rhodes. The applicant Thomas Rhodes spoke about survey design and clarified floodplain concerns. Council Member Scheel asked about the number of homes. Mr. Koontz responded it was 5.5 units to the acre. She asked about R-1-1 and R-1-2 are on the recommended staff map and asked how many acres it was. Mr. Koontz stated 52 acres inside their boundaries. Council Member Scheel asked about R-1-1 and the R1-2 area in the staff recommendation for clarification. Mr. Koontz stated 145 acres of the 275, staff recommendations are 145 of R1-3. Council Member Scheel asked about R1-1 and R1-2 area. Mr. Koontz said, the bulk of remainder being 125 acres.

Mayor Mitchell said he did not like any of the three options. He mentioned land use and development patterns. He said it was very strange to have these random zoning blocks, an echo of old plans and will have a major development implication. He said his preference is for the applicant to engage staff in a development agreement. He stated, to Council Member Tenorio's point, there is quite a lot of traffic in the area already. He mentioned, as with previous applicants Council has tried hard to make sure it goes forward as long as it takes into consideration in a meaningful way, several controls and measures in place for that to happen, straight zoning. He mentioned his priorities being along the lines of first a development agreement, second the staff recommendation, third, no, and last original developer request. Council Member Tenorio spoke about calculations and said R1-3 would be 798 houses and various calculations regarding housing. She mentioned concern regarding the floodplains. Council Member Tenorio mentioned being hesitant to enter into development agreements prior to zoning. She said zoning should be done first and to take into consideration, Planning & Zoning and the hard work they do. Mayor Pro Tem Ellison asked Council Member Tenorio to clarify why the zoning needs to take place prior to a development agreement. Council Member Tenorio said her concerns were that they were circumventing the decisions made by Planning and Zoning who have dedicated their time reviewing the material. She mentioned that she wanted to utilize what they're saying and what they're wanting done. She said she did not want to invalidate their votes by circumventing. She said, she fears if they continued to do development agreements prior to zoning, at some point they are not going to need Planning & Zoning because they were not even using them for their

zoning ideas and thoughts. She said if they enter into a development agreement prior to this, it will tie the hands of the committee. Mayor Pro Tem Ellison spoke about agreements said sometimes certain properties are unique and don't fit in the box. Mayor and Council can enter into a developer agreement at any time. Council Member Rizo stated that staff does a great job of going through the material, City Council needs to step back and really consider their opinion on this.

Mayor Mitchell requested a roll call vote. Council Member Scheel voted nay; Council Member Koch voted aye; Council Member Rizo voted aye; Mayor Mitchell voted nay; Mayor Pro Tem Ellison voted nay; Council Member Tenorio voted aye; and Council Member Villalobos voted aye. Motion carried 4-3.

22. Consider approval of a Development Agreement establishing Development Standards for the Brook's Ranch Subdivision. ~*Howard J. Koontz, Director of Planning and Community Development*

Mayor Mitchell brought forward Item No. 22 for discussion.

Mayor Mitchell moved to postpone Item No. 22 until December 3, 2019. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

23. (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 47.3 acres of land from Retail Service District 'RS' to Single Family Residential-3 'R-1-3' for property located within the 1200-1600 block of Rebel Drive, in Hays County, Texas. (D&L Brooks Investments, LLC - Z-19-0048) ~*Howard J. Koontz, Director of Planning and Community Development*

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

City Council voted 5-1 to approve on first reading.

Mayor Mitchell brought forward Item No. 23 for discussion.

Mayor Mitchell moved to postpone Item No. 23 until December 3, 2019. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

24. A brief presentation on the Development Agreement Items. ~*James R. Earp, CPM Assistant City Manager*

Mayor Mitchell brought forward Item No. 24 for discussion. Mr. Earp mentioned that Item Nos. 25, 26, and 27 are meant to be brought forward simultaneously. Mayor Mitchell brought forward Item Nos. 25, 26, and 27 simultaneously.

25. Approve a Chapter 212 Development Agreement for A&D Storage located on RR150 E. ~*James R. Earp, Assistant City Manager*

26. Approve a Chapter 212 Development Agreement with County Line Business Park. ~*James R. Earp, Assistant City Manager*

27. Approve an Amended Chapter 212 Development Agreement with Clayton Properties Group d.b.a Brohn Homes for an additional 25.5 acres of the Jansen Tract, currently under a Chapter 212 agreement. ~ *James R. Earp, Assistant City Manager*

Mr. Earp presented Item Nos. 25, 26, and 27.

Mayor Mitchell moved to approve Item Nos. 25, 26, and 27. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

28. Approve an amendment to Section IX of the two separate Assessment and Collection agreements with Hays County for the collection and remittance of PID assessments for the 6 Creeks PID and SW Kyle PID No. 1. ~ *Perwez Moheet, Director of Finance*

Mayor Mitchell brought forward Item No. 28 for discussion. Mr. Moheet presented the item.

Council Member Tenorio moved to approve an amendment to Section IX of the two separate Assessment and Collection agreements with Hays County for the collection and remittance of PID assessments for the 6 Creeks PID and SW Kyle PID No. 1. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

29. Authorize the City Manager to negotiate and execute a 5-year professional services agreement with RBC Capital Markets, LLC, with one 5-year extension option to provide financial advisory services to the City of Kyle. ~ *Perwez A. Moheet, CPA, Director of Finance*

Mayor Mitchell brought forward Item No. 29 for discussion. Mr. Moheet presented the item.

Council Member Tenorio moved to authorize the City Manager to negotiate and execute a 5-year professional services agreement with RBC Capital Markets, LLC, with one 5-year extension option to provide financial advisory services to the City of Kyle. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Scheel asked what the process was to choose this firm. Mr. Moheet stated that in 2012 there was an RFQ and there was only one response, First Southwest Financial Management. He said, since then, the company had been acquired by Hilltop Securities, which is a national firm as well. He continued that with the population being under 50,000, the City does not attract a national firm. He stated that the City has had a long relationship with Chris Allen who was employed by First Southwest Financial, and he has made himself available literally 24/7. Mr. Moheet said since 2013 he has helped the city save \$8,500,000.00 million and \$5,000,000.00 of that is from savings by refunding and timing the market. The rest of the difference he said, was from selling at premium. He spoke about Chris Allen being a senior level employee who is now with RBC Capital Markets LLC and what he has brought to the City of Kyle. Council Member Scheel stated that in order to keep Mr. Allen the City needs to select RBC. Mr. Moheet stated with the approval of the agreement is also direction to give 30 days' notice to Hilltop Securities. Mayor Pro Tem Ellison expressed his appreciation to Mr. Moheet for the presentation. Chris Allen spoke to explain selling premium bonds. The yields are low, investors want to see a higher coupon, so they pay more for bonds. Mr. Moheet explained a number of things that come into play when you have transactions on

premiums, our credit rating, investors willing to pay more upfront than having longer term maturities. He said, they're willing to give you \$105.00 dollars for a \$100.00 bond because they make money on coupons on the short term rather than waiting on maturities over 20 or 25 years. He explained that the outstanding debt is not \$105.00, it is \$100.00. He explained to the Council that they received \$105.00 for their project but issued only \$100.00 over the same time frame. He mentioned amount of cash gained when sold, saying, the \$100.00 bond had given them \$105.00 for their project. He said, for the \$5.00 dollars gained on a construction project, they did not have to issue debt. Council Member Koch asked about the 5- year extension option. He asked if the professional fees were fixed over 5 years. Mr. Moheet said the fees would be unchanged even for the extension period and the same as the previous 10 years.

All votes aye; motion carried 7-0.

30. Consider a request by Jim Welch, P.E on behalf of LGI Homes for City Council variance to Sec. 53-33(Chart 1)(1)(b) to comply with existing street connection requirements. (Bunton Creek Subdivision, Phase 3) ~ *Howard J. Koontz, Director of Planning and Community Development*

- *On approval by the city Council: ...Up to 25 percent of R-1-2 lots may be less than 6,825 square feet in area but not less than 5,825 square feet, and up to 25 percent of the lots may be less than 65 feet in width but not less than 55 feet in width.*

Mayor Mitchell brought forward Item No. 30 for discussion. Mr. Koontz presented the item.

Council Member Villalobos moved to approve a request by Jim Welch, P.E on behalf of LGI Homes for City Council variance to Sec. 53-33(Chart 1)(1)(b) to comply with existing street connection requirements. Mayor Mitchell seconded the motion. All votes aye; motion carried 7-0.

31. [Postponed 9/17/2019] Reallocate \$80,000.00 in unencumbered General Fund balance realized from eliminating the new management analyst position added in the Fiscal Year 2019-2020 budget by City Council and direct City Manager to bring back a budget amendment for City Council's approval in order to appropriate specific expenditure line items based on the re-allocations made by City Council. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 31 for discussion and presented the item.

Mayor Mitchell moved to reallocate the \$80,000.00 of unencumbered general fund balance to a new position, Communications Director, and to authorize the City Manager to create and fill the position of Communications Director, and to set that wage range as \$80,000.00 plus benefits for a total of \$101,000.00, and to bring back an amendment to the budget, and to bring back more clarity on the distinctions between the two job descriptions and how those will be utilized under the Chief of Staff. Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Koch requested to add in the YouTube repurposing. Council Member Schell seconded the motion.

There was discussion on the motion. Mayor Mitchell stated he does not know how the group feels about it, so that is why he did not add in. Council sought advice from the City Attorney amending the motion. City Attorney Paige Saenz responded, the motion could be amended by a friendly amendment and add to your motion. Mayor Mitchell said he preferred to take vote on that separately and asked if it needed to be a two-part motion, one to authorize for \$18,000.00 for High Five Promotions item and two to amend the budget. Ms. Saenz clarified they would bring back- Budget amendment regardless of the motion.

Council Member Koch moved to amend the original motion and add the \$18,000 for the agreement with High Five Promotions. Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Rizo mentioned the salaried position was \$80,000.00 and with benefits would be over \$100,000.00. He asked if they would need to amend for the extra. Mr. Sellers stated that they would bring back a budget amendment for the full amount of salaried position plus the High Five Promotions. Council Member Rizo said the have \$80,000.00 allocated and stated with benefits would be over \$100,000.00 and asked if they had to do another amendment to come up with that money. Mr. Sellers stated full amendment amount would be for \$101,000.00, and the High Five Promotions out of salaried savings.

The motion on the amendment to add \$18,000.00 to the original motion. Amendment carried 6-1 with Council Member Tenorio dissenting.

Mayor Mitchell stated, we have the motion on the floor to reallocate \$80,000.00 for the position, to authorize the position as proposed in this presentation and to bring back clarity to the Council through email or to Council the clarity on the distention of those two positions.

On the original motion, Mayor Pro Tem Ellison asked whether there is any appetite from Council to rearrange hierarchy on position of the City Manager. He spoke about the Specialist proposed originally. Council Member Koch spoke about taking communications to a higher level with the director position. He said he has no desire to create another lateral position. Council Member Tenorio stated she wants to see the Chief of Staff's job description and how much of the director work he is really doing. She is more amenable to a specialist rather than a director. Council Member Villalobos stated that he is wanting to see a director. He stated that Department Heads are the specialists right now because that's how it is operating. He is wanting to see the job descriptions brought forward.

Motion carried 6-1 with Council Member Tenorio dissenting.

The Council recessed at 10:16 p.m.

Council Member Tenorio left the meeting at 10:28 p.m. and did not return.

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

Council reconvened at 10:42 p.m.

32. Consider amendments to CBD-1/CBD-2 zoning to allow for downtown restaurants to have outdoor dining. ~ *Dex Ellison, Mayor Pro Tem*

Mayor Mitchell brought forward Item No. 32 for discussion and gave the floor to Mayor Pro Tem Ellison presented the item.

Mayor Pro Tem Ellison moved to direct staff to begin the process for amending text for CBD-1 and CBD-2 to allow for the establishment of a process for a review of applicants for outdoor dining establishments in those zonings (if there are other retail categories where that use should be potentially allowed, we would not object to you doing that as well). Council Member Scheel seconded the motion All votes aye; motion carried 6-0. Council Member Tenorio was absent for the vote.

33. Discussion and possible action to consider amendments to the Residential Style Guide. ~ *Dex Ellison, Mayor Pro Tem*

Mayor Mitchell brought forward Item No. 33 for discussion and gave the floor to Mayor Pro Tem Ellison.

Mayor Mitchell moved to direct staff to bring the Residential Style Guide to the Planning and Zoning Commission with a thorough review, including focus on evaluating alley loaded section and section on parks and park space amendments to the Residential Style Guide. Mayor Pro Tem Ellison seconded the motion. All votes aye; motion carried 6-0. Council Member Tenorio was absent for the vote.

34. Consider and possible action to create and fund an additional position to the Office of the City Secretary. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 34 for discussion and presented the item.

Mayor Mitchell moved to approve the creation of full-time employee (FTE) for Assistant City Secretary position and authorize the staff to make modifications as outlined by Mr. Sellers. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0. Council Member Tenorio was absent for the vote.

35. Consider and possible action regarding approving a purchase for holiday lighting for Mary Kyle Hartson Park. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 35 for discussion. Mr. Sellers presented the item.

Mayor Mitchell moved to approve a purchase for holiday lighting for Mary Kyle Hartson Park. Council Member Koch seconded the motion. All votes aye; motion carried 6-0. Council Member Tenorio was absent for the vote.

36. *(First Reading)* Approve an Ordinance amending the City's Parking Ordinance No. 955 to adopt parking regulations; to make violations of the parking ordinance a civil offense; establishing a civil penalty; establishing hearing procedures; and providing for related matters. ~ *Paige Saenz, City Attorney*

Mayor Mitchell brought forward Item No. 36 for discussion. Mayor said it was midnight and the item would be long and complicated. He asked if there were any objections to postponing to the next meeting. There were none.

37. *(First Reading)* An Ordinance of the City of Kyle, Texas, amending Ordinance No. 1022, the Ordinance creating the Tax Reinvestment Zone Number Two, City of Kyle, Texas (the "Zone"), adopting a project and financing plan; authorizing the zone to issue tax increment financing bonds or notes, to issue debt to finance eligible facilities and infrastructure in the project and financing plan, and to use tax increment funds for payments on debt issued to finance eligible facilities and infrastructure in the project and financing plan; to authorize the zone board to exercise the authority of the city under Chapter 380, Texas Local Government Code; providing a severability clause; and providing an effective date. ~ *Paige Saenz, City Attorney*

- Public Hearing

Mayor Mitchell brought forward Item No. 37 for discussion. Ms. Saenz presented the item.

Mayor Mitchell opened the public hearing at 11:57 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 11:57 p.m.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, amending Ordinance No. 1022, the Ordinance creating the Tax Reinvestment Zone Number Two, City of Kyle, Texas (the "Zone"), adopting a project and financing plan; authorizing the zone to issue tax increment financing bonds or notes, to issue debt to finance eligible facilities and infrastructure in the project and financing plan, and to use tax increment funds for payments on debt issued to finance eligible facilities and infrastructure in the project and financing plan; to authorize the zone board to exercise the authority of the city under Chapter 380, Texas Local Government Code; providing a severability clause; and providing an effective date. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0. Council Member Tenorio was absent for the vote.

38. *(Second Reading)* An Ordinance of the City of Kyle, Texas, Ordering a Special Election to be held on January 4, 2020 for the election of City Council District Six to serve an unexpired term ending November, 2021; designating the main early voting place for such special election; providing for an order and notice of such special election. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 38 for discussion and presented the item.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, Ordering a Special Election to be held on January 4, 2020 for the election of City Council District Six to serve an unexpired term ending November, 2021; designating the main early voting place for such special

election; providing for an order and notice of such special election. replacing January 4 with January. 25. Council Member Villalobos seconded the motion.

There was discussion on the motion. Mayor Mitchell stated that the school district had offered the Hays CISD Admin building rather than Chapa or Fire Station No. 2. There were no objections.

Mayor Mitchell restated his motion to move the election to January 25 and authorize the Hays CISD Admin building to be the polling location. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0. Council Member Tenorio was absent for the vote.

Mayor Pro Tem Ellison asked a question after the vote regarding the filing period. Mr. Rizo stated filing date begins tomorrow and extending through the date of December 16, 2019. The dates were clarified by the City Secretary.

39. [Postponed 11/4/2019] Review of the duties of Mayor and Councilmembers responsibilities under the City Charter. ~ *Daphne Tenorio, Council Member*

Mayor Mitchell moved to postpone Item No. 39 to December 3. Council Member Villalobos seconded the motion. All votes aye; motion carried 6-0. Council Member Tenorio was absent for the vote.

VIII. City Manager's Report

40. 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*

Mayor Mitchell brought forward the City Manager's Report. Mr. Sellers mentioned Small Business Saturday designated November 30th. He encouraged everyone to shop local.

XI. Executive Session

Mayor Mitchell said there was no executive session.

41. 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.

42. Take action on items discussed in Executive Session.

X. ADJOURN

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

With no further business to discuss, the City Council adjourned at 12:03 a.m. on November 20, 2019.

Travis Mitchell, Mayor

Attest:

Jennifer A. Vetrano, City Secretary

DRAFT



CITY OF KYLE, TEXAS

2019 1203 Special Minutes

Meeting Date: 4/21/2020
Date time: 7:00 PM

Subject/Recommendation: City Council Special Meeting Minutes - December 3, 2019. ~ *Jennifer Vetrano, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2019 1203 DRAFT Special Minutes

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on December 3, 2019 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell
Mayor Pro Tem Dex Ellison
Council Member Tracy Scheel
Council Member Robert Rizo
Council Member Alex Villalobos
Council Member Rick Koch
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
Sandra Duran, HR Director
Kristiana Spencer, HR Manager
Matt Dawson, IT Director
Howard Koontz, Community Dev Director
Jeff Barnett, Chief of Police
Pedro Hernandez, Police Captain
Perwez Moheet, Finance Director

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 6:01 p.m. The Pledge of Allegiance was recited.

Mayor Mitchell asked the city secretary to call roll.

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

II. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 6:02 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 6:02 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.
 - Employee Compensation Issue
 - Personnel investigation
 - Ordinance No. 955, Parking

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 Space Shuttle
 - Restaurant Incentive Program

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 - Employee Compensation Issue, Personnel investigation, and Ordinance No. 955, Parking; 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 Space Shuttle, and Restaurant Incentive Program." The City Council convened into executive session at 6:03 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 7:02 p.m. Mayor Mitchell announced that no action took place in Executive Session, but action would be taken now.

Mayor Mitchell moved to direct the City Manager to bring back a report regarding Ordinance No. 955 Parking at the next council meeting. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

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 7:02 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer A. Vetrano, City Secretary



CITY OF KYLE, TEXAS

2019 1203 Minutes

Meeting Date: 4/21/2020

Date time:7:00 PM

Subject/Recommendation: City Council Meeting Minutes - December 3, 2019. ~ *Jennifer Vetrano, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- ☐ 2019 1203 DRAFT Minutes

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on December 3, 2019 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Mark Trahan
Mayor Pro Tem Dex Ellison	Lisa Trahan
Council Member Tracy Scheel	Rick Hanna
Council Member Robert Rizo	David Douglas
Council Member Alex Villalobos	Garrett Martin
Council Member Rick Koch	Mike Rubsam
Council Member Daphne Tenorio	Rebecca Voss.
Scott Sellers, City Manager	Priscilla Harrell
James Earp, Assistant City Manager	Paul Scheibmeir
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Kim Hilsenbeck, Communications Manager	
Sarah Watson, Special Events	
Jennifer Vetrano, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Kristiana Spencer, HR Manager	
Matt Dawson, IT Director	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Tim Griffith, Police Sergeant	
James Plant, Police Officer	
Dan Pruett, Police Officer	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited.

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

II. Approval of Minutes

1. City Council Special Meeting Minutes - August 14, 2019. ~ *Jennifer Vetrano, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Tenorio moved to approve the minutes of the August 14, 2019 Special Council Meeting. Council Member Scheel seconded the motion. All votes aye; motion carries 7-0.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:05 p.m.

Mark Trahan was called to speak as registered in opposition of Item No. 21. He spoke about nature and its effect on stress, cognitive development, and relationships. He stated that children who grow up in more green spaces have less mental illness. He stated that leafy trees stave off depression in adults and even teenagers. He continued that additionally, tree canopies are found to provide 30% more positive health outcomes. He stated the developer will be long gone in 20 years when the development has matured and asked the Council to fight for every tree, for the public health.

Lisa Trahan was called to speak as registered regarding Item No. 21. She stated that she has lived in her home on Mather for 4 years and her priority is the birds. She was concerned about the loss of natural beauty and inherent privacy. She is more concerned about the birds. She would like to see Kyle maintain its natural beauty, specifically the trees and the birds. In the developer agreement she would like to see the proposals they developed as a family, that gained support of the neighbors, incorporated into the developer agreement. She said, most importantly retention of the oak trees and natural brush barrier. Ms. Trahan thanked Rick Hanna for speaking at the last meeting. She respectfully requests Council make use of a developer agreement.

Rick Hanna was called to speak as registered in favor of Item No. 21 and 22. He provided an update that they are currently in the process of creating a development agreement taking into consideration the ideas of the neighbors. He stated they are looking at 138 homes on 47 acres and that it was 2.9 units per acre and in line with R1-1 zoning as far as density is concerned. Oak trees will be used for amenity areas and community area where the mail kiosk will be. Again, he has overlaid the tree survey, over 90% of the trees will be preserved. The density proposed is in line with much more restrictive zoning. He hopes there will be something proposed at the next Council Meeting.

David Douglas was called to speak as registered. He stated that he was here for the September meeting where he provided 50 photos of blighted areas and sludge along Stagecoach Road, Center Street, and Rebel Road. He stated that driving to this meeting, nothing has been done. Utility Companies have not been held responsible for cleaning up their mess. He mentioned if Burleson Street is not cleaned up that the investment would be for naught. He would like to follow up. He mentioned that he always must follow up with the City, the City has rarely followed up with him. He talked about suspension of utility rates for people out of town for extended periods of time. He said, Council Member Villalobos has been in touch and he said that would be taken under consideration. Mr. Douglas said the Finance Director stated the system is not set up for that. He spoke of his vacation home in Florida, for which 20 weeks of the year they will not receive services for trash and recycling. He also spoke about a need for an ordinance to stop vehicles from soiling the streets. There is nothing code enforcement can do. He has not seen anything come forward. He thanked Council for their time.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:18 p.m.

IV. Presentation

2. Hillside Terrace Concept Plan. ~ *Howard J. Koontz, Director of Planning and Community Development*

Mayor Mitchell brought forward Item No. 2 for discussion. Mr. Koontz presented the item. He introduced Garrett Martin, CEO of founder of MileStone Community Builders, who presented the concept plan. No action was taken.

3. Framework for city manager review and public facing strategic plan discussion. ~ *Travis Mitchell, Mayor, Alex Villalobos and Rick Koch, Council Members*

Mayor Mitchell brought forward Item No. 3 for discussion and presented the item.

Council Member Koch left the dais at 7:31 p.m.

Mayor Mitchell moved to give direction to staff to coordinate a workshop meeting to be held sometime in the month of December and coordinated with City Council that the City Manager be authorized and directed to work on a skeleton outline of goals and standards in an evaluation, add to that workshop discussion and feedback on the selection process of a consultant to perform an independent evaluation of our needs assessment. Council Member Tenorio seconded the motion.

There was discussion on the motion. Mr. Sellers asked for clarification if this was to bring back for each department or if it was more global in nature. Mayor Mitchell mentioned Council looking for a working draft of how items mentioned relates towards departments and deliverables. Generally, it is to create standards for departments and an accountability system. Mayor Mitchell mentioned some items would need Council feedback and potentially independent assessments in order to complete. He talked about general working outline, KASE being a working document, and wanting to implement and start incorporating the City Manager contract, as well as the evaluation process. Council Member Tenorio asked for information to be provided prior to workshop so Council can come reviewed and prepared. Council Member Rizo mentioned the item was for direction and clarification for staff to know what the expectations of Council were.

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

4. CIP/Road Projects Update. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item No. 4 for discussion. Mr. Barba presented the item.

Council Member Koch returned to the dais at 8:01 p.m. 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. 5, 6, 7, 8, 9, 10, and 11.

5. Approve Amendment No. 2 to contract Task Order No. 2 to CP&Y, INC., Austin, Texas, in the amount of \$44,582.00 increasing the total contract amount not to exceed \$310,757.50 for design, construction phase services and right-of-way acquisition services for the North Trails Wastewater Interceptor improvements project. ~ *Leon Barba, P.E., City Engineer*
6. Approve Supplement No. 14 to FREESE AND NICHOLS, INC., Austin, Texas, in an amount not to exceed \$30,644.00, for a total contract amount not to exceed \$1,538,775.00 for additional construction administration services and plan revisions for the N. Burlison Street and Marketplace Extension project. ~ *Leon Barba, P.E., City Engineer*
7. Approve dedication of Cromwell Drive from Vaughn to Dorman Lane as City Right-of-Way. ~ *Leon Barba, P.E., City Engineer*
8. Approve the dedication of the extension of Powell from Kohlers Crossing to the north approximately 264 feet as City Right-of-Way. ~ *Leon Barba, P.E., City Engineer*
9. Approve a development agreement pursuant to Section 43.016 of the Texas Local Government Code, between the City of Kyle and Ricky Cisneros c/o Rudy Cisneros (R14958, R14959, R14565 & R14966). ~ *Howard J. Koontz, Director of Planning and Community Development*
10. Approve a development agreement pursuant to Section 43.016 of the Texas Local Government Code, between the City of Kyle and Allauddin N. Maredia (R18884). ~ *Howard J. Koontz, Director of Planning and Community Development*
11. Approve a Maintenance and Operation Agreement Between the City of Kyle and Kyle Dacy Apartments, LTD. ~ *Leon Barba, P.E., City Engineer*

Council Member Tenorio moved to approve Consent Agenda Item Nos. 5, 6, 7, 8, 9, 10, and 11. Mayor Pro Tem Ellison seconded the motion. All votes aye; motion carried 7-0.

VI. Consider and Possible Action

12. (Second Reading) Ordinances of the City of Kyle, Texas annexing 105 acres of land, more or less, into the corporate limits of the City, including the abutting roadways and rights-of-way; Approving service plans for the annexed areas; Making Findings of fact; Providing a severability clause; and Providing an effective date, consisting of the following Ordinances: ~ *Howard J. Koontz, Director of Planning and Community Development*
 - Area 2: An ordinance annexing an area consisting of 3.11 acres, more or less, including the abutting streets, roads, and rights-of-way, and approving a service plan for the area.
 - Area 6: An ordinance annexing an area consisting of 10.0 acres, more or less, including the abutting streets, roads, and rights-of-way, and approving a service plan for the area.

- Area 8: An ordinance annexing an area consisting of 89.444 acres, more or less, including the abutting streets, roads, and rights-of-way, and approving a service plan for the area.

Mayor Mitchell brought forward Item No. 12 for discussion. Ms. Saenz requested Council go into executive session on this item as well as Item No. 21 to consider legal advice on.

Mayor Mitchell moved to convene into executive session on Item Nos. 12 and 21. Council Member Tenorio seconded the motion. All votes aye; motion carries 7-0. The City Council convened into executive session at 8:07 p.m.

Mayor Mitchell moved to reconvene. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0. The City Council reconvened into open session at 8:21 p.m.

Ms. Saenz presented the item. While clarification was sought between Ms. Saenz and Mr. Koontz, Mayor Mitchell moved on to Item No. 17.

17. A Resolution approving a Citizens On Patrol program and directing future budget amendment. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 17 for discussion out of order, during Item No. 12. Chief Barnett presented the item. Officer Plant also provided information regarding the program.

Council Member Tenorio moved to approve a resolution approving a Citizens On Patrol program with the amendments that were stated to the policy manual. Council Member Rizo seconded the motion.

There was discussion on the motion. Mayor Mitchell said to be clear, the two amendments were to add a line to end of page eleven that document cannot be amended without a majority vote from council and under vehicle section and that any design schemes for any vehicles will be submitted for approval prior to becoming operational. Mayor Pro Tem Ellison asked how many advanced classes they had. Officer Pruet said, two. Mayor Pro Tem Ellison asked how many graduates had come through. Officer Plant stated that he does not have the exact number on hand. He spoke about scaling numbers down to 8 to 10 for advanced classes so they get more opportunities than basic, and it was more advanced. He said there were two classes, about 16 graduated from both academies. Mayor Pro Tem Ellison asked how the four individuals will be chosen for this initial program. Officer Plant stated that there will be an application process including a background check. Once application process is complete, they will go through interview process and someone from each division of the agency to sit on the interview board. Mayor Pro Tem Ellison asked whether they would have to run the obstacle course too. Officer Plant stated that the real test is whether they can handle the dunking booth.

All votes aye; motion carried 7-0.

12. (Second Reading) Ordinances of the City of Kyle, Texas annexing 105 acres of land, more or less, into the corporate limits of the City, including the abutting roadways and rights-of-way; Approving service plans for the annexed areas; Making Findings of fact; Providing a severability clause; and Providing an effective date, consisting of the

following Ordinances: ~ *Howard J. Koontz, Director of Planning and Community Development*

- Area 2: An ordinance annexing an area consisting of 3.11 acres, more or less, including the abutting streets, roads, and rights-of-way, and approving a service plan for the area.
- Area 6: An ordinance annexing an area consisting of 10.0 acres, more or less, including the abutting streets, roads, and rights-of-way, and approving a service plan for the area.
- Area 8: An ordinance annexing an area consisting of 89.444 acres, more or less, including the abutting streets, roads, and rights-of-way, and approving a service plan for the area.

Mayor Mitchell called back Item No. 12 at 8:42 p.m. after Item No. 17. Ms. Saenz presented the areas for annexation.

Mayor Mitchell moved to approve Item No. 12 striking Area 2 and Area 6. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

13. Consider and possible action to approve a development agreement with Endeavor.
~ *Howard J. Koontz, Director of Planning and Community Development*

14. [Postponed 11/4/2019] (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning of approximately 14.36 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located within the 3400 Block of Kyle Crossing, in Hays County, Texas. (Sterling/Babcock & Brown, LP - Z-19-0047) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-0 to recommend denial.

Mayor Mitchell brought forward Item Nos. 13 and 14 stating that it has been requested that these items be pushed to a future meeting. (Item No. 14 was later approved during this meeting).

15. [Postponed 11/19/2019] (*First Reading*) Approve an Ordinance amending the City's Parking Ordinance No. 955 to adopt parking regulations; to make violations of the parking ordinance a civil offense; establishing a civil penalty; establishing hearing procedures; and providing for related matters. ~ *Paige Saenz, City Attorney*

Mayor Mitchell brought forward Item No. 15 for discussion. Ms. Saenz presented the item.

Mayor Mitchell moved to approve an Ordinance amending the City's Parking Ordinance No. 955 to adopt parking regulations; to make violations of the parking ordinance a civil offense; establishing a civil penalty; establishing hearing procedures; and providing for related matters. Council Member Villalobos seconded the motion. Motion carried 6-1 with Council Member Tenorio dissenting.

16. Update on police facility, creating an ad hoc committee, and discussion regarding request for proposals. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 16. Mr. Moheet provided information relating to bonding and bond capacity.

Mike Rubsam was called to speak regarding whether he would accept being appointed to the ad hoc committee which is the subject of this item. He mentioned being appointed to the Ethics Commission, and that if that were a conflict, he could step down from that board to serve on this ad hoc committee.

Chief Barnett spoke about the appointment from the police department for the ad hoc committee and his position on the direction Council is taking.

Mayor Mitchell moved to form an ad hoc committee on agenda Item No. 16, and appoint Mayor Pro Tem Ellison, Council Member Rizo, Council Member Villalobos as well as Mike Rubsam and Chief Barnett or designee, and direct City Secretary to have a standing item on the agenda until such a time the Council deems unnecessary for updates from committee moving forward until someone has been selected for site design. Council Member Koch seconded the motion. All votes aye; motion carried 7-0.

18. Consider nominations for selection of Mayor Pro Tem. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 18.

Mayor Pro Tem Ellison moved to nominate Council Member Rick Koch for Mayor Pro Tem. Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Rizo nominated Council Member Villalobos, he declined the nomination and stated he was honored but taking on too much currently.

All votes aye; motion carried 7-0.

19. A Resolution of the City of Kyle, Texas, amending Resolution Number 1166 and restating the City of Kyle Rules of City Council, providing for meetings, agenda, council proceedings, reconsideration of agenda items; parliamentary procedure, debate, decorum, and citizen participation at meetings; making findings of fact; and providing for related matters. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 19.

Council Member Villalobos moved to approve a resolution of the City of Kyle, Texas, amending Resolution Number 1166 and restating the City of Kyle Rules of City Council, providing for meetings, agenda, council proceedings, reconsideration of agenda items; parliamentary procedure, debate, decorum, and citizen participation at meetings; making findings of fact; and providing for related matters. Mayor Mitchell seconded the motion.

There was discussion on the motion. Council Member Scheel asked when Special meetings became part of the compensation. She mentioned the Charter specifically says for each absence from a Regular Council meeting. She said it did not say anything about a Special meeting. She asked why Council Member Tenorio was docked. It was determined that she was looking at an old version of the City's Charter. Council Member Rizo said he appreciated the consideration for tardiness. He mentioned traffic issues being uncontrollable.

All votes aye; motion carried 7-0.

20. *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 275.376 acres of land from Retail Service District 'RS', Residential Townhome 'R-1-T', Single Family Residential-Attached 'R-1-A', Multi-Family Residential-1 'R-3-1', Single Family Residential-2 'R-1-2' and Single Family Residential-1 'R-1-1' to Single Family Residential-3 'R-1-3' for property located at 410 Bunton Lane, in Hays County, Texas. (Walton Texas, LP - Z-19-0049) ~ Howard J. Koontz, Director of Planning and Community Development

Planning and Zoning Commission voted 4-2 to recommend approval of R-1-3 within the requested boundary and maintain the R-1-1 & R-1-2 zoning within the Riparian land-use district inside the requested zoning boundary.

City Council voted 4-3 to approve City Staff recommendation on First Reading.

This item will be taken up by Council for Second Reading on December 17.

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

Mayor Mitchell moved to deny an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 275.376 acres of land from Retail Service District 'RS', Residential Townhome 'R-1-T', Single Family Residential-Attached 'R-1-A', Multi-Family Residential-1 'R-3-1', Single Family Residential-2 'R-1-2' and Single Family Residential-1 'R-1-1' to Single Family Residential-3 'R-1-3' for property located at 410 Bunton Lane, in Hays County, Texas. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

21. [Postponed 11/19/2019] Consider approval of a Development Agreement establishing Development Standards for the Brook's Ranch Subdivision. ~ Howard J. Koontz, Director of Planning and Community Development
22. [Postponed 11/19/2019] *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 47.3 acres of land from Retail Service District 'RS' to Single Family Residential-3 'R-1-3' for property located within the 1200-1600 block of Rebel Drive, in Hays County, Texas. (D&L Brooks Investments, LLC - Z-19-0048) ~ Howard J. Koontz, Director of Planning and Community Development

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

City Council voted 5-1 to approve on first reading.

Mayor Mitchell brought forward Item No. 21 and 22 and stated they will be postponed.

23. *(1st Reading)* Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2019-2020 by increasing the total number of authorized full-time equivalent positions by two (2) and increasing the total appropriations for expenditures in the General Fund by \$112,939.00 (a total of \$80,000 was already earmarked and set aside in the approved budget by City Council as part of budget adoption) and decreasing the General Fund balance by the same amount in order to authorize expenditures for the new Director of Communications position. This budget amendment now fully appropriates funds previously earmarked and set aside in the approved budget to clarify Council's intent. ~ *Perwez A. Moheet, CPA, Director of Finance*

Mayor Mitchell brought forward Item No. 23 for discussion. Mr. Moheet presented the item.

Mayor Mitchell moved to approve Item No. 23.

Before anyone seconded, there was discussion on the motion. Council Member Tenorio stated that she had a question. Mayor Mitchell rescinded his motion. Council Member Tenorio asked Ms. Saenz questions regarding ethics as it relates to the High Five company being owned by someone close to Council. She said she felt they needed to go through the Request for Proposals (RFP) process.

Mayor Mitchell moved to approve an Ordinance amending the City's Approved Budget for Fiscal Year 2019-2020 by increasing the total number of authorized full-time equivalent positions by two (2) and increasing the total appropriations for expenditures in the General Fund by \$112,939.00 (a total of \$80,000 was already earmarked and set aside in the approved budget by City Council as part of budget adoption) and decreasing the General Fund balance by the same amount in order to authorize expenditures for the new Director of Communications position. Council Member Villalobos seconded the motion. Motion carried 6-1 with Council Member Tenorio dissenting.

24. Direct Planning & Zoning Commission to study the Pie In The Sky festival over the past three years and present their findings to council with a recommendation for the City's second signature event using the money set aside in the current budget. ~ *Rick Koch, Council Member*

Mayor Mitchell brought forward Item No. 24 for discussion and gave the floor to Mayor Pro Tem Koch.

Rebecca Voss was called to speak regarding this item and her role on the Planning and Zoning Commission. Priscilla Harrell was also called to speak regarding this item and her role on the Planning and Zoning Commission. Paul Scheibmeir was also called to speak regarding this item and his role on the Planning and Zoning Commission. Mr. Koontz spoke about the Comprehensive Plan schedule.

Council Member Ellison moved to direct Planning & Zoning Commission to study the Pie In The Sky festival over the past three years and present their findings to council with a recommendation for the City's second signature event using the money set aside in the current budget with a two-month time line to come back with a recommendation. Mayor Pro Tem Koch seconded the motion.

There was discussion on the motion. Council Member Tenorio requested to amend the motion if possible, to include, we will begin the process of starting a Park Event Development Committee.

Council Member Tenorio moved to amend the original motion to add addition direction to Planning and Zoning as part of their recommendation on this specific event that they work with Sarah to try to develop a plan for creating a special event committee. Council Member Scheel seconded the motion. all votes aye; motion carries 7-0.

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

Mayor Mitchell called for a recess at 10:50 p.m.

Mayor Mitchell moved to reconvene. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0. The City Council reconvened at 11:10 p.m.

VIII. Executive Session

29. 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 the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071
 - Employee Compensation Issue
 - Personnel investigation
 - Ordinance No. 955, Parking
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 Space Shuttle
 - Restaurant Incentive Program

Mayor Mitchell brought forward Executive Session out of order.

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 - Employee Compensation Issue, and Personnel investigation; 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 Space Shuttle, and Restaurant Incentive Program.”

The City Council convened into executive session at 11:12 p.m.

30. 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 12:11 a.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

VI. Consider and Possible Action

14. [Postponed 11/4/2019] *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning of approximately 14.36 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located within the 3400 Block of Kyle Crossing, in Hays County, Texas. (Sterling/Babcock & Brown, LP - Z-19-0047) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-0 to recommend denial.

Mayor Mitchell brought forward Item No. 14 out of order.

Mayor Mitchell moved to approve Item No. 14. Council Member Ellison seconded the motion. Motion carried 5-2 with Council Members Rizo and Tenorio dissenting.

26. *(Second Reading)* An Ordinance of the City of Kyle, Texas, amending Ordinance No. 1022, the Ordinance creating the Tax Reinvestment Zone Number Two, City of Kyle, Texas (the “Zone”), adopting a project and financing plan; authorizing the zone to issue tax increment financing bonds or notes, to issue debt to finance eligible facilities and infrastructure in the project and financing plan, and to use tax increment funds for payments on debt issued to finance eligible facilities and infrastructure in the project and financing plan; to authorize the zone board to exercise the authority of the city under Chapter 380, Texas Local Government Code; providing a severability clause; and providing an effective date. ~ *Paige Saenz, City Attorney*

City Council voted 6-0 to approve on First Reading.

Mayor Mitchell brought forward Item No. 26 for discussion out of order. Ms. Saenz presented the item.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, amending Ordinance No. 1022, the Ordinance creating the Tax Reinvestment Zone Number Two, City of Kyle, Texas (the “Zone”), adopting a project and financing plan; authorizing the zone to issue tax increment financing bonds or notes, to issue debt to finance eligible facilities and infrastructure in the project and financing plan, and to use tax increment funds for payments on debt issued to finance eligible facilities and infrastructure in the project and financing plan; to authorize the zone board to exercise the authority of the city under Chapter 380, Texas Local Government Code; providing a severability clause; and providing an effective date. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

27. [Postponed 11/19/2019] Review of the duties of Mayor and Councilmembers responsibilities under the City Charter. ~ *Daphne Tenorio, Council Member*

Mayor Mitchell brought forward Item No. 27 for discussion and gave the floor to Council Member Tenorio. No action was taken.

25. Discussion and possible action to direct staff to amend the ordinance restricting alcohol sales or reducing the hours of operation for bars downtown. ~ *Robert Rizo, Council Member*

Mayor Mitchell brought forward Item No. 25 for discussion out of order and gave the floor to Council Member Rizo. Chief Barnett provided information on the item.

Council Member Rizo moved to direct Chief Barnett to contact TABC to investigate and come back with discussion. Mayor Mitchell seconded the motion.

There was discussion on the motion. Mayor Mitchell mentioned he had concerns. Mr. Sellers asked for clarification on the motion and if it was to direct the City Manager to direct the Chief. Council Member Rizo corrected the motion to direct the City Manager to direct the Police Chief. Mayor Pro Tem Koch stated he did not feel bars would be enthusiastic about having TABC go visit them. Mayor Mitchell stated his response would be it was the better option than changing hours to midnight right away. Council Member Villalobos stated it was a good point of accountability making sure everyone was following the rules. Council Member Tenorio stated that it is their business to make sure their patrons are safe. Council Member Scheel stated TABC does this on its own and just because we ask did not preclude them from doing so.

All votes aye; motion carried 7-0.

VII. City Manager's Report

28. 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*
- Annual Awards Banquet

Mr. Sellers spoke about the Annual Awards Banquet, taking place December 6, 2019. He also mentioned that the Special Workshop meeting will be held on December 16, 2019.

IX. Adjourn

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

With no further business to discuss, the City Council adjourned at 12:43 a.m. on December 4, 2019.

Travis Mitchell, Mayor

Attest:

Jennifer A. Vetrano, City Secretary

DRAFT



CITY OF KYLE, TEXAS

2019 1216 Special Minutes

Meeting Date: 4/21/2020

Date time:7:00 PM

Subject/Recommendation: City Council Special Meeting Minutes - December 16, 2019. ~ *Jennifer Vetrano, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2019 1216 DRAFT Special Minutes

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on December 16, 2019 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell
Council Member Dex Ellison
Council Member Tracy Scheel
Council Member Robert Rizo
Council Member Alex Villalobos
Mayor Pro Tem Rick Koch
Council Member Daphne Tenorio
Scott Sellers, City Manager
Jerry Hendrix, Chief of Staff
Kim Hilsenbeck, Communications Manager
Jennifer Vetrano, City Secretary
Matt Dawson, IT Director

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 6:09 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

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

II. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 6:10 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 6:10 p.m.

III. Consider and Possible Action

1. (*Second Reading*) An Ordinance of the City of Kyle, Texas Annexing 181.31 acres of land, more or less, into the corporate limits of the city, including the abutting roadways and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date. ~ *Howard J. Koontz, Director of Planning and Community Development*

Mayor Mitchell brought forward Item No. 1 for discussion. Mr. Sellers presented the item.

Council Member Tenorio moved to approve an Ordinance of the City of Kyle, Texas Annexing 181.31 acres of land, more or less, into the corporate limits of the city, including the abutting roadways and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date. Council Member Scheel seconded the motion.

There was discussion on the motion. Mayor Mitchell stated he will miss Council Member Tenorio's quick motions.

All votes aye; motion carried 7-0.

IV. Executive Session

2. 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.

There was no executive session.

3. Take action on items discussed in Executive Session.

V. 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 6:12 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer A. Vetrano, City Secretary



CITY OF KYLE, TEXAS

2019 1216 Workshop Minutes

Meeting Date: 4/21/2020

Date time:7:00 PM

Subject/Recommendation: City Council Workshop Meeting Minutes - December 16, 2019. ~ *Jennifer Vetrano, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2019 1216 DRAFT Workshop Minutes

WORKSHOP CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on December 16, 2019 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell
Council Member Dex Ellison
Council Member Tracy Scheel
Council Member Robert Rizo
Council Member Alex Villalobos
Mayor Pro Tem Rick Koch
Council Member Daphne Tenorio
Scott Sellers, City Manager
Jerry Hendrix, Chief of Staff
Kim Hilsenbeck, Communications Manager
Jennifer Vetrano, City Secretary
Matt Dawson, IT Director

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 6:13 p.m. Mayor Mitchell stated that the Pledge of Allegiance was just recited and the city secretary had just previously called roll and all members of Council are present.

II. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 6:13 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 6:13 p.m.

III. General Discussion

1. Presentation on new City of Kyle website. ~ *Kim Hilsenbeck, Communications Manager*

Mayor Mitchell brought forward Item No. 1 for discussion. Ms. Hilsenbeck presented the item. No action was taken.

2. Discussion on Kyle Accountability Standards for Excellence. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 2. Council discussion took place. No action was taken.

IV. Adjourn

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

With no further business to discuss, the City Council adjourned at 7:32 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer A. Vetrano, City Secretary



CITY OF KYLE, TEXAS

2019 1217 Special Minutes

Meeting Date: 4/21/2020

Date time: 7:00 PM

Subject/Recommendation: City Council Special Meeting Minutes - December 17, 2019. ~ *Jennifer Vetrano, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2019 1217 DRAFT Special Minutes

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on December 17, 2019 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
Sandra Duran, HR Director
Matt Dawson, IT Director
Howard Koontz, Community Dev Director
Jeff Barnett, Chief of Police
Pedro Hernandez, Police Captain

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 5:03 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 5:04 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 5:04 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.
 - Ordinance No. 955, Parking
 - Personnel investigation
 - TDS Contract
 - Intermandeco Development Agreement

- Employee Compensation Issue
- 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - Southside Easements
 - 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 Just Peachy

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 - Ordinance No. 955, Parking, Personnel investigation, Discussion on Lionheart regarding TIRZ #2, TDS Contract, Intermandeco, Development Agreement, Employee Compensation Issue; Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 - Southside Easements, 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 Just Peachy.”

The City Council convened into executive session at 5:06 p.m.

2. Take action on items discussed in Executive Session.

The City Council reconvened into open session at 7:04 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

IV. 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 7:05 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer A. Vetrano, City Secretary



CITY OF KYLE, TEXAS

2019 1217 Minutes

Meeting Date: 4/21/2020

Date time:7:00 PM

Subject/Recommendation: City Council Meeting Minutes - December 17, 2019. ~ *Jennifer Vetrano, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2019 1217 DRAFT Regular Minutes

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on December 17, 2019 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Sandra O'Neal
Mayor Pro Tem Rick Koch	Catherine Sak
Council Member Dex Ellison	Santa Claus
Council Member Tracy Scheel	Michelle Romage-Chambers
Council Member Robert Rizo	Steve Smelly
Council Member Alex Villalobos	Jeff Barton
Council Member Daphne Tenorio	
Scott Sellers, City Manager	
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Jennifer Vetrano, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Sandra Duran, HR Director	
Kristiana Spencer, HR Manager	
Matt Dawson, IT Director	
Mariana Espinoza, PARD Director	
Chance Padier, PARD	
Arthur Zamarripa, PARD	
Benito Pareda, PARD	
Sotero Nino, PARD	
Roberto Tespan, PARD	
Luke Guerrero, PARD	
Martin Rangel, PARD	
Claudio Coutino, PARD	
Howard Koontz, Community Dev Director	
Steve Clamons, GIS Analyst	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Tim Griffith, Police Sergeant	
Dan Pruett, Police Officer	
James Plant, Police Officer	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:05 p.m. The Pledge of Allegiance was recited as lead by the Boy Scouts. 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. Approval of Minutes

1. City Council Meeting Minutes - August 20, 2019. ~ *Jennifer Vetrano, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

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

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:06 p.m.

Sandra O'Neal was called to speak as registered in favor of Item Nos. 22 and 23. She asked Council to vote yes for the Brooks development zoning to residential. She stated that she is not sure why it took so long to bring this item to a final vote. Ms. O'Neal stated that this development will bring her subdivision, Brooks Crossing closer to Plum Creek, making it a closer-knit community, and they do not want retail stores near their homes.

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

IV. Presentation

2. Recognition of the Parks Department for City Square Lighting. ~ *Rick Koch, Mayor Pro Tem*

Mayor Mitchell mentioned that a guest coming for this item is *en route* and they would like to delay this item for his arrival.

3. Presentation of graduates of the Citizens Police Academy Class No. 12. ~ *Jeff Barnett, Chief of Police*

Amie Botha	Christopher Drake	Lori Huey	Pete Raynor
Johnny Camarillo	Pam Gibson	Wayne Kamaura	David Rivera
Eleanor Coleman	Nancy Gottschall	Emma Perez	Monica Flores-Rojo
Rick Coleman	Jacquelyn Green	Judy Raynor	Mark Torres

Mayor Mitchell brought forward Item No. 3 for discussion out of order due to a special guest who was *en route* for Item No. 2. Chief Barnett introduced Officer James Plant who presented the graduates with their certificates. No action was taken.

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

Mayor Mitchell brought forward Item No. 4 for discussion. Chief Barnett presented the item. No action was taken.

5. Presentation of Texas Downtown Association's Downtown Assessment Report. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 5 for discussion and gave the floor to Council Member Ellison who mentioned that Council Member Scheel had also been active in supporting

this item. Council Member Ellison introduced Catherine Sak, Executive Director of Texas Downtown Association. No action was taken.

2. Recognition of the Parks Department for City Square Lighting. ~ *Rick Koch, Mayor Pro Tem*

Mayor Mitchell brought forward Item No. 2 out of order for discussion and gave the floor to Mayor Pro Tem Koch. Santa Claus presented a proclamation to the Parks & Recreation Department. No action was taken.

6. CIP/Road Projects Update. ~ *Leon Barba, P.E., City Engineer*

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

V. Appointments

7. Consider appointment to CAPCOG General Assembly to replace Travis Mitchell. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 7. Council Member Ellison moved to approve the appointment of Council Member Scheel to the CAPCOG General Assembly to replace Mayor Mitchell. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

VI. Consent Agenda

Mayor Mitchell asked if there were any items to be pulled from the Consent Agenda. Council Member Tenorio requested to pull Item No. 10. Mayor Mitchell brought forward Item Nos. 8, 9, and 11.

8. Accept amendment to ENF Technologies development agreement. ~ *Diana Torres, Director of Economic Development*
9. Authorize the City Manager to execute a professional services agreement with LJA ENGINEERING, INC., of Houston, Texas in an amount not exceed \$326,917.00 for design, right-of-way acquisition services (excluding land costs), and construction phase services related to Windy Hill Road improvement project. ~ *Leon Barba, P. E., City Engineer*
11. Authorize the City Manager to execute an addendum to the agreement with TYLER TECHNOLOGIES in an amount not to exceed \$23,298.00 for the purchase of a Law Enforcement Mobile Site license and associated recurring fees utilizing accumulated Police forfeiture funds. ~ *Jeff Barnett, Chief of Police*

Council Member Tenorio moved to approve Consent Agenda Item Nos. 8, 9, and 11. Council Member Scheel seconded the motion.

There was discussion on the motion. Chief Barnett spoke from the audience stating that staff would like to pull Item No. 11. Council Member Tenorio rescinded her motion.

Council Member Tenorio moved to approve Consent Agenda Item Nos. 8 and 9. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

10. Authorize the City Manager to execute a 3-year user license and service agreement with ESRI, Redlands, California, in an amount not to exceed \$15,000.00 per year or \$45,000.00 for the 3-year contract term for user licenses to ARC GIS software for use by the City's Planning & Community Development Department. ~ *Howard J. Koontz, Director of Planning and Community Development*

Mayor Mitchell brought forward Item No. 10 and gave the floor to Council Member Tenorio. Council Member Tenorio asked whether the new software will bring the City in compliance with recent legislation. Mr. Steve Clamons stated that he does not believe this is related to recent legislation. Mr. Howard Koontz stated that while this software will be helpful, that is not the purpose. Mr. Clamons provided more information about the software.

Council Member Tenorio moved to authorize the City Manager to execute a 3-year user license and service agreement with ESRI, Redlands, California, in an amount not to exceed \$15,000.00 per year or \$45,000.00 for the 3-year contract term for user licenses to ARC GIS software for use by the City's Planning & Community Development Department. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

VII. Consider and Possible Action

12. Direct staff to bring back design firms for Veterans Memorial. ~ *Dex Ellison, Alex Villalobos, and Robert Rizo, Council Members*

Mayor Mitchell brought forward Item No. 12 for discussion and gave the floor to Council Members Ellison, Villalobos, and Rizo. Council Member Ellison presented the item. No action was taken.

13. *(Second Reading)* Approve an Ordinance amending the City's Parking Ordinance No. 955 to adopt parking regulations; to make violations of the parking ordinance a civil offense; establishing a civil penalty; establishing hearing procedures; and providing for related matters. ~ *Rick Koch, Mayor Pro Tem*

- Direct the city manager to issue refund checks for associated improperly assessed fines

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

Mayor Mitchell brought forward Item No. 13 for discussion and gave the floor to Mayor Pro Tem Koch.

Council Member Tenorio moved to approve an Ordinance amending the City's Parking Ordinance No. 955 to adopt parking regulations; to make violations of the parking ordinance a civil offense; establishing a civil penalty; establishing hearing procedures; and providing for

related matters. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

14. Consider and possible action to direct staff to install right-turn-only signage at the intersection of Dorman at FM 1626. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 14. Mr. Sellers introduced Michelle Romage-Chambers, Assistant Area Engineer with TxDOT, who provided an update regarding the planned and approved signal that has yet to be installed at this intersection.

Mayor Mitchell moved to direct staff to engage the business community located at the intersection of Dorman at FM 1626 to create right turns only at that intersection. Council Member Tenorio seconded the motion.

There was discussion on the motion. Council Member Scheel asked whether Council intends for this to come back at the next council meeting. Mayor Mitchell stated yes, and thanked Council Member Scheel.

All votes aye; motion carried 7-0.

15. Direct staff to Engage in a no-cost Energy Performance Audit by Honeywell. ~ *Alex Villalobos, Council Member*

Mayor Mitchell brought forward Item No. 15 for discussion and gave the floor to Council Member Villalobos. Steve Smelley presented the item.

Mayor Pro Tem Koch moved to direct staff to Engage in a no-cost Energy Performance Audit by Honeywell. Mayor Mitchell seconded the motion.

There was discussion on the motion. Mayor Mitchell thanked Council Member Villalobos and Council Member Rizo for bringing the item forward and he said he looks forward to what the company brings back.

All votes aye; motion carried 7-0.

Mayor Mitchell called a recess at 9:26 p.m.

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

The City Council reconvened at 9:39 p.m.

16. General discussion on construction standards for utility companies in the City Limits. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 16. Mr. Sellers presented the item. Mr. Barba also provided information about how the contractors interact with the City's Public Works Department.

Mayor Mitchell moved to pursue every option to enforce our project standards in reference to both projects referenced tonight and to direct staff to develop a strategic plan for engaging utility companies to include recommendations for ordinance revisions if necessary looking for a plan for how to improve in this particular area, and engage Fiberlite in particular to understand the companies background and what specifically they are trying to accomplish and see if we can develop a better way to work with them in the future. Council Member Ellison seconded the motion.

There was discussion on the motion. Council Member Scheel asked whether there is a specific timeline. Mayor Mitchell stated that he does not know how long it will take. He said, the shortest time possible.

All votes aye; motion carried 7-0.

17. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 1.122 acres of land from Community Commercial 'CC' to Retail Service District 'RS' for property located at 711 N. Old Highway 81, in Hays County, Texas. (Cross Plants & Produce, LLC - Z-19-0051) ~ Howard J. Koontz, Director of Planning and Community Development

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

- Public Hearing

Mayor Mitchell brought forward Item No. 17 for discussion. Mr. Koontz presented the item. Mayor Mitchell opened the public hearing at 9:59 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:59 p.m.

Mayor Mitchell moved to an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 1.122 acres of land from Community Commercial 'CC' to Retail Service District 'RS' for property located at 711 N. Old Highway 81, in Hays County, Texas. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0. After Item No. 18, this item was found to be finally passed.

18. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 23.08 acres of land from Agriculture 'AG' to Planned Unit District 'PUD' for properties located at 1701, 1703, 1711, 1713 and 1717 N. Burleson Street, in Hays County, Texas. (Wynette Word Barton, David Barton, Silvester, and Maria Diaz - Z-19-0052) ~ Howard J. Koontz, Director of Planning and Community Development

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

- Public Hearing

Mayor Mitchell brought forward Item No. 18 for discussion. Mr. Koontz presented the item. Mayor Mitchell opened the public hearing at 10:02 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 10:02 p.m.

Jeff Barton, representing the applicants, presented the project.

Mayor Mitchell moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 23.08 acres of land from Agriculture 'AG' to Planned Unit District 'PUD' for properties located at 1701, 1703, 1711, 1713 and 1717 N. Burlson Street, in Hays County, Texas. Council Member Tenorio seconded the motion.

There was discussion on the motion. Council Member Ellison thanked the applicant for the presentation and the detail, and for aligning it with the Council's vision for the city. Council Member Villalobos thanked the applicant, he said that it truly exemplifies the investment in the community, and he said, it is a model for others who wanted to do work here. Council Member Tenorio spoke about the history and said she has spent time with the applicant's family in the house. She spoke about the memories of seeing the beautiful murals on the walls. She said, "I walk into the formal dining and I can see your grandmother painting the walls." Council Member Tenorio expressed appreciation concerning the project and said she looks forward to sharing the history with the citizens. Mayor Mitchell stated that PUD zoning is appropriate because they had worked to put mixed use zoning that does not work. He said, this was very clearly in the spirit of what we think mixed zoning could be and if they needed to call that PUD, it was fine with him.

After the vote, Council Member Rizo told the applicant thank you for utilizing staff and their feedback.

All votes aye; motion carried 7-0. There were no objections to having Item Nos. 17 and 18 finally passed.

19. Consider a request for an appeal by Doug Christy to construct a 9,600 square foot building for property located at 161 Weldon Johnston Way within the IH-35 Overlay District. (Amazing Ice Designs - CUP-19-0021) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to deny exterior design proposal.

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

Mayor Mitchell moved to affirm Planning & Zoning Commission's denial of the request. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

20. [Postponed 12/3/2019] Consider and possible action to approve a development agreement with Endeavor. ~ *Howard J. Koontz, Director of Planning and Community Development*

Mayor Mitchell moved to convene in executive session to consult legal counsel on Item Nos. 20, 21, 22, and 23. Council Member Tenorio seconded the motion. All votes aye; motion carried 7-0.

The City Council convened into executive session at 10:29 p.m.

Mayor Mitchell moved to reconvene into open session. Council Member Tenorio seconded the motion. All votes aye; motion carried 5-0. Council Member Ellison and Mayor Pro Tem Koch were absent for the vote.

The City Council reconvened into open session at 11:18 p.m.

21. *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning of approximately 14.36 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located within the 3400 Block of Kyle Crossing, in Hays County, Texas. (Sterling/Babcock & Brown, LP - Z-19-0047) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-0 to recommend denial.

City Council voted 5-2 to approve on First Reading.

Mayor Mitchell brought forward Item Nos. 20 and 21 for discussion. Council Member Ellison and Mayor Pro Tem Koch returned to the dais at 11:18 p.m. Mayor Mitchell presented the items. Mr. Koontz was available for questions.

Mayor Mitchell moved to approve the zoning conditioned upon the Development Agreement Establishing Development Standards for Lot 1-A being executed by the property owner and NADG LFI Kyle LP within the next thirty days and approve the Development Agreement Establishing Development Standards for Lot 1-A Mayor Pro Tem Koch seconded the motion. Motion carried 5-2 with Council Members Rizo and Tenorio dissenting.

22. [Postponed 12/3/2019] Consider approval of a Development Agreement establishing Development Standards for the Brook's Ranch Subdivision. ~ *Howard J. Koontz, Director of Planning and Community Development*

23. [Postponed 12/3/2019] *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 47.3 acres of land from Retail Service District 'RS' to Single Family Residential-3 'R-1-3' for property located within the 1200-1600 block of Rebel Drive, in Hays County, Texas. (D&L Brooks Investments, LLC - Z-19-0048) ~ *Howard J. Koontz, Director of Planning and Community Development*

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

City Council voted 5-1 to approve on first reading.

Mayor Mitchell brought forward Item No. 22 and 23 for discussion. Mayor Mitchell presented the items.

Mayor Mitchell moved to approve the zoning conditioned upon the Development Agreement between City of Kyle, Texas and D&L Investments, LLC or Assigns being executed by the Developer and Blackburn within 30 days and approve the Development Agreement Between City of Kyle, Texas and D&L Investments, LLC or Assigns (with the Concept Plan updated to be consistent with Section 2.02). Council Member Tenorio seconded the motion.

There was discussion on the motion. Council Member Rizo thanked the developer for working with the residents and staff. Council Member Ellison seconded Council Member Rizo's comments. He stated that it is not easy and sometimes compromise is what makes it work.

All votes aye; motion carried 6-0, with Mayor Pro Tem Koch abstaining.

24. *(Second Reading)* Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2019-2020 by increasing the total number of authorized full-time equivalent positions by two (2) and increasing the total appropriations for expenditures in the General Fund by \$112,939.00 (a total of \$80,000 was already earmarked and set aside in the approved budget by City Council as part of budget adoption) and decreasing the General Fund balance by the same amount in order to authorize expenditures for the new Director of Communications position. This budget amendment now fully appropriates funds previously earmarked and set aside in the approved budget to clarify Council's intent. ~ *J. Scott Sellers, City Manager*

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

Mayor Mitchell brought forward Item No. 24 for discussion.

Mayor Mitchell moved to approve an Ordinance amending the City's Approved Budget for Fiscal Year 2019-2020 by increasing the total number of authorized full-time equivalent positions by two (2) and increasing the total appropriations for expenditures in the General Fund by \$112,939.00 (a total of \$80,000 was already earmarked and set aside in the approved budget by City Council as part of budget adoption) and decreasing the General Fund balance by the same amount in order to authorize expenditures for the new Director of Communications position. This budget amendment now fully appropriates funds previously earmarked and set aside in the approved budget to clarify Council's intent. Council Member Scheel seconded the motion. Motion carried 6-1 with Council Member Tenorio dissenting.

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*

Mr. Sellers spoke and reminded Council they have a TIRZ meeting this Thursday at 7:00 p.m.

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.
 - Ordinance No. 955, Parking
 - Personnel investigation
 - Discussion on Lionheart regarding TIRZ #2
 - TDS Contract
 - Intermandeco Development Agreement
 - Employee Compensation Issue

2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - Southside Easements
 - 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 Just Peachy

There was no executive session.

27. Take action on items discussed in Executive Session.

X. Adjourn

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

With no further business to discuss, the City Council adjourned at 11:24 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer A. Vetrano, City Secretary



CITY OF KYLE, TEXAS

HCWC Letter

Meeting Date: 4/21/2020

Date time:7:00 PM

Subject/Recommendation: Hays-Caldwell Women's Center Letter on Child Abuse and Sexual Assault Prevention and Awareness Month. ~ *Travis Mitchell, Mayor*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- ☐ 2020 0421 Child Abuse and Sexual Assault Awareness

Child Abuse and Sexual Assault Prevention and Awareness Month

April is National Child Abuse and also Sexual Assault Prevention and Awareness Month and as many of you know, we normally prepare a proclamation to be read at all local city and county meetings but this year, things have changed for all of us. So instead of a page long declaration, we want to take the opportunity to share a few thoughts.

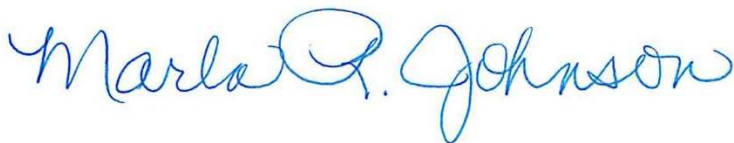
First, we want to thank you for not only taking the time to read this letter but for your continued support for local victims of abuse and the professionals who work on their behalf. Second, we'd like to recognize the partnership that it takes to advocate and support survivors of child abuse and sexual assault: San Marcos Police Department, Buda Police Department, Kyle Police Department, Texas State University, Hays County Sheriff's Office, Hays County Child protective services, HCWC (Hays-Caldwell Women's Center along with Roxanne's House, our children's advocacy center), CASA (Court Appointed Special Advocates), Greater San Marcos Youth Council, CTMC and Hays County District Attorney's Office.

In 2018, there were 455 confirmed child abuse cases in Hays County. Last year, 397 victims of child abuse received services at Roxanne's House from Hays County. Also, HCWC served 230 local victims of sexual assault in Hays and Caldwell counties last year.

We as a community are allied in the fight against child abuse and sexual assault – especially through this crisis. We know that keeping people in homes is for their safety from this virus but would be remiss to say that their being home also increases their risk for escalated violence with many losing jobs, access to other support resources, child care needs, working from home – all could exacerbate already fragile home lives.

The silver lining is that we ARE a community and a community that has come together time and again. We are all still here to help. Our first responders from law enforcement to child protective services to local hospitals and social services alike will never stop answering the call to help. HCWC's emergency services from shelter, hospital response, emergency child forensic interviews, crisis calls, emergency protective orders – all of this is still available to those in immediate need. We are all part of the response and together, we will make it through this. Our shared goal of a healthy and safe community will remain united. Thank you for being a part of this.

Respectfully,



Marla R Johnson
HCWC – Executive Director



CITY OF KYLE, TEXAS

CIP/Road Projects Update

Meeting Date: 4/21/2020

Date time: 7:00 PM

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

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Stormwater Regulations Unnecessary Distribution of Printed Materials

Meeting Date: 4/21/2020

Date time: 7:00 PM

Subject/Recommendation: *(Second Reading)* An Ordinance amending Article IX, Chapter 50, Stormwater Regulations to include restrictions upon the unnecessary distribution of printed materials. ~ Kathy Roecker, Stormwater Management Plan Administrator and Aaron McInnes, Management Intern

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

Other Information: This ordinance amendment is intended to reduce litter throughout the city and increase compliance with MS4 program requirements to protect our waterways and drainage ways from excess litter and debris.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- ☐ Amendment to Stormwater Regulations v2

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, THAT
ESTABLISHES RESTRICTIONS UPON THE UNNECESSARY
DISTRIBUTION OF PRINTED MATERIALS**

WHEREAS, it is the city’s intent to reduce litter throughout the city; and

WHEREAS, Kyle strives to protect its citizens’ private property; and

WHEREAS, this ordinance will increase compliance with MS4 program requirements to protect our waterways and drainage ways from excess litter and debris.

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

Section 1. Article IX, Stormwater Regulations, Section 50-406(c) is hereby added to Chapter 50 “Utilities” of the Code of Ordinances, and is hereby amended to read and be as follows:

Section 50-406. – Prohibitions.

(c) *Prohibit the placement of certain printed materials*

- (1) It shall be unlawful for any person to distribute, or cause to be distributed, within the city any handbill, phone book, advertisement or printed or written material by placing, or causing such handbill or printed or written material to be placed in any yards, driveways, walkways or porches of any structure within the city.
- (2) The provisions of this section shall not apply to any newspaper, or to any publication containing printed or written material, to which the occupants of the subject premises pay money (United States currency) in return for receiving such material.
- (3) This section is not intended, nor shall it be construed to prohibit distribution of printed or written material utilizing any means of distribution which does not cause such materials to be placed or deposited in any yards, driveways, walkways or porches of any structure within the city which means of distribution shall include, but shall not be limited to, the following:
 - a. The U.S. mail;
 - b. Personally, handing such material to persons willing to accept the same on streets, sidewalks, parks or at their residences;
 - c. Political and religious material; or
 - d. Utilizing doorknobs or mailbox hanging devices in a manner which reasonably ensures that such material shall not be placed or caused to become placed or deposited upon any yards, driveways or porches of any structure within the city.

(d) Allowable discharges.

- (1) A discharge authorized by, and in full compliance with, a TPDES permit;
- (2) A discharge or flow resulting from firefighting by the fire department;
- (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances;
- (4) Agricultural stormwater runoff;
- (5) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by super chlorination or other means unless the total residual chlorine (TRC) has been reduced to less than 1.0 mg/l and it contains no harmful quantity of chlorine or any other chemical used in line disinfection;
- (6) A discharge or flow from lawn watering, or landscape irrigation, or other irrigation water;
- (7) A discharge or flow from a diverted stream or natural spring;
- (8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
- (9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(20)) to the MS4;
- (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, footing drain, or sump pump;
- (11) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
- (12) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
- (13) A discharge or flow from individual residential car washing;
- (14) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
- (15) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
- (16) Swimming pool water that has been dechlorinated so that total residual chlorine (TRC) is less than 1.0 mg/l and that contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning.

Section 2. Violations and Penalty

Violations of this section shall be punishable as stated in Sec. 50-418. - Penalties.

PASSED AND APPROVED on this the ____ day of _____, 2020.

FINALLY PASSED AND APPROVED on this the ____ day of _____, 2020.

The City of Kyle, Texas

Travis Mitchell, Mayor

ATTEST:

Jennifer A. Vetrano, City Secretary



CITY OF KYLE, TEXAS

RailPros, Inc. Amendment No. 1, Observation Services for Southside Wastewater Improvements Project

Meeting Date: 4/21/2020
Date time:7:00 PM

Subject/Recommendation: Approve Amendment No. 1 to RAILPROS, INC., Grapevine, Texas, in an amount not to exceed \$6,950.00, increasing the total contract amount not to exceed \$25,450.00 for the purpose of providing additional observation services for the Southside Wastewater Improvements Project. ~ *Leon Barba, P.E., City Engineer*

Other Information: City Council approved the initial contract with RailPros, Inc. on 8/20/19 for an amount of \$18,500.00 for providing observation services for the proposed bore under the UPRR tracks.

The scope of work included in this amendment is for additional observation services that were needed to satisfy UPRR requirements when boring. UPRR required that the boring operation remain constant while within 100 feet of the track center line. As a result, an additional flagger was needed for the 25-hour work period.

The scope of work included in this amendment includes:

- Extended the duration for observation by 2 days to accommodate contractor schedule.
- Mobilized 1 additional inspector to accommodate 25-hour work period.
- Additional overtime hours for shifts exceeding 8 hours within a normal workday.

Legal Notes: N/A

Budget Information: A Fiscal Note is attached.

ATTACHMENTS:

Description

- ☐ Southside - Railpros Observation Invoice

INVOICE

RailPros Invoice #	CKT2002
Invoice Date	02/21/2020
RP Task Order No.	U3053-96
PO#	
Terms	Due on Receipt

SERVICES PROVIDED TO: City of Kyle 100 W Center St Kyle, TX 78640

Location	Kyle, TX
Period	Services through 2/18/2020

Description	Quantity	Rate	Amount
Utility Observation - Mobilization	4	1,000.00	4,000.00
Utility Observation - Week Days	13	1,200.00	15,600.00
Utility Observation - Weekday Overtime	39	150.00	5,850.00

PLEASE PAY THIS AMOUNT >>

Balance Due	25,450.00
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Please remit payment to: **RailPros Field Services, Inc.**

**1320 Greenway Drive, Suite 490
Irving, TX 75038**

**Phone: 682-223-6897
Fax: 866-762-7619
Email: accounting.fs@railpros.com**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
CKT2002	02/21/2020	25,450.00		25,450.00			
	Total	25,450.00	0.00	25,450.00	0.00	0.00	0.00

**City of Kyle
 Kyle, TX
 UP folder #3053-96
 Period 2/3/20 to 2/18/20**

Date	Day	Daily Hours					Total Hours	OT	Weekday		Weekend		
		Todd Menchaca	Robert Chapa						Days	Overtime Hours	Days	Overtime Hours	
		Mobilization											\$ 4,000.00
2/3/2020	Mon	11.5					11.5	3.5	1	3.5	0	-	\$ 1,725.00
2/4/2020	Tue	11.0					11.0	3.0	1	3.0	0	-	\$ 1,650.00
2/5/2020	Wed	11.0					11.0	3.0	1	3.0	0	-	\$ 1,650.00
2/6/2020	Thu	11.0					11.0	3.0	1	3.0	0	-	\$ 1,650.00
2/7/2020	Fri	11.0					11.0	3.0	1	3.0	0	-	\$ 1,650.00
2/8/2020	Sat	-					-	-	0	-	0	-	\$ -
2/9/2020	Sun						-	-	0	-	0	-	\$ -
2/10/2020	Mon	11.0					11.0	3.0	1	3.0	0	-	\$ 1,650.00
2/11/2020	Tue	12.5	12.5				25.0	9.0	2	9.0	0	-	\$ 3,750.00
2/12/2020	Wed	9.0					9.0	1.0	1	1.0	0	-	\$ 1,350.00
2/13/2020	Thu	10.5					10.5	2.5	1	2.5	0	-	\$ 1,575.00
2/14/2020	Fri	9.0					9.0	1.0	1	1.0	0	-	\$ 1,350.00
2/15/2020	Sat	-					-	-	0	-	0	-	\$ -
2/16/2020	Sun						-	-	0	-	0	-	\$ -
2/17/2020	Mon	12.0					12.0	4.0	1	4.0	0	-	\$ 1,800.00
2/18/2020	Tue	11.0					11.0	3.0	1	3.0	0	-	\$ 1,650.00
Total		130.5	-	-	-	-	143.0	39.0	13.0	39.0	-	-	\$ 25,450.00



CITY OF KYLE, TEXAS

RailPros, Inc. Amendment No. 1, Flagging Services for Southside Wastewater Improvements Project

Meeting Date: 4/21/2020

Date time:7:00 PM

Subject/Recommendation: Approve Amendment No. 1 to RAILPROS, INC., Grapevine, Texas, in an amount not to exceed \$11,304.00, increasing the total contract amount not to exceed \$27,884.00 for the purpose of providing additional flagging services for the Southside Wastewater Improvements Project. ~ *Leon Barba, P.E., City Engineer*

Other Information: City Council approved the initial contract with RailPros, Inc. on 8/20/19 for an amount of \$16,580.00.

The purpose of the flagger was to keep lookout for oncoming trains and protect team members while within the UPRR right-of-way. UPRR required the rail be monitored 7 days after the project was completed to ensure it did not shift in elevation. A flagger was also required for the surveyor to take elevation readings on the track.

The scope of work included in this amendment is for additional flagging services that were needed to satisfy UPRR requirements when boring. UPRR required the boring operation remain constant while within 100 feet of the track center line. As a result, an additional flagger was needed for the 25-hour work period.

The scope of work included in this amendment includes:

- Extending the duration for flagging by 2 days to accommodate contractor schedule. In addition, extended the flagging for 7 days for the surveyor to take readings.
- Mobilizing 1 additional flagger to accommodate 25-hour work period.
- Additional overtime hours for shifts exceeding 8 hours within a normal workday.

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Southside - Railpros Flagging Invoice



INVOICE

Remit To:
1320 Greenway Dr #490
Irving TX, 75038
Phone: (682) 223-6897
accounting.fs@railpros.com

Invoice To
CITY OF KYLE

100 W. Center St.
Kyle, Tx 78640

Location: Kyle, TX

Period: Services from 02/03/2020 through 02/25/2020

Total Due : \$27,884.00

Invoice Number : CK1487620200302
Invoice Date : 02 Mar 2020
PO Number :
Task Order Number : 14876

DESCRIPTION	QUANTITY	RATE	AMOUNT
RWIC Austin Greer			
Standard shift (Days)	17.00	\$998.00	\$16,966.00
Overtime hours (Hours)	49.50	\$132.00	\$6,534.00
Weekend shift (Days)	2.00	\$1,260.00	\$2,520.00
RWIC Shawn Ritchey			
Night shift (Days)	1.00	\$1,260.00	\$1,260.00
Night overtime hours (Hours)	4.00	\$151.00	\$604.00

TOTAL: \$27,884.00

Thank you for your business!

Terms: Due on receipt

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

RailPros Field Services, Inc.

2 Business name/disregarded entity name, if different from above

dba Roadway Worker Training, Focal Point, Railroad Protective Services

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

Individual/sole proprietor or single-member LLC C Corporation S Corporation Partnership Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▶ _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

1320 Greenway Drive, Suite 490

6 City, state, and ZIP code

Irving, TX 75038

7 List account number(s) here (optional)

Requester's name and address (optional)

Print or type.
See Specific Instructions on page 3.

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

--	--	--	--	--	--	--	--	--	--	--	--

or

Employer identification number

2	6	-	3	6	6	1	5	2	0
---	---	---	---	---	---	---	---	---	---

Part II Certification

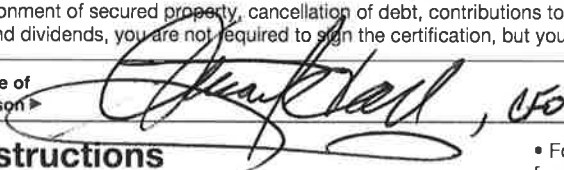
Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person ▶



Date ▶

1-3-2020

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/03/2020	RWIC Name:	Austin Greer
Project Location:	KyleTX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	07:00
Daily Mileage:	44	RWIC End Time:	12:30
Per Diem:	Standard Per Diem	Total Hours:	5.5
UPRR WO#:			

Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	202.8	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Form B		

Description of Work and Daily Itinerary / Notes:

0728: verify form B DJB. 0731: place first board. 0825: job breif with contractors. 0830: contractors begin putting shoring in bore pit. 0930: survey crew take shots of rail. 1000: survey crew finish and sign out. 1130: contractors finish installing shoring and dign out.

Signatures

RWIC Signature:		Date:	02/03/2020
Client Signature:		Date:	02/03/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/04/2020	RWIC Name:	Austin Greer
Project Location:	KyleTX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	06:30
Daily Mileage:	44	RWIC End Time:	19:00
Per Diem:	Standard Per Diem	Total Hours:	12.5
UPRR WO#:			



Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	202.8	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Form B		

Description of Work and Daily Itinerary / Notes:

0634: form B verified CAW. 0636: place first board. 0735: arrive to jobsite and job briefing. 0820: continue digging bore pit and installing shoring. 1525: drop bore rig into bore pit in preparation to bore. 1730: contractors sign out and leave jobsite. 1845: remove final board.

Signatures

RWIC Signature:		Date:	02/04/2020
Client Signature:		Date:	02/04/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/05/2020	RWIC Name:	Austin Greer
Project Location:	KyleTX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	07:30
Daily Mileage:	20	RWIC End Time:	18:30
Per Diem:	Standard Per Diem	Total Hours:	11.0
UPRR WO#:			


Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	203.29	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Watchman Lookout / Train Approach Warning,Track Authority		

Description of Work and Daily Itinerary / Notes:

0730: arrive to jobsite. 0800: contractors arrive. 0815: job briefing. 0840: contractors begin boring. 1210: contractors break for lunch. 1315: contractors resume boring. 1815: contractors begin to clean jobsite. 1830: sign out and leave jobsite.

Signatures

RWIC Signature:		Date:	02/05/2020
Client Signature:		Date:	02/05/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/06/2020	RWIC Name:	Austin Greer
Project Location:	KyleTX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	07:30
Daily Mileage:	20	RWIC End Time:	18:30
Per Diem:	Standard Per Diem	Total Hours:	11.0
UPRR WO#:			



Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	203.29	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Watchman Lookout / Train Approach Warning,Track Authority		

Description of Work and Daily Itinerary / Notes:

0730: arrive to jobsite. 0805: contractors arrive and job briefing. 0845: contractors begin boring. 1220: contractors break for lunch. 1255: contractors resume boring. 1755: contractors begin cleaning jobsite. 1820: contractors sign out and leave jobsite.

Signatures

RWIC Signature:		Date:	02/06/2020
Client Signature:		Date:	02/06/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/07/2020	RWIC Name:	Austin Greer
Project Location:	KyleTX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	07:30
Daily Mileage:	20	RWIC End Time:	18:30
Per Diem:	Standard Per Diem	Total Hours:	11.0
UPRR WO#:			

Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	203.29	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Watchman Lookout / Train Approach Warning, Track Authority		

Description of Work and Daily Itinerary / Notes:

0730: arrive to jobsite. 0750: contractors arrive and job briefing. 0815: contractors begin boring. 1225: break for lunch. 1310: contractors return to work. 1755: contractors begin to clean jobsite. 1830: contractors sign out and leave jobsite.

Signatures

RWIC Signature:		Date:	02/07/2020
Client Signature:		Date:	02/07/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/10/2020	RWIC Name:	Austin Greer
Project Location:	KyleTX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	07:30
Daily Mileage:	20	RWIC End Time:	19:00
Per Diem:	Standard Per Diem	Total Hours:	11.5
UPRR WO#:			



Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	203.29	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Watchman Lookout / Train Approach Warning, Track Authority		

Description of Work and Daily Itinerary / Notes:

0725: arrive to jobsite. 0745: watchman/lookout for survey crew taking shots of tracks. 0825: job brief bore crew. 0840: contractors begin cleaning out bore pit in preparation to drill. 1345: contractors lower boring rig into bore pit. 1420: contractors put auger and pipe onto pit and begin drilling. 1825: contractors begin cleaning jobsite. 1850: contractors sign out.

Signatures

RWIC Signature:		Date:	02/10/2020
Client Signature:		Date:	02/10/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/11/2020	RWIC Name:	Austin Greer
Project Location:	KyleTX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	06:30
Daily Mileage:	32	RWIC End Time:	20:00
Per Diem:	Standard Per Diem	Total Hours:	13.5
UPRR WO#:			

Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	203.29	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Form B		

Description of Work and Daily Itinerary / Notes:

0631: Form B verified JCS. 0639: place first board. 0735: arrive to jobsite. 0805: contractors arrive and job briefing. 0830: contractors begin welding pipe in preparation to bore. 1140: contractors break for lunch. 1225: contractors resume boring. 2000: Relived by flagman Shawn Ritchey

Signatures

RWIC Signature:		Date:	02/11/2020
Client Signature:		Date:	02/11/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/11/2020	RWIC Name:	Shawn Ritchey
Project Location:	kyleTX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	18:00
Daily Mileage:	0	RWIC End Time:	06:00
Per Diem:	Standard Per Diem	Total Hours:	12.0
UPRR WO#:			



Work Zone Information

Subdivision:	Austin	Track Supervisor:	kamron Smith
MP Location:	202.8	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Form B		

Description of Work and Daily Itinerary / Notes:

1800 arrived at jobsight for paperwork and job briefing with other flagman. 2000 started drilling in zone A 2400 drill crew have not made it to the tracks yet. 0200 crew now under tracks. 0400 crew needs 40 more feet to complete. 0600 relief flagger takes over after we job brief.

Signatures

RWIC Signature:		Date:	02/11/2020
Client Signature:		Date:	02/12/2020
Client Name:	oscar arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/12/2020	RWIC Name:	Austin Greer
Project Location:	Kyle TX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	05:30
Daily Mileage:	32	RWIC End Time:	18:30
Per Diem:	Standard Per Diem	Total Hours:	13.0
UPRR WO#:			



Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	202.8	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Form B		

Description of Work and Daily Itinerary / Notes:

2337: Form B 89049 verified MJB - Flagman Shawn Ritchey 0530: arrive to jobsite. 0545: job brief with contractors - contractors continue to bore. 1115: contractors break for lunch. 1200: contractors return to work. 1640: contractors clean jobsite and sign out. 1825: remove final board.

Signatures

RWIC Signature:		Date:	02/12/2020
Client Signature:		Date:	02/12/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/13/2020	RWIC Name:	Austin Greer
Project Location:	Kyle TX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	06:30
Daily Mileage:	44	RWIC End Time:	19:00
Per Diem:	Standard Per Diem	Total Hours:	12.5
UPRR WO#:			



Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	202.8	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Form B		

Description of Work and Daily Itinerary / Notes:

0538: Form B verified MJB. 0635: place first board. 0735: arrive to jobsite. 0745: surveyors arrive to jobsite & job briefing. 0810: contractors arrive to jobsite & job briefing. 0825: contractors continue boring. 1150: contractors break for lunch. 1240: contractors resume work. 1745: contractors clean jobsite, sign out, and leave. 1850: remove final board.

Signatures

RWIC Signature:		Date:	02/13/2020
Client Signature:		Date:	02/13/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/14/2020	RWIC Name:	Austin Greer
Project Location:	Kyle TX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	06:30
Daily Mileage:	280	RWIC End Time:	19:00
Per Diem:	Meals Only Per Diem	Total Hours:	12.5
UPRR WO#:			



Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	202.8	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Form B		

Description of Work and Daily Itinerary / Notes:

0653: verify Form B JCS. 0655: place first board. 0735: arrive to jobsite. 0740: surveyors arrive to jobsite and job briefing. 0810: surveyors sign out and leave. 0815: contractors arrive and job briefing. 0835: contractors begin boring. 1125: break for lunch. 1210: resume boring. 1750: clean jobsite and finish for the day. 1845: remove final board.

Signatures

RWIC Signature:		Date:	02/14/2020
Client Signature:		Date:	02/14/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/17/2020	RWIC Name:	Austin Greer
Project Location:	Kyle TX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	06:30
Daily Mileage:	44	RWIC End Time:	19:00
Per Diem:	Standard Per Diem	Total Hours:	12.5
UPRR WO#:			

Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	202.8	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Form B		

Description of Work and Daily Itinerary / Notes:

0648: Form B Verified DJB. 0650: place first board. 0740: arrive to jobsite. 0745: job brief survey crew. 0805: bore drew arrives and job briefing. 0825: contractors begin removing augers to take shots. 1040: contractors begin welding pipe in bore pit. 1150: contractors break for lunch. 1225: contractors resume work. 1705: contractors finish boring, clean site, and sign out. 1848: remove final board.

Signatures

RWIC Signature:		Date:	02/17/2020
Client Signature:		Date:	02/17/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/18/2020	RWIC Name:	Austin Greer
Project Location:	Kyle TX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	06:30
Daily Mileage:	44	RWIC End Time:	19:00
Per Diem:	Standard Per Diem	Total Hours:	12.5
UPRR WO#:			

Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	202.8	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Form B		

Description of Work and Daily Itinerary / Notes:

0649: verify Form B JCS. 0650: place first board. 0735: arrive to jobsite. 0740: survey crew arrives and job briefing. 0805: survey crew finishes and signs out. 0810: bore crew arrives and job briefing. 0835: bore crew begins yo drill. 1055: contractors break for lunch. 1135: contractors resume drilling. 1640: contractors finish drilling and begin removing augers. 1845: remove final board.

Signatures

RWIC Signature:		Date:	02/18/2020
Client Signature:		Date:	02/18/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/19/2020	RWIC Name:	Austin Greer
Project Location:	Kyle TX	Work Order Number:	
Client:	City of Kyle	Office Phone:	8306132076
RPFS Job#:	14876	RWIC Start Time:	07:00
Daily Mileage:	20	RWIC End Time:	19:00
Per Diem:	Standard Per Diem	Total Hours:	12.0
UPRR WO#:			



Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	203.29	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Watchman Lookout / Train Approach Warning, Track Authority		

Description of Work and Daily Itinerary / Notes:

0705: arrive to jobsite. 0720: survey crew arrives to jobsite and job briefing. 0745: bore crew arrives to jobsite. 0755: survey crew finishes taking shots and signs out. 0830: contractors begin preparing carrier pipe with fittings and pushing it through bore pipe. 1110: contractors break for lunch. 1155: contractors resume pushing carrier pipe through bore pipe. 1855: contractors finishing pushing carrier pipe, sign out, leave jobsite.

Signatures

RWIC Signature:		Date:	02/19/2020
Client Signature:		Date:	02/19/2020
Client Name:	Oscar Arreguin		
Client Number:	8306132076		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	<u>02/20/2020</u>	RWIC Name:	<u>Austin Greer</u>
Project Location:	<u>Kyle TX</u>	Work Order Number:	<u></u>
Client:	<u>City of Kyle</u>	Office Phone:	<u>5127571637</u>
RPFS Job#:	<u>14876</u>	RWIC Start Time:	<u>07:30</u>
Daily Mileage:	<u>20</u>	RWIC End Time:	<u>08:00</u>
Per Diem:	<u>Standard Per Diem</u>	Total Hours:	<u>0.5</u>
UPRR WO#:	<u></u>		



Work Zone Information

Subdivision:	<u>Austin</u>	Track Supervisor:	<u>Kamron Smith</u>
MP Location:	<u>203.29</u>	DOT Crossing:	<u></u>
Status of Job:	<u>On-going</u>		
Type of Protection:	<u>Watchman Lookout / Train Approach Warning</u>		

Description of Work and Daily Itinerary / Notes:

Protect survey crew taking shots of rail.

Signatures

RWIC Signature:		Date:	<u>02/20/2020</u>
Client Signature:		Date:	<u>02/20/2020</u>
Client Name:	<u>Kyle Smith</u>		
Client Number:	<u>5127571637</u>		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/21/2020	RWIC Name:	Austin Greer
Project Location:	Kyle TX	Work Order Number:	
Client:	City of Kyle	Office Phone:	5127571637
RPFS Job#:	14876	RWIC Start Time:	07:00
Daily Mileage:	20	RWIC End Time:	08:00
Per Diem:	Standard Per Diem	Total Hours:	1.0
UPRR WO#:			



Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	203.29	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Watchman Lookout / Train Approach Warning		

Description of Work and Daily Itinerary / Notes:

surveying tracks

Signatures

RWIC Signature:		Date:	02/21/2020
Client Signature:		Date:	02/21/2020
Client Name:	Kyle Smith		
Client Number:	5127571637		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	<u>02/22/2020</u>	RWIC Name:	<u>Austin Greer</u>
Project Location:	<u>Kyle TX</u>	Work Order Number:	<u></u>
Client:	<u>City of Kyle</u>	Office Phone:	<u>5127571637</u>
RPFS Job#:	<u>14876</u>	RWIC Start Time:	<u>07:00</u>
Daily Mileage:	<u>14</u>	RWIC End Time:	<u>08:00</u>
Per Diem:	<u>Standard Per Diem</u>	Total Hours:	<u>1.0</u>
UPRR WO#:	<u></u>		



Work Zone Information

Subdivision:	<u>Austin</u>	Track Supervisor:	<u>Kamron Smith</u>
MP Location:	<u>203.29</u>	DOT Crossing:	<u></u>
Status of Job:	<u>On-going</u>		
Type of Protection:	<u>Watchman Lookout / Train Approach Warning</u>		

Description of Work and Daily Itinerary / Notes:

surveying rail

Signatures

RWIC Signature:		Date:	<u>02/22/2020</u>
Client Signature:		Date:	<u>02/22/2020</u>
Client Name:	<u>Kyle Smith</u>		
Client Number:	<u>5127571637</u>		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/23/2020	RWIC Name:	Austin Greer
Project Location:	Kyle TX	Work Order Number:	
Client:	City of Kyle	Office Phone:	5127571637
RPFS Job#:	14876	RWIC Start Time:	07:00
Daily Mileage:	20	RWIC End Time:	08:00
Per Diem:	Standard Per Diem	Total Hours:	1.0
UPRR WO#:			



Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	203.29	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Watchman Lookout / Train Approach Warning		

Description of Work and Daily Itinerary / Notes:

surveying tracks

Signatures

RWIC Signature:		Date:	02/23/2020
Client Signature:		Date:	02/23/2020
Client Name:	Kyle Smith		
Client Number:	5127571637		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	<u>02/24/2020</u>	RWIC Name:	<u>Austin Greer</u>
Project Location:	<u>KyleTX</u>	Work Order Number:	<u></u>
Client:	<u>City of Kyle</u>	Office Phone:	<u>5127571637</u>
RPFS Job#:	<u>14876</u>	RWIC Start Time:	<u>07:00</u>
Daily Mileage:	<u>14</u>	RWIC End Time:	<u>08:00</u>
Per Diem:	<u>Standard Per Diem</u>	Total Hours:	<u>1.0</u>
UPRR WO#:	<u></u>		


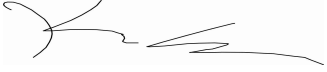
Work Zone Information

Subdivision:	<u>Austin</u>	Track Supervisor:	<u>Kamron Smith</u>
MP Location:	<u>203.29</u>	DOT Crossing:	<u></u>
Status of Job:	<u>On-going</u>		
Type of Protection:	<u>Watchman Lookout / Train Approach Warning</u>		

Description of Work and Daily Itinerary / Notes:

surveying rail

Signatures

RWIC Signature:		Date:	<u>02/24/2020</u>
Client Signature:		Date:	<u>02/24/2020</u>
Client Name:	<u>Kyle Smith</u>		
Client Number:	<u>5127571637</u>		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day

Railroad: Union Pacific

RWIC DAILY WORK REPORT

Project Information

Date:	02/25/2020	RWIC Name:	Austin Greer
Project Location:	KyleTX	Work Order Number:	
Client:	City of Kyle	Office Phone:	5127571637
RPFS Job#:	14876	RWIC Start Time:	07:00
Daily Mileage:	14	RWIC End Time:	08:00
Per Diem:	Standard Per Diem	Total Hours:	1.0
UPRR WO#:			



Work Zone Information

Subdivision:	Austin	Track Supervisor:	Kamron Smith
MP Location:	203.29	DOT Crossing:	
Status of Job:	On-going		
Type of Protection:	Watchman Lookout / Train Approach Warning		

Description of Work and Daily Itinerary / Notes:

surveying rail (final day)

Signatures

RWIC Signature:		Date:	02/25/2020
Client Signature:		Date:	02/25/2020
Client Name:	Kyle Smith		
Client Number:	5127571637		

*Every section must be completely filled out. Daily contractor signature **REQUIRED. NO EXCEPTIONS.**
Submit completed DWRS via email to dwr@railprofs.com or via fax (866) 762-7619

Day Classification: Billable Day



CITY OF KYLE, TEXAS

Construction Manager/Construction Inspector Recommendation for the Wastewater Treatment Plant Expansion

Meeting Date: 4/21/2020
Date time:7:00 PM

Subject/Recommendation: Approve a Resolution authorizing the negotiation of an agreement with BLACK & VEATCH CORPORATION, Austin, Texas, to provide consulting services as the Construction Manager/Construction Inspector for the wastewater treatment plant expansion. ~ *Leon Barba, P.E., City Engineer*

Other Information: A Request for Qualifications (RFQ) was issued on February 12, 2020 seeking qualified consultant services for a construction manager/construction inspector for the wastewater treatment plant expansion. Three (3) submittals were received in response to the RFQ prior to the March 11, 2020 (5:00 PM) deadline. Staff has evaluated the proposals and based on their review; staff is recommending the firm of Black & Veatch Corporation for City Council approval to provide the management and inspection services for the proposed improvements. A contract will be negotiated with the selected firm and brought back to City Council for approval.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Resolution
- RFQ Evaluation Summary
- RFQ Construction Manager/Construction Inspector K20-21.5

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE CITY MAYOR TO EXECUTE AN AGREEMENT WITH BLACK & VEATCH CORPORATION WHOM IN THE CITY'S OPINION IS BEST QUALIFIED TO ASSIST WITH THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION FOR THE CITY OF KYLE WASTEWATER TREATMENT PLANT CONSTRUCTION EXPANSION MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Kyle requested qualifications from professional engineering firms to provide the necessary services required for assisting with the construction management and construction inspection for the wastewater treatment plant construction expansion; and,

WHEREAS, no negotiations have taken place with any of the firms submitting proposals; and,

WHEREAS, the City desires to obtain professional construction management and construction inspection services for the wastewater treatment plant construction expansion; and,

WHEREAS, in the event the City is not able to reach an agreement with the highest ranking engineering firm the City will work with the firms in the order of their qualification ranking to enter into an Agreement to perform the services needed; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

Section 1. Findings. The hereinabove recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. The mayor is hereby authorized to execute a professional services agreement with the successful engineering firm for assistance with the construction management and construction inspection at the wastewater treatment plant construction expansion.

Section 3. Effective Date. This Resolution shall take effect from and after the date of its passage as authorized by the Charter of the City of Kyle, Texas.

Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

PASSED AND APPROVED this 21 day of April, 2020.

THE CITY OF KYLE, TEXAS

ATTEST:

R. Travis Mitchell, Mayor

Jennifer Vetrano, City Secretary

Kyle Wastewater Treatment Plant Expansion
 Construction Manager/Construction Inspection
Engineering
Proposal Evaluation
K20-21.5

Date of Evaluation April 2, 2020

Consideration Items	Weight	Weighted Score		
		BLACK & VEATCH	FOSTER CM GROUP	PLUMMER
Qualifications and Availability	0 to 15	13.4	14	14
Proposed Staff	0 to 35	33.6	29.8	28.2
Project Experience	0 to 20	14.8	16.2	16.6
Project Approach	0 to 30	28.4	25.2	27.8
Total:	100	90.2	85.2	86.6
Ranking:		1	3	2



City of Kyle, Texas

Request for Statement of Interest and Qualifications

For

**Kyle Wastewater Treatment Plant Expansion
Construction Manager (CM)/ Construction Inspector (CI)**

K20-21.5

REQUEST FOR QUALIFICATIONS (RFQ)

Submit one (1) electronic copy (flash drive) and four (4) complete bound copies of your proposal of services and a statement of qualifications for the proposed services to the office of Leon Barba, P.E., City Engineer, City Hall, 100 W. Center St., Kyle, Texas 78640. Qualifications shall be submitted in a sealed envelope clearly marked:

**Professional Services for the
Kyle Wastewater Treatment Plant Expansion
Construction Manager (CM)/ Construction Inspector (CI)
Kyle, Texas
“K20-21.5”**

Sealed qualifications shall be received by the City no later than **March 11, 2020 at 5:00 p.m.** to be considered. The City reserves the right to negotiate with any and all individuals or firms that submit qualifications, as per the Texas Professional Services Procurement Act Section Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises, and Women Business Enterprises are encouraged to submit proposals. The City of Kyle is an Affirmative Action/Equal Opportunity Employer.

No fax submissions will be accepted. No late submissions will be accepted. All submissions received after the deadline will be returned unopened.

Leon Barba, P.E.
City Engineer

Publish: **Wednesday, February 19, 2020**

Wednesday, February 26, 2020

TERMS AND CONDITIONS

Submission of Proposal

Five (5) complete bound copies of the qualifications are required and one (1) electronic authenticated copy (CD or flash drive). The City is not responsible for discrepancies between the submitting firm's electronic version and 'Original' hard copy submittal. The City reserves the right to use the electronic version as an 'Original'.

The complete submittals shall be enclosed in an envelope and plainly marked on the outside of the envelope or on any carrier's envelope:

**Professional Services for the
Kyle Wastewater Treatment Plant
Construction Manager (CM)/Construction Inspector (CI)
Kyle, Texas**

Deadline

Qualifications are to be delivered by 5:00 p.m., **Wednesday, March 11, 2020** to:

Leon Barba, P.E.
City Engineer
City of Kyle City Hall
100 W. Center St.
Kyle, TX 78640

Qualifications delivered after the deadline will not be accepted.

Addenda

To submit written technical questions concerning the RFQ, you may contact:

Leon Barba, P.E.
City Engineer
City of Kyle City Hall
100 W. Center St.
Kyle, TX 78640
or by email at cityengineer@cityofkyle.com

The submission date for questions, clarifications, or **request for general information will be 2:00 p.m., March 2, 2020**. Any requests received after this date will be returned and not addressed. Note that all questions, clarifications, or request for general information are to **be in writing via email or other mail carrier** to the City Engineer.

Any interpretation, correction or change of the RFQ will be made by written ADDENDUM. Changes or corrections will be issued by the City Engineer.

Addenda will be issued as expeditiously as possible. It will be the responsibility of all respondents to contact the City prior to submitting a response to the RFQ to ascertain if any addenda have been issued, and to obtain any and/or all addenda, execute them, and return addenda with the response to the RFQ. Addenda may also be posted on the City's website: www.cityofkyle.com.

Proposals

Firms shall provide all information simply and economically as required by this RFQ. Failure to provide this information may result in rejection of the proposal. Qualifications shall provide a straightforward, concise description of the respondent's ability to meet the requirements. Emphasis shall be on quality, completeness, clarity of content, responsiveness to the requirements, and understanding of City's needs. The City requests the submittal be limited to ten (10) sheets front and back (20 sides), excluding resumes and cover letter/transmittal letter. A copy of current certificate of insurance for professional liability.

1. BACKGROUND

The City of Kyle owns, operates, and maintains an existing wastewater treatment plant (WWTP), which consists of two separate plants, each permitted for a design flow rate of 1.50 MGD and a 2-hour peak flow of 6.0 MGD. Plant 1 was constructed in 2000 and Plant 2 was completed in 2006. Treatment is achieved by aerobic wastewater treatment, clarification, and disinfection prior to discharge of treated effluent into Plum Creek. Both existing plants shall be modified as a function of the construction of the plant expansion. For the expanded wastewater treatment plant, influent wastewater will be screened and pumped prior to being biologically treated in an anaerobic and aerobic basins, separating the solids from the treated wastewater in clarifiers, and disinfecting and aerating the filtered effluent prior to discharge into Plum Creek. Waste solids generated by the existing and expanded treatment facilities will be aerobically digested dewatered and disposed off-site through a contracted service provider.

2. GENERAL REQUIREMENTS

The purpose of this RFQ is to select and contract with the most qualified firm to provide construction management and integrated inspection services to include full-time daily onsite inspection, schedule updates, reporting of construction activities, progress payments, attend progress meetings, and facility commissioning. The goal of the construction management and related inspection services is to achieve the following:

1. Act as an agent of the City of Kyle and shall be responsible to assure that all work is accomplished in accordance with the project plans, specifications, City of Kyle standards and details, in a manner that meets the objectives described.
2. Apply and integrate comprehensive project controls to manage the critical issues of schedule and budget.
3. Ensure quality construction in accordance with the plans and specifications.
4. Assist in establishing and possible maintaining a Project Management Information System (PMIS).
5. Communicate /coordinate the safety and security requirements at the job site.

The Construction Management services must be provided by an independent party that is not involved in the planning, design or construction of the Wastewater Plant Expansion.

At a minimum, each project team during construction shall consist of a Construction Manager (CM), Construction Inspector (CI), and Mechanical, Electrical, and Instrumentation support.

During construction, the Inspector shall maintain an on-site presence while work is in progress.

A construction management contract will be awarded to the selected firm for the phases of work planned at the Kyle Wastewater Treatment Plant. The contract duration is planned for 24-months.

The Construction Manager and Construction Inspection may be the same qualified individual.

3. CONSTRUCTION MANAGEMENT TEAM REQUIREMENTS:

- In-depth knowledge of standard construction specifications, codes and special standards, methods, materials and equipment used in construction of water and wastewater facilities
- Working knowledge of methods of soil compaction and density testing procedures, properties and uses of concrete, and techniques of handling, placing, curing and sampling concrete
- Experience with water and wastewater treatment plant start-up and commissioning.
- Thorough knowledge of materials testing as applicable to water and wastewater facilities.
- In-depth understanding of OSHA Construction Safety Standards
- Minimum of 10 years of construction experience including water and wastewater plants, pipelines, and pumping facilities
- Completion of OSHA 10-hour safety course and other related construction safety training by all onsite personnel (provide certifications for all onsite personnel).

Preference will be given to the firm which has demonstrated capabilities in successfully completing projects of similar scope and complexity and routinely exceed expectations in terms of wastewater treatment facilities construction, project delivery and safety.

GENERAL SCOPE OF SERVICES REQUESTED

Construction Manager (CM)

The Construction Manager (CM) shall monitor the work of the construction contractor and report to City of Kyle Project Manager. The construction manager shall provide construction management and execution of the construction project as set forth in the plans and specifications.

The CM may perform the following duties:

- The CM will coordinate the Inspector for the project
- The CM will monitor monthly the Contractor's actual progress relative to the planned construction schedule
- The CM will coordinate with the City Project Manager to assist in the preparation of meeting agenda, minutes for pre-construction and construction meetings
- The CM will assist in the review and coordination of recommended action on identified field changes of conditions
- The CM will assist in the coordination of the review of RFI's
- The CM will assist in the management, receipt, distribution and return of shop drawings
- The CM will review the draft payment request for completeness and recommend Project Manager action on contract progress payments
- The CM will review field As Built drawings as needed throughout construction, and coordinate submission to Engineer of Record
- The CM will set up, coordinate, and distribute documents for Substantial completion
- The CM will review list of deficiencies identified by CI and recommended contractor corrective actions
- The CM will review and assist with project closeout documents for project completion

Construction Inspector (CI)

The Construction Inspector (CI) shall observe the work of the construction contractor and report to the CM. City of Kyle Project Manager and CI shall provide observation of the work for conformance with the plans and specifications. However, the CI neither guarantees the performance of the contractor nor assumes responsibility for the contractor's failure to perform work in accordance with the contract documents.

The CI can perform the following duties:

- The CI will create daily construction reports for the project, including monitoring and documenting the observed work in the field activity for each day
- The CI will monitor daily the Contractor's actual progress relative to his planned construction schedule

- The CI will attend preconstruction and construction progress meetings
- The CI will help coordinate and advise on field conditions for field changes
- The CI will review the draft payment request for delivery of materials, and quantities completed and recommend to CM and Project Manager action on contract progress payments
- The CI will redline mark up the construction drawings in accordance with the information furnished by the Contractor reflecting changes to the project made during construction and delivery to the CM, Project Manager and Design Engineer
- The CI will coordinate the work of testing laboratories and observation bureaus required for the testing or observation of materials, witnessed test, etc., for quality assurance
- The CI will inspect materials delivered to the site for defects, quantities, and contract compliance
- The CI will conduct, in the company of the Project Manager, CM and Design Engineer a substantial completion review of the project for conformance with the design concept of the project, general compliance with the contract documents
- The CI will provide a list of deficiencies to the contractor, CM and Project Manager
- The CI will observe with the Contractor for the startup and testing of equipment and piping, and instrumentation and electrical systems as specified per the contract documents
- The CI will conduct, in the company of the Project Manager, CM and Design Engineer a final review of the project for conformance with the design concept of the project and general compliance with the contract documents ,verify that items identified on the deficiency list from the substantial completion review have been completed, and make recommendation for final payment to the contractor
- The CI will coordinate with the City of Kyle Plant Staff on operations shutdowns or interruptions of service for the site

RFQ SCHEDULE

The City anticipates the following schedule associated with this RFQ:

Issue RFQ	February 19, 2020
Deadline for questions/clarifications	March 2, 2020
Submittals	March 11, 2020 (5:00 pm)
City Council Approval	April 7, 2020

SELECTION PROCESS

The review committee will be selected by the City Engineer. The committee will analyze and evaluate the submittals. Firms shall completely respond to all components of this RFQ or firm will not be considered. Interviews may be conducted as deemed necessary by City staff.

By submitting a response to this RFQ, firm accepts the evaluation process as outlined in the following section and acknowledges and accepts the determination of the “most qualified” firm may require subjective judgments by the City.

REQUIREMENTS FOR SUBMITTAL

The submittal shall be limited to ten (10) sheets front and back (20 sides), excluding resumes and excluding cover letter/transmittal letter.

Respondents shall carefully read the information in the following evaluation criteria and submit a complete submittal to all questions in this RFQ as formatted below:

Item 1: Qualifications and Availability (15%):

- a) Provide the following information:
 - Legal name of firm.
 - Location of office conducting the work.
 - Contact persons.
 - Date of firm formation.
 - Legal business description (Individual, Corporation, Joint Venture, etc.).
- b) Provide a statement on the availability and commitment of the firms Construction Manager and Construction Inspector, its principal(s) and assigned professionals to undertake the project, reporting responsibilities and how the firm will interface with the City.
- c) Provide a statement of interest for the project including a narrative and unique qualifications.

Item 2: Proposed Staff (35%):

- a) Organizational chart for personnel who may work on this project including licensure and certification information.
- b) Names and roles of key personnel proposed to work on this project.
- c) Include resumes for all key personnel and indicate any individuals who have had previous experience on similar projects.
- d) Provide staff availability to perform services.

Item 3: Project Experience (20%):

- a) Provide an overview and brief history of the firm.
- b) Provide at least two (2) similar projects in the last five (5) years by the project team, including:
 - Project name and location.
 - Name of Construction Manager and Construction Inspector.
 - Services provided.
 - Description of the project. Date of completion or project status.
 - Client name and contact person (reference).
 - History of accomplishing services within established time and budget.

- Project photos are encouraged.

Item 4: Project Approach (30%):

- a) Describe any potential issues that could be encountered during the construction process and the firm's approach to address those issues such as project schedule, materials and equipment delivery, operations, etc.
- b) Identify project leadership, reporting responsibilities and how the firm will interface with the City.
- c) Describe firm's Quality Control/Quality Assurance Program.

2. RESPONSE INSTRUCTIONS

The submittal must follow the format established within this RFQ. Respondent's qualifications will be evaluated, and the most qualified Respondent will be selected, subject to negotiation of fair and reasonable compensation.

3. CONTACT WITH CITY COUNCIL AND AGENCY EMPLOYEES

Firms submitting statements of qualifications, including their agents and representatives, shall not undertake any activities or actions to promote or advertise their statement of qualifications to any member of the Kyle City Council or City staff except in the course of City-sponsored inquiries, briefings, interviews, or presentations between the statement of qualifications submission date and award by City Council. Any violations of this provision may result in disqualification of the firm. Firms are to direct all inquiries to the project contact person noted in this RFQ.

4. COSTS OF PREPARATION AND SUBMISSION

Each firm shall bear responsibility for all costs incurred in order to prepare and submit their response to this RFQ.

5. PROPOSAL REVIEW

All applicable information will be subject to public disclosure in accordance with the Freedom of Information Act, at award of contract, cancellation of this RFQ, or within 180 days, whichever occurs first.

6. PRESENTATIONS

Firms may be required to make presentations and/or provide written clarifications of their responses at the request of the City.



CITY OF KYLE, TEXAS

Eminent Domain - Alexander
Family Trust and BJ-MJ Alexander
- Tract 21

Meeting Date: 4/21/2020

Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* An Ordinance authorizing and directing the acquisition of 0.403 acres, more or less, for a permanent wastewater easement, in addition to the acquisition of 0.240 acres, more or less, for a permanent waterline easement out of separate economic unit of 3.500 acres, more or less, out of a 9.250 acre tract of land (“tract 21”), more or less, Hays County, Texas, and owned by Alexander Family Trust and BJ-MJ Alexander, LTD, more fully described by metes and bounds in Exhibit “A” to this ordinance and required for the completion of the construction, operation, and maintenance of the municipal water and wastewater facilities known as both the Southside Wastewater Improvements Project and the Blanco Basin Water and Wastewater Line Project; finding the acquisition of the property is required and necessary for a bona fide public use and the public’s safety, health and welfare is advanced by such acquisition; finding that the city has complied with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code; confirming and ratifying prior authorizations, actions, and good faith negotiations with the owner of the property pursuant to the Texas Property Code; authorizing and directing city personnel to take such actions as are necessary to exercise the City’s power of eminent domain and acquire the easements on, over, through, and across the tract of land in a condemnation action and to take all other necessary steps to obtain such lands. ~ *Leon Barba, P.E., City Engineer*

Other Information:

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Kyle_Ordinance_Eminent Domain_21
- Metes and Bounds Map Tract 21

ORDINANCE NO. _____

AN ORDINANCE MAKING FINDINGS OF FACT; AUTHORIZING AND DIRECTING THE ACQUISITION OF 0.403 ACRES, MORE OR LESS, FOR A PERMANENT WASTEWATER EASEMENT, IN ADDITION TO THE ACQUISITION OF 0.240 ACRES, MORE OR LESS, FOR A PERMANENT WATERLINE EASEMENT OUT OF SEPARATE ECONOMIC UNIT OF 3.500 ACRES, MORE OR LESS, OUT OF A 9.250 ACRE TRACT OF LAND (“TRACT 21”), MORE OR LESS, LOCATED IN HAYS COUNTY, TEXAS, AND OWNED BY ALEXANDER FAMILY TRUST AND BJ-MJ ALEXANDER, LTD, MORE FULLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT “A” TO THIS ORDINANCE AND REQUIRED FOR THE COMPLETION OF THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE MUNICIPAL WATER AND WASTEWATER FACILITIES KNOWN AS BOTH THE SOUTHSIDE WASTEWATER IMPROVEMENTS PROJECT AND THE BLANCO BASIN WATER AND WASTEWATER LINE PROJECT; FINDING THE ACQUISITION OF THE PROPERTY IS REQUIRED AND NECESSARY FOR A BONA FIDE PUBLIC USE AND THE PUBLIC’S SAFETY, HEALTH AND WELFARE IS ADVANCED BY SUCH ACQUISITION; FINDING THAT THE CITY HAS COMPLIED WITH ALL PRE-ACQUISITION REQUIREMENTS SET FORTH IN CHAPTER 21, TEXAS PROPERTY CODE; CONFIRMING AND RATIFYING PRIOR AUTHORIZATIONS, ACTIONS, AND GOOD FAITH NEGOTIATIONS WITH THE OWNER OF THE PROPERTY PURSUANT TO THE TEXAS PROPERTY CODE; AUTHORIZING AND DIRECTING CITY PERSONNEL TO TAKE SUCH ACTIONS AS ARE NECESSARY TO EXERCISE THE CITY’S POWER OF EMINENT DOMAIN AND ACQUIRE THE EASEMENTS ON, OVER, THROUGH, AND ACROSS THE TRACT OF LAND IN A CONDEMNATION ACTION AND TO TAKE ALL OTHER NECESSARY STEPS TO OBTAIN SUCH LANDS.

Whereas, the City of Kyle, Texas, a home rule municipal corporation (the “City”) that provides water and other utility services to the City and the area within the extraterritorial jurisdiction of the City; and

Whereas, the City is authorized pursuant to Section 1.06, Kyle Home Rule Charter, by and through the procedures outlined in Chapter 21, Texas Property Code, to exercise the power of eminent domain for any public purpose or as necessary or desirable to carry out any power conferred by the Charter or state or federal law; and

Whereas, the City is explicitly authorized pursuant to Section 251.001, Texas Local Government Code, to take private property through the use of eminent domain for various enumerated public uses; and

Whereas, the City is explicitly authorized pursuant to Section 2206.001(c), Texas

Government Code, to take private property through the use of eminent domain for water supply, wastewater, flood control, and drainage projects, as well as the provision of utility services, among other enumerated items; and

Whereas, the City Council has determined that 0.403 acres, more or less, of land for a wastewater easement and 0.240 acres, more or less, of land for a water easement is appropriate, reasonable and necessary to acquire for a public utility on, over, through and across a separate economic unit of 3.5 acres, more or less, out of the tract of land (“Tract 21”) more specifically described by metes and bounds, which is attached hereto (the “Property”), for the purposes of construction, operation, and maintenance of the Blanco Basin Water and Wastewater Line Project and the Southside Wastewater Improvement Project (the “Project”); and

Whereas, the City Council recognizes the need to acquire the Property for the Project and acknowledges that acquisition of the Property is for a bona fide public use as defined by Section 251.001(a)(4), Texas Local Government Code, and is reasonable and necessary for the public health, safety and welfare to serve and benefit the public, citizens of the City and its water customers with water services; and

Whereas, the City Council finds that no reasonable, feasible or prudent alternatives exist but to acquire and take the Property for the Project; and

Whereas, the City Council finds that the City has attempted and will continue, in good faith, to negotiate with The Alexander Family Trust, by and through Mary Jane Alexander as Trustee and Mary Jane Alexander as the Director of Mary Jane Alexander GP, the general partner of BJ -MJ Alexander, LTD. (the “Landowner”), directly and through their attorneys, by complying with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code, including, but not limited to, making an initial offer, providing the Landowner’s Bill of Rights, a copy of the appraisal performed on behalf of the City regarding the Property, and a bona fide final offer; and

Whereas, the City Council finds that the Landowner has rejected the City’s bona fide final offer and/or the requisite time set forth in Chapter 21, Texas Property Code has elapsed, permitting the City to authorize the institution of eminent domain proceedings against the Landowner; and

Whereas, it is essential to the public health and safety that the City acquire the required Property as soon as possible and begin construction of the Project;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the immediate acquisition of the Property, as more specifically described in the following Section 2, is a bona fide public use and essential to the public health, safety and welfare of the citizens of the City; and that all actions required and necessary to acquire such Property for the Project and the related improvements, should be pursued, accomplished and completed immediately.

Section 2. Property To Be Acquired. The following described Property is necessary and essential to the health and public safety of the citizens of the City and the function, performance and operation of a portion of the City’s water system:

- (1) A 0.403 acre tract, more or less, for a wastewater line easement for the purposes of construction, reconstruction, operation, and maintenance of the municipal wastewater line, as well as a 0.240 acre tract, more or less, for a water easement for the purpose of construction, reconstruction, operation and maintenance of the municipal water line, on, over, through and across a separate economic unit of 3.5 acres, more or less, from that 9.25 acre, more or less, tract of land (“Tract 21”) which is part of the John Jones Survey, Abstract 263, Hays County, Texas as more particularly described by metes and bounds and shown in Exhibit “A” attached hereto and incorporated herein as if fully transcribed herein.

Section 3. Acquisition and Negotiation Authorized. The City Manager, the City Attorney and other designated staff are hereby authorized to acquire the Property through the institution of eminent domain proceedings, as set forth in Chapter 21, Texas Property Code, and are directed to initiate and complete all other actions deemed necessary and appropriate to obtain the Property. The City Manager and City Attorney are hereby further authorized to continue good faith negotiations with the Landowner of such Property for the acquisition of the same.

Section 4. Ratification of Actions. All actions heretofore taken by the City Council, the Mayor, city staff, the City Manager, and the City Attorney with respect to the acquisition of the Property described in Section 2 above and the establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights, are hereby confirmed, ratified, approved and adopted by the Council.

Section 6. Further Procedures. The City Manager and the City Attorney are hereby expressly authorized, empowered and directed, from time to time, to do and perform all such acts and things as may be reasonable, necessary and desirable in order to acquire the Property on terms and conditions that are in the best interest of the public, and that provide the Landowner of the Property lawful, just and reasonable compensation.

PASSED AND APPROVED on First Reading this ___ day of April, 2020.

FINALLY PASSED AND APPROVED this ___ day of _____, 2020.

ATTEST:

THE CITY OF KYLE, TEXAS

Jennifer Vetrano, City Secretary

Travis Mitchell, Mayor

EXHIBIT "A"

LEGAL DESCRIPTION – TRACT 21



METES AND BOUNDS

FOR

A 0.403 of an acre, or a 17,554 square foot tract, being out of a called 9.25 acre tract of land conveyed to BJ-MJ Alexander, LTD. by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas. Said 0.403 of an acre tract being more fully described as follows with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone;

COMMENCING: At the intersection of the east right-of-way line of Interstate Highway 35, a variable width public right-of-way, and the northeast right-of-way line of County Road 158, a 45-foot public right-of-way, the west corner of said 9.25 acre tract from which a found TXDOT (Type I) monument bears S 62°33'09" W, a distance of 1.41 feet, said found TXDOT (Type I) monument having state plane coordinate values of, X: 2,325,038.56, Y:13,902,850.50;

THENCE: S 45°58'28" E, along and with the northeast right-of-way line of said County Road 158, the southwest line of said 9.25 acre tract, a distance of 295.68 feet to the POINT OF BEGINNING;

THENCE: Departing the northeast right-of-way line of said County Road 158, over and across said 9.25 acre tract, the following bearings and distances:

N 44°09'32" E, a distance of 15.00 feet to a point;

N 45°58'28" W, a distance of 288.64 feet to a point;

N 04°31'45" E, a distance of 395.46 feet to a point on the northeast line of said 9.25 acre tract the southwest line of a 7.75 acre tract described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas;

THENCE: S 46°18'32" E, along and with the northeast line of said 9.25 acre tract, the southwest line of said 7.75 acre tract, a distance of 32.24 feet to a point;

THENCE: Departing the southwest line of said 7.75 acre tract, over and across said 9.25 acre tract, the following bearings and distances:

S 04°31'45" W, a distance of 363.31 feet to a point;

S 45°58'28" E, a distance of 301.90feet to a point;

S 44°09'32" W, a distance of 40.00 feet to a point on the southwest line of said 9.25 acre tract, the northeast right-of-way line of the aforementioned County Road 158;

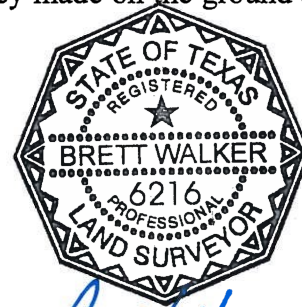


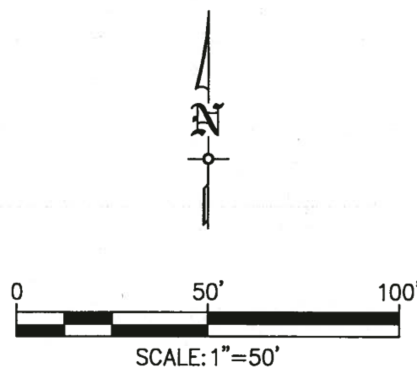
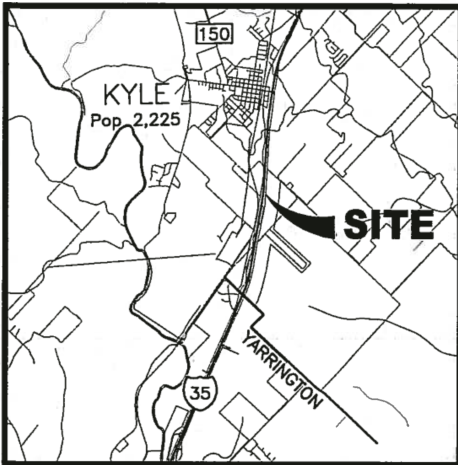
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THENCE: N 45°58'28" W, along and with the northeast right-of-way line of said County Road 158, the southwest line of said 9.25 acre tract, a distance of 25.00 feet to the POINT OF BEGINNING and containing 0.403 of an acre in Hays County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.

Prepared by: LNV Inc.
Job No.: 110466
File: S:\SURVEY\TEMP\Kyle\ MB110466_T21-P R1.docx
Date: November 25, 2013
Revised: February 25, 2015
TBPLS Firm No.: 10126502





- NOTE:**
1. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983(CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE
 2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

REFERENCE:

OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 PR PLAT RECORDS OF HAYS COUNTY, TEXAS

LEGEND:

□ FOUND TXDOT MONUMENT

LINE	BEARING	DISTANCE
L1	N 44°09'32" E	15.00'
L2	S 46°18'32" E	32.24'
L3	S 44°09'32" W	40.00'
L4	N 45°58'28" W	25.00'

15-FOOT PROPOSED WATERLINE EASEMENT

25-FOOT PERMANENT WASTEWATER EASEMENT
0.403 AC
(17,554 SF)

S 62°33'09" W 1.41'

P.O.C.
 FOUND TXDOT
 (TYPE I) MONUMENT

X= 2,325,038.56
 Y=13,902,850.50

INTERSTATE HIGHWAY 35
 (VARIABLE WIDTH PUBLIC R.O.W.)

REVISED: 2-25-15
 I hereby certify that:

This exhibit was prepared based on a survey made on the ground under my direct supervision.

This 25th day of November, 2013 A.D.

[Signature]

Brett Walker
 Registered Professional Land Surveyor No. 6216



TRACT 22
 7.75 ACRES
 (VOL. 3368, PGS. 130-132 O.P.R.)

JOHN JONES SURVEY
 A-263

TRACT 21
 9.25 ACRES
 BJ-MJ ALEXANDER, LTD.
 (VOL. 3368, PGS. 130-132 O.P.R.)

COUNTY ROAD 158
 (45' PUBLIC R.O.W.)

P.O.B.



engineers | architects | contractors

8918 TESORO DR., STE. 401
 SAN ANTONIO, TEXAS 78217
 TBPE FIRM NO. F-366

PH. (210) 822-2232
 FAX (210) 822-4032
 WWW.LNVINC.COM

EXHIBIT OF

A 0.403 of an acre, or a 17,554 square foot tract, being out of a called 9.25 acre tract of land conveyed to BJ-MJ Alexander, LTD. by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas.

DRAWN BY: JMW
 SCALE: 1"=50'
 DATE: 11-25-13
 SHEET

3 OF 3
 Item # 10



METES AND BOUNDS

FOR

A 0.240 of an acre, or a 10,459 square foot tract, being out of a called 9.25 acre tract of land conveyed to BJ-MJ Alexander, LTD. by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas. Said 0.240 of an acre tract being more fully described as follows with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone;

BEGINNING: At the intersection of the east right-of-way line of Interstate Highway 35, a variable width public right-of-way, and the northeast right-of-way line of County Road 158, a 45-foot public right-of-way, the west corner of said 9.25 acre tract from which a found TXDOT (Type I) monument bears S 62°33'09" W, a distance of 1.41 feet, said found TXDOT (Type I) monument having state plane coordinate values of, X: 2,325,038.56, Y:13,902,850.50;

THENCE: N 04°31'45" E, along and with the east right-of-way line of said Interstate Highway 35, the west line of said 9.25 acre tract, a distance of 403.61 feet to a point;

THENCE: N 04°13'48" E, continuing along and with the east right-of-way line of said Interstate Highway 35, the west line of said 9.25 acre tract, a distance of 11.19 feet to the north corner of said 9.25 acre tract, the west corner of a 7.75 acre tract described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas;

THENCE: S 46°18'32" E, departing the east right-of-way line of said Interstate Highway 35, along and with the northeast line of said 9.25 acre tract, the southwest line of said 7.75 acre tract, a distance of 19.42 feet to a point;

THENCE: Departing the southwest line of said 7.75 acre tract, over and across said 9.25 acre tract, the following bearings and distances:

S 04°31'45" W, a distance of 395.46 feet to a point;

S 45°58'28" E, a distance of 288.64 feet to a point;

S 44°09'32" W, a distance of 15.00 feet to a point on the northeast right-of-way line of County Road 158;

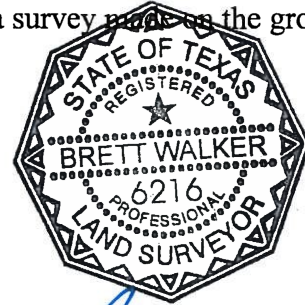


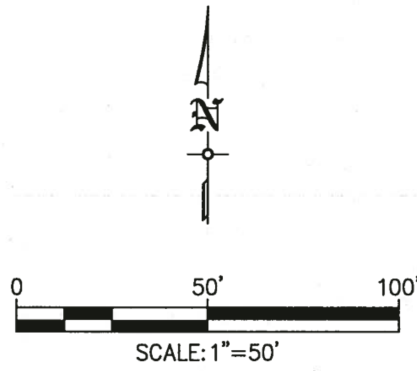
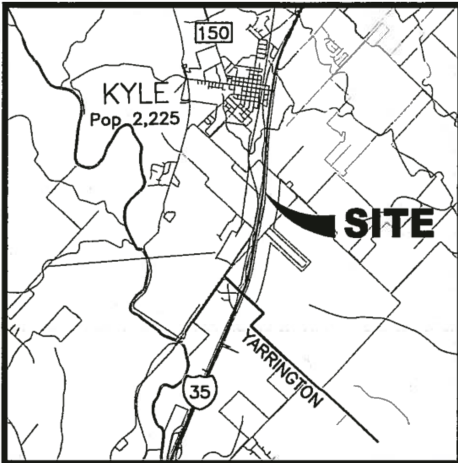
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THENCE: N 45°58'28" W, along and with the northeast right-of-way line of said County Road 158, the southwest line of said 9.25 acre tract, a distance of 295.68 feet to the POINT OF BEGINNING and containing 0.240 of an acre in Hays County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.

Prepared by: LNV Inc.
Job No.: 110466
File: S:\SURVEY\TEMP\Kyle\ MB110466_T21-P W.docx
Date: November 25, 2013
Revised: February 25, 2015
TBPLS Firm No.: 10126502





- NOTE:**
1. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983(CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE
 2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

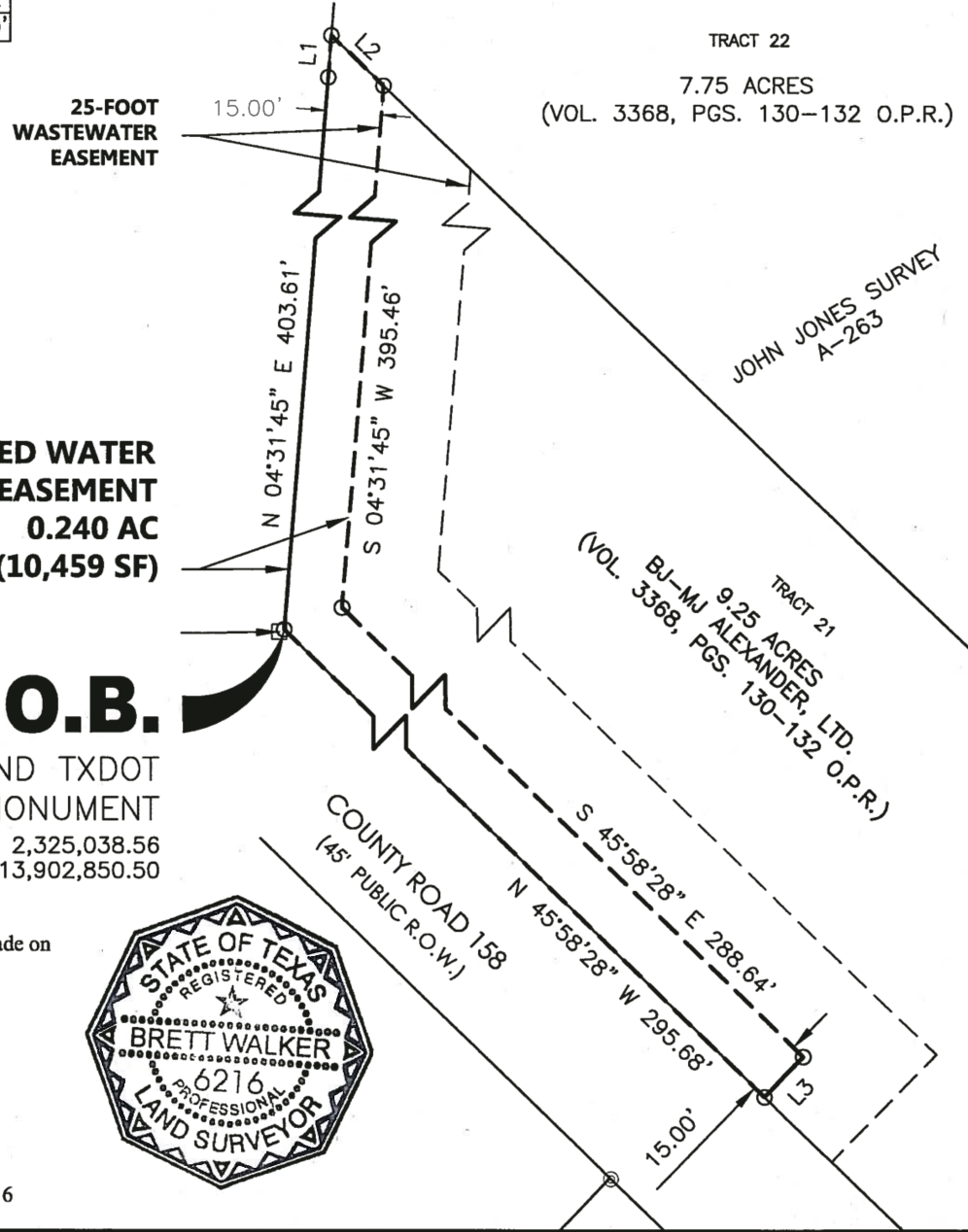
REFERENCE:

OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 PR PLAT RECORDS OF HAYS COUNTY, TEXAS

LEGEND:

□ FOUND TXDOT MONUMENT

LINE	BEARING	DISTANCE
L1	N 04°13'48" E	11.19'
L2	S 46°18'32" E	19.42'
L3	S 44°09'32" W	15.00'



INTERSTATE HIGHWAY 35
 (VARIABLE WIDTH PUBLIC R.O.W.)

15-FOOT PROPOSED WATER LINE EASEMENT
0.240 AC
(10,459 SF)

P.O.B.
 FOUND TXDOT
 (TYPE I) MONUMENT
 X= 2,325,038.56
 Y=13,902,850.50

I hereby certify that:

This exhibit was prepared based on a survey made on the ground under my direct supervision.

This 25th day of November, 2013_ A.D.

Brett Walker



Brett Walker
 Registered Professional Land Surveyor No. 6216



engineers | architects | contractors
 8918 TESORO DR., STE. 401
 SAN ANTONIO, TEXAS 78217
 TBPE FIRM NO. F-366
 PH. (210) 822-2232
 FAX (210) 822-4032
 WWW.LNVINC.COM

EXHIBIT OF
 A 0.240 of an acre, or a 10,459 square foot tract, being out of a called 9.25 acre tract of land conveyed to BJ-MJ Alexander, LTD. by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas.

DRAWN BY: JMW
 SCALE: 1"=50'
 DATE: 2-25-15
 SHEET



CITY OF KYLE, TEXAS

Eminent Domain - Alexander
Family Trust and BJ-MJ Alexander
- Tract 22

Meeting Date: 4/21/2020

Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* An Ordinance authorizing and directing the acquisition of 0.20 acres, more or less, for a permanent wastewater easement, in addition to the acquisition of 0.12 acres, more or less, for a permanent waterline easement out of a separate economic unit of 3.00 acres, more or less, out of the 7.75 acre tract of land (tract 22), more or less, located in Hays County, Texas, and owned by Alexander Family Trust and BJ-MJ Alexander, LTD, more fully described by metes and bounds in Exhibit "A" to this ordinance and required for the completion of the construction, operation, and maintenance of the municipal water and wastewater facilities known as both the Southside Wastewater Improvements Project and the Blanco Basin Water and Wastewater Line Project; finding the acquisition of the property is required and necessary for a bona fide public use and the public's safety, health and welfare is advanced by such acquisition; finding that the city has complied with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code; confirming and ratifying prior authorizations, actions, and good faith negotiations with the owner of the property pursuant to the Texas Property Code; authorizing and directing city personnel to take such actions as are necessary to exercise the City's power of eminent domain and acquire the easements on, over, through, and across the tract of land in a condemnation action and to take all other necessary steps to obtain such lands. ~ Leon Barba, P.E., City Engineer

Other Information:

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Kyle_Ordinance_Eminent Domain_22
- Metes and Bounds Map Tract 22

ORDINANCE NO. _____

AN ORDINANCE MAKING FINDINGS OF FACT; AUTHORIZING AND DIRECTING THE ACQUISITION OF 0.20 ACRES, MORE OR LESS, FOR A PERMANENT WASTEWATER EASEMENT, IN ADDITION TO THE ACQUISITION OF 0.12 ACRES, MORE OR LESS, FOR A PERMANENT WATERLINE EASEMENT OUT OF A SEPARATE ECONOMIC UNIT OF 3.00 ACRES, MORE OR LESS, OUT OF THE 7.75 ACRE TRACT OF LAND (TRACT 22), MORE OR LESS, LOCATED IN HAYS COUNTY, TEXAS, AND OWNED BY ALEXANDER FAMILY TRUST AND BJ-MJ ALEXANDER, LTD, MORE FULLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" TO THIS ORDINANCE AND REQUIRED FOR THE COMPLETION OF THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE MUNICIPAL WATER AND WASTEWATER FACILITIES KNOWN AS BOTH THE SOUTHSIDE WASTEWATER IMPROVEMENTS PROJECT AND THE BLANCO BASIN WATER AND WASTEWATER LINE PROJECT; FINDING THE ACQUISITION OF THE PROPERTY IS REQUIRED AND NECESSARY FOR A BONA FIDE PUBLIC USE AND THE PUBLIC'S SAFETY, HEALTH AND WELFARE IS ADVANCED BY SUCH ACQUISITION; FINDING THAT THE CITY HAS COMPLIED WITH ALL PRE-ACQUISITION REQUIREMENTS SET FORTH IN CHAPTER 21, TEXAS PROPERTY CODE; CONFIRMING AND RATIFYING PRIOR AUTHORIZATIONS, ACTIONS, AND GOOD FAITH NEGOTIATIONS WITH THE OWNER OF THE PROPERTY PURSUANT TO THE TEXAS PROPERTY CODE; AUTHORIZING AND DIRECTING CITY PERSONNEL TO TAKE SUCH ACTIONS AS ARE NECESSARY TO EXERCISE THE CITY'S POWER OF EMINENT DOMAIN AND ACQUIRE THE EASEMENTS ON, OVER, THROUGH, AND ACROSS THE TRACT OF LAND IN A CONDEMNATION ACTION AND TO TAKE ALL OTHER NECESSARY STEPS TO OBTAIN SUCH LANDS.

Whereas, the City of Kyle, Texas, a home rule municipal corporation (the "City") that provides water and other utility services to the City and the area within the extraterritorial jurisdiction of the City; and

Whereas, the City is authorized pursuant to Section 1.06, Kyle Home Rule Charter, by and through the procedures outlined in Chapter 21, Texas Property Code, to exercise the power of eminent domain for any public purpose or as necessary or desirable to carry out any power conferred by the Charter or state or federal law; and

Whereas, the City is explicitly authorized pursuant to Section 251.001, Texas Local Government Code, to take private property through the use of eminent domain for various enumerated public uses; and

Whereas, the City is explicitly authorized pursuant to Section 2206.001(c), Texas

Government Code, to take private property through the use of eminent domain for water supply, wastewater, flood control, and drainage projects, as well as the provision of utility services, among other enumerated items; and

Whereas, the City Council has determined that 0.20 acres, more or less, of land for a wastewater easement and 0.12 acres, more or less, of land for a water easement is appropriate, reasonable and necessary to acquire for a public utility on, over, through and across a separate economic unit of 3.0 acres, more or less, out of the tract of land (“Tract 22”) more specifically described by metes and bounds, which is attached hereto (the “Property”), for the purposes of construction, operation, and maintenance of the Blanco Basin Water and Wastewater Line Project and the Southside Wastewater Improvement Project (the “Project”); and

Whereas, the City Council recognizes the need to acquire the Property for the Project and acknowledges that acquisition of the Property is for a bona fide public use as defined by Section 251.001(a)(4), Texas Local Government Code, and is reasonable and necessary for the public health, safety and welfare to serve and benefit the public, citizens of the City and its water customers with water services; and

Whereas, the City Council finds that no reasonable, feasible or prudent alternatives exist but to acquire and take the Property for the Project; and

Whereas, the City Council finds that the City has attempted and will continue, in good faith, to negotiate with The Alexander Family Trust, by and through Mary Jane Alexander as Trustee and Mary Jane Alexander as the Director of Mary Jane Alexander GP, the general partner of BJ -MJ Alexander, LTD. (the “Landowner”), directly and through their attorneys, by complying with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code, including, but not limited to, making an initial offer, providing the Landowner’s Bill of Rights, a copy of the appraisal performed on behalf of the City regarding the Property, and a bona fide final offer; and

Whereas, the City Council finds that the Landowner has rejected the City’s bona fide final offer and/or the requisite time set forth in Chapter 21, Texas Property Code has elapsed, permitting the City to authorize the institution of eminent domain proceedings against the Landowner; and

Whereas, it is essential to the public health and safety that the City acquire the required Property as soon as possible and begin construction of the Project;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the immediate acquisition of the Property, as more specifically described in the following Section 2, is a bona fide public use and essential to the public health, safety and welfare of the citizens of the City; and that all actions required and necessary to acquire such Property for the Project and the related improvements, should be pursued, accomplished and completed immediately.

Section 2. Property To Be Acquired. The following described Property is necessary and essential to the health and public safety of the citizens of the City and the function, performance and operation of a portion of the City’s water system:

- (1) A 0.20 acre tract, more or less, for a wastewater line easement for the purposes of construction, reconstruction, operation, and maintenance of the municipal wastewater line, as well as a 0.12 acre tract, more or less, for a water easement for the purpose of construction, reconstruction, operation and maintenance of the municipal water line, on, over, through and across a separate economic unit of 3.0 acres, more or less, from that 7.75 acre, more or less, tract of land (“Tract 22”) which is part of the John Jones Survey, Abstract 263, Hays County, Texas as more particularly described by metes and bounds and shown in Exhibit “A” attached hereto and incorporated herein as if fully transcribed herein.

Section 3. Acquisition and Negotiation Authorized. The City Manager, the City Attorney and other designated staff are hereby authorized to acquire the Property through the institution of eminent domain proceedings, as set forth in Chapter 21, Texas Property Code, and are directed to initiate and complete all other actions deemed necessary and appropriate to obtain the Property. The City Manager and City Attorney are hereby further authorized to continue good faith negotiations with the Landowner of such Property for the acquisition of the same.

Section 4. Ratification of Actions. All actions heretofore taken by the City Council, the Mayor, city staff, the City Manager, and the City Attorney with respect to the acquisition of the Property described in Section 2 above and the establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights, are hereby confirmed, ratified, approved and adopted by the Council.

Section 6. Further Procedures. The City Manager and the City Attorney are hereby expressly authorized, empowered and directed, from time to time, to do and perform all such acts and things as may be reasonable, necessary and desirable in order to acquire the Property on terms and conditions that are in the best interest of the public, and that provide the Landowner of the Property lawful, just and reasonable compensation.

PASSED AND APPROVED on First Reading this ___ day of April, 2020.

FINALLY PASSED AND APPROVED this ___ day of _____, 2020.

ATTEST:

THE CITY OF KYLE, TEXAS

Jennifer Vetrano, City Secretary

Travis Mitchell, Mayor

EXHIBIT "A"

LEGAL DESCRIPTION – TRACT 22



METES AND BOUNDS

FOR

A 0.200 of an acre, or a 8,726 square foot tract, being out of a called 7.75 acre tract of land conveyed to BJ-MJ Alexander, LTD. described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas. Said 0.200 of an acre tract being more fully described as follows with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone:

COMMENCING: On the southeast right-of-way line of Interstate Highway 35, a variable width public right-of-way, the west corner of a 9.25 acre tract described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, from which a found TXDOT (Type I) monument bears S 62°33'09" W, a distance of 1.41 feet, said TXDOT (Type I) monument also having state plane coordinate values of, X: 2,325,038.56 Y: 13,902,850.50;

THENCE: N 04°31'16" E, along and with the southeast right-of-way line of said Interstate Highway 35, the west line of said 9.25 acre tract, a distance of 414.80 feet to the west corner of said 7.75 acre tract, the northwest corner of said 9.25 acre tract;

THENCE: S 46°18'32" E, along and with the southwest line of said 7.75 acre tract, the northeast line of said 9.25 acre tract, a distance of 19.43 feet to the POINT OF BEGINNING of the herein described tract;

THENCE: N 04°13'48" E, departing the northeast line of said 9.25 acre tract, over and across said 7.75 acre tract, a distance of 349.06 feet to a point on the northeast line of said 7.75 acre tract, the southwest line of a 23.70 acre tract described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas;

THENCE: S 46°17'45" E, along and with the northeast line of said 7.75 acre tract, the southwest line of said 23.70 acre tract, a distance of 32.39 feet to a point;

THENCE: S 04°13'48" W, departing southwest line of said 23.70 acre tract, over and across said 7.75 acre tract, a distance of 349.05 feet to a point on the southwest line of said 7.75 acre tract, the northeast line of the aforementioned 9.25 acre tract;



engineers | architects | contractors

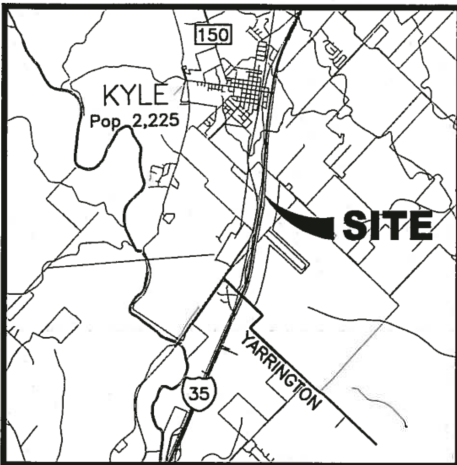
SOLUTIONS TODAY WITH
A VISION FOR TOMORROW

THENCE: N 46°18'32" W, along and with the southwest line of said 7.75 acre tract, the northeast line of the said 9.25 acre tract, a distance of 32.24 feet to the POINT OF BEGINNING and containing 0.200 of an acre in Hays County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.

Prepared by: LNV Inc.
Job No.: 110466
File: S:\SURVEY\TEMP\Kyle\ MB110466_T22-P R1.docx
Date: November 25, 2013
Revised: February 25, 2015
TBPLS Firm No.: 10126502



Brett Walker



NOTE:

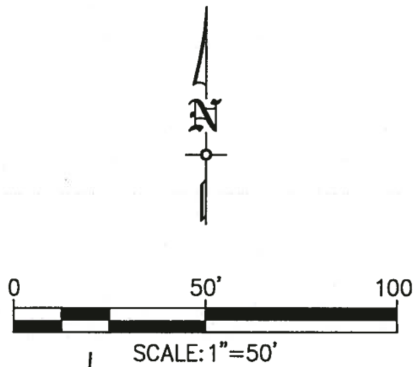
1. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983(CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE
2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

REFERENCE:

- OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 PR PLAT RECORDS OF HAYS COUNTY, TEXAS

LEGEND:

- FOUND TXDOT MONUMENT



LINE	BEARING	DISTANCE
L1	S 46°17'45" E	32.39'
L2	N 46°18'32" W	32.24'

25-FOOT PERMANENT WASTE WATER EASEMENT
0.200 AC (8,726 SF)

INTERSTATE HIGHWAY 35
 (VARIABLE WIDTH PUBLIC R.O.W.)

15-FOOT PROPOSED WATERLINE EASEMENT

S 46°18'32" E 19.43'

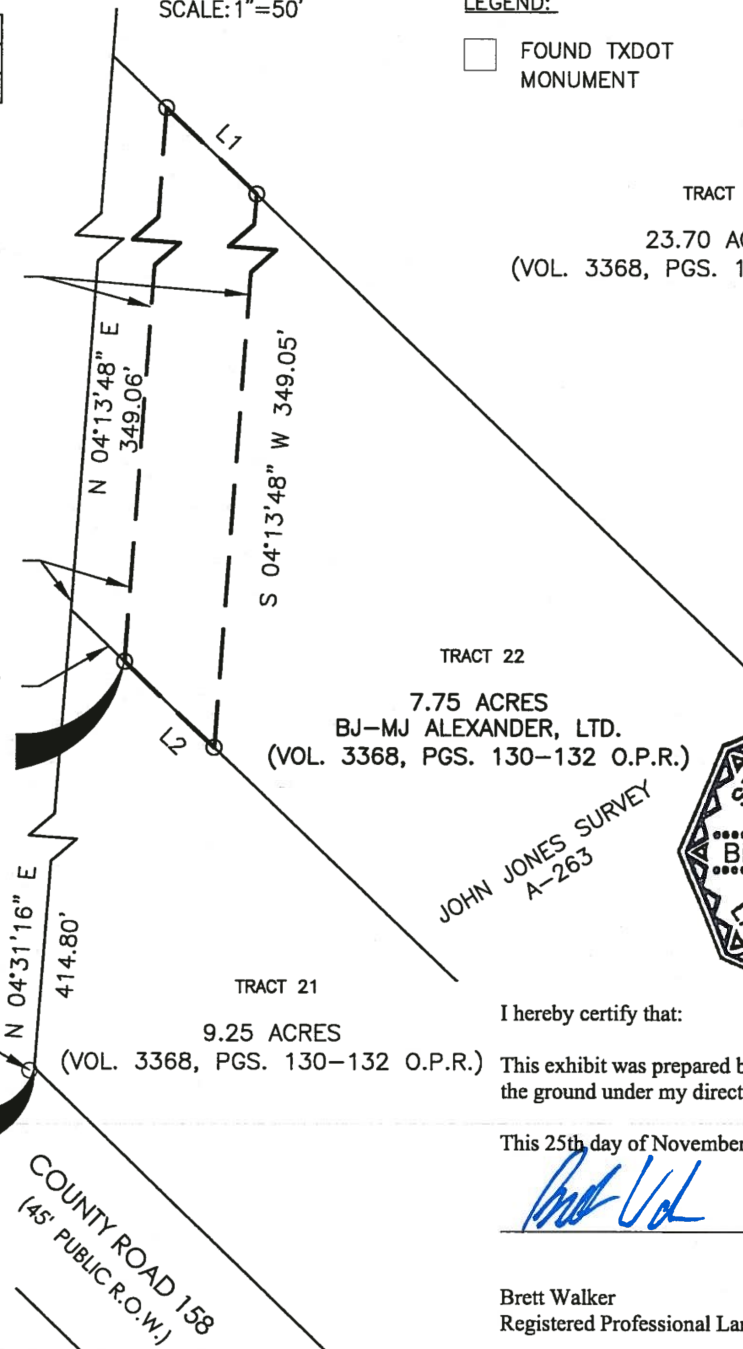
P.O.B.

S 62°33'09" W 1.41'

P.O.C.

FOUND TXDOT CONCRETE MONUMENT

X= 2,325,038.56
 Y=13,902,850.50



TRACT 23
 23.70 ACRES
 (VOL. 3368, PGS. 130-132 O.P.R.)

TRACT 22
 7.75 ACRES
 BJ-MJ ALEXANDER, LTD.
 (VOL. 3368, PGS. 130-132 O.P.R.)

TRACT 21
 9.25 ACRES
 (VOL. 3368, PGS. 130-132 O.P.R.)

JOHN JONES SURVEY
 A-263



I hereby certify that:

This exhibit was prepared based on a survey made on the ground under my direct supervision.

This 25th day of November, 2013_ A.D.

Brett Walker

Brett Walker
 Registered Professional Land Surveyor No. 6216



engineers | architects | contractors

8918 TESORO DR., STE. 401
 SAN ANTONIO, TEXAS 78217
 TBPE FIRM NO. F-366

PH. (210) 822-2232
 FAX (210) 822-4032
 WWW.LNVINC.COM

EXHIBIT OF

A 0.200 of an acre, or a 8,726 square foot tract, being out of a called 7.75 acre tract of land conveyed to BJ-MJ Alexander, LTD. described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas.

DRAWN BY: JMW
 SCALE: 1"=50'
 DATE: 2-25-15
 SHEET

3 OF 3



METES AND BOUNDS

FOR

A 0.120 of an acre, or a 5,236 square foot tract, being out of a called 7.75 acre tract of land conveyed to BJ-MJ Alexander, LTD. described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas. Said 0.120 of an acre tract being more fully described as follows with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone:

COMMENCING: On the southeast right-of-way line of Interstate Highway 35, a variable width public right-of-way, the west corner of a 9.25 acre tract described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, from which a found TXDOT (Type I) monument bears S 62°33'09" W, a distance of 1.41 feet, said TXDOT (Type I) monument also having state plane coordinate values of, X: 2,325,038.56 Y: 13,902,850.50;

THENCE: N 04°31'16" E, along and with the southeast right-of-way line of said Interstate Highway 35, the west line of said 9.25 acre tract, a distance of 414.80 feet to the west corner of said 7.75 acre tract, the northwest corner of said 9.25 acre tract, the POINT OF BEGINNING of the herein described tract;

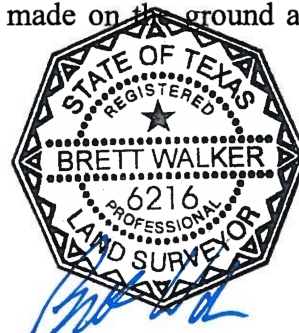
THENCE: N 04°13'48" E, a distance of 349.07 feet to the north corner of said 7.75 acre tract, the west corner of a 23.70 acre tract described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas;

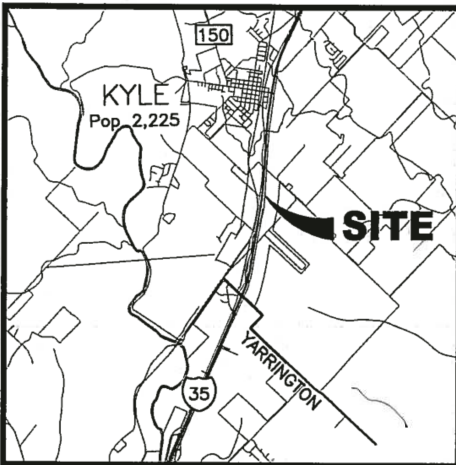
THENCE: S 46°17'45" E, departing the southeast right-of-way line of Interstate Highway 35, along and with the northeast line of said 7.75 acre tract, the southwest line of said 23.70 acre tract, a distance of 19.43 feet to a point;

THENCE: S 04°13'48" W, departing the southwest line of said 23.70 acre tract, over and across said 7.75 acre tract distance of 343.84 feet to a point on the southwest line of said 7.75 acre tract, the northeast line of the aforementioned 9.25 acre tract;

THENCE: N 46°18'32" W, along and with the southwest line of said 7.75 acre tract, the northeast line of the said 9.25 acre tract, a distance of 25.87 feet to the POINT OF BEGINNING and containing 0.120 of an acre in Hays County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.

Prepared by: LNV Inc.
Job No.: 110466
File: S:\SURVEY\TEMP\Kyle\MB110466_T22-P W.docx
Date: November 25, 2013
Revised: February 25, 2015
TBPLS Firm No.: 10126502





NOTE:

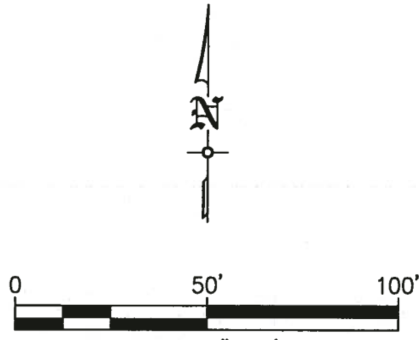
1. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983(CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE
2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

REFERENCE:

- OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 PR PLAT RECORDS OF HAYS COUNTY, TEXAS

LEGEND:

FOUND TXDOT MONUMENT

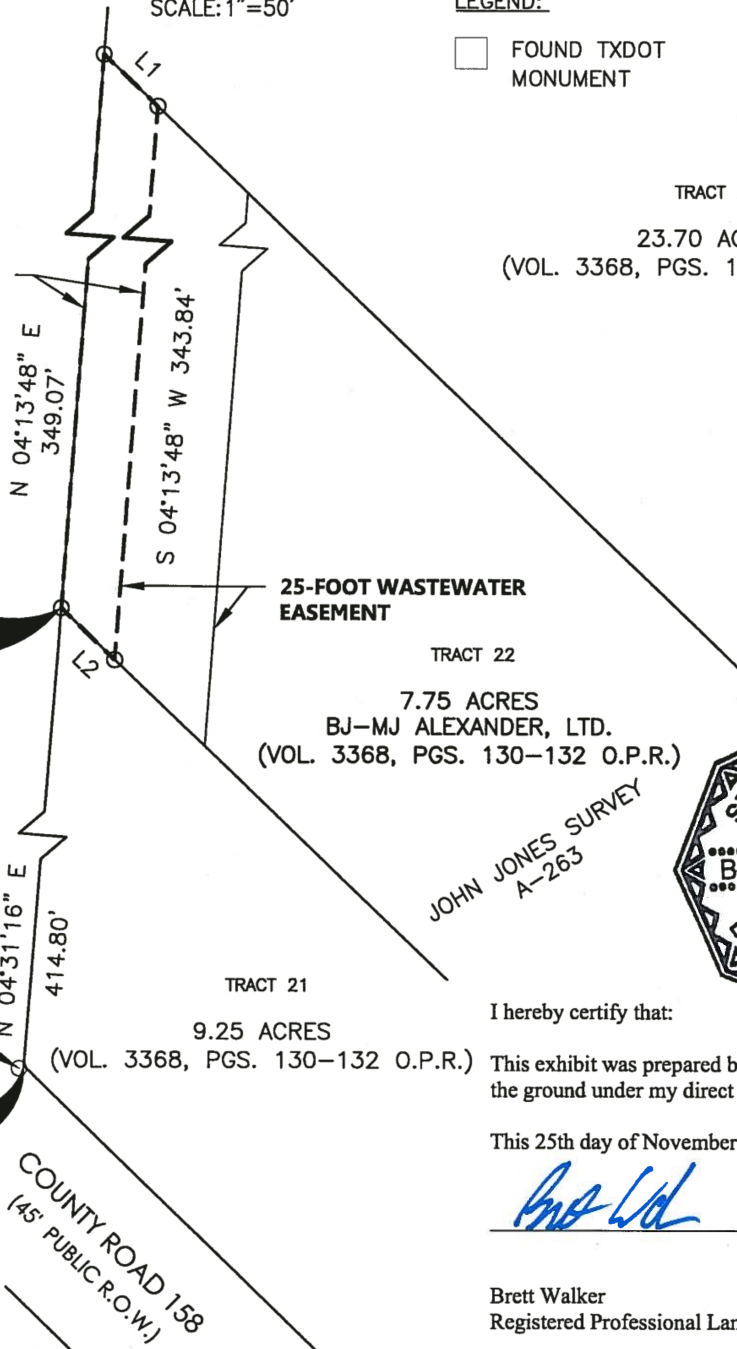


LINE	BEARING	DISTANCE
L1	S 46°17'45" E	19.43'
L2	N 46°18'32" W	19.43'

15-FOOT PROPOSED WATER LINE EASEMENT
0.120 AC
(5,236 SF)

INTERSTATE HIGHWAY 35
 (VARIABLE WIDTH PUBLIC R.O.W.)

P.O.B.



TRACT 23
 23.70 ACRES
 (VOL. 3368, PGS. 130-132 O.P.R.)

TRACT 22
 7.75 ACRES
 BJ-MJ ALEXANDER, LTD.
 (VOL. 3368, PGS. 130-132 O.P.R.)

JOHN JONES SURVEY
 A-263



TRACT 21
 9.25 ACRES
 (VOL. 3368, PGS. 130-132 O.P.R.)

I hereby certify that:

This exhibit was prepared based on a survey made on the ground under my direct supervision.

This 25th day of November, 2013_ A.D.

Brett Walker
 Registered Professional Land Surveyor No. 6216

P.O.C.
 FOUND TXDOT
 CONCRETE MONUMENT
 X= 2,325,038.56
 Y=13,902,850.50

COUNTY ROAD 158
 (45' PUBLIC R.O.W.)



engineers | architects | contractors

8918 TESORO DR., STE. 401
 SAN ANTONIO, TEXAS 78217
 TBPE FIRM NO. F-368

PH. (210) 822-2232
 FAX (210) 822-4032
 WWW.LNVINC.COM

EXHIBIT
 OF

A 0.120 of an acre, or a 5,236 square foot tract, being out of a called 7.75 acre tract of land conveyed to BJ-MJ Alexander, LTD. described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas.

DRAWN BY: JMW

SCALE: 1"=50'

DATE: 2-25-15

SHEET

2 OF 2



CITY OF KYLE, TEXAS

Eminent Domain - Alexander
Family Trust and BJ-MJ Alexander
- Tract 23

Meeting Date: 4/21/2020
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* An Ordinance making findings of fact; authorizing and directing the acquisition of 0.475 acres, more or less, for a permanent wastewater easement, in addition to the acquisition of 0.285 acres, more or less, for a permanent waterline easement out of a separate economic unit of 6.00 acres, more or less, out of the 23.700 acre tract of land (tract 23), more or less, located in Hays County, Texas, and owned by Alexander Family Trust and BJ-MJ Alexander, LTD, more fully described by metes and bounds in Exhibit “A” to this ordinance and required for the completion of the construction, operation, and maintenance of the municipal water and wastewater facilities known as both the Southside Wastewater Improvements Project and the Blanco Basin Water and Wastewater Line Project; finding the acquisition of the property is required and necessary for a bona fide public use and the public’s safety, health and welfare is advanced by such acquisition; finding that the city has complied with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code; confirming and ratifying prior authorizations, actions, and good faith negotiations with the owner of the property pursuant to the Texas Property Code; authorizing and directing city personnel to take such actions as are necessary to exercise the City’s power of eminent domain and acquire the easements on, over, through, and across the tract of land in a condemnation action and to take all other necessary steps to obtain such lands. ~ *Leon Barba, P.E., City Engineer*

Other Information:

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Kyle_Ordinance_Eminent Domain_23
- Metes and Bounds Map Tract 23

ORDINANCE NO. _____

AN ORDINANCE MAKING FINDINGS OF FACT; AUTHORIZING AND DIRECTING THE ACQUISITION OF 0.475 ACRES, MORE OR LESS, FOR A PERMANENT WASTEWATER EASEMENT, IN ADDITION TO THE ACQUISITION OF 0.285 ACRES, MORE OR LESS, FOR A PERMANENT WATERLINE EASEMENT OUT OF A SEPARATE ECONOMIC UNIT OF 6.00 ACRES, MORE OR LESS, OUT OF THE 23.700 ACRE TRACT OF LAND (TRACT 23), MORE OR LESS, LOCATED IN HAYS COUNTY, TEXAS, AND OWNED BY ALEXANDER FAMILY TRUST AND BJ-MJ ALEXANDER, LTD, MORE FULLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" TO THIS ORDINANCE AND REQUIRED FOR THE COMPLETION OF THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE MUNICIPAL WATER AND WASTEWATER FACILITIES KNOWN AS BOTH THE SOUTHSIDE WASTEWATER IMPROVEMENTS PROJECT AND THE BLANCO BASIN WATER AND WASTEWATER LINE PROJECT; FINDING THE ACQUISITION OF THE PROPERTY IS REQUIRED AND NECESSARY FOR A BONA FIDE PUBLIC USE AND THE PUBLIC'S SAFETY, HEALTH AND WELFARE IS ADVANCED BY SUCH ACQUISITION; FINDING THAT THE CITY HAS COMPLIED WITH ALL PRE-ACQUISITION REQUIREMENTS SET FORTH IN CHAPTER 21, TEXAS PROPERTY CODE; CONFIRMING AND RATIFYING PRIOR AUTHORIZATIONS, ACTIONS, AND GOOD FAITH NEGOTIATIONS WITH THE OWNER OF THE PROPERTY PURSUANT TO THE TEXAS PROPERTY CODE; AUTHORIZING AND DIRECTING CITY PERSONNEL TO TAKE SUCH ACTIONS AS ARE NECESSARY TO EXERCISE THE CITY'S POWER OF EMINENT DOMAIN AND ACQUIRE THE EASEMENTS ON, OVER, THROUGH, AND ACROSS THE TRACT OF LAND IN A CONDEMNATION ACTION AND TO TAKE ALL OTHER NECESSARY STEPS TO OBTAIN SUCH LANDS.

Whereas, the City of Kyle, Texas, a home rule municipal corporation (the "City") that provides water and other utility services to the City and the area within the extraterritorial jurisdiction of the City; and

Whereas, the City is authorized pursuant to Section 1.06, Kyle Home Rule Charter, by and through the procedures outlined in Chapter 21, Texas Property Code, to exercise the power of eminent domain for any public purpose or as necessary or desirable to carry out any power conferred by the Charter or state or federal law; and

Whereas, the City is explicitly authorized pursuant to Section 251.001, Texas Local Government Code, to take private property through the use of eminent domain for various enumerated public uses; and

Whereas, the City is explicitly authorized pursuant to Section 2206.001(c), Texas

Government Code, to take private property through the use of eminent domain for water supply, wastewater, flood control, and drainage projects, as well as the provision of utility services, among other enumerated items; and

Whereas, the City Council has determined that 0.475 acres, more or less, of land for a wastewater easement and 0.285 acres, more or less, of land for a water easement is appropriate, reasonable and necessary to acquire for a public utility on, over, through and across a separate economic unit of 6.0 acres, more or less, out of the tract of land (“Tract 23”) more specifically described by metes and bounds, which is attached hereto (the “Property”), for the purposes of construction, operation, and maintenance of the Blanco Basin Water and Wastewater Line Project and the Southside Wastewater Improvement Project (the “Project”); and

Whereas, the City Council recognizes the need to acquire the Property for the Project and acknowledges that acquisition of the Property is for a bona fide public use as defined by Section 251.001(a)(4), Texas Local Government Code, and is reasonable and necessary for the public health, safety and welfare to serve and benefit the public, citizens of the City and its water customers with water services; and

Whereas, the City Council finds that no reasonable, feasible or prudent alternatives exist but to acquire and take the Property for the Project; and

Whereas, the City Council finds that the City has attempted and will continue, in good faith, to negotiate with The Alexander Family Trust, by and through Mary Jane Alexander as Trustee and Mary Jane Alexander as the Director of Mary Jane Alexander GP, the general partner of BJ -MJ Alexander, LTD. (the “Landowner”), directly and through their attorneys, by complying with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code, including, but not limited to, making an initial offer, providing the Landowner’s Bill of Rights, a copy of the appraisal performed on behalf of the City regarding the Property, and a bona fide final offer; and

Whereas, the City Council finds that the Landowner has rejected the City’s bona fide final offer and/or the requisite time set forth in Chapter 21, Texas Property Code has elapsed, permitting the City to authorize the institution of eminent domain proceedings against the Landowner; and

Whereas, it is essential to the public health and safety that the City acquire the required Property as soon as possible and begin construction of the Project;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the immediate acquisition of the Property, as more specifically described in the following Section 2, is a bona fide public use and essential to the public health, safety and welfare of the citizens of the City; and that all actions required and necessary to acquire such Property for the Project and the related improvements, should be pursued, accomplished and completed immediately.

Section 2. Property To Be Acquired. The following described Property is necessary and essential to the health and public safety of the citizens of the City and the function, performance and operation of a portion of the City’s water system:

- (1) A 0.475 acre tract, more or less, for a wastewater line easement for the purposes of construction, reconstruction, operation, and maintenance of the municipal wastewater line, as well as a 0.285 acre tract, more or less, for a water easement for the purpose of construction, reconstruction, operation and maintenance of the municipal water line, on, over, through and across a separate economic unit of 6.0 acres, more or less, from that 23.700 acre, more or less, tract of land (“Tract 23”) which is part of the John Jones Survey, Abstract 263, Hays County, Texas as more particularly described by metes and bounds and shown in Exhibit “A” attached hereto and incorporated herein as if fully transcribed herein.

Section 3. Acquisition and Negotiation Authorized. The City Manager, the City Attorney and other designated staff are hereby authorized to acquire the Property through the institution of eminent domain proceedings, as set forth in Chapter 21, Texas Property Code, and are directed to initiate and complete all other actions deemed necessary and appropriate to obtain the Property. The City Manager and City Attorney are hereby further authorized to continue good faith negotiations with the Landowner of such Property for the acquisition of the same.

Section 4. Ratification of Actions. All actions heretofore taken by the City Council, the Mayor, city staff, the City Manager, and the City Attorney with respect to the acquisition of the Property described in Section 2 above and the establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights, are hereby confirmed, ratified, approved and adopted by the Council.

Section 6. Further Procedures. The City Manager and the City Attorney are hereby expressly authorized, empowered and directed, from time to time, to do and perform all such acts and things as may be reasonable, necessary and desirable in order to acquire the Property on terms and conditions that are in the best interest of the public, and that provide the Landowner of the Property lawful, just and reasonable compensation.

PASSED AND APPROVED on First Reading this ___ day of April, 2020.

FINALLY PASSED AND APPROVED this ___ day of _____, 2020.

ATTEST:

THE CITY OF KYLE, TEXAS

Jennifer Vetrano, City Secretary

Travis Mitchell, Mayor

EXHIBIT "A"

LEGAL DESCRIPTION – TRACT 23



METES AND BOUNDS

FOR

A 0.475 of an acre, or a 20,679 square foot tract, being out of a called 23.70 acre tract of land conveyed to BJ-MJ Alexander, LTD. described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas. Said 0.475 of an acre tract being more fully described as follows with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone:

COMMENCING: On the southeast right-of-way line of Interstate Highway 35, a variable width public right-of-way, the north corner of said 23.70 acre tract, the west corner of a 0.50 acre tract described by instrument recorded in Volume 2670, Pages 380-382 of the Official Public Records of Hays County, Texas, from which a found iron rod bears N 46°13'45" W, a distance of 1.42 feet, said iron rod also having state plane coordinate values of, X: 2,325,158.25 Y: 13,904,438.74;

THENCE: S 46°13'45" E, departing the southeast line of right-of-way line of said Interstate Highway 35, along and with the northeast line of said 23.70 acre tract, the southwest line of said 0.50 acre tract, a distance of 21.88 feet to the POINT OF BEGINNING of the herein described tract;

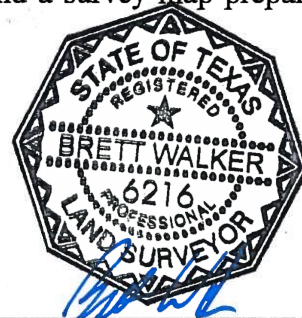
THENCE: S 46°13'45" E, continuing along and with the northeast line of said 23.70 acre tract, the southwest line of said 0.50 acre tract, a distance of 32.42 feet to a point;

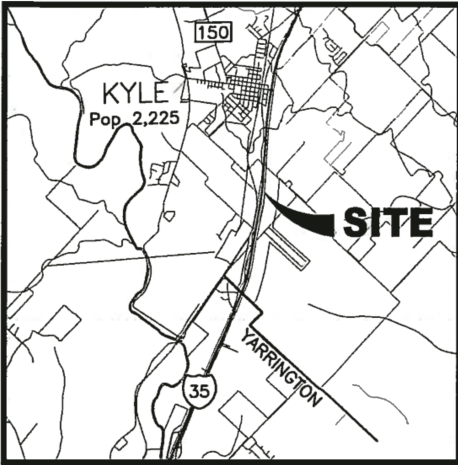
THENCE: S 04°13'48" W, departing the southwest line of said 0.50 acre tract, over and across said 23.70 acre tract, a distance of 827.15 feet to a point on the southwest line of said 23.70 acre tract, the northeast line of a 7.75 acre tract described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas;

THENCE: N 46°17'45" W, along and with the southwest line of said 23.70 acre tract, the northeast line of said 7.75 acre tract, a distance of 32.39 feet to a point;

THENCE: N 04°13'48" E, departing the northeast line of said 7.75 acre tract, over and across said 23.70 acre tract, a distance of 827.20 feet to the POINT OF BEGINNING and containing 0.475 of an acre in Hays County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.

Prepared by: LNV Inc.
Job No.: 110466
File: S:\SURVEY\TEMP\Kyle\ MB110466_T23-P R2.docx
Date: November 25, 2013
Revised Date: February 25, 2015
TBPLS Firm No.: 10126502





NOTE:

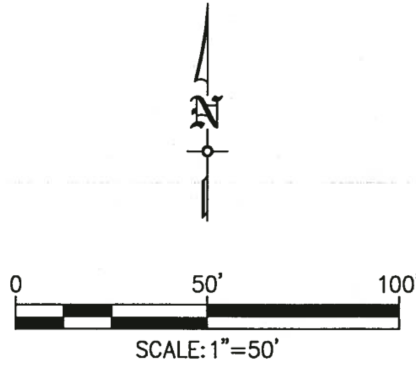
1. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983(CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE
2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

REFERENCE:

- OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 PR PLAT RECORDS OF HAYS COUNTY, TEXAS

LEGEND:

⊙ FOUND IRON ROD



LINE	BEARING	DISTANCE
L1	S 46°13'45" E	32.42'
L2	N 46°17'45" W	32.39'

FOUND IRON ROD BEARS
 N 46°13'45" W 1.42'
 X= 2,325,158.25
 Y=13,904,438.74

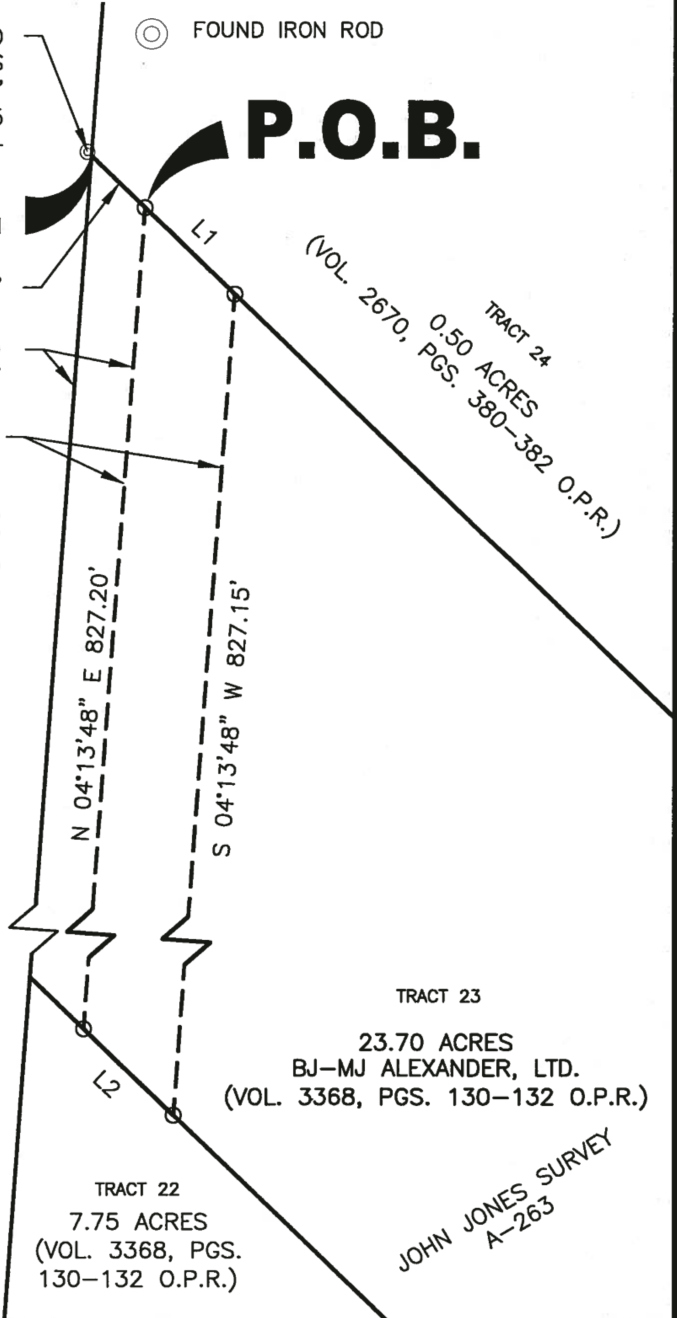
P.O.C.

S 46°13'45" E 21.88'

15-FOOT PROPOSED
 WATERLINE EASEMENT

**25-FOOT PERMANENT
 WASTEWATER EASEMENT
 0.475 AC
 (20,679 SF)**

INTERSTATE HIGHWAY 35
 (VARIABLE WIDTH PUBLIC R.O.W.)

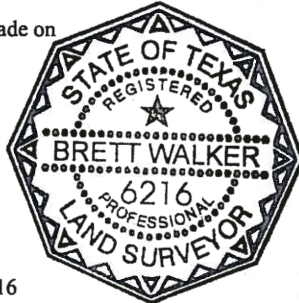


I hereby certify that:

This exhibit was prepared based on a survey made on the ground under my direct supervision.

This 25th day of November, 2013 A.D.

[Signature]



Brett Walker
 Registered Professional Land Surveyor No. 6216

REVISED: 2-25-15



engineers | architects | contractors

8918 TESORO DR., STE. 401
 SAN ANTONIO, TEXAS 78217
 TBPE FIRM NO. F-366

PH. (210) 822-2232
 FAX (210) 822-4032
 WWW.LNVINC.COM

EXHIBIT
 OF

A 0.475 of an acre, or a 20,679 square foot tract, being out of a called 23.70 acre tract of land conveyed to BJ-MJ Alexander, LTD. by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas.

DRAWN BY: JMW
 SCALE: 1"=50'
 DATE: 11-25-13
 SHEET



METES AND BOUNDS
FOR

A 0.285 of an acre, or a 12,408 square foot tract, being out of a called 23.70 acre tract of land conveyed to BJ-MJ Alexander, LTD. described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas. Said 0.285 of an acre tract being more fully described as follows with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone:

BEGINNING: On the southeast right-of-way line of Interstate Highway 35, a variable width public right-of-way, the north corner of said 23.70 acre tract, the west corner of a 0.50 acre tract described by instrument recorded in Volume 2670, Pages 380-382 of the Official Public Records of Hays County, Texas, from which a found iron rod bears N 46°13'45" W, a distance of 1.42 feet, said iron rod also having state plane coordinate values of, X: 2,325,158.25 Y: 13,904,438.74;

THENCE: S 46°13'45" E, departing the southeast line of right-of-way line of said Interstate Highway 35, along and with the northeast line of said 23.70 acre tract, the southwest line of said 0.50 acre tract, a distance of 19.51 feet to the POINT OF BEGINNING of the herein described tract;

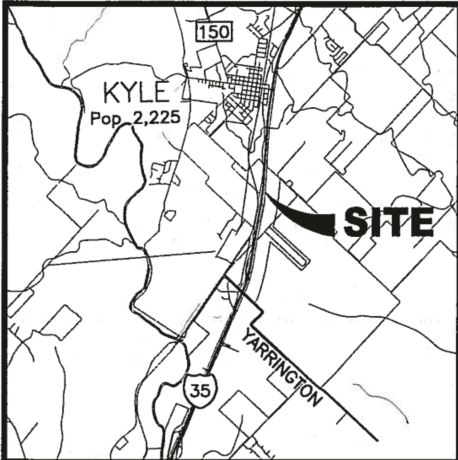
THENCE: S 04°13'48" W, departing the southwest line of said 0.50 acre tract, over and across said 23.70 acre tract, a distance of 827.20 feet to a point on the southwest line of said 23.70 acre tract, the northeast line of a 7.75 acre tract described by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas;

THENCE: N 46°17'45" W, along and with the southwest line of said 23.70 acre tract, the northeast line of said 7.75 acre tract, a distance of 19.43 feet to a point on the southeast right-of-way line of Interstate Highway 35, the west corner of said 23.70 acre tract, the north corner of said 7.75 acre tract;

THENCE: N 04°13'48" E, along and with the southeast right-of-way line of Interstate Highway 35 the west line of said 23.70 acre tract, a distance of 827.23 feet to the POINT OF BEGINNING and containing 0.285 of an acre in Hays County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.

Prepared by: LNV Inc.
Job No.: 110466
File: S:\SURVEY\TEMP\Kyle\ MB110466_T23-P W.docx
Date: November 25, 2013
Revised Date: February 25, 2015
TBPLS Firm No.: 10126502





NOTE:

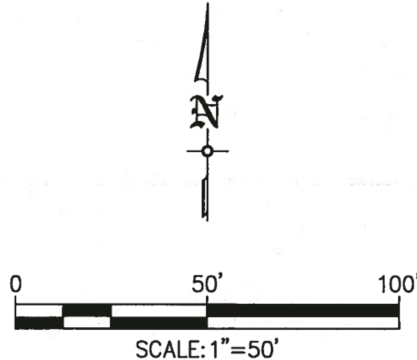
1. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983(CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE
2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

REFERENCE:

- OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- PR PLAT RECORDS OF HAYS COUNTY, TEXAS

LEGEND:

○ FOUND IRON ROD



LINE	BEARING	DISTANCE
L1	S 46°13'45" E	19.51'
L2	N 46°17'45" W	19.43'

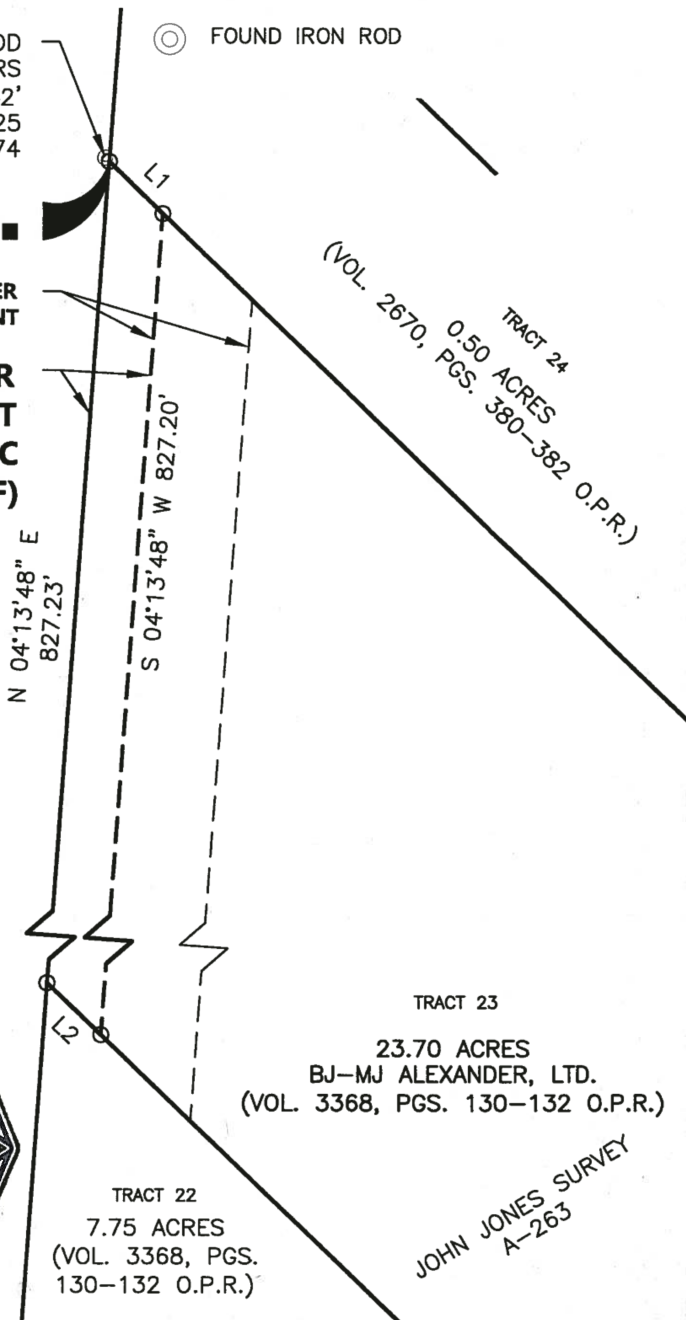
FOUND IRON ROD BEARS
 N 46°13'45" W 1.42'
 X= 2,325,158.25
 Y=13,904,438.74

P.O.B.

25-FOOT WASTEWATER EASEMENT

15-FOOT PROPOSED WATER LINE EASEMENT
0.285 AC
(12,408 SF)

INTERSTATE HIGHWAY 35
 (VARIABLE WIDTH PUBLIC R.O.W.)



I hereby certify that:

This exhibit was prepared based on a survey made on the ground under my direct supervision.

This 25th day of November, 2013 A.D.

Brett Walker
 Registered Professional Land Surveyor No. 6216



TRACT 23
 23.70 ACRES
 BJ-MJ ALEXANDER, LTD.
 (VOL. 3368, PGS. 130-132 O.P.R.)

TRACT 22
 7.75 ACRES
 (VOL. 3368, PGS. 130-132 O.P.R.)

JOHN JONES SURVEY
 A-263



engineers | architects | contractors

8918 TESORO DR., STE. 401
 SAN ANTONIO, TEXAS 78217
 TBPE FIRM NO. F-366

PH. (210) 822-2232
 FAX (210) 822-4032
 WWW.LNVINC.COM

EXHIBIT OF

A 0.285 of an acre, or a 12,408 square foot tract, being out of a called 23.70 acre tract of land conveyed to BJ-MJ Alexander, LTD. by instrument recorded in Volume 3368, Pages 130-132 of the Official Public Records of Hays County, Texas, out of the John Jones Survey, Abstract 263, Hays County, Texas.

DRAWN BY: JMW
 SCALE: 1"=50'
 DATE: 2-25-15
 SHEET



CITY OF KYLE, TEXAS

Casetta Ranch DA

Meeting Date: 4/21/2020
Date time: 7:00 PM

Subject/Recommendation: Approve a Second Amended Development Agreement between City of Kyle and Clayton Properties Group, Inc. d/b/a Brohn Homes. ~ *James R. Earp, Assistant City Manager*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Casetta Ranch - Pond Maintenance Amendment of the Amended Prior DA

STATE OF TEXAS §
 §
COUNTY OF HAYS §

SECOND AMENDED DEVELOPMENT AGREEMENT

BETWEEN CITY OF KYLE, TEXAS AND CLAYTON PROPERTIES GROUP, INC. DBA BROHN HOMES

This amended Development Agreement (“Second Amended Agreement”) is by and between the City of Kyle, Texas, a home rule city situated in Hays County, Texas (the “City”) and Clayton Properties Group, Inc. d/b/a Brohn Homes (“Developer”). The term “Parties” or “Party” means the City and the Developer collectively or singularly.

RECITALS

WHEREAS, Developer is the owner of a parcel of real property (the “Property” or “Parcel”) in Hays County, Texas, which is more particularly described in the attached Exhibit “A”;

WHEREAS, on May 5th, 2015, the City and the Lehman Family Trust, a former owner of the Property, entered into that one certain Amended and Restated Section 212.172 Texas Local Government Code Development Agreement recorded in the Official Public Records of Hays County, Texas (“Prior Agreement”).

WHEREAS, on _____ the City and the _____, entered into an amendment to that one certain Amended Development Agreement recorded in the Official Public Records of Hays County, Texas (“Amended Prior Agreement”) a copy of which is attached as Exhibit “ “;

WHEREAS, the Developer wishes to construct a detention/retention/wet pond for the management and discharge of storm water within the development titled the _____ pond in _____ of Casetta Ranch, a copy of a map of which is attached as Exhibit “ “ (the “Pond);

WHEREAS, the Developer wishes to employ the use of pumps (the “Pond Pumps”) for the purpose of discharging stormwater from the Pond and the City is willing to allow the use of a pump in the Pond with the imposition of certain commitments and conditions set forth herein;

WHEREAS, the City and Developer desire to amend the Amended Prior Agreement to incorporate such commitments and conditions for the maintenance of the Pond;

NOW, THEREFORE, pursuant to 9.06 of the Amended Prior Agreement and for and in consideration of the above stated recitals, which are made a part of this Agreement, the benefits described below, plus the mutual promises expressed herein, the sufficiency of which is hereby acknowledged by the Parties, the Parties hereby contract, covenant and agree as follows:

- 1.01 Purpose. This Second Amended Agreement modifies and amends the Amended Prior Agreement only as set forth herein by the Parties, but not otherwise. In all other respects the Amended Prior Agreement is restated and affirmed.
- 1.02 Authority. Authority for Developer and the City to enter into this Second Amended Agreement exists under the City Charter of the City, Article III, Section 52-a of the Texas Constitution; Chapter 212, Subchapter G, Tex. Local Government Code, (“Subchapter G”), Chapter 395 of the Tex. Local Government Code; and such other statutes as may be applicable.

3.03 **Subdivision Infrastructure.** Is hereby amended by adding the following subparagraphs (d), (e), (f), and (g).

(d) The Pond, as shown on the attached Exhibit “ ” containing pump(s) for the discharge of storm water, electrical systems for the functioning of the Pond Pumps and back-up electrical connections for the operation of the Pond Pump(s) in the event of an electrical failure, shall in all respects be owned, operated and maintained by the HOA properly established by the Developer and shall obligate the HOA to the following:

- i) Enter into and maintain a contract with a properly licensed and bonded contractor for the operation and maintenance of the Pond (the “Pond Operator”), requiring at least the following obligations;
 - a) Maintaining a bi-annual log of the maintenance of the Pond and the Pond Pump(s).
 - b) Inspection of the condition and functionality of the Pond and Pond Pump(s).
 - c) Clear, remove rubbish and other refuse, mow the area of the Pond lot and specifically maintain the Pond to function as intended.
 - d) Prepare and deliver to the City not less frequently than annually, in the form acceptable to the City, a copy of which is attached as Exhibit “ ”, a report on the maintenance of the Pond, the condition of the Pond Pump(s) and back-up electrical connections (the “Annual Report”).
 - e) Provide for Wet well Pond Pump(s) and/or control panel to include SCADA (Supervisory Control And Data Acquisition), landline, cellular based auto-dialer or equivalent automated notification system. Automated notification shall include at a minimum when power is off (lost) and when Pump are on. Notification to be tested with Pond Operator prior to final walk through. City inspector is to be notified and present at testing.
- ii) Provide the Annual Report to the City.

(e) Notwithstanding anything to the contrary contained herein or in the Amended Prior Agreement, the HOA shall provide for the ability of the City to periodically access the Pond, Pond Pump(s), automated notification system, power supply, back-up power connections and maintenance log for proper operation and maintenance, with an authorized HOA representative present, if desired by the HOA.

(f) The final plats for the subdivision shall contain a plat note in a form acceptable to the City that sets forth the obligation of the HOA to maintain the Pond and the Pond Pumps in accordance with this Second Amended Agreement.

(g) The Developer shall establish bylaws, rules, regulations and restrictive covenants (collectively the "Association Regulations") to assure the HOA performs and accomplishes the duties and purposes required to be performed and accomplished by the HOA pursuant to subsection 3.03(d) (the "Maintenance Obligation"). The HOA's Maintenance Obligation shall be noted in the restrictive covenants filed of record for the subdivision. The Association Regulations will establish periodic HOA dues and assessments, to be charged and paid by the lot owners within the Property, that are and will be sufficient to maintain the Pond and Pond Pumps. The Association Regulations will require the periodic dues and assessments to be increased from time to time as necessary to provide the funds required for the maintenance of the HOA-Maintained Improvements, and to provide funds required for the management and operation of the Association. HOA dues and assessments required to be established, maintained and collected by the Owners' Association pursuant to this Agreement shall be in addition to, and not in lieu of, any and all other fees, charges and assessments that will be applicable to the Property.

All other terms and conditions of the Amended Prior Agreement are hereby ratified by the parties and shall remain in full force and effect.

SIGNED and executed this _____ day of _____, 2020.

Clayton Properties Group Inc. (dba – Brohn Homes)

By: _____

Aaron Boenig, Vice President

CITY OF KYLE, TEXAS

By: _____

Travis Mitchell, Mayor

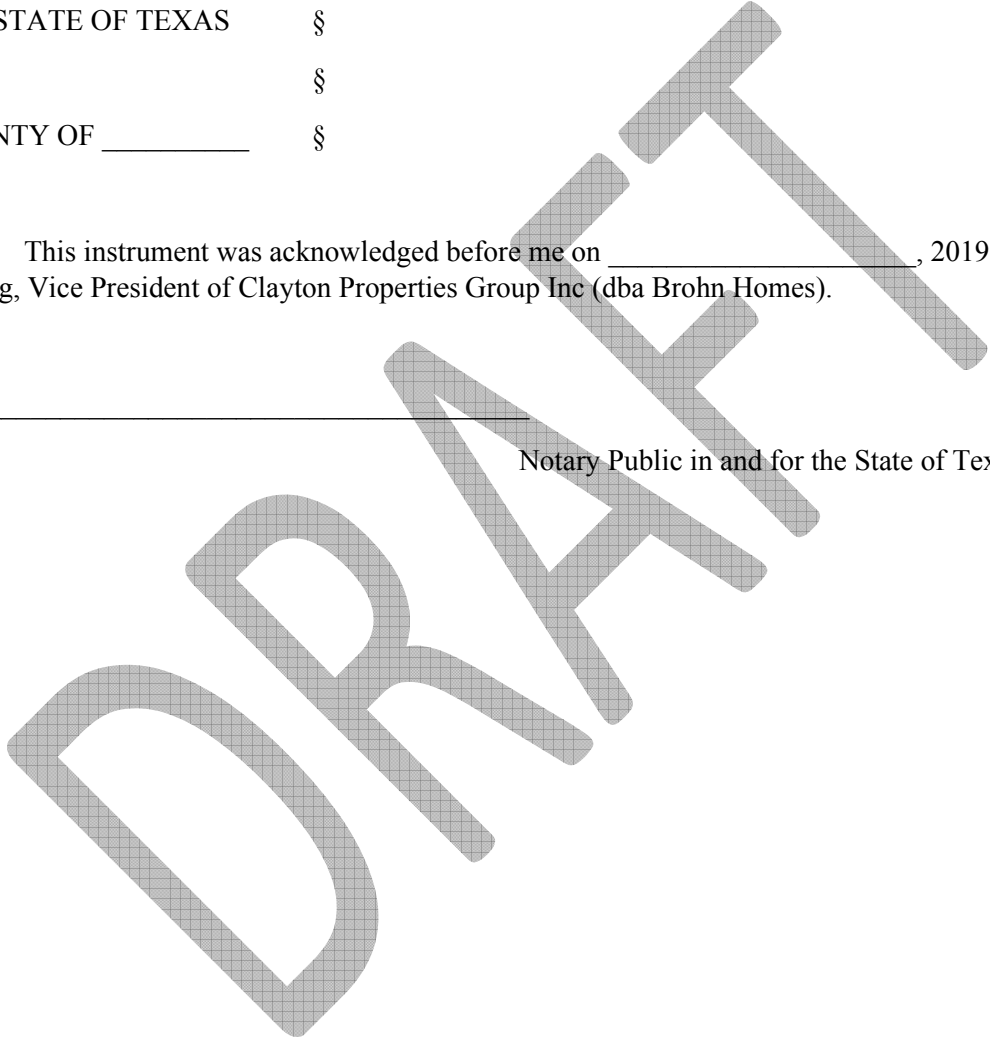
ATTEST:

Jennifer Vetrano, City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2019, by Aaron Boenig, Vice President of Clayton Properties Group Inc (dba Brohn Homes).

Notary Public in and for the State of Texas





CITY OF KYLE, TEXAS

CenterPoint GRIP

Meeting Date: 4/21/2020

Date time:7:00 PM

Subject/Recommendation: A Resolution by the City of Kyle, Texas suspending the May 4, 2020 effective date of the proposal by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – South Texas Division to implement interim grip rate adjustments for gas utility investment in 2019 and requiring delivery of this resolution to the company and legal counsel. ~ *Jerry Hendrix, Chief of Staff*

Other Information: CenterPoint Gas made an Interim Rate Adjustment or “GRIP” filing with the cities in their South Texas division on March 5th, 2020. The Company is seeking recovery of \$31,212,459. This compares to \$37,256,78 the Company requested last year. The current filing will increase rates to residential customers by \$1.55 per month. This will increase the current residential customer charge from \$21.04 to \$22.59 per month.

The increase is currently scheduled to go into effect on May 4.

Under the GRIP statute cities may not challenge the Company’s request. The only action you may take is to suspend the effective date of the rate increase by 45 days. If you are interested in doing so, please let me know and I will provide you with a resolution. You have until May 4 to adopt a resolution suspending the date the rate increase would otherwise go into effect. Please feel free to contact me if you have questions.

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Centerpoint GRIP Suspension Resolution
- Staff Report

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF KYLE, TEXAS SUSPENDING THE MAY 4, 2020 EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – SOUTH TEXAS DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2019 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Kyle, Texas (“City”) is a gas utility customer of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy South Texas Division, (“CenterPoint” or “the Company”) and a regulatory authority with an interest in the rates and charges of CenterPoint; and

WHEREAS, CenterPoint made filings with the City and the Railroad Commission of Texas (“Railroad Commission”) in March 2020, proposing to implement interim rate adjustments (“GRIP Rate Increases”) pursuant to Texas Utilities Code § 104.301 on all customers served by CenterPoint, effective May 4, 2020; and

WHEREAS, it is incumbent upon the City, as a regulatory authority, to examine the GRIP Rate Increases to determine its compliance with the Texas Utilities Code.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

1. The May 4, 2020, effective date of the GRIP Rate Increases proposed by CenterPoint is hereby suspended for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.

2. A copy of this Resolution shall be sent to CenterPoint, care of Keith L. Wall. at 1111 Louisiana Street, CNP Tower 19th Floor, Houston, Texas 77002 and to Thomas Brocato,

legal counsel to the City, at Lloyd Gosselink, 816 Congress Ave., Suite 1900, Austin, Texas
78701.

Signed this _____ day of _____, 2020.

MAYOR

ATTEST:

STAFF REPORT REGARDING CENTERPOINT'S SOUTH TEXAS DIVISION INTERIM RATE ADJUSTMENT ("GRIP") FILING

On March 5, 2020, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas-South Texas Division ("CenterPoint" or "Company") filed an Interim Rate Adjustment ("GRIP"). The Company is seeking recovery of \$31,212,459 in invested capital. This will increase rates to residential customers by \$1.55 per month. The increases is currently scheduled to go into effect on May 4.

Under the GRIP statute cities may not challenge the Company's request. The only action you may take is to suspend the effective date of the rate increase by 45 days. You have until May 4 to adopt a resolution suspending the date the rate increase would otherwise go into effect.

Purpose of the Resolution:

The purpose of the Resolution is to suspend the effective date of the rate increase by 45 days.

Explanation of "Be It Resolved" Paragraphs:

1. This section suspends the effective date of the requested rate increase by the maximum period allowed by law, 45 days.
2. This section provides that CenterPoint and counsel for Cities will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel.



CITY OF KYLE, TEXAS

PARD Skidsteer Drum

Meeting Date: 4/21/2020

Date time: 7:00 PM

Subject/Recommendation: Authorize a Purchase Order to HOLT CAT in the amount not to exceed \$33,844.26 for the purchase of a drum mulcher attachment for Skid Steer for use by the Parks Maintenance crews on City's parks and trails. ~ *Mariana Espinoza, Director of Parks & Recreation*

Other Information:

Legal Notes:

Budget Information: Funding for this purchase will be provided from cost savings in the final quotes received for the installation of security systems.

ATTACHMENTS:

Description

Quote



DATE: April 16, 2020
 QUOTE #:255297-01

CITY OF KYLE
 CHANCE PADIER

 100 W CENTER ST
 KYLE, TEXAS 78640-9450

David Goll
 512.940.3662

One (1) New Caterpillar Model: Mulcher, HM315C, HF XPS specifications listed below:

CAT LIST PRICE	\$36,500.00
GOVERNMENTAL DISCOUNT	<u>-\$6,636.00</u>
SALE PRICE	\$29,864.00
FREIGHT TO HOLT CAT	<u>\$341.00</u>
TOTAL PRICE	\$30,205.00

WARRANTY

Standard Warranty: 12 Month Work Tool Limited Warranty

NOTES

Along with mulcher, it is recommended that the Debris Barrier and Turbo Debris Kits are installed to reduce the risk of fire. Fine wood particles develop while mulching and installing the correct guards and seals on your Cat 272C will reduce the risk of damage to your Cat 272C XPS Skid Steer Loader. The price above is only for the Cat Mulcher.

The separate pages attached with prices is an itemized list of seals, guards, and protection to add to your loader that can be ordered thru Holt Cat parts department and your technicians can easily install them.

DATE: April 16, 2020 QUOTE #:Quote 255297-01

MACHINE SPECIFICATIONS

DESCRIPTION	REF.#	PRICE
SKID STEER LOADER WORK TOOLS	0P-0096	\$0.00
MULCHER, HM315C, HF XPS	475-2780	\$36,500.00



SALES AGREEMENT

DATE Apr 16, 2020 Agreement Number: 255297

HOLT TEXAS LTD., 5665 Southeast Loop 410, San Antonio, TX78222 Phone: (800) 275-4658

CUSTOMER CITY OF KYLE
STREET ADDRESS 100 W CENTER ST
CITY/STATE KYLE, TX COUNTY/COUNTRY HAYS, UNITED STATES
POSTAL CODE 78640-9450 PHONE NO 512 262 3024
EQUIPMENT CHANCE PADIER - 512 262 3939
PRODUCT SUPPORT CHANCE PADIER - 512 262 3939
INDUSTRY CODE: LOCAL GOVERNMENT (PS93) PRINCIPAL WORK CODE
FOB AT: Austin - Machine Division
SHIP VIA: Customer Arranged

CUSTOMER NUMBER 0265600 Sales Tax Exemption # (if applicable) - TYPE: Governmental TX MUNICIPALITY
CUSTOMER PO NUMBER LKE (Yes / No)
PAYMENT TERMS: NET PAYMENT ON RECEIPT OF INVOICE [checked] NET ON DELIVERY [] FINANCIAL SERVICES [] CSC [] LEASE [] Net 30 []
CASH WITH ORDER N/A BALANCE TO FINANCE N/A CONTRACT INTEREST RATE N/A RELEASE NUMBER

DESCRIPTION OF EQUIPMENT ORDERED / PURCHASED
MAKE: TBA MODEL: WT-SSL YEAR: TBA
ID NUMBER: TBA SERIAL NUMBER: TBA SMU: TBA
SKID STEER LOADER WORK TOOLS OP-0096
CMOPS orders for machines and work tools MUST be ordered separately.
MULCHER, HM315C, HF XPS 475-2780

TRADE-IN EQUIPMENT
MODEL: YEAR: SN:
PAYOUT TO: AMOUNT PAID BY:
TERMS OF SALE
SALE PRICE \$30,205.00
SUB TOTAL \$30,205.00
TOTAL PURCHASE PRICE \$30,205.00

DISCLAIMER OF WARRANTIES AND WAIVER OF CLAIMS:
HOLT IS NOT A MANUFACTURER OF THE EQUIPMENT ALTHOUGH HOLT MAY ADMINISTER WARRANTIES ISSUED BY THE MANUFACTURER...
EQUIPMENT WARRANTY
Customer acknowledges that he has received a copy of any warranty and has read and understood said warranty...
OTHER TERMS AND CONDITIONS
ADDITIONAL TERMS AND CONDITIONS SET FORTH ON THE REVERSE SIDE HEREOF OR ATTACHED HERETO (AS APPLICABLE) CONSTITUTE AN IMPORTANT PART OF THIS AGREEMENT...
INITIAL X

NOTES:
THIS AGREEMENT IS SUBJECT TO THE TERMS AND CONDITIONS ATTACHED
Date Apr 16, 2020
David Goll(170) ORDER RECEIVED BY
SALES MANAGER
SIGNATURE
TITLE
By X CITY OF KYLE CUSTOMER
SIGNATURE
TITLE

ADDITIONAL TERMS AND CONDITIONS

1. AGREEMENT: This Agreement becomes binding on Holt only upon Holt's execution of this Agreement, and subject to the availability of the Equipment from the manufacturer. Customer shall inspect the Equipment immediately upon its receipt, and shall be conclusively deemed to have accepted the Equipment in good and operating condition unless the Customer promptly notifies Holt of any defects, in writing and via telephone. Holt shall have the right, at its option, to either repair or replace the Equipment, or terminate this Agreement, in which event the Equipment shall be returned to Holt. Delays in delivery shall be excused if caused by any cause beyond the reasonable control of Holt.

2. TITLE TO EQUIPMENT: Title to the Equipment shall pass to the Customer only upon Holt's actual receipt of funds in the total amount of the Purchase Price and other sums due to Holt hereunder.

3. TAKEN IN TRADE: Customer does hereby irrevocably sell, assign, transfer and convey possession, ownership and title unto Holt to the Trade-in Equipment described above. Customer warrants that it is the sole owner of the Trade-in Equipment, has full power and authority to sell the Trade-in Equipment, and that there is no lien or any encumbrance of any kind or nature against the Trade-in Equipment, of record or otherwise.

4. TAXES: Customer shall promptly pay all taxes, fees, transportation and other costs, assessments and all governmental charges of any kind or character, and any penalties, fines or interest thereon relating to the Equipment.

5. CUSTOMER'S WARRANTIES AND USE: In addition to the other warranties contained herein, Customer warrants that (i) if Customer is an entity, it is duly organized and validly existing in good standing, and (ii) is duly authorized to execute, deliver and perform under this Agreement. Customer further agrees and warrants, at its cost, that: (1) the Equipment shall at all times be used solely for Customer's business and not for personal, family, or household use, and in accordance with the use, and/or instructional materials, solely for the purpose for which it was intended; (2) only Customer's employees (who must be skilled, trained and certified to do so) shall use the Equipment. Customer hereby further agrees and warrants that (i) any payments made pursuant to this Agreement are intended by the Customer to be a contemporaneous exchange for new value given to Customer and it is a substantially contemporaneous exchange and (ii) each payment made of a debt incurred by Customer under this Agreement is in the ordinary course of business or financial affairs of Customer and Holt, and such payment was made in the ordinary course of business or financial affairs of Customer and Holt, or made according to ordinary business terms.

6. LOSS AND DAMAGE: Customer assumes all liability and risk of, and shall be solely responsible for, all damage and loss to the Equipment from any cause whatsoever, whether or not such loss or damage is or could have been covered by insurance. Until the Equipment is paid in full, Customer shall promptly give Holt written notice of any loss or damage and reimburse Holt for the value of the Equipment if damaged or stolen. Holt's sole responsibility for shipments shall be to deliver the Equipment to a public carrier company.

7. SECURITY AGREEMENT: Customer hereby grants to Holt a continuing purchase money security interest in the Equipment and any and all additions, substitutions and all proceeds thereof to secure Customer's obligations hereunder whether now existing or hereafter created and all renewals, extensions and rearrangement of such liabilities. Customer appoints Holt as Customer's irrevocable attorney-in-fact to file, at Customer's cost, any financing statement (and any amendments, renewals and related instruments) on the Equipment: (i) to perfect a security interest in the Equipment, and/or (ii) to release, terminate, and void Customer's interest in the Equipment. The date of delivery, for purposes of filing any financing statement, shall be the date on which the Equipment is put into service and "made ready" or invoiced by Holt, whichever is later.

8. EVENTS OF DEFAULT: The following are events of default by Customer: (1) failure to pay any amount due hereunder or otherwise; (2) Customer's ceasing to do business, becoming insolvent, taking advantage of any law for the relief of debtors or filing bankruptcy, making an assignment for the benefit of creditors; (3) when Holt deems itself insecure with respect to Customer's performance; (4) Customer fails to perform any of Customer's other obligation hereunder or otherwise; (5) Customer's representation or warranty is false or misleading.

9. REMEDIES ON DEFAULT: In the event of any default by Customer, Holt is entitled to any one or more of the following remedies, without any notice of default: (a) take possession of the Equipment or any other equipment, including enter premises where its located; (b) terminate this Agreement; (c) seek specific performance or injunction or recover damages; (d) stop delivery of the Equipment or any other equipment; (e) surrender any insurance policies and receive the unearned premiums; (f) without terminating this Agreement, Holt may take possession of the Equipment and sell, relet or otherwise dispose of the Equipment as a secured party under UCC and deduct all expenses, costs, reasonable attorneys fees, and other charges incurred by Holt; (g) recover deficiency from Customer; and/or (h) perform by itself, or cause performance of, Customer's obligation, at Customer's cost. In no event shall Holt be required to sell or relet the Equipment, nor required to rebate or pay back any gain or profit as a result of leasing the Equipment. Holt's remedies hereunder shall not be exclusive, but shall be cumulative and in addition to all other remedies existing at law or in equity.

10. INDEMNITY: CUSTOMER AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS HOLT AND HOLT'S PARTNERS, EMPLOYEES, AGENTS, REPRESENTATIVES, SUCCESSORS AND ASSIGNS FROM ANY AND ALL CLAIM, EXPENSE, CAUSE OF ACTION, DAMAGE, LIABILITY, COST, PENALTY, TAX, ASSESSMENT, CHARGE, PUNITIVE DAMAGE OR EXPENSE BY REASON OF ANY ACT OR OMISSION OF CUSTOMER OR ITS EMPLOYEES, AGENTS, CONTRACTORS, SUBCONTRACTORS, AFFILIATES OR INVITEES.

11. ASSIGNMENT: HOLT may assign any of its rights and obligations hereunder without notice, including, but not limited to, assignment of the HOLT equipment sale and/or trade-in purchase rights under this Agreement to CATD Exchange Services LLC. No assignee of HOLT, including CATD Exchange Services LLC, as qualified intermediary or the assignee's officers, directors, agents, or employees, shall be obligated to perform any covenant, condition or obligation required to be performed by HOLT hereunder. However, in the event any assignee agrees to assume the obligations of HOLT, Customer agrees that HOLT shall be released from all further liability hereunder. Neither this Agreement nor any of Customer's rights hereunder shall be assignable by Customer without the prior written consent of HOLT.

12. INSURANCE COVERAGES: Customer shall maintain Equipment insurance and General Liability insurance, Auto Liability insurance, and Workers Compensation and Employer's Liability Insurance, each with minimum \$1,000,000 per occurrence and shall deliver to Holt a Certificate of Insurance evidencing same. Such insurance obtained by Customer shall be primary.

13. NOTICES: All notices hereunder shall be in writing and shall be deemed delivered if delivered personally or mailed, by certified mail, return receipt requested, to the respective addresses of the parties set forth above or any other address designated by written notice.

14. MISCELLANEOUS: This Agreement may only be modified by a written agreement signed by Holt. If any provision of this Agreement is hereafter held invalid or unenforceable, the remainder of the Agreement shall not be affected and the provisions are declared severable. If there is more than one Customer, the obligations of Customers hereunder are joint and several. Subject to the terms hereof, this Agreement shall be binding upon and inure to the benefit of Holt and Customer and their respective personal representatives, successors and assigns. This Agreement shall be governed by the laws of Texas, each party hereby irrevocably consents to submit to the exclusive jurisdiction of the courts of the state of Texas in either Dallas County or Bexar County, Texas. I agree and acknowledge that to the extent equipment is equipped with a telematics system (e.g., Product Link), that data concerning such equipment, including condition, and operation are being transmitted to Caterpillar Inc., and its affiliates. The full privacy statement applicable to the transfer of telematics information, including instructions on how to ask questions about telematics and how to revoke your consent, is available at: http://www.cat.com/en_US/support/operations/fleet-management-solutions/product-link/caterpillar-telematicsdataprivacystatement.html. **Right to a jury trial is hereby waived by all parties.**

15. ARBITRATION: Parties agree to submit to binding arbitration for any dispute arising out of or relating to this transaction. Either party may initiate arbitration which shall be conducted in accordance with commercial arbitration rules of the American Arbitration Association, in San Antonio, Bexar County, Texas. Each party shall bear its own costs and attorney's fees unless the arbitrators award such fees to a party, each party shall share equally the cost of the arbitration.



Cat[®] Mulchers

Skid Steer Loaders
Multi Terrain Loaders
Compact Track Loaders

Cat[®] Mulchers are designed for high-performance cutting, and mulching vegetation and undergrowth from typical wooded terrain. The hydraulic mulcher reduces saplings, shrubs and trees into mulched material, making it ideal for environmental maintenance, such as creating fire lanes. Other applications include: reclaiming untilled land, removing foliage from building construction sites, and shredding pruned material and organic waste for biomass production.

Features:

Axial piston hydraulic motor

- Axial piston hydraulic motor provides smooth, efficient performance.

Rugged mulching head

- Rugged mulching head processes trees up to 200 mm (8 in) diameter for effective land clearing applications.

Fixed tooth balanced rotor

- Fixed tooth balanced rotor provides excellent operating efficiency at high speed.

Adjustable push frame

- Adjustable push frame is standard equipment on both the HM312 and HM315 and provides the ability to position trees to allow for optimum cutting and efficiency. It also provides operator cab protection.

Heavy-duty bearings

- Heavy-duty bearings extend work tool life.

Hydraulically operated front hood

- Hydraulically operated front hood allows trees to be cut when opened and allows dense vegetation to be mulched.

V-belt drive

- V-belt drive protects the motor against blockages.

Rear chain guard protection

- Rear chain guard protection reduces spread of material.

Rigid, robust tempered steel

- Rigid, robust tempered steel construction provides fully guarded protection in tough applications.

Cat XT[™]-3 ES hose, couplings and O-ring face seals

- Cat XT-3 ES hose, couplings and O-ring face seals provide superior, leak-free performance and reliability. All hoses are wrapped with nylon woven cordura sleeving for added operator protection. Hydraulic quick disconnects enable fast tool changes.

Quick coupler

- Rugged, opposing edge design holds the work tool securely and allows the operator to quickly change from one high performance Cat Work Tool to another.

Compatibility

Model Machines

HM312* 246C, 256C, 262C, 272C, 277C, 287C, 297C, 279C, 289C, 299C

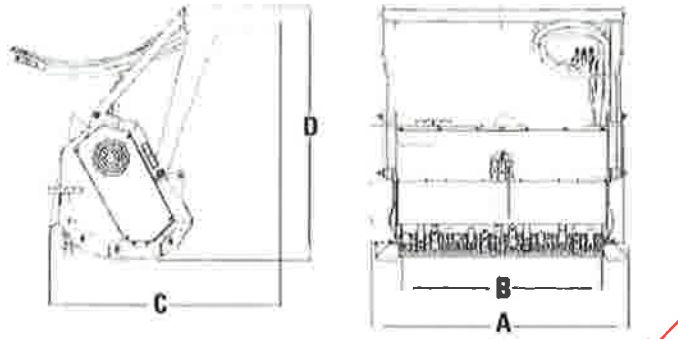
HM315* 246C, 256C, 262C, 272C, 277C, 287C, 297C, 279C, 289C, 299C

* Requires high flow or high flow XPS option on machine

Debris Barrier recommended

Cat Mulchers

Specifications



		HM312		HM315	
A Overall width	mm (in)	1640	(65)	1830	(72) ^{**}
B Working width	mm (in)	1210	(48)	1450	(57) ^{**}
C Length	mm (in)	1470	(58)	1470	(58) ^{**}
D Overall height	mm (in)	1610	(63)	1610	(63) ^{**}
Weight	kg (lb)	1035	(2,280)	1075	(2,365) <i>lbs.</i>
Drive method		V-belt drive		V-belt drive	
Motor		Axial piston hydraulic		Axial piston hydraulic	
Optimum hydraulic flow range	L/min (gpm)	120-137	(31.5-36)	120-137	(31.5-36)
Optimal hydraulic pressure range	bar (psi)	195-350	(2,828-5,075)	195-350	(2,828-5,075)
Drum speed range	rpm	1,800-2,100		1,800-2,100	
Fixed teeth per drum		28		34	
Maximum cutting diameter	mm (in)	200	(8)	200	(8)

For more complete information on Cat products, dealer services, and industry solutions, visit us on the web at www.cat.com

AEHQ5833-03 (9-08)

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Replaces AEHQ5833-02

Materials and specifications are subject to change without notice. Featured machines in photos may include additional equipment. See your Caterpillar dealer for available options.

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Item # 21
CATERPILLAR



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* NOT PART OF SALES QUOTE \$30,205.00

PARIS TO BE ADDED SOURCED BY HOLT PARTS DEPT.



DOCUMENT NO. MAQ020892

CASH

* EXPIRES 05/16/20

FILLED BY
W/C LOC
W/C PC/S

SOLD TO CITY OF KYLE
 100 W CENTER ST
 KYLE TX 78640-9450

CUSTOMER QUOTE

CUST. ORDER NO. 0265600
 SHIP TO STORE MA

ORDERED BY TELEPHONE 512 262 3024

CUSTOMER INSTRUCTIONS DELIVERY LOCATION SHIP VIA

MAKE	P/C	MODEL	SERIAL NO.	EQUIP. NO.	ARRANGEMENT NO.	DATE	TIME	ENTERED BY	REFERENCE NO.	PAGE
AA	2	272C XPS	*CAT0272CHRED01860*		295-7272	4/16/20	14:52:29	AWB1		1

ITEM NO.	QUANTITY	DESCRIPTION	LOCATION	N/R	TR	SOS	GROSS WEIGHT	UNIT PRICE	EXTD PRICE
1	1	280-8355 GUARD AS.	QN	000			1.9	107.70	107.70
2	1	280-8391 GUARD	QN	000			1.4	74.12	74.12
3	2	8T-4189 BOLT		000			.1	.62	1.24
4	4	8T-4224 WASHER		000			.1	.62	2.48
5	25	125-3518 CM-SEAL		000	*		.1	.91	22.75
6	1	5P-7483 M-SEAL STK		000	*		.5	24.75	24.75
7	1	5P-7483 IR4K3A		000	*		.5	24.75	24.75
8	1	5P-7483 IR4K3A		000	*		.5	24.75	24.75

MAQ020892

MAQ020892

SA OVERFLOW FOR 5P7483 IR4K3A
 AUSTIN OVERFLOW IN ENV. ROOM
 FTW---R2B6
 LITTLE ELM OVERFLOW RW13A02
 M-SEAL STK
 IR4K3A

CONTINUED

* One or more parts on this order may be non-returnable

RECEIVED BY



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CUSTOMER QUOTE

* EXPIRES 05/16/20

* CASH*



DOCUMENT NO

MAQ020892

SOLD TO
CITY OF KYLE
100 W CENTER ST
KYLE TX 78640-9450

CUST. NO. SHIP TO
0265600

STORE
MA

FILLED BY

W/C LOC

W/C PC/S

ORDERED BY

512 262 3024

TELEPHONE

CUST. ORDER NO.

INSTRUCTIONS

DELIVERY LOCATION

SHIP VIA

MAKE	P/C	MODEL	SERIAL NO.	EQUIP. NO.	ARRANGEMENT NO.	DATE	TIME	ENTERED BY	REFERENCE NO.	PAGE
AA 2	272C	XPS	*CAT0272CHRED01860*		295-7272	4/16/20	14:52:29	AWB1		2

ITEM --- QUANTITY --- PART NUMBER /

NO. ORDER SHIP B/O DESCRIPTION LOCATION N/R TR SOS WEIGHT

PARTS SALES PERSON: AARON BANDA GROSS UNIT PRICE EXTD PRICE

AUSTIN OVERFLOW IN ENV. ROOM

FTW---R2B6

LITTLE ELM OVERFLOW RW13A02

8	54	54	310-9334					1	1.08	58.32
			SEAL-BULK							
9	84	84	310-9335					1	.51	42.84
			SEAL-BULK							
10	93	93	310-9332					1	.68	63.24
			SEAL-BULK							
11	1	1	176-4079					5	14.82	14.82
			INSULATION							
12	1	1	261-6379					1	11.45	11.45
			INSULATION							
13	1	1	294-0082					4	19.86	19.86
			INSULATION							
14	1	1	294-0083					4	19.86	19.86
			INSULATION							
15	1	1	294-0084					2	28.61	28.61
			INSULATION							

MAQ020892

Item #

CONTINUED

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DOCUMENT NO.

MAQ020892

* CASH*

* EXPIRES 05/16/20

CUSTOMER QUOTE

SOLD TO
CITY OF KYLE
100 W CENTER ST
KYLE TX 78640-9450

CUST. NO. SHIP TO
0265600

STORE
MA

FILLED BY

W/C LOC

W/C PC/S

SHIP VIA

DELIVERY LOCATION

INSTRUCTIONS

CUST. ORDER NO.

TELEPHONE

512 262 3024

MAKE P/C MODEL SERIAL NO. EQUIP. NO. ARRANGEMENT NO. DATE TIME ENTERED BY REFERENCE NO. PAGE

AA 2 272C XPS *CAT0272CHRED01860* 295-7272 4/16/20 14:52:29 AWB1 3

ITEM ---QUANTITY--- PART NUMBER/
NO. ORDER SHIP B/O DESCRIPTION
PARTS SALES PERSON: AARON BANDA

ITEM	NO.	QUANTITY	PART NUMBER	DESCRIPTION	LOCATION	N/R	TR	SOS	GROSS WEIGHT	UNIT PRICE	EXTD PRICE
16	1	1	308-7534	COVER AS.				QN 000	.4	273.19	273.19
17	1	1	308-7535	COVER AS.				QN 000	.4	200.89	200.89
18	2	2	309-1936	COVER AS.				QN 000	.5	88.28	176.56
19	1	1	309-2477	BRUSH AS				QN 000	3.7	156.14	156.14
20	1	1	310-8378	HOOD AS.				QN 000	.6	319.07	319.07
21	2	2	311-6565	COVER AS.				QN 000	2.9	136.04	272.08
22	2	2	312-2613	BRACKET AS.				QN 000	.2	168.67	337.34
23	1	1	315-1552	COVER AS.				QN 000	.3	493.08	493.08
24	1	1	315-1553	COVER AS.				QN 000	.3	493.08	493.08
25	4	4	5P-4116	COVER AS. WASHER				000	.1	.86	3.44

MAQ020892

MAQ020892

CONTINUED

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DOCUMENT NO

MAQ020892

* CASH*

* EXPIRES 05/16/20

CUSTOMER QUOTE

SOLD TO
CITY OF KYLE
100 W CENTER ST
KYLE TX 78640-9450

CUST. NO. SHIP TO
0265600

STORE
MA

FILLED BY

W/C LOC

W/C PC/S

SHIP VIA

DELIVERY LOCATION

INSTRUCTIONS

CUST. ORDER NO.

TELEPHONE

512 262 3024

MAKE	P/C	MODEL	SERIAL NO.	EQUIP. NO.	ARRANGEMENT NO.	DATE	TIME	ENTERED BY	REFERENCE NO.	PAGE
AA 2	272C	XPS	*CAT0272CHRED01860*		295-7272	4/16/20	14:52:29	AWB1		4

ITEM ----- QUANTITY --- PART NUMBER /
 NO. ORDER SHIP B/O DESCRIPTION
 PARTS SALES PERSON: AARON BANDA

ITEM NO.	QUANTITY	PART NUMBER	DESCRIPTION	LOCATION	N/R	TR	SOS	GROSS WEIGHT	UNIT PRICE	EXTD PRICE	
26	4	6V-7357	BOLT				000	.1	.46	1.84	
27	4	6V-7743	LOCKNUT				000	.1	.66	2.64	
28	4	6V-9189	LOCKNUT				000	.1	.91	3.64	
29	4	8T-4138	BOLT				000	.1	.40	1.60	
30	8	8T-4205	WASHER				000	.1	.51	4.08	
31	1	371-3725	KT PLNSW P Y				* QN 000	4.8	383.80	383.80	
TOTAL GROSS WEIGHT OF SHIPPED ITEMS									52.6		

MAQ020892

MAQ020892

TAX EXEMPT LIC # TX MUNICIPALITY

USD SELL TOTAL 3639.26

Item #

SIGNATURE REQUIRED

* One or more parts on this order may be non-returnable

RECEIVED BY

David Goll

From: Aaron Banda
Sent: Thursday, January 30, 2020 1:20 PM
To: David Goll
Subject: RE: Debris quote

Go To **Related Information**

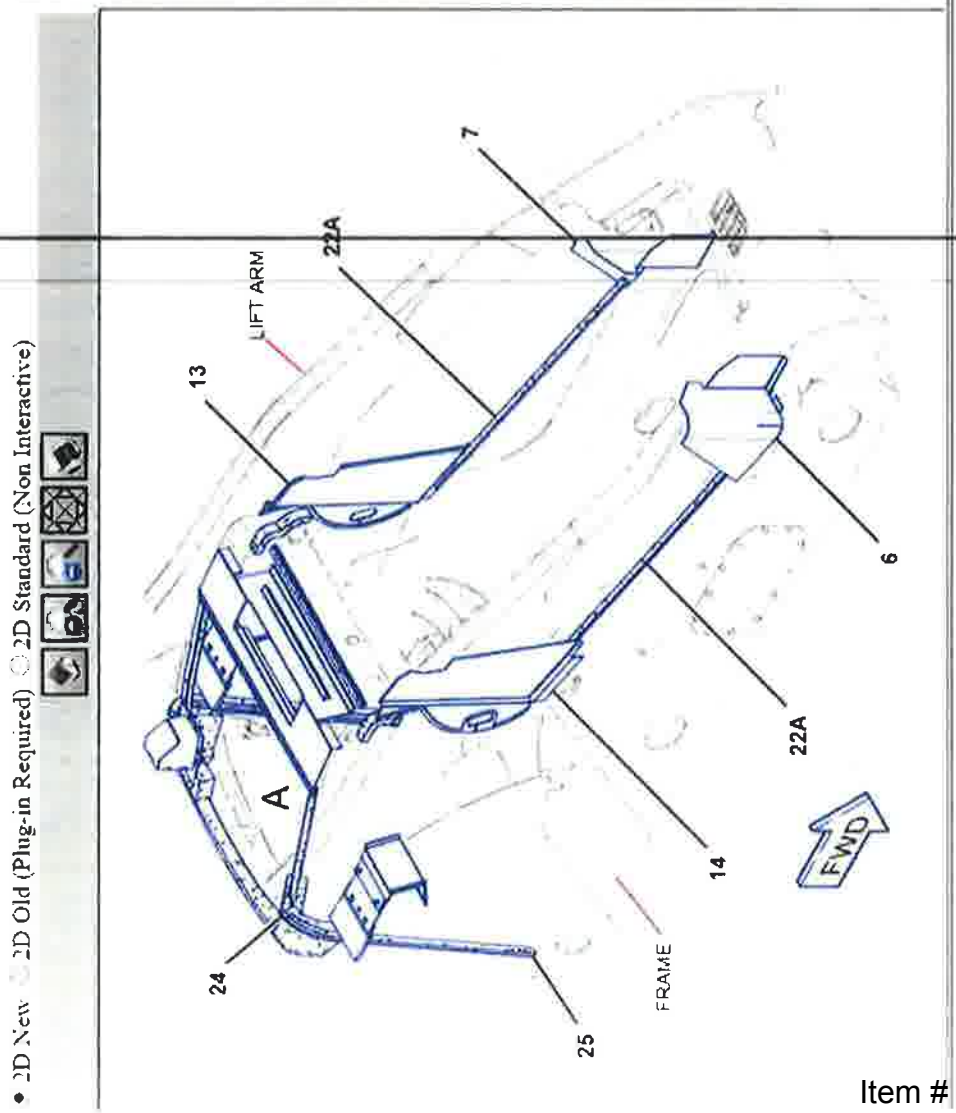
310-6610 KIT-MACHINE ENCLOSURE SEAL -DEBRIS BARRIER
S/N RED1-UP
AN ATTACHMENT
 Service Options: [View information](#)

ENTIRE GROUP

Qty	Part No.	Part Name	Req. Qty
1	310-6610	KIT-MACHINE ENCLOSURE SEAL -DEBRIS BARRIER	1

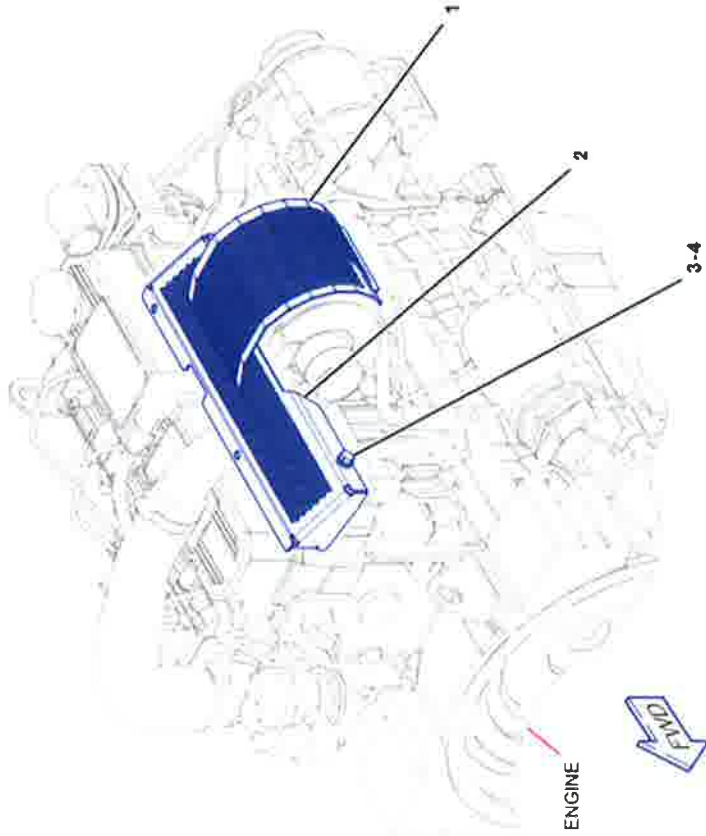
INDIVIDUAL PARTS

Qty	Part No.	Part Name	Req. Qty
1	176-4079	INSULATION (On Parts List)	1
1	261-6379	INSULATION (On Parts List)	1
1	294-0082	INSULATION (On Parts List)	1
1	294-0083	INSULATION (On Parts List)	1
1	294-0084	INSULATION (On Parts List)	1
1	308-7534	COVER AS (On Parts List)	1
1	308-7535	COVER AS (On Parts List)	1
2	309-1936	GUARD AS-BRUSH (On Parts List)	2
1	309-2477	HOOD AS (On Parts List)	1
1	310-8378	COVER AS (On Parts List)	1
2	311-6565	BRACKET AS (On Parts List)	2
(EACH INCLUDES)			
2	3E-6908	STUD-WELD (M8X1.25X20-MM)	2
2	6V-9632	NUT-WELD (M6X1-THD)	2
2	312-2613	COVER AS (On Parts List)	2
		COVER AS	



Graphic Only

2D New (Plug-in Required) 2D Standard (Non Interactive)



272C Skid Steer Loader, Powered By 3044C Engine
Media Number - SEBP4567-50 | Date Updated - 25/07/2019

[View Latest Kit Information](#)

103019

280-8393 **GUARD GP-DEBRIS -TURBOCHARGER, EXHAUST**
MANIFOLD

S/N RED1-JP
PART OF 288-2568, 261-6274 HYDRAULIC AR
AN ATTACHMENT
Service Options: [View Information](#)

ENTIRE GROUP

Ref.	QTY.	NPR Note	Part No.	Part Name
Grp		NPR	280-8393	GUARD GP-DEBRIS -TURBOCHARGER, EXHAUST MANIFOLD

INDIVIDUAL PARTS

Loc. Ref.	QTY.	NPR Note	Part No.	Req. Qty.	Part Name
<input type="checkbox"/>	1	NPR	280-8355	1	GUARD AS-EXHAUST (TURBOCHARGER)
<input type="checkbox"/>	2	NPR	280-8391	1	GUARD-EXHAUST (MANIFOLD)
<input type="checkbox"/>	3	NPR M	8T-4189	2	BOLT (M8X1.25X20-MM)
<input type="checkbox"/>	4	NPR	8T-4224	4	WASHER-HARD (8.8X16X2-MM THK)

Key:

M - METRIC PART

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Thu Jan 26 2020 11:41:30 GMT-0600 (Central Standard Time)

My goal is to provide legendary customer service.
Did I earn a 10 today? Please share your **feedback.**

Aaron Banda
Austin Parts Counter
6601 S IH 35 Frontage Rd, Austin, TX 78744
Office: 512.292.5060 ext: 1575



CITY OF KYLE, TEXAS

Parks Seasonal Positions

Meeting Date: 4/21/2020

Date time: 7:00 PM

Subject/Recommendation: Authorize the hiring of two new seasonal positions to be dedicated for the maintenance of City's park trails in the Parks and Recreation Department. ~ *Mariana Espinoza, Director of Parks & Recreation*

Other Information:

Legal Notes:

Budget Information: Funding for the two new seasonal positions will be provided from the approved budget for seasonal and temporary position line item of the Parks and Recreation Department.

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Pipeline Ord. amendment

Meeting Date: 4/21/2020

Date time:7:00 PM

Subject/Recommendation: *(First Reading)* An Amendment to an Ordinance of the City of Kyle, Texas Regulating City Roads, Rights of Way, Easements or Utility Infrastructure and such use thereof by Pipelines; Making Findings of Fact; Providing Definitions; Providing a Maximum Penalty; Providing Severability and Open Meetings Clauses; and Providing for Related Matters. ~ *Barbara Boulware-Wells, Assistant City Attorney*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Pipeline Ordinance Amendment

ORDINANCE NO. _____

AMENDMENT TO AN ORDINANCE OF THE CITY OF KYLE, TEXAS REGULATING CITY ROADS, RIGHTS OF WAY, EASEMENTS OR UTILITY INFRASTRUCTURE AND SUCH USE THEREOF BY PIPELINES; MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING A MAXIMUM PENALTY; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of the City of Kyle (the “City”) recognizes the need to continue to regulate areas involving the City’s roadways, rights of way, easements and utility infrastructure;

WHEREAS, the City is a home rule city with the requisite authority to protect the public health and welfare and it is in the public interest to have regulatory control over some aspects of pipeline installation to minimize conflicts with existing buildings, roadways (current and planned) and land uses together with future infrastructure and development;

WHEREAS, the City desires to improve the clarity and ensure consistency with both federal and state law provisions concerning pipelines;

WHEREAS, the City Council continues to understand the limits of its regulations and it is the City’s intention to not engage in regulation or enforcement activity with respect to matters that are or may be within the exclusive jurisdiction of either the federal government or the State of Texas, including the United States Department of Transportation and the Texas Railroad Commission; and

WHEREAS, the City Council desires to clarify the provisions herein and in agreements that any easement granted, any rights of way use agreements approved or any other form of permit granted under this ordinance or through agreement is singular as to the number of pipelines that may be placed in the rights of way, as well as the types of materials that may be transported in those pipelines that have been granted permits.

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Building Regulations Amended. The City Council hereby modifies and amends the previously adopted regulations and procedures as presently set forth in Exhibit “A” hereto entitled “Building Regulations and Permitting Involving Pipelines and the City’s Right of Way, Roadway and Utility Infrastructure,” attached to and incorporated in this Ordinance as though fully transcribed herein for all purposes.

Section 3. Amendment of Ordinances. Prior ordinances of the City dealing with or applicable to oil and gas pipelines are hereby amended to the extent of any conflict herewith, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance

and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 4. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 5. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the _____ day of _____, 2020.

FINALLY PASSED AND APPROVED on the ____ day of _____, 2020

ATTEST:

CITY OF KYLE, TEXAS

Jennifer Vetrano, City Secretary

Travis Mitchell, Mayor

EXHIBIT “A”

Chapter 8, Building Regulations, Article VII, Building Regulations and Permitting Involving Pipelines and the City’s Rights of Way, Roadway and Utility Infrastructure

8-250 OIL AND GAS PIPELINES - General Technical Provisions.

(1) The following provisions apply solely to natural gas transmission pipelines thirty (30) inches or larger interior diameter, built on or after the date of final passage of this Ordinance (“Natural Gas Transmission Pipelines” or “Pipelines”) and any entities that may operate such Pipelines shall be identified herein as “Pipeline Operators.”

(2) As determined in the sole, but reasonable discretion of the City, Natural Gas Transmission Pipelines shall be located so that they do not interfere with or damage existing utilities, including but not limited to water, sewer, or gas lines, storm drains, electric lines or the facilities of any public utilities located in public rights-of-way, utility easements, municipal utility easements or other city-owned property or in private residential areas.

(3) The Pipeline Operator shall be required to comply with pipeline permit requirements in Subsection 8-253 below and all regulations regarding noise in Subsection 8-254 below.

(4) The Pipeline Operator shall be responsible to grade, level and restore the property affected by pipeline construction to the same surface condition, as nearly practicable, as existed before operations were first commenced within thirty (30) days after completion of the pipeline.

(5) The city has control of roadways and facilities and/or lines existing within public rights- of-way, utility easements or on/under city owned property within the city, whether current or planned and the Pipeline Operator shall, unless pre-empted by state or federal law, design and build all Natural Gas Transmission Pipelines that will be on, over, under, along, across, within, or crossing public roads and/or all facilities and/or lines existing within the public rights-of-way, utility easements or on/under city owned property within the city limits shall be a minimum depth of thirteen (13) feet from top of pipe to surface, irrespective of the angle such Pipeline crosses such roads and/or all facilities and/or other lines existing within such rights-of-way, utility easements or on/under city owned property. “Planned roadways” include but are not limited to roads shown on approved preliminary plats, approved final plats, roads shown on CAMPO maps and any roadways shown on the City of Kyle’s Comprehensive Plan and/or Transportation Plan. Planned roadways may include corridors. “Planned infrastructure” includes but is not limited to water/wastewater/stormwater lines shown on approved preliminary plats, approved final plats, shown on the City of Kyle’s Comprehensive Plan, Master Plans, and/or Capital Improvement Plan.

(6) At least sixty (60) days prior to finalization of any Natural Gas Transmission Pipeline construction plans, the Pipeline Operator and/or contractor shall provide the city with the construction plans for all Pipeline construction within the city to ensure that all current and future planned roadways have the Pipeline designed to the above-referenced depth.

(7) At least ten (10) days prior to the commencement of any Pipeline construction, the Pipeline Operator shall give written mailed notice to all residents, tenants and property owners that are located adjacent to the proposed Pipeline. The mailing shall include the Pipeline Operator’s publication on Natural Gas Transmission Pipeline safety.

(8) At the time the required Natural Gas Transmission Pipeline records are submitted to the Railroad Commission of Texas, the Pipeline Operator shall provide the city the following information, including GPS

information sufficient to locate the Pipelines in the future, including the beginning and end points of the Pipeline and sufficient points in between the Pipeline route and the depth of cover information. This information shall be submitted to the city in a format compatible with the city's own GIS system.

- a. As-built or record drawings of the Natural Gas Transmission Pipelines. Accuracy of the record drawings shall meet the City requirements as established by the City Engineer. The scale of the record drawings shall be a minimum of one inch to 40 feet. The drawings shall also be supplied in a DFF digital file format with the location tied to at least one nearby GPS (global positioning system) city monument. If the new Pipeline length exceeds 1,000 feet within the city, the Pipeline shall be tied to at least two GPS city monuments;
- b. The origin point and the destination of the Natural Gas Transmission Pipeline;
- c. Confirmation of the substance to be transported;
- d. A copy of the substance material safety data sheet (MSDS);
- e. Engineering plans, drawings and/or maps with summarized specifications showing the horizontal location, covering depths and location of shutoff valves of the subject Natural Gas Transmission Pipeline. Drawings shall show the location of other pipelines and utilities that are crossed or paralleled within 15 feet of the Natural Gas Transmission Pipeline right-of-way;
- f. Detailed cross-section drawings for all public rights-of-ways and utility easement crossings on city property as permitted by the city; and
- g. A list of the names and mailing addresses of all the property owners, residents and tenants adjacent to the Natural Gas Transmission Pipeline construction.

(9) At the time of permitting and each year thereafter that the Natural Gas Transmission Pipeline remains active, each Pipeline Operator shall provide to the fire marshal and the chief of police the names, mailing addresses and telephone numbers of at least two primary persons, officers or contacts available on a 24-hour basis and at least two alternative persons, officers or contacts to be reached in the event that the primary contacts are unavailable who:

- a. Can initiate appropriate actions to respond to an emergency;
- b. Have access to information on the location of the closest shutoff valve to any specific point in the city; and
- c. Can furnish the common name of the material then being carried by the Pipeline.

Any change in the above information must be provided to the city by contacting the city engineer prior to such change.

(10) Each Pipeline Operator shall file a copy of all initial or follow-up reports provided to the U.S. Department of Transportation or the Railroad Commission of Texas on unsafe Pipeline conditions, Pipeline emergencies or Pipeline incidents within the city concurrently with the city. In addition, such Pipeline Operator shall file any initial or follow-up reports filed with state and federal environmental regulatory agencies pertaining to Natural Gas Transmission Pipeline releases within the city concurrently with the city.

8-251 OIL AND GAS PIPELINES - Technical Provisions for Building Around Pipelines

(1) In this section:

(a) **HAZARDOUS PIPELINE** means a pipeline designed for the transmission of a hazardous liquid with an inside diameter of eight inches or more.

(b) **HAZARDOUS LIQUID** means a liquid that is dangerous to human health or safety or the environment if used incorrectly or if not properly stored or contained. Pipeline safety regulations identify [petroleum](#), petroleum products, or anhydrous ammonia as hazardous liquids. (Reference [49 CFR 195.2](#)).

(c) NATURAL GAS means natural gas, the principal constituent of which is methane. For purposes of this Ordinance, Natural Gas is not a Hazardous Liquid.

(d) TRANSMISSION PIPELINE means large lines (greater than thirty (30) inches interior diameter) that move natural gas long distances around the country, often at high pressures (typically 200 - 1500 psi)

(e) NEW CONSTRUCTION means the construction after August 31, 2019 of a structure intended for human occupancy, and includes the construction of a new structure, the construction of an addition to an existing structure and the reconstruction of a portion of an existing structure. The term excludes an addition to or the reconstruction or replacement of a structure existing on August 31, 2019 used for:

- (i) single-family residential use;
- (ii) small lot single-family residential use;
- (iii) single-family attached residential use;
- (iv) duplex residential use;
- (v) two-family residential use;
- (vi) mobile home residential use; or
- (vii) in a neighborhood plan combining district:
- (viii) cottage special use;
- (ix) urban home special use; or
- (x) secondary apartment special use.

(f) RESTRICTED PIPELINE AREA includes an area within 25 feet of a Hazardous Pipeline or within 200 feet of a Natural Gas Transmission Pipeline.

(g) USE REQUIRING EVACUATION ASSISTANCE includes the following uses:

- (i) congregate living;
- (ii) convalescent services;
- (iii) detention facilities;
- (iv) day care services (commercial);
- (v) hospital (general);
- (vi) hospital (limited);
- (vii) medical offices exceeding 5,000 square feet of gross floor area;
- (viii) private primary educational facilities;
- (ix) private secondary educational facilities;
- (x) public primary educational facilities;
- (xi) public secondary educational facilities; and
- (xii) retirement housing (large site).

(2) Areas Involving a Use Requiring Evacuation Assistance

(a) Subject to subsection (b) below, a Use Requiring Evacuation Assistance is prohibited in a structure intended for human occupancy that is located within 500 feet of a Hazardous Pipeline or within 500 feet of a Natural Gas Transmission Pipeline.

(b) This prohibition does not apply to a structure that is located between 200 and 500 feet of a Hazardous Pipeline or a Natural Gas Transmission Pipeline if by resolution the Council determines, after receiving a recommendation from the fire chief that

(1) the structure has a performance-based design that provides an adequate time period for occupant evacuation to a safe place in the event of a pipeline leak or fire associated with the pipeline, after considering:

- (a) the requirements of Chapter 25-12, Article 7 (*Uniform Fire Code*) and the 2000 edition of the National Fire Protection Association 101 Life Safety Code;
 - (b) the site and structure design;
 - (c) the structure's building materials;
 - (d) the structure's distance from the pipeline;
 - (e) the use of radiant energy barriers;
 - (f) access to the site and the structure by emergency responders;
 - (g) available on-site resources for emergency responders;
 - (h) the topography and other natural features;
 - (i) the use of the structure; and
 - (j) the evacuation capability of the occupants;
- (2) the structure incorporates a system for the early detection and notification of a pipeline leak, if the fire chief determines that an appropriate system is commercially available; and
 - (3) the performance-based design for occupant evacuation and the early detection and notification system are certified and sealed by an engineer registered in Texas.

(3) Areas Involving New Construction

(a) A person may not build New Construction within 200 feet of a Hazardous Pipeline or a Natural Gas Transmission Pipeline unless:

(1) the fire chief determines that:

(i) the New Construction has a performance-based design that provides a minimum one-hour time period for occupant evacuation to a safe place in the event of a pipeline leak or a fire associated with the pipeline, in accordance with Chapter 25-12, Article 7 (Uniform Fire Code) or the 2000 edition of the National Fire Protection Association 101 Life Safety Code;

(ii) the New Construction incorporates a system for the early detection and notification of a pipeline leak, if the fire chief determines that an appropriate system is commercially available; and

(iii) the performance-based design for occupant evacuation and the early detection and notification system are certified and sealed by an engineer registered in Texas; or

(b) the New Construction complies with the standards for construction near a pipeline defined as a Hazardous Pipeline by the City of Austin, as prescribed by the Fire Protection Criteria Manual adopted by City of Austin.

(4) Areas Involving A Restricted Pipeline Area

(a) Subject to subsection (b) below, A person may not place a structure or excavate within a Restricted Pipeline Area.

(b) This prohibition does not apply to:

(i) the pipeline or an appurtenance;

(ii) a facility that produces, consumes, processes, or stores the product transported by the pipeline, including a power generation facility;

(iii) a public or private utility line (which may include but not be limited to water and wastewater lines, stormwater and/or drainage lines) that crosses the Restricted Pipeline Area, including an appurtenance to the line;

(iv) a utility service connection;

(v) a road;

(vi) a surface parking lot; or
(vii) a structure or excavation that the City and pipeline operator determines does not disturb the pipeline or impede its operation.

(c) Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must deliver to the City and pipeline operator a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation.

8-252 OIL AND GAS PIPELINES - Risk Reduction and Consultation

(1) “Development Permit”, for purposes of this consultation zone requirement, means any permit required by the city for activity that involves construction, grade modification, excavation, blasting, land clearing, or the deposit of earth, rocks or other materials that places an additional load upon the soil. Construction that involves work totally within an existing building footprint, such as residential remodeling projects, is specifically exempted from these consultation zone requirements.

(2) Consultation Zone Distance. The consultation zone requirement applies to Development Permits involving any parcel that is within 660 feet of the centerline of a Natural Gas Transmission Pipeline. The 660 foot consultation zone distance may be lessened for certain Development Permit activities if notice of the Development Permit activities and the distance changes are provided to the Pipeline Operator(s) by the Development Permit applicant and no objection is provided by such Pipeline Operator. There must be written documentation demonstrating that such notice has been provided to the Pipeline Operator(s) and that within fifteen (15) days of delivery of such for such proposed Development Permit activities.. The intent of this section is to provide flexibility and to avoid unnecessary paperwork and delays in the permitting process while also making sure that all activities that may impact the integrity of a Natural Gas Transmission Pipeline are given an opportunity to be thoroughly reviewed by the Pipeline Operator(s). The fifteen (15) day time period may be extended so long as the Pipeline Operator(s) has contacted the applicant and requested such extension of time.

(3) Consultation Zone Notification. Whenever any applicant applies for a Development Permit within the consultation zone established for Natural Gas Transmission Pipelines, the staff at the permit counter shall notify the applicant that they are within the consultation zone, explain the relevant application procedures, and provide contact information for the applicable Pipeline Operator(s). This same procedure shall be followed whenever an individual inquires about development regulations or zoning restrictions for property within the consultation zone.

(4) Complete Application for Development Permit within Consultation Zone. A complete application for any Development Permit within the designated consultation zone must include written verification from the applicant that:

- a) The applicant has delivered notice to the Pipeline Operator(s) and has provided the Pipeline Operator(s) with documentation detailing the proposed Development Permit activity and where the activity is to take place; and
- b) That the Pipeline Operator(s) has either (i) responded with no objections, (ii) has failed to respond to the applicant within the fifteen (15) day time period set out above, or (iii) has provided objections to the applicant.

- c) The notice and written documentation shall be provided to the Pipeline Operator via both regular mail and certified, return receipt requested, and demonstrates that the Pipeline Operator(s) has received the documentation showing the proposed Development Permit activity and its location.
- d) If the Pipeline Operator(s) has responded, such documentation shall also be included.

(5) Checklist. A checklist, provided by the City and submitted by an applicant for a Development Permit involving any parcel that is within 660 feet of the centerline of a Natural Gas Transmission Pipeline must reference the Natural Gas Transmission Pipeline(s) and provide information concerning any impact the activity will have upon the integrity of the Natural Gas Transmission Pipeline(s).

8-253 OIL AND GAS PIPELINES - City Permit Required.

(1) Prior to the construction and/or operation of Natural Gas through a Transmission Pipeline or Hazardous Materials through a Hazardous Pipeline as both are defined in 8-251 on or after the date of passage of this ordinance, the pipeline operator shall provide to the city certification that the design and installation of the Natural Gas Transmission Pipeline(s) or Hazardous Pipeline(s) meet all state and federal requirements. This certification is required for informational purposes only; the City does not assert authority to enforce these state and federal requirements.

(2) Transmission Pipelines, Hazardous Pipelines, gathering lines and production lines within the city limits or extraterritorial jurisdiction where they are within, under, or touch City rights-of-way, roads, easements or any other city property shall be constructed in accordance with the city's ordinances.

(3) The City may also require that a Natural Gas Transmission Pipeline be redesigned or relocated should it conflict with the alignment and depth of a gravity dependent Proposed Utility Infrastructure.

(4) Review by the City for all proposed Natural Gas Transmission Pipelines through private residential areas shall be required prior to the issuance of a pipeline permit for the commencement of Pipeline construction.

(5) All known oil and gas pipelines, including Hazardous Pipelines and all private or public easements must be indicated on a plat.

(6) Without express City Council approval, no Pipeline of any kind shall be permitted or installed in any right-of-way, road, easement or any other city property under each permit application in which another Hazardous Pipeline or Natural Gas Transmission Pipeline has been installed or approved for installation by the City.

(7) A pipeline permit application shall be required as follows:

a. Applications for Natural Gas Transmission Pipeline, Hazardous Pipelines, or other activities regulated by Section 8-251 shall be submitted to the city in a form prescribed by the city.

b. Plans submitted with each application for a pipeline permit shall be in a format approved by the city showing the dimensions and locations of the pipeline and related items or facilities, as well as all proposed lift stations, pumps or other service structures related to such pipeline and the location, type and size of all existing utilities, drainage, rights-of-way and roadway improvements. The plans must additionally show the elevation and location of all known public utilities within 15 feet of the centerline of the proposed pipeline. Any application that fails to meet these requirements will be returned as incomplete to the applicant.

c. The following information shall be provided in the application:

- 1. The name, business addresses and telephone numbers of the pipeline operator;
- 2. The names, titles and telephone numbers of the following:
 - i. The person signing the application on behalf of the pipeline operator; and

- ii. The person designated as the principal contact for the submittal.
- 3. The origin point and the destination of the proposed subject pipeline;
- 4. A text description of the general location of the proposed subject pipeline;
- 5. Identification of the substance to be transported through the proposed subject pipeline;
- 6. A copy of the substance material safety data sheet (MSDS);
- 7. Engineering plans, drawings and/or maps with summarized specifications showing the horizontal location, covering depths and location of shutoff valves of the proposed subject pipeline. To the extent that information can be obtained, drawings shall show the location of other pipelines and utilities that will be crossed or paralleled within 15 feet of the proposed subject pipeline right-of-way;
- 8. Detailed cross section drawings for all public street rights-of-way and public utility easement crossings;
- 9. The proposed method or methods to be used for the installation of the pipeline;
- 10. Methods to be used to prevent both internal and external corrosion;
- 11. A binder of certificates of all bonds and insurance; and
- 12. A proposed alignment strip map showing name and address of all affected property owners.

(8) Fees associated with such pipeline permit(s) are as follows:

(a) *Pipeline permit application fee.* Every application for a pipeline permit shall be accompanied by a permit fee of \$2,500.00.

(b) *Pipeline right-of-way review.* Each pipeline permit application for use of a public right-of-way or public utility easement is subject to review and determination by the city's engineer or his/her designee.

(1) Permittees using the public right-of-way or a public utility easement shall enter into a city-approved use agreement with the city prior to receiving a pipeline permit authorizing the use of the city right-of-way or public utility easement.

(2) In the event a pipeline permit application for use of public right-of-way or a public utility easement is denied, an applicant may appeal such denial within five (5) days of receipt of written notice of such denial to the city manager. The decision of the city manager may be appealed to the City Council within five (5) days of receipt if the city manager's decision. The City Council's decision shall be final.

(c) *Pipeline right-of-way annual use fee.* Annual fee of \$3.00 times the number of rods of public ROW or public utility easements occupied. Payment for the first year is due within 30 days of approval and payment for subsequent years is due prior to each anniversary of the effective date of the agreement. This fee may, in the sole discretion of the city, be adjusted for inflation as long as the fee does not exceed the cost to the City of administering, supervising, inspecting, and otherwise regulating the location of pipelines occupying public rights-of-way and public utility easements.

(9) Insurance and Bonds .

(a) Each pipeline operator of a Natural Gas Transmission Pipeline or a Hazardous Pipeline during the term of its regulated pipeline permit must carry public liability insurance with a carrier rated "A" or better by A.M. Best in a minimum amount of \$1,000,000.00 for one person and \$5,000,000.00 for one accident and property damage insurance in the amount of \$10,000,000.00 for one accident.

(b) Each pipeline operator shall provide and maintain in full force and effect during the term of its regulated pipeline permit insurance with the following minimum limits:

(1) Worker's compensation at statutory limits.

(2) Employer's liability insurance with the following minimum limits for bodily injury by:

(a) accident, \$1,000,000 per each accident; and

(b) disease, \$1,000,000 per employee with a per-policy aggregate of \$1,000,000.

(3) Commercial general liability coverage, including blanket contractual liability, products and completed operations, personal injury, bodily injury, broad form property damage, operations hazard, pollution, explosion, collapse and underground hazards for \$2,000,000 per occurrence and aggregate policy limit of \$2,000,000.

(4) Automobile liability insurance (for automobiles used by the pipeline operator in the course of its performance under the pipeline permit, including employer's nonownership and hired auto coverage) for \$2,000,000 combined single limit per occurrence.

(5) Umbrella liability insurance following the form of the primary liability coverage described in Subsections (a) and (b) and providing coverage with minimum combined bodily injury (including death) and property damage limit of \$25,000,000 per occurrence and \$25,000,000 annual aggregate. Increased primary liability limits equivalent to the umbrella liability insurance limits specified will satisfy the umbrella liability insurance requirements.

(c) Performance bond or irrevocable letter of credit.

(1) Before issuance of a pipeline permit, the pipeline operator shall submit to the city a performance bond or irrevocable letter of credit approved as to form by the city attorney in the amount of \$100,000.

(2) The performance bond is effective upon the issuance of the pipeline permit and must remain in full force and effect until all work under the terms of the pipeline permit has been completed.

(3) The performance bond may be amended to include other permitted pipeline permits.

8-254 OIL AND GAS PIPELINES - Noise

(1) The Pipeline Operator of a Natural Gas Transmission Pipeline as defined in Section 8-251 shall submit a noise management plan detailing how the Pipeline or any equipment or facilities including compressor stations used in the installation of the Pipeline and/or, transportation of Natural Gas complies with the maximum permissible noise levels of this section. The noise management plan must:

- a. Identify operation noise impacts;
- b. Provide documentation establishing the ambient noise level prior to construction of any pipeline;

and

c. 1. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:

- i. Nature and proximity of adjacent development, location and type;
- ii. Seasonal and prevailing weather patterns, including wind directions;
- iii. Vegetative cover on or adjacent to the site; and
- iv. Topography.

2. The Pipeline Operator shall be responsible for verifying compliance with this section and the noise management plan after the installation of the noise generation equipment.

(2) No Natural Gas Transmission Pipeline or any equipment or facilities including compressor stations associated with such pipeline shall be operated at any location within the city in such a manner so as to create any noise, that Exceeds 55dB(A) at the closest noise sensitive areas (i.e. homes, businesses, parks, churches, etc.)

(3) The sound level meter used in conducting noise evaluations shall meet the American National Standard Institute's Standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

(4) A citation may be immediately issued for failure to comply with the provisions of this section. However, if the Pipeline Operator is in compliance with the approved noise management plan, and a violation still occurs, the Pipeline Operator will be given 24 hours from notice of noncompliance to correct the violation from an identified source before a citation is issued. Additional extensions of the 24-hour period may be granted in the event that the source of the violation cannot be identified after reasonable diligence by the operator.

8-255 OIL AND GAS PIPELINES - Coordination of Information Regarding Emergencies.

Upon discovery of a pipeline emergency or incident, any affected pipeline operator shall as soon as practical communicate to the city's 911 system the following information:

- a. A general description of the emergency or incident;
- b. The location of the emergency or incident;
- c. The name and telephone number of the person reporting the emergency or incident;
- d. The name of the pipeline operator;
- e. Whether or not any hazardous material is involved and identification of the hazardous material so involved; and
- f. Any other information as requested by the emergency dispatcher or other such official at the time of reporting the emergency or incident.

8-256 OIL AND GAS PIPELINES - Pipeline Repairs and Maintenance Involving the Public Rights-of-Way, Utility Easements or City owned Property

(1) If non-emergency repairs necessitate excavation of a Natural Gas Transmission Pipeline or Hazardous Pipeline in the public rights-of-way, utility easements, or City owned property, the pipeline operator shall send notification to occupants of business establishments and residential dwellings located adjacent to the pipeline to be excavated at least five (5) days prior to commencing such repairs.

(2) If above-ground non-emergency repairs that are not routine maintenance are required and involve the public rights-of-way, utility easements or City owned property, the pipeline operator shall send notification to occupants of businesses and residential dwellings located within 200 feet from the centerline of the pipeline section to be repaired at least five (5) days prior to commencing such repairs.

(3) The notice required herein shall be sent by United States regular mail, postage prepaid mailed at least five (5) business days prior to commencing any non-emergency repair; provided, however, that the pipeline operator may use hand delivery notice as an alternative, at the pipeline operator's discretion.

8-257 OIL AND GAS PIPELINES - No Implied Grant of Use.

Nothing in this subsection grants permission for the use of any public street, public rights-of-way, utility easements or city-owned property. In the event a Pipeline Operator wishes to undertake any Natural Gas Transmission Pipeline construction on, over, under, along or across any public rights-of-way, utility easements or other city-owned property, the Pipeline Operator shall apply for and execute a written agreement with the city governing the terms and conditions for such use; obtain all required permits and comply with any other applicable provisions of the city code.

8-258 OIL AND GAS PIPELINES - No Assumption of Responsibility by City; Responsibility.

Nothing in these provisions shall be construed as an assumption by the City of any responsibility of a pipeline operator of a pipeline not owned by the city.

8-259 OIL AND GAS PIPELINES - Public Awareness Information.

In keeping with the Natural Gas Pipeline Safety Act of 1968 and 49 CFR § 192.614, "Damage Prevention Program," 49 CFR § 192.615, "Emergency Plans," the Hazardous Liquids Safety Act of 1979, and 49 CFR § 195.408, "Communications," 49 CFR § 195.440, "Public Awareness," and the Community Right-to-Know Act, 40 CFR Parts 350-374, all as amended:

- (1) Annually, all pipeline operators will provide affected landowners, public officials and emergency providers with appropriate public awareness information as outlined in API 1162.
- (2) Each pipeline owner or operator shall maintain a public education program that is communicated to residents and business establishments within 1,000 feet of the centerline of a pipeline.
- (3) Public education information shall be communicated at least annually in both English and Spanish.

8-260 OIL AND GAS PIPELINES - Violations.

- (1) A person is criminally responsible for a violation of this article if the person:
 - (a) fails to obtain a City permit as required in 8-253 herein;
 - (b) fails to comply with the City's ordinances; or
 - (c) fails to comply with any provision of this article.
- (2) A person who knowingly violates any provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine of \$2,000. This fine shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and any subsequent convictions of the same offense within any 24-month period.
- (3) To the extent that this Chapter 8, Building Regulations, refers to or incorporates any requirements of federal or state law, the violation of any such requirements of federal or state law shall not be subject to the provisions of this Section 8-260.

8-261 OIL AND GAS PIPELINES - Street and Right-of-Way Use.

- (1) In the event a Natural Gas Transmission Pipeline is placed within any public right-of-way under the jurisdiction of the city, the owner/operator shall comply with the right-of-way use regulations as provided in this City's Code of Ordinance and obtain an appropriate franchise, permit or authorization for the use of such right-of-way.
- (2) To the extent that the provisions of this article conflict with the city's right-of-way use ordinance, this article shall apply.
- (3) All Right of Way Use Agreements that have been entered into and approved since September 10, 2019, are currently limited to a single pipeline in such Right of Way and such limitation shall not be removed or revised without City Council approval.

8-262 CERTAIN USES NEAR PIPELINES.

- (1) This section applies to a use that is nonconforming because of its proximity to a Natural Gas Transmission Pipeline or Hazardous Pipeline under Sections 8-251 or 8-252.
- (2) Proximity to a Natural Gas Transmission Pipeline or Hazardous Pipeline does not solely cause a structure or area to be noncomplying under Article VII. - Nonconforming Uses And Structures.
- (3) If there is a conflict between the regulations prescribed by this section and the regulations as determined by Article VII - Nonconforming Uses and Structures, this provision controls.



CITY OF KYLE, TEXAS

Goforth Kyle Subdivision (SUB-19-0084) Waiver Request

Meeting Date: 4/21/2020
Date time: 7:00 PM

Subject/Recommendation: Consider a request for a waiver to allow 50-foot wide rights-of-way (ROW) for the local, residential streets, internal to the subdivision. (Goforth Kyle Subdivision - SUB-19-0084)
~ Howard J. Koontz, Director of Planning and Community Development

Other Information: Please see attachments.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Staff Memo
- Waiver Request Letter
- Proposed Concept Plan
- Emails from Engineering/Public Works supporting 50' ROW
- Location Map



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Mayor & Council

FROM: Howard J. Koontz – Director of Planning & Community Development

DATE: Tuesday, April 21, 2020

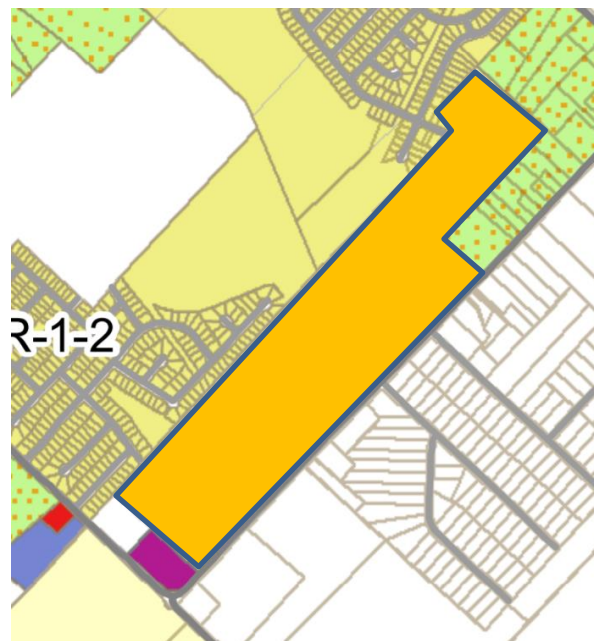
SUBJECT: Goforth Subdivision Concept Plan – ROW Waiver Request

REQUEST

The applicant requests a waiver to allow 50-foot wide rights-of-way (ROW) for the local, residential streets, internal to the subdivision.

LOCATION

The concept plan known as “Goforth Subdivision” consists of four hundred (400) residential lots, trails, parkland and amenity center. The property is zoned R-1-3. It’s located on approximately 120-acres at the northwest corner of Bunton Creek Road & Goforth Road.



TEXT OF THE ZONING ORDINANCE

Sec. 41-137 – Streets (k)(1)

(k) *Pavement and right-of-way width.*

- (1) Minimum standards. All pavement widths referred to in the table in this subsection are from curb face to curb face. Where a range of pavement or right-of-way width is shown, such decision shall be made during the subdivision approval process. Direct access from abutting property to arterial streets and major thoroughfares will be restricted.

Standard Category	Pavement Width (in feet)	Right-of-Way Width (in feet)
Residential lane	28	60

ANALYSIS

The “Goforth Subdivision Concept Plan” was submitted to staff for review in late 2019. City staff knows of a significant number of easements --drainage, gas, overhead power, and water-- crossing the parcel at different locations and angles. In addition, there is a significant amount of flood plain that bisects the project, rendering even less land available for improvement.

The applicant/developer is working with staff to create a project that is successful, is code compliant, and meets the requirements & intent of the Residential Style Guide.

To help them make up for the large amount of undevelopable land, they’re requesting a waiver to allow a 50’ ROW vs. the minimally-compliant 60’ ROW. Several other municipalities utilize 50’-ROW and San Marcos uses 53’-ROW. In some instances, the 50’ width for ROW is even allowed inside the City of Kyle (Plum Creek, Paramount subdivision). Additionally, Planning, Engineering and Public Works are all amenable to the reduction in ROW width. Appropriate street design will be considered prior to the construction phase of the project.

RECOMMENDATION

Staff supports the request to reduce the project’s ROWs from 60 feet to 50 feet and recommends its approval.

ATTACHMENTS

1. Request letter
2. Proposed subdivision layout
3. City Email



4/8/2020

Howard Koontz
Planning Director
City of Kyle
100 W. Center Street
Kyle, TX 78640

RE: Goforth Tract – Waiver Request – Proposed 50’ ROW

Mr. Koontz,

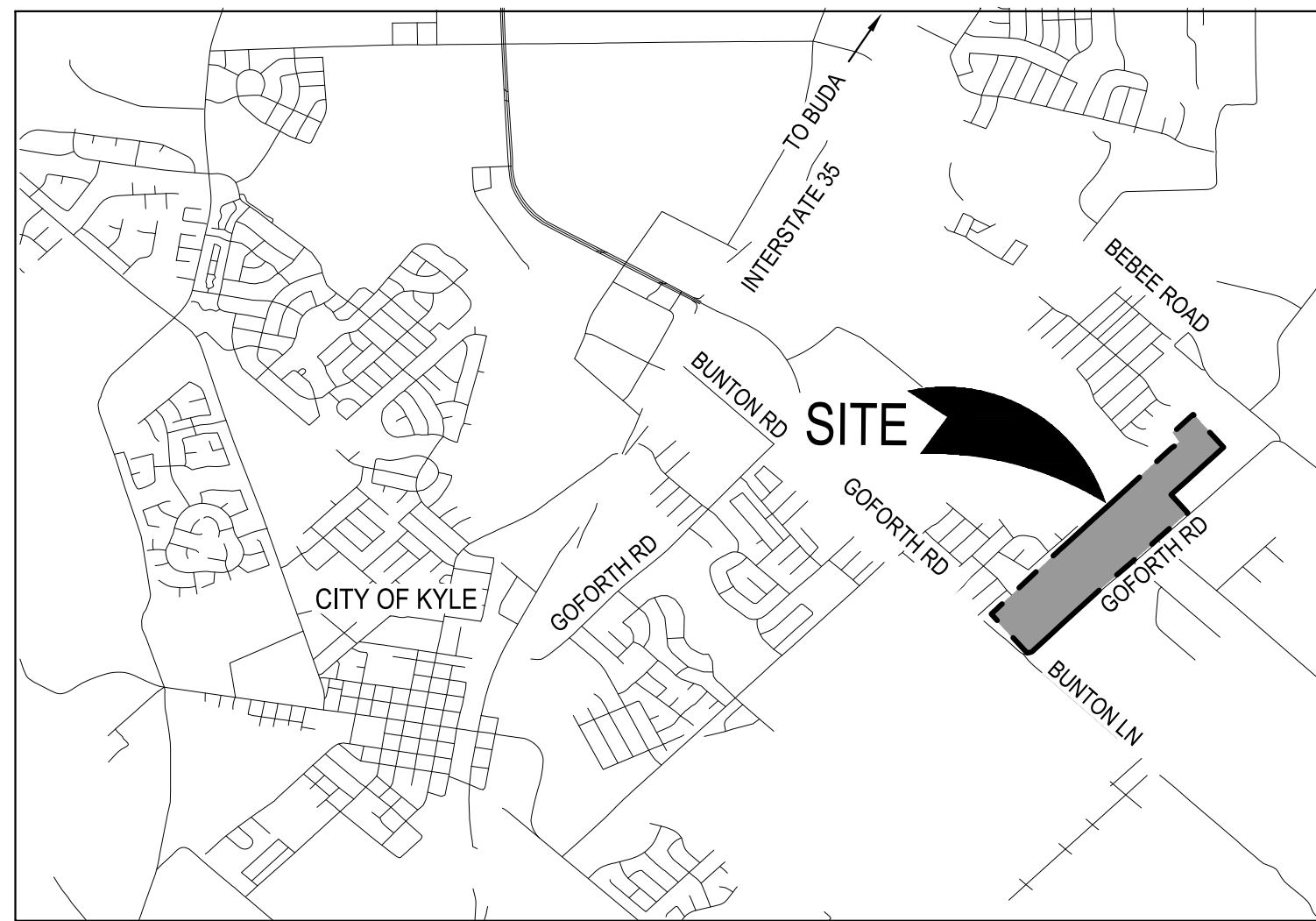
On behalf of the applicant for the Goforth Tract Subdivision, a 400-lot, approximately 120-acre single-family residential subdivision located at the northwest corner of Goforth Rd and Bunton Creek Rd, we respectfully request that the City of Kyle grant a waiver to Section 41-137 of the City of Kyle Code of Ordinances, which provides a minimum ROW width of 60’ for residential lanes and local streets. The site is encumbered by a number of easements in both the lateral and longitudinal directions, limiting the available options for roadway and lot geometry. The use of a narrower ROW section provides a greater degree of freedom to arrange the subdivision such that these impediments can be avoided without significantly altering the natural topography of the site. That in turn provides greater freedom to utilize these non-residential areas and natural topographical features to provide park and trail systems for the residents, which would otherwise be limited by the site’s geometric constraints.

We appreciate your taking the time to review this request, and look forward to working with the City of Kyle to develop a superior subdivision, meeting the needs and expectations of both the City and the eventual residents.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CHRIS RAWLS', written over a light blue horizontal line.

Chris Rawls, PE
Project Manager



LOCATION MAP - NOT TO SCALE

OWNERS: RANCH ROAD DEVELOPMENT GROUP, LLC
3951 HIGHWAY 71 E, BLDG A
BASTROP, TX 78602

ACREAGE: 119.433 AC
SURVEY: JOHN STEWART SURVEY ABSTRACT NO. 14

DATE: OCTOBER 2019
SURVEYOR: JONATHAN O. NOBLES RPLS NO. 5777
BGE, INC.
101 W LOUIS HENNA BLVD., SUITE 400
AUSTIN, TX 78728
(512) 879-0499

ENGINEER: CHRIS RAWLS, P.E.
BGE, INC.
1701 DIRECTORS BLVD., SUITE 1000
AUSTIN, TX 78744
(512) 233-5110

UTILITY PROVIDERS

WATER: GOFORTH SPECIAL UTILITY DISTRICT
WASTEWATER: CITY OF KYLE
INTERNET: CHARTER COMMUNICATIONS
ELECTRIC: PEDERNALES ELECTRIC COOPERATIVE

GOFORTH KYLE SUBDIVISION CONCEPT PLAN

LAND USE	PHASE 1	PHASE 2	PHASE 3	PHASE 4	TOTAL
SITE ACREAGE	32.00 AC.	21.06 AC.	26.53 AC.	23.22 AC.	102.81 AC
50' LOTS	122	84	105	89	400
LOCAL STREET (LF)	6,113 LF	2,826 LF	4,804 LF	3,139 LF	16,882 LF
DENSITY (LOTS/AC)	3.81	3.99	3.96	3.83	3.89
ZONING	R-1-3	R-1-3	R-1-3	R-1-3	-
EXPECTED CONSTRUCTION COMPLETION	SEP 2020	JAN 2021	JUN 2021	SEP 2021	-

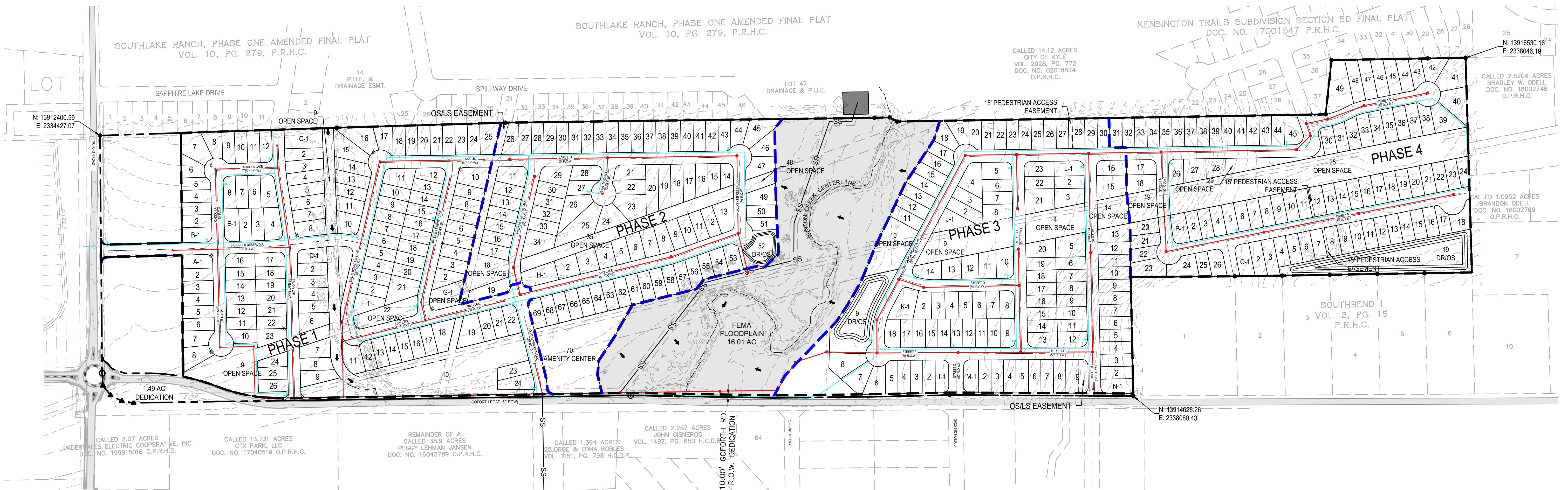
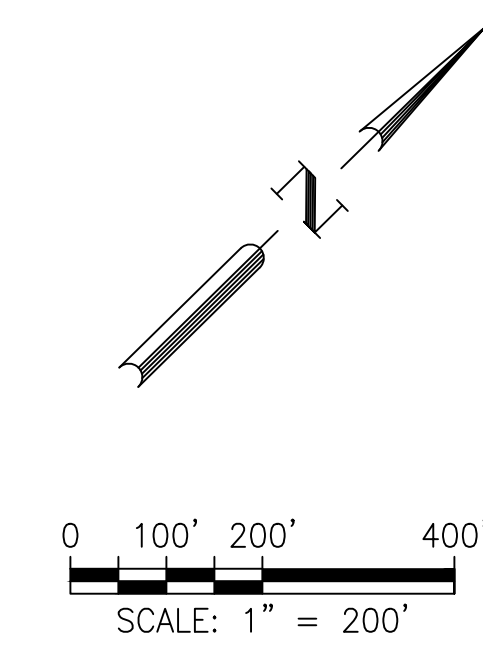
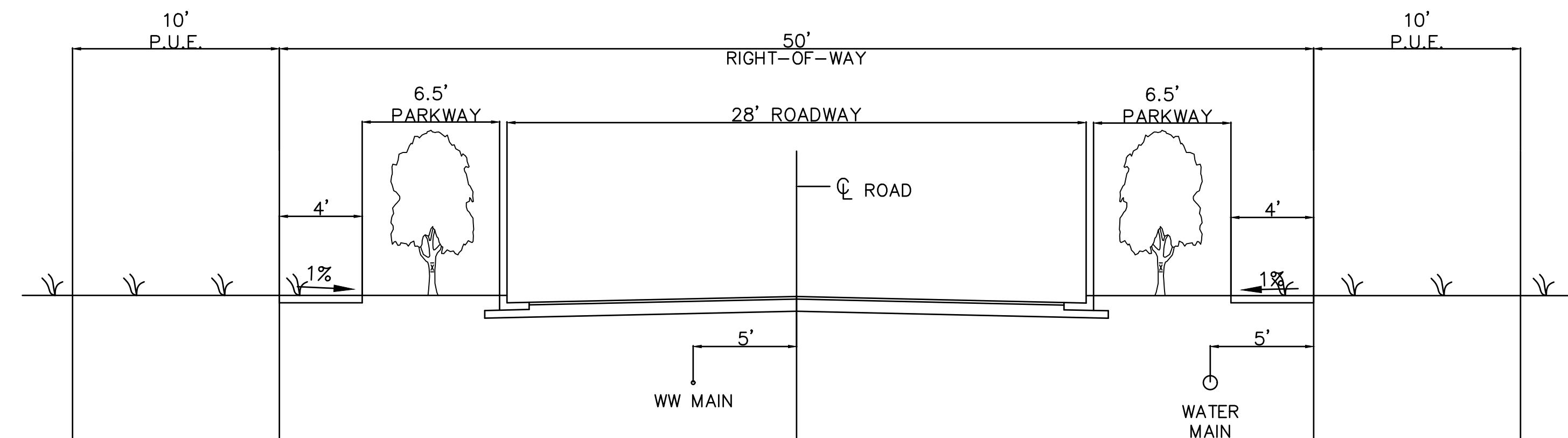
LEGEND

- PROPERTY BOUNDARY
- RIGHT OF WAY
- LOT LINE
- 20' PUBLIC UTILITY EASEMENT
- EASEMENT
- PHASE LINE
- PROPOSED WATER LINE
- PROPOSED SANITARY SEWER LINE
- FLOW ARROW
- FOUND 1/2" IRON ROD
- FOUND 3/4" IRON PIPE
- FOUND MAG NAIL
- BLOCK & LOT NUMBER

NOTES:

- THIS SUBDIVISION IS ENCLOSED BY A ZONE A FLOOD AREA, AS DENOTED HEREIN, AND AS DEFINED BY FEDERAL EMERGENCY ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, COMMUNITY PANEL NUMBERS 48209C0290F AND 48209C0405F, DATE EFFECTIVE SEPTEMBER 2, 2005.
- THE TRACT DOES NOT LIE OVER THE EDWARDS AQUIFER RECHARGE ZONE (EARZ) OR CONTRIBUTING ZONE.
- THE TRACT IS WHOLLY LOCATED WITHIN THE PLUM CREEK WATERSHED.
- SEE ATTACHED EXHIBIT AND SPREADSHEET FOR ADJACENT PROPERTY OWNER INFORMATION.
- "TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION PONDS AND RIGHT OF WAYS TO THE PAVEMENT TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY AND/OR HOMEOWNERS ASSOCIATIONS."
- "SIDEWALKS, PEDESTRIAN CROSSINGS AND OTHER PUBLIC AMENITIES THAT ARE TO BE DEDICATED TO THE CITY OF KYLE SHALL MEET OR EXCEED ALL 2010 ADA STANDARDS OF ACCESSIBILITY DESIGN AND ALL CURRENT FEDERAL AND STATE LAWS REGARDING ACCESS FOR PEOPLE WITH DISABILITIES FOR TITLE II ENTITIES."
- "POST-CONSTRUCTION STORMWATER CONTROL MEASURES SHALL HAVE A MAINTENANCE PLAN. THE MAINTENANCE PLAN MUST BE FILED IN THE REAL PROPERTY RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED. THE OWNER OR OPERATOR OF ANY NEW DEVELOPMENT OR REDEVELOPED SITE SHALL DEVELOP AND IMPLEMENT A MAINTENANCE PLAN ADDRESSING MAINTENANCE REQUIREMENT FOR ANY STRUCTURAL CONTROL MEASURES INSTALLED ON SITE. OPERATION AND MAINTENANCE PERFORMED SHALL BE DOCUMENTED AND RETAINED ON SITE, SUCH AS AT THE OFFICES OF THE OWNER OR OPERATOR AND MADE AVAILABLE FOR REVIEW BY THE CITY."
- LOCATIONS OF WATER/WASTEWATER LINES AND APPURTENANCES ARE APPROXIMATE, AND CONSTRUCTION DOCUMENTS MUST BE APPROVE PRIOR TO PLACEMENT.

TYPICAL STREET SECTION



REV	DATE	DESCRIPTION

DESIGNED BY: STK
REVIEWED BY: GWN
DRAWN BY: STK



BGE, INC.
7330 San Pedro, Suite 202
San Antonio, TX 78216
Tel: 210-587-3800 www.bge.com
TBPE Registration No. F-1049

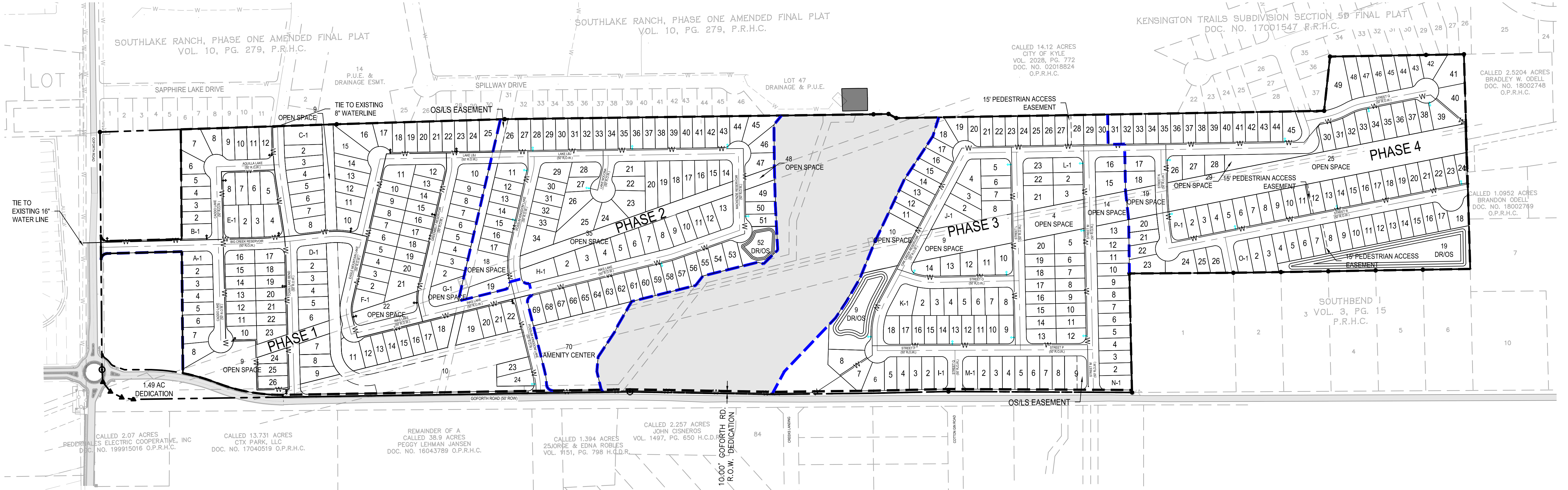
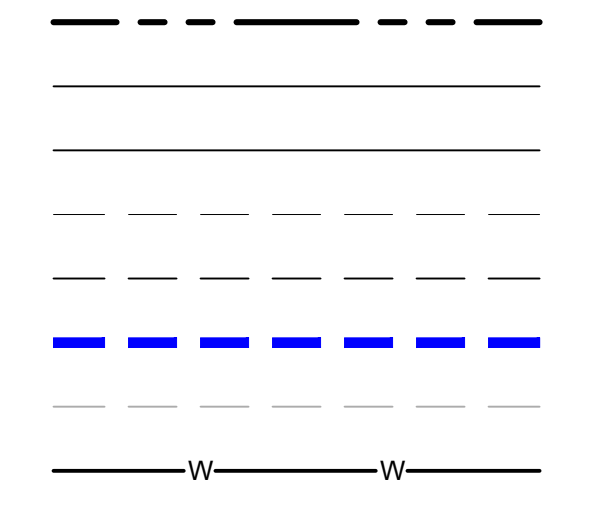
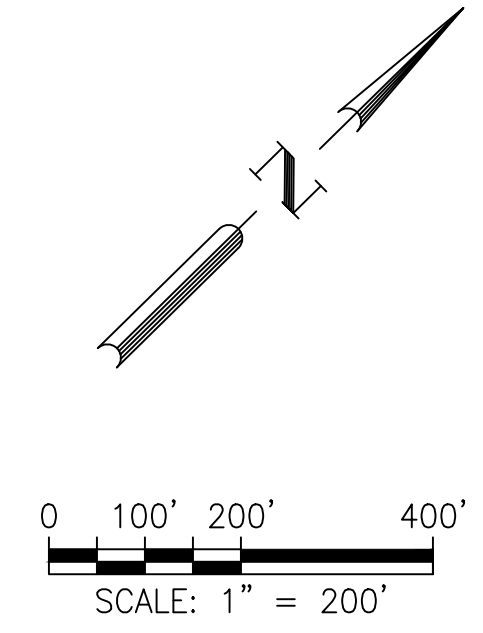
GOFORTH KYLE SUBDIVISION
CONCEPT PLAN

This Document is Released Under the Authority of Chris Rawls, PE
Texas Licensed Professional Engineer 124994
For Internal Review Purposes.
BGE, Inc.
TBPE Registration No. F-1046
NOV. 2019

G:\TXO\Projects\DR\Harc06396-00_Goforth Kyle Tract02 - Phase 103_CADD01_ShisPreliminary Plan3_Preliminary Plan - Phase 1 & 2.dwg Layout-OVERALL PRELIMINARY PLAN - Phase 1 & 2.dwg Layout-OVERALL PRELIMINARY PLAN - Phase 1 & 2.dwg

NOTES:

1. THIS SUBDIVISION IS ENCRONCHED BY A ZONE A FLOOD AREA, AS DENOTED HEREIN, AND AS DEFINED BY FEDERAL EMERGENCY ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, COMMUNITY PANEL NUMBERS 48209C0290F AND 48209C0405F, DATE EFFECTIVE SEPTEMBER 2, 2005.
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REV	DESCRIPTION	DATE	APR

DESIGNED BY: STK
 REVIEWED BY: GWN
 DRAWN BY: STK



BGE, INC.
 7330 San Pedro, Suite 202
 San Antonio, TX 78216
 TEL: 281-387-3800 www.bgeinc.com
 TBPE Registration No. F-1049

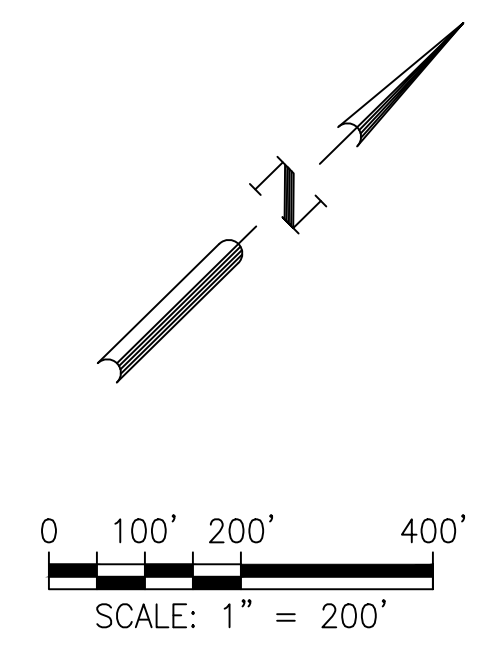
GOFORTH KYLE SUBDIVISION
 PRELIMINARY WATER PLAN

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 BGE, Inc.
 TBPE Registration No. F-1046
 NOV. 2019

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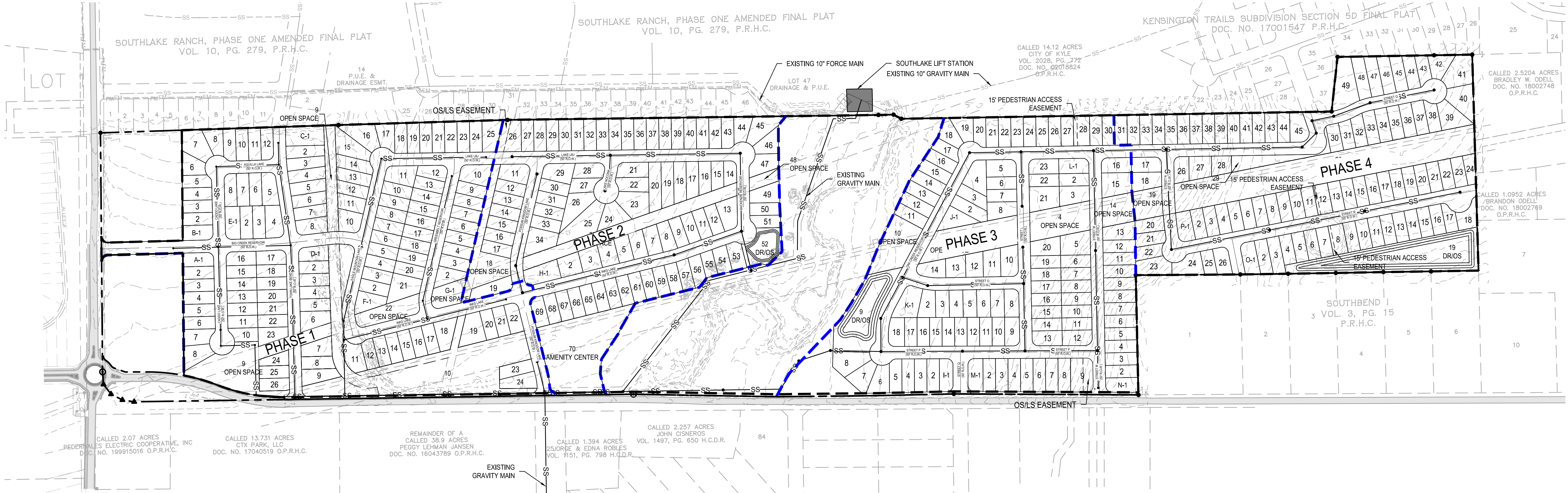
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LEGEND

PROPERTY BOUNDARY	---
RIGHT OF WAY	---
LOT LINE	---
20' PUBLIC UTILITY EASEMENT	---
EASEMENT	---
PHASE LINE	---
EXISTING CONTOURS	---
PROPOSED SANITARY SEWER MAIN	SS--SS



REV	DESCRIPTION	DATE	APR
DESIGNED BY:	STK		
REVIEWED BY:	GWN		
DRAWN BY:	STK		



BGE, INC.
 7330 San Pedro, Suite 202
 San Antonio, TX 78216
 TEL: 210-587-3800 www.bgeinc.com
 TBPE Registration No. F-1049

GOFORTH KYLE SUBDIVISION
 PRELIMINARY SEWER PLAN

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 TBPE Registration No. F-1046
 NOV. 2019

G:\TXO\Projects\DR\Harcot\6396-00_Goforth Kyle Tract\02 - Phase 103_CADD\01_Shis\Preliminary Plans\3_Preliminary Plan - PHASE 1 & 2.dwg Layout - SEWER PLAN - Plotset: 3/31/2020 5:02:20 PM By: Crawls

Re: Goforth Kyle Subdivision

Harper Wilder <hwilder@cityofkyle.com>

Wed 4/8/2020 3:33 PM

To: William Atkinson <watkinson@cityofkyle.com>; Leon Barba <cityengineer@cityofkyle.com>

I'm good.

Harper Wilder

Director of Public Works

City of Kyle

Public Works Department

520 E RR150 Kyle, Tx. 78640

Off. 512.262.3024 X4002

E-mail. hwilder@cityofkyle.com

From: William Atkinson <watkinson@cityofkyle.com>

Sent: Wednesday, April 8, 2020 2:30 PM

To: Leon Barba <cityengineer@cityofkyle.com>; Harper Wilder <hwilder@cityofkyle.com>

Subject: Re: Goforth Kyle Subdivision

That can be designed for the construction plans

Get [Outlook for iOS](#)

From: Leon Barba <cityengineer@cityofkyle.com>

Sent: Wednesday, April 8, 2020 2:14:05 PM

To: William Atkinson <watkinson@cityofkyle.com>; Harper Wilder <hwilder@cityofkyle.com>

Subject: Re: Goforth Kyle Subdivision

Will, I'm fine with this request. The question, of course, is where will the waterline go.

Thanks,

Leon



Leon Barba, P.E.

City Engineer

(512) 262-3958

100 W. Center St.

Kyle, TX 78640

From: William Atkinson <watkinson@cityofkyle.com>

Sent: Tuesday, April 7, 2020 8:12 AM

To: Leon Barba <cityengineer@cityofkyle.com>; Harper Wilder <hwilder@cityofkyle.com>

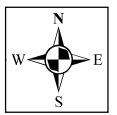
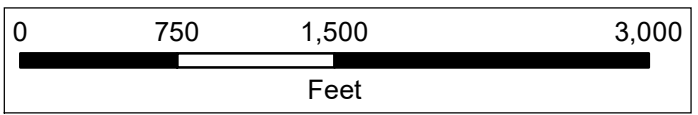
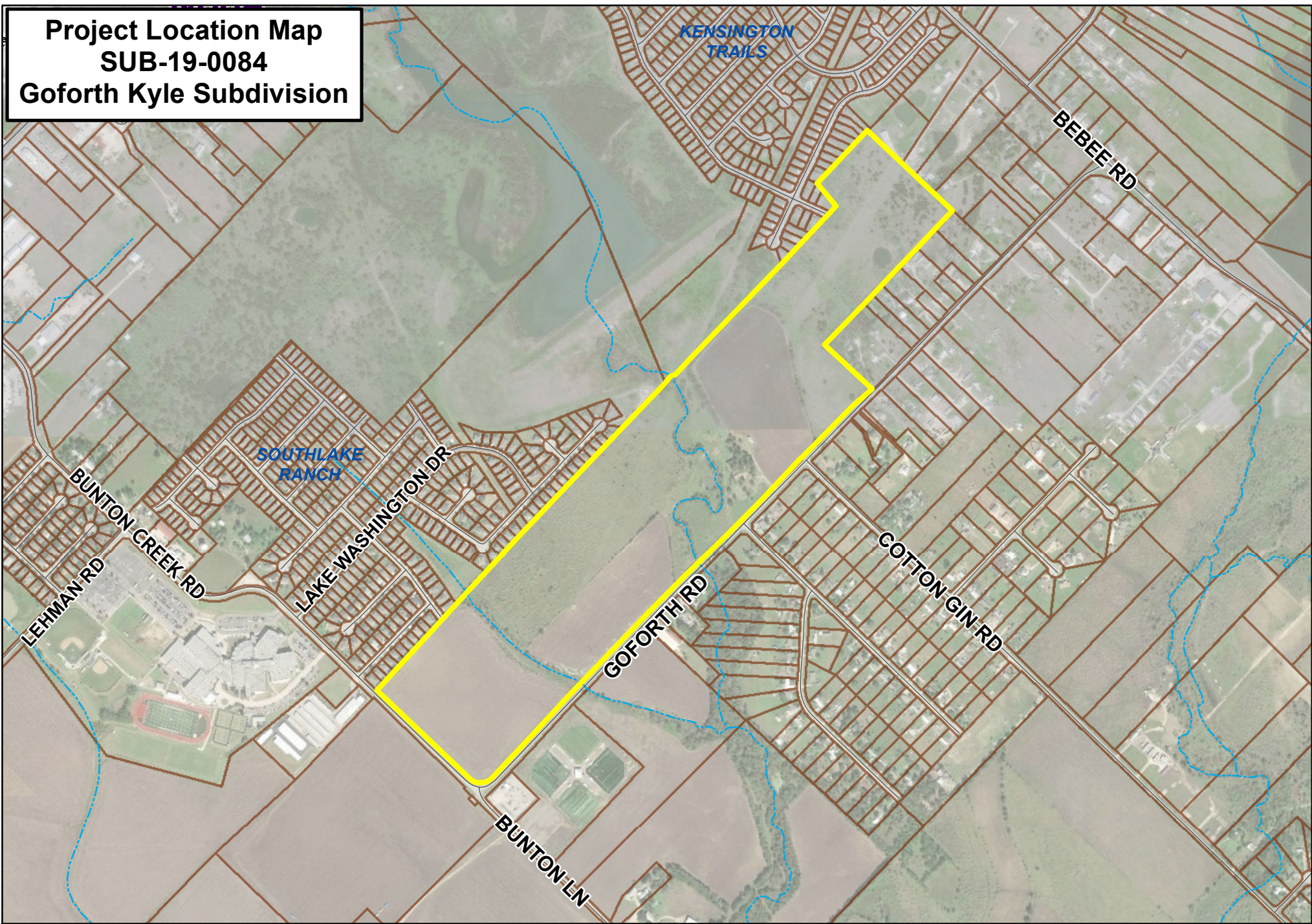
Subject: Fwd: Goforth Kyle Subdivision

The applicant is requesting 50' ROW for the entire project. This is due to the network of easements crisscrossing the project and the large amount of flood plain (to make profit a). They will need a waiver from Council to achieve this.


Do y'all have any objections to this?

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Project Location Map
SUB-19-0084
Goforth Kyle Subdivision



 Property Location
Item # 24

 Parcel Lines



CITY OF KYLE, TEXAS

Scott and Allen Streets

Meeting Date: 4/21/2020

Date time:7:00 PM

Subject/Recommendation: Discussion and possible action for a three-way stop at the intersection of Scott and Allen Streets. ~ *Robert Rizo, Council Member*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Street Picture
- Fence Picture
- Car 1 Picture
- Car 2 Picture











CITY OF KYLE, TEXAS

Repealing Daycare Closures

Meeting Date: 4/21/2020

Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* An Ordinance of the City of Kyle, Texas Repealing Portions of City Ordinances Closing Daycare Facilities; and Providing for Related Matters. ~ *Travis Mitchell, Mayor*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- ☐ Ordinance.Repeal.Daycare.Closure

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS REPEALING PORTIONS OF CITY ORDINANCES CLOSING DAYCARE FACILITIES; AND PROVIDING FOR RELATED MATTERS

WHEREAS, due to the public health disaster created by the COVID-19 pandemic, the City Council of the City of Kyle, Texas (the “City”) enacted Ordinance Number 1086 closing daycares;

WHEREAS, the Mayor issued Order Number 5 dated April 14, 2020, which reopens daycare facilities the dependents of persons providing Essential Services and establishes requirements for operation of daycare facilities to slow the spread of COVID-19; and

WHEREAS, the City Council desires to repeal portions of the ordinances that conflict with Order No. 5;

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

Section 1. Findings. The above and forgoing recitals are hereby found to be true and correct and are incorporated herein as finding of fact.

Section 2. Repeal of Ordinances. Section 3 of Ordinance Number 1086, which temporarily closes daycares, is hereby repealed. The remainder of Ordinance Number 1086 shall remain in full force and effect.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED ON FIRST READING, this _____ day of April, 2020.

PASSED AND APPROVED ON SECOND READING, this _____ day of _____, 2020.

Travis Mitchell, Mayor
City of Kyle, Texas

ATTEST:

Jennifer Vetrano, City Secretary



CITY OF KYLE, TEXAS

RVs during COVID-19

Meeting Date: 4/21/2020

Date time: 7:00 PM

Subject/Recommendation: Recommend Mayor Issue an Order to suspend and waive rules related to Recreational Vehicles in Kyle. ~ *Michael Tobias, Council Member*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

City Manager's Report

Meeting Date: 4/21/2020

Date time: 7:00 PM

Subject/Recommendation: 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*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Executive Session-Convene

Meeting Date: 4/21/2020

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.
 - Kinder Morgan Pipeline Litigation
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 Indigo
 - Project Just Peachy

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Reconvene

Meeting Date: 4/21/2020
Date time:7:00 PM

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

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available