

CITY OF KYLE

Notice of Regular City Council Meeting



Kyle City Hall, 100 W. Center Street, Kyle, TX 78640
The public can watch remotely at: Spectrum 10;
<https://www.cityofkyle.com/kyletv/kyle-10-live>. One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on May 2, 2023, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 29th day of April, 2023, prior to 12:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. City Council Special Meeting Minutes - April 14, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Special Meeting Minutes - April 18, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
3. City Council Meeting Minutes - April 18, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

III. Citizen Comment Period with City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

IV. Agenda Order

4. Agenda Order per Rules of Council Sec. B1. ~ *Travis Mitchell, Mayor*

V. Appointments

5. Approve the appointment of Amber Schmeits to the 2023 CAMPO Technical Advisory Committee. ~ *Amber Schmeits, Assistant City Manager*

VI. Presentation

6. Public Service Recognition Week Proclamation. ~ *Yvonne Flores-Cale, Council Member*
7. Air Quality Awareness Week Proclamation. ~ *Bear Heiser, Council Member*
8. Parks and Recreation Board Presentation. ~ *Mariana Espinoza, Director of Parks & Recreation*
9. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *Jerry Hendrix, Interim City Manager*
 - The Wall that Heals
 - Kyle Fair A Tex-Travaganza
 - Post Oak Community Garden Groundbreaking
 - Pool Opens May 27th
 - Library Book Sale
 - Story Time Pause
 - Library Asian American Pacific Islander Heritage Month Events
 - Summer Reading Program
 - Comprehensive Master Plan Update
 - July 4th - First Tuesday Council Meeting
 - Team Kyle Update
10. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

VII. Consent Agenda

11. Approve a contract with SOUTHWEST MONUMENT & SIGN, San Antonio, Texas in the amount not to exceed \$36,258.29 to fabricate and install the La Verde Dedication Element. Funding to fabricate and install the La Verde Dedication Element will be provided from available project contingency funds. ~ *Jerry Hendrix, Interim City Manager*
12. *(First Reading)* Approve an Ordinance amending the City's approved budget for Fiscal Year 2022-2023 by appropriating \$22,250.00 from the City's General Fund balance and increasing the amount of total expenditures of the Police Department for the implementation of Spay/Neuter/Vaccination Voucher Program in Kyle as approved by City Council on April 18, 2023. ~ *Perwez A. Moheet, CPA, Director of Finance*
13. Approve Task Order No. 1 to STATESIDE RIGHT OF WAY SERVICES, LLC., Arlington, Texas in an amount not to exceed \$40,400.00 for acquisition of easements for the Center Street Village Phase II Wastewater Project. ~ *Leon Barba, P.E., City Engineer*

14. Approve a Resolution of the City Council of the City of Kyle, Texas accepting the Crosswinds Phase 6A subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
15. A Resolution of the City of Kyle, Texas, Amending Resolution Number 1358 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. ~ *Paige Saenz, City Attorney*
16. Resetting the date for a public hearing to be held on June 20, 2023, as required under Chapter 395 of the Texas Local Government Code, to consider, discuss, and review the update to the water and wastewater land use assumptions, water and wastewater capital improvements plan, and imposition of updated water and wastewater impact fee amounts. ~ *Leon Barba, P.E., City Engineer*
17. Authorize the City's Chief of Police to donate up to five (5) surplus Tasers with associated holsters and cartridges to the City of Martindale, Texas Police Department upon the written request of the Martindale Police Department. ~ *Jeff Barnett, Chief of Police*
18. Authorize the City's Chief of Police to donate up to fifteen (15) surplus Tasers with associated holsters and cartridges to the City of Lockhart, Texas Police Department upon the written request of the Lockhart Police Department. ~ *Jeff Barnett, Chief of Police*

VIII. Items Pulled from Consent Agenda

IX. Consider and Possible Action

19. Consider and possible action to authorize the Interim City Manager to execute a contract with Ardurra Group, Inc. in an amount not to exceed \$35,780.00 for professional services related to accepting HUD Entitlement Status and the CDBG Program. ~ *Amber Schmeits, Assistant City Manager*
20. Consider and possible action to approve a Resolution of the City of Kyle City Council Authorizing and Directing the Interim City Manager to Execute an Agreement with the Texas Department of Transportation for the Operation and Maintenance of Traffic Signals at Certain Freeway Locations. ~ *Amber Schmeits, Assistant City Manager*
21. Consider and possible action to approve a Resolution of the City of Kyle City Council Authorizing and Directing the Interim City Manager to Execute an Agreement with the Texas Department of Transportation for the Operation and Maintenance of Traffic Signals at Certain Non-Freeway Locations. ~ *Amber Schmeits, Assistant City Manager*

22. (*First Reading*) An ordinance of the City of Kyle, Texas, adopting comprehensive plan amendment to amend approximately 26 acres of “Farm Landscape” to ‘Regional Node’ for certain parcels south of the intersection of SH-21 and E FM 150, amend approximately 3 acres to ‘New Settlement District’ from ‘Regional Node’ & amend approximately 18.9 acres from ‘New Settlement District’ to ‘Regional Node’. This area outlined in the map includes 14.5 acres of existing ‘Regional Node’ with a total approximate area of 60 acres; and providing for related matters. ~ *Will Atkinson, Director of Planning*

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

- Public Hearing

23. Authorize award and execution of a purchase order to TEXAS MATERIALS GROUP, INC., Cedar Park, Texas, lowest and most responsible bidder, in an amount not to exceed \$1,044,280.70 which includes a five (5) percent contingency for spot repairs on Kohlers Crossing from FM 2770 to IH35 Southbound Frontage Road. ~ *Leon Barba, P.E., City Engineer*
24. (*First Reading*) An Ordinance of the City of Kyle, Texas, Establishing the Community Policing Commission Pursuant to Section 7.06(B) of the City Charter; Providing for Qualifications and Duties of the Commission; and Providing for Related Matters. ~ *Paige Saenz, City Attorney*
25. Discussion and possible action directing staff to research other city-created mental health programs, including third-party partnerships, for the purpose of creating a service contract to support Kyle residents who are seeking mental health care. ~ *Bear Heiser, Yvonne Flores-Cale, and Daniela Parsley, Council Members*
26. Discussion and possible action regarding the City purchasing and donating a pet chip scanner for the Kyle Fire Department. ~ *Yvonne Flores-Cale, Council Member*
27. Discussion of the Limestone development agreement (including amendments) located within TIRZ 4, including but not limited to, the city's plan of action for 6 residential lots located in Quail Ridge. ~ *Yvonne Flores-Cale, Council Member and Michael Tobias, Mayor Pro Tem*
28. Presentation about the international trails summit. ~ *Daniela Parsley and Bear Heiser, Council Members*
29. Consider and possible action to identify an interim practical solution to install public restrooms at MKP city square park. ~ *Miguel A. Zuniga PhD, Council Member*
30. Consider and possible action to amend gas station ordinance to prohibit excess fuel stations within lot size and building scales. ~ *Miguel A. Zuniga PhD, Council Member*

X. Executive Session

31. 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, settlement agreement, or to seek the advice of the City Attorney and Attorneys concerning legal issues pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct.
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 to deliberate the purchase of real property for public purpose.
 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.

32. Take action on items discussed in Executive Session.

XI. Adjourn

At any time during the 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.

Under the Americans with Disabilities Act, an individual with a disability must have equal opportunity for effective communication and participation in public meetings. Kyle City Hall is wheelchair accessible. Individuals who require auxiliary aids, interpretive services, and/or other services for this meeting should submit a request at <https://www.cityofkyle.com/contact> or call (512)262-1010, 48 hours in advance of the meeting.



CITY OF KYLE, TEXAS

2023 0414 Special Minutes

Meeting Date: 5/2/2023

Date time:7:00 PM

Subject/Recommendation: City Council Special Meeting Minutes - April 14, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2023 0414 Special DRAFT

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on April 14, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell
Mayor Pro Tem Michael Tobias
Council Member Bear Heiser
Council Member Yvonne Flores-Cale
Council Member Miguel Zuniga
Council Member Ashlee Bradshaw
Council Member Daniela Parsley*
Jerry Hendrix, Interim City Manager
Amber Schmeits, Assistant City Manager
Paige Saenz, City Attorney
Grant Bowling, Video Production Specialist
Jennifer Kirkland, City Secretary
Marco Forti, IT Director

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 8:31 a.m. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Tobias, Council Member Heiser, Council Member Flores-Cale, and Council Member Bradshaw. A quorum was present. Council Member Zuniga was absent but arrived at 8:34 a.m. and entered into executive session. Council Member Parsley was absent, but arrived virtually in executive session at approximately 8:46 a.m.

II. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 8:32 a.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 8:32 a.m.

III. Executive Session

1. Convene into executive session pursuant to Tex. Gov't Code Sec. 551.074 (Personnel) to discuss and take possible action regarding selection of candidates to be considered to fill the city's vacant city manager position.

Mayor Mitchell read into the record, "Convene into executive session pursuant to Texas Government Code Section 551.074 (Personnel) to discuss and take possible action regarding selection of candidates to be considered to fill the city's vacant city manager position."

The City Council convened into executive session at 8:32 a.m. Council Member Parsley arrived in person at 10:24 a.m.

2. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 1:58 p.m. Mayor Mitchell announced that no action took place in Executive Session but action would be taken now.

* One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

Mayor Mitchell moved to designate Mr. Bryan Langley as Kyle's lone finalist in the search for City Manager and to direct staff to finalize a contract with him on the terms discussed in executive session. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

IV. Adjourn

Mayor Mitchell moved to adjourn. Council Member Parsley seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 2:01 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer Kirkland, City Secretary

DRAFT



CITY OF KYLE, TEXAS

2023 0418 Special Minutes

Meeting Date: 5/2/2023

Date time:7:00 PM

Subject/Recommendation: City Council Special Meeting Minutes - April 18, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2023 0418 Special DRAFT

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on April 18, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell
Mayor Pro Tem Michael Tobias
Council Member Bear Heiser*
Council Member Yvonne Flores-Cale
Council Member Miguel Zuniga
Council Member Ashlee Bradshaw
Council Member Daniela Parsley*
Jerry Hendrix, Interim City Manager
Amber Schmeits, Assistant City Manager
Paige Saenz, City Attorney
Jennifer Kirkland, City Secretary
Leon Barba, City Engineer
Victoria Vargas, Economic Development Director
Marco Forti, IT Director

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 6:00 p.m. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Tobias, Council Member Flores-Cale, Council Member Zuniga, Council Member Bradshaw, and Council Member Parsley. A quorum was present. Council Member Heiser was absent but arrived virtually during executive session.

II. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 6:01 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 6:01 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, settlement agreement, or to seek the advice of the City Attorney and Attorneys concerning legal issues pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct.
 - Cause No. 22-0873; the State of Texas, ex. rel. 1200 S. Old Stagecoach Road, LLC, v. City of Kyle, Texas; pending in the 207th Judicial District Court of Hays County, Texas, and Cause No. 19-1492; 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas
 - Marshall Tract
 - City Manager Employment Agreement

*One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 to deliberate the purchase of real property for public purpose.
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 Pearly Whites
 - Project Lion King
 - Project Limoncello
 - Project Chile Pepper

Council Member Flores-Cale 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, settlement agreement, or to seek the advice of the City Attorney and Attorneys concerning legal issues pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct- Cause No. 22-0873; the State of Texas, ex. rel. 1200 S. Old Stagecoach Road, LLC, v. City of Kyle, Texas; pending in the 207th Judicial Court of Hays County, Texas, and Cause No. 19-1492; 1200 S. Old Stagecoach Road, LLC v. City of Kyle; pending in the 22nd Judicial Court of Hays County, Texas; Marshall Tract; City Manager Agreement; 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 Pearly Whites; Project Lion King; Project Limoncello; Project Chile Pepper.”

The City Council convened into executive session at 6:02 p.m.

2. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 7:14 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 Flores-Cale seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 7:14 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer Kirkland, City Secretary



CITY OF KYLE, TEXAS

2023 0418 Regular Minutes

Meeting Date: 5/2/2023

Date time:7:00 PM

Subject/Recommendation: City Council Meeting Minutes - April 18, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

□ 2023 0418 DRAFT

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on April 18, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Lauren Foye
Mayor Pro Tem Michael Tobias	Sarah Leos
Council Member Bear Heiser*	Marcella Alvarado-Vasquez
Council Member Yvonne Flores-Cale	Conor Hearn
Council Member Miguel Zuniga	Vanessa Westbrook
Council Member Ashlee Bradshaw	Zach Ryan
Council Member Daniela Parsley*	Derek Bird
Jerry Hendrix, Interim City Manager	Vincent Huebinger
Amber Schmeits, Assistant City Manager	Spencer Collins
Paige Saenz, City Attorney	Andrew Grimm
Alison Kelly, Communications Manager	
Jennifer Kirkland, City Secretary	
Leon Barba, City Engineer	
Kathy Roecker, SWMP Administrator	
Victoria Vargas, Economic Development Director	
Perwez Moheet, Finance Director	
Marco Forti, IT Director	
Danny Benavides, Assistant Director of IT	
Colleen Tierney, Library Director	
Mariana Espinoza, Parks & Recreation Director	
Aimee Garcia, Recreation Manager	
Sheba Aligaweesa, Recreation Programmer	
Claudia Rocha, Special Events Manager	
Will Atkinson, Planning Director	
Kaela Sharp, City Planner	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Assistant Chief of Police	
Tim Griffith, Police Commander	
Kelly Barron, Victims Services Coordinator	
Hannah-Bea Bickford, Victims Advocate	
Briana Geddes, Neighborhood Services Supervisor	
Will Paiz-Tabash, Emergency Mgmt. Coordinator	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:15 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Tobias, Council Member Heiser, Council Member Flores-Cale, Council Member Zuniga, Council Member Bradshaw, and Council Member Parsley. A quorum was present.

*One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

II. Approval of Minutes

1. City Council Special Meeting Minutes - April 1, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Special Meeting Minutes - April 4, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
3. City Council Meeting Minutes - April 4, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the April 1, 2023 Special Council Meeting, April 4, 2023 Special Council Meeting and the minutes of the April 4, 2023 Council Meeting. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:16 p.m.

Lauren Foye representing PALS as its president, was called to speak as registered in favor of Item No. 18. She spoke about Prevent A Litter and their services. She stated she hopes the Council will consider using their services with any funds they put toward the program.

Sarah Leos was called to speak as registered. She spoke about the Vybe Trail, stating they had not heard back from anyone and so they would like to speak again, and urged the Council to use the natural paths that are already there and being used. She asked whether there are plans for a buffer between the trail and the homes. She stated that their HOA has urged them to contact City Council.

Marcella Alvarado-Vasquez stated her name and address. Assistant Chief Pedro Hernandez stated he was asked to relay her comments due to her not speaking English very well. He stated that she would like to ask Council to consider removing no parking signs on Onyx Lake Drive. She lives on the corner of Onyx Lake and Ruby Lake and has received two citations for parking in front of her own home. The signs were initially put up over concerns of students parking in the neighborhood. Her opinion is that there isn't an issue with Lehman High School students parking on Onyx Lake.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:23 p.m.

IV. Agenda Order

4. Agenda Order per Rules of Council Sec. B1.

No action was taken.

V. Presentation

5. National Crime Victims' Rights Proclamation. ~ *Yvonne Flores-Cale, Council Member*

Council Member Flores-Cale read aloud the Proclamation acknowledging National Crime Victims' Rights. Chief Barnett, Kelly Barron, Victims Services Coordinator and Hannah-Bea Bickford, Victims Advocate, spoke regarding the item. No action was taken.

6. Presentation of the FLOCK Safety Automated License Plater Reader System. ~ *Jeff Barnett, Chief of Police*

Chief Barnett presented the item. Mr. Conor Hearn of Flock Safety also provided information.

At 7:30 p.m. Council Members Heiser and Parsley were not on camera and were considered absent pursuant to Texas Government Code Sec. 551.127(a-3). Council Member Parsley was back on camera at 7:33 p.m. Council Member Heiser returned on camera at 7:35 p.m. Due to technical difficulties, Council Member Heiser was considered absent or present intermittently between 7:39 and 8:12 p.m.

No action was taken.

7. Arts & Cultural Commission updates. ~ *Colleen Tierney, Director of Library Services*

Ms. Tierney introduced Ms. Vanessa Westbrook, Chair of the Arts & Cultural Commission, who provided the update. Council Member Heiser was present at 8:33 p.m. No action was taken.

8. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *Jerry Hendrix, Interim City Manager*

- Skate Night
- Art in the Park
- 4th of July Update
- National Library Week
- Overdrive is Changing to Libby
- Ribbon Cutting of Seed Library
- Teen Job Fair
- Landscape Code Updates
- Residential Style Guide Updates
- Comprehensive Master Plan Update
- After Action Report and Improvement Plan for Exercise at City Hall
- Team Kyle Update

Mr. Hendrix, Ms. Rocha, Ms. Tierney, Mr. Atkinson, and Mr. Paiz-Tabash presented the item. Council Member Bradshaw left the dais at 8:35 p.m. Council Members Heiser and Parsley had intermittent video between 8:36 p.m. and 8:38 p.m. Mayor Mitchell left the dais at 8:39 p.m. A quorum was not present. Mayor Mitchell and Council Member Bradshaw returned at 8:42 p.m.

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

Mr. Barba presented the item. Council Member Flores-Cale left the dais at 8:47 p.m. She returned at approximately 8:50 p.m. Mr. Zach Ryan with LJA provided information on Bebee Road to Hillside Terrace Road Construction. No action was taken.

VI. Consent Agenda

Mayor Mitchell brought forward Item Nos. 10 and 11 for consideration.

10. *(Second Reading)* An Ordinance granting Acadian Ambulance Service of Texas, LLC, D/B/A Acadian Ambulance Service, a franchise to provide non-emergency and rollover emergency ambulance services within the boundaries of the City of Kyle, Texas; providing an agreement prescribing conditions, terms, and regulations governing the operation of the non-emergency ambulance services; providing penalties for noncompliance with franchise. ~ *Kaela Sharp, City Planner*

City Council voted 7-0 to approve on first reading on 4/4/2023.

11. Approve Task Order No. 5 to PAPE-DAWSON ENGINEERING, INC., Austin, Texas in an amount not to exceed \$72,800.00, for a preliminary engineering report (PER) and 30% design documents for a one-million-gallon elevated water storage tank, a 500,000-gallon pre-stressed concrete water ground storage tank, and an associated pump station and appurtenances for the proposed CR 158 water storage project. ~ *Leon Barba, P.E., City Engineer*

Council Member Zuniga moved to approve Consent Agenda Item Nos. 10 and 11. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

Mayor Mitchell stated that before the public hearing item, there was a request to go into executive session to discuss the city manager employment agreement before proceeding with the agenda.

Mayor Mitchell read into the record, "Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary. The City Council may convene pursuant to any lawful exception in Chapter 551: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to 551.071-City Manager Employment Agreement."

The City Council convened into executive session at 9:03 p.m.

Mayor Mitchell called the meeting back to order at 9:08 p.m. Mayor Mitchell announced that no action took place in Executive Session, but action would be taken now.

Mayor Mitchell moved to approve the offer letter and city manager employment agreement with Bryan Langley and authorize the mayor to sign the agreement after Mr. Langley passes the employment pre-screening. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

VII. Items Pulled from Consent Agenda

VIII. Public Hearings

12. Public Hearing Concerning the Approval of the Amended and Restated Project and Finance Plan and the Amended Interlocal Agreement for the Tax Increment Zone Number Two, City of Kyle and Approval of the Extension of the Zone. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Ms. Leibe presented the item.

Council Member Bradshaw left the dais at 9:09 p.m. Council Member Parsley was off-camera and marked absent at 9:10 p.m.

Mayor Mitchell opened the public hearing at 9:10 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:10 p.m.

IX. Consider and Possible Action

13. Consideration and Approval of an Ordinance of the City of Kyle, Texas Approving the Amended and Restated Project and Finance Plan and Amended Interlocal Agreement for the Tax Increment Reinvestment Zone Number Two, City of Kyle and Approving the Extension of the Zone; and Other Matters Related Thereto. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Council Member Bradshaw returned to the dais at 9:11 p.m.

Council Member Bradshaw moved to approve Item No. 13. Mayor Pro Tem Tobias seconded the motion. Motion carried 6-0. Council Member Parsley was absent for the vote.

14. Consider approval of a Transportation Improvement Design, Permitting and Construction Agreement with TIRZ No. 2 and Plum Creek Development Partners. ~ *Paige Saenz, City Attorney*

Council Member Parsley was present at 9:13 p.m.

Mayor Pro Tem Tobias moved to approve Agenda Item No. 14. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

15. Consider and possible action to approve a Resolution of the City of Kyle, Texas Approving the Form and Authorizing the Distribution of a Preliminary Limited Offering Memorandum for the City of Kyle, Texas Special Assessment Revenue Bonds, Series 2023 (Porter Country Public Improvement District Improvement Area #1 Project); and Resolving Other Matters Incident and Related Thereto. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

16. Consider and possible action to approve a Resolution of the City of Kyle, Texas Determining the Costs of Certain Authorized Improvements to be Financed within Improvement Area #1 of the Porter Country Public Improvement District; Approving a Preliminary Service and Assessment Plan Updated For Improvement Area #1, Including a Proposed Improvement Area #1 Assessment Roll; Directing the Filing of the Proposed Improvement Area #1 Assessment Roll with the City Secretary to Make Available for Public Inspection; Noticing a Public Hearing for May 16, 2023 to Consider an Ordinance Levying Assessments on Property Located within Improvement Area #1 of the Porter Country Public Improvement District; Directing City Staff to Publish and Mail Notice of Said Public Hearing; and Resolving Other Matters Incident and Related Thereto. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Ms. Leibe presented on Items 15 and 16 at the same time.

Mayor Pro Tem Tobias moved to approve Item Nos. 15 and 16. Council Member Bradshaw seconded the motion. Motion carried 5-0. Council Members Heiser and Parsley were absent for the vote.

17. Discussion regarding the feasibility of utilizing the rainwater harvesting system lift station design from the Public Safety Center to another City project/location. ~ *Derek Bird, AGCM, City of Kyle Project Manager*

No action was taken.

18. Presentation, update, and possible action regarding spay/neuter/vaccinate program for City of Kyle including vouchers, requirements, participation, and costs. ~ *Jeff Barnett, Chief of Police*

Chief Barnett spoke and introduced Ms. Geddes who presented the item.

Council Member Flores-Cale moved to direct staff to bring back corresponding procedures for Agenda Item No. 18 in the amount of \$22,250. Council Member Parsley seconded the motion. Motion carried 6-1 with Council Member Bradshaw dissenting.

19. Authorize execution of a professional services agreement with CATALYST COMMERCIAL, INC., Dallas, Texas, for total consulting fees in the amount not to exceed \$25,000.00 which includes reimbursable expenses at 115 percent of actual costs to provide services related to recruitment of targeted retail, hospitality, entertainment and destination recreation in the City of Kyle for the period April 1, 2023 through September 29, 2023. ~ *Victoria Vargas, Director of Economic Development*

Mayor Mitchell moved to table Agenda Item No. 19. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

20. Approve an updated Interlocal Agreement (ILA) between the Plum Creek Watershed Partnership and the City of Kyle regarding the continued participation and implementation of the Plum Creek Watershed Protection Plan. ~ *Kathy Roecker, Stormwater Management Plan Administrator*

Mayor Mitchell moved to approve Item No. 20. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

21. (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 4.68 acres of land from 'RS' (Retail Services) to 'R-1-T' (Townhomes) for property locate at 1290 Bebee Road in Hays County, Texas (Dacy Lane LLC - Z-23-0113). ~ *Will Atkinson, Director of Planning*

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

- Public Hearing

Council Member Heiser was absent at 9:39 p.m.

Mayor Mitchell opened the public hearing at 9:42 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:42 p.m.

The Mayor asked if there were any objections to the applicants presenting briefly. There were none.

Vincent Huebinger, the applicant, spoke about Bebee Road being part of the Road Bond, stating that the project was denied previously due to transportation concerns. Spencer Collins with McAllister & Associates Real Estate spoke about retail inquiries he has received for the property that it is not suitable for retail. He also spoke about ad valorem versus sales tax revenues. He stated that Council should consider this space for a residential project.

Council Member Parsley moved to deny Item No. 21. Council Member Bradshaw seconded the motion.

Council Member Parsley amended her motion to deny the zoning and direct staff to work with the developer to bring back a PUD zoning request with a development agreement including elevations and concept plans that is consistent with the discussion and includes townhomes that are for ownership and retail. Council Member Bradshaw seconded the motion. Motion carried 7-0.

22. Approve License Agreement Between the City of Kyle & Caroline Marketplace, LP. ~ *Will Atkinson, Director of Planning*

- *The license agreement is for maintenance of public street parking associated with the Caroline on Marketplace project. The project was entitled through the CSW, LLC development agreement.*

Council Member Heiser was absent at 10:22 p.m. Andrew Grimm with Caroline Marketplace spoke about the notification process provided for in the agreement.

Council Member Parsley moved to approve Item No. 22. Council Member Zuniga seconded the motion. Council Member Heiser was present at 10:31 p.m. Motion carried 7-0.

23. Consider and Possible Action to Support the City of Kyle's Participation in a Regional Climate Pollution Action Plan Grant. ~ *Bear Heiser, Council Member*

Ms. Kathy Roecker presented the item.

Mayor Mitchell moved to approve Agenda Item No. 23. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

24. Discussion and possible action regarding the Rules of Council, to include but not limited to, the rescision of votes. ~ *Yvonne Flores-Cale, Council Member*

Council Member Flores-Cale moved to amend the rules of council to add the verbiage she read regarding the rescision of votes and have staff bring it back for council review. Mayor Mitchell seconded the motion. Motion carried 6-1 with Council Member Zuniga dissenting.

25. Discussion regarding council budget workshop calendar and scheduling of visioning workshop. ~ *Travis Mitchell, Mayor*

No action was taken.

X. 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, settlement agreement, or to seek the advice of the City Attorney and Attorneys concerning legal issues pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct.
 - Cause No. 22-0873; the State of Texas, ex. rel. 1200 S. Old Stagecoach Road, LLC, v. City of Kyle, Texas; pending in the 207th Judicial District Court of Hays County, Texas, and Cause No. 19-1492; 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas
 - Marshall Tract
 - City Manager Employment Agreement
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 to deliberate the purchase of real property for public purpose.
 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 Pearly Whites
 - Project Lion King
 - Project Limoncello
 - Project Chile Pepper

Mayor Pro Tem Tobias 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 the following topics: Pending litigation, settlement agreements, advice of Attorneys, Disciplinary Rules of Conduct- Cause No. referencing Old Stagecoach Road; also the Marshall Tract; City Manager Employment; and also Convene into executive session pursuant to Section 551.087 to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to locate, stay, and expand in or near the City - Project Pearly Whites; Project Lion King; Project Limoncello; Project Chile Pepper.”

The City Council convened into executive session at 10:40 p.m. The council did not convene into executive session regarding city manager employment as was read into the record.

Council Member Flores-Cale recused herself from the discussion regarding 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas.

27. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 11:21 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

XI. Adjourn

Mayor Mitchell moved to adjourn. Council Member Flores-Cale seconded the motion. No vote was held. Council Members Bradshaw, Parsley and Heiser were absent.

With no further business to discuss, the City Council adjourned at 11:21 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer Kirkland, City Secretary

DRAFT



CITY OF KYLE, TEXAS

Agenda Order

Meeting Date: 5/2/2023
Date time: 7:00 PM

Subject/Recommendation: Agenda Order per Rules of Council Sec. B1. ~ *Travis Mitchell, Mayor*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

2023 CAMPO Technical Advisory Committee

Meeting Date: 5/2/2023
Date time: 7:00 PM

Subject/Recommendation: Approve the appointment of Amber Schmeits to the 2023 CAMPO Technical Advisory Committee. ~ *Amber Schmeits, Assistant City Manager*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Guide for Appointments to TAC
- 2022 TAC Roster
- 2023-TAC-Appointment-Form
- 2023-TAC-Appointment-Form-Smaller Cities

GUIDE FOR APPOINTMENTS TO THE TECHNICAL ADVISORY COMMITTEE

The Technical Advisory Committee (TAC) serves as an advisory group to the Transportation Policy Board (TPB). The TPB relies on the TAC to review technical information provided by the CAMPO staff or other relevant organizations to support the development of the Long-Range Plan, the 10-Year Program of Projects required by House Bill 20, and the Transportation Improvement Program. The TPB expects the TAC to provide recommendations to the TPB on a slate of transportation projects and activities upon completion of their review of all relevant technical information.

In order to ensure that the TAC functions as intended, it is important that each member jurisdiction of the TPB appoint TAC members and alternates that have the knowledge, experience, and responsibility to represent them. A TAC appointee and their alternate should hold a college degree and have substantial experience in civil engineering or transportation planning. Each TAC appointee and their alternate should also be a senior member of the organization and should have the level of responsibility to encumber public funds on behalf of the appointing jurisdiction. Most importantly, the TAC appointee and their alternate should have direct responsibility for the development and implementation of transportation projects.

Please find below a guide that may be used when considering the appointment of a TAC member. The guide gives some indication as to the level of responsibility a TAC appointee and their alternate should hold in their organization. The guide is not an exhaustive list. Ideally, a TAC appointee and their alternate will fall into one of the job titles (or a title closely equivalent) below:

Cities (All Categories – Smaller Cities, Between 50,000 & 500,000, Above 500,000)

- City Manager or Assistant City Manager
- Director and/or Assistant Director of Public Works
- Director and/or Assistant Director of Transportation
- Director and/or Assistant Director of Planning

Counties

- County Engineer or Assistant County Engineer
- Director of Infrastructure, Public Works or Transportation

Transportation Organizations

- Director or Assistant Director
- Organizational Lead for Engineering or Planning



2022 TECHNICAL ADVISORY COMMITTEE

City of Austin

Richard Mendoza - *Primary Member*
Eric Bollich, P.E., PTOE - *Alternate*

Cole Kitten - *Primary Member*
Kelsey Vizzard - *Alternate*

Stevie Greathouse - *Primary Member*
Erica Leak - *Alternate*

City of Cedar Park

Tom Gdala - *Primary Member*
Randall Lueders - *Alternate*

City of Georgetown

Nick Woolery - *Primary Member*
(Vacant) - *Alternate*

City of Kyle

Jeff Prato - *Primary Member*
Leon Barba - *Alternate*

City of Leander

Ross Blacketter - *Primary Member*
Sarvesh Dhakal - *Alternate*

City of Pflugerville

Emily Barron - *Primary Member*
(Vacant) - *Alternate*

City of Round Rock

Gary Hudder - *Vice Chair*
Gerald Pohlmeier - *Alternate*

City of San Marcos

Laurie Moyer, P.E. - *Chair*
Rohit Vij - *Alternate*

Capital Metro

Sharmila Mukherjee - *Primary Member*
Nadia Barrera-Ramirez - *Alternate*

Capital Area Rural Transportation System

David Marsh - *Primary Member*
Ed Collins - *Alternate*

Central Texas Regional Mobility Authority

Mike Sexton, P.E. - *Primary Member*
Oscar Solis, P.E. - *Alternate*

Texas Department of Transportation

Heather Ashley-Nguyen, P.E. - *Primary Member*
Akila Thamizharasan - *Alternate*

Bastrop County

Aimee Robertson - *Primary Member*
Robert Pugh, P.E. - *Alternate*

Bastrop County (Smaller Cities)

David Harrell - *Primary Member*
Trey Job - *Alternate*

Burnet County

Greg Haley, P.E. - *Primary Member*
Herb Darling - *Alternate*

Burnet County (Smaller Cities)

Mike Hodge, P.E. - *Primary Member*
Caleb Kraenzel - *Alternate*

Caldwell County

Will Conley - *Primary Member*
Commissioner Ed Theriot - *Alternate*

Caldwell County (Smaller Cities)

David Fowler, AICP - *Primary Member*
John Westbrook - *Alternate*

Hays County

Jerry Borcharding - *Primary Member*
Winton Porterfield - *Alternate*

Hays County (Smaller Cities)

John Nett - *Primary Member*
Chad Gilpin - *Alternate*

Travis County

Charlie Watts - *Primary Member*
Scheleen Walker - *Alternate*

Travis County (Smaller Cities)

Cathy Stephens - *Primary Member*
Melissa Zone - *Alternate*

Williamson County

Bob Daigh, P.E. - *Primary Member*
Terron Evertson - *Alternate*

Williamson County (Smaller Cities)

Tom Yantis - *Primary Member*
(Vacant) - *Alternate*



**2023 APPOINTMENT TO THE
TECHNICAL ADVISORY COMMITTEE**

PRIMARY VOTING MEMBER:

*Name: _____

*Title: _____

*Organization: _____

*Representing: _____

*Address: _____

*Phone: _____

*Email: _____

*Term Expiration: January 31, 2024 _____

ALTERNATE VOTING MEMBER:

*Name: _____

*Title: _____

*Organization: _____

*Representing: _____

*Address: _____

*Phone: _____

*Email: _____

*Term Expiration: January 31, 2024 _____

Return to: Kimberly Petty, Executive Assistant
CAMPO
3300 N. IH-35, Suite 630
Austin, Texas 78705
kimberly.petty@campotexas.org

Signature of Appointing Official

***DEADLINE FOR COMPLETED FORM - DECEMBER 16, 2022**



**2023 APPOINTMENT TO THE
TECHNICAL ADVISORY COMMITTEE**

PRIMARY VOTING MEMBER – SMALLER CITIES:

*Name: _____

*Title: _____

*Organization: _____

*Representing: _____

*Address: _____

*Phone: _____

*Email: _____

*Term Expiration: January 31, 2024 _____

ALTERNATE VOTING MEMBER – SMALLER CITIES:

*Name: _____

*Title: _____

*Organization: _____

*Representing: _____

*Address: _____

*Phone: _____

*Email: _____

*Term Expiration: January 31, 2024 _____

Return to: Kimberly Petty, Executive Assistant
CAMPO
3300 N. IH-35, Suite 630
Austin, Texas 78705
kimberly.petty@campotexas.org

Signature of Appointing Official



CITY OF KYLE, TEXAS

Public Service Recognition Week Proclamation

Meeting Date: 5/2/2023
Date time: 7:00 PM

Subject/Recommendation: Public Service Recognition Week Proclamation. ~ *Yvonne Flores-Cale, Council Member*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Air Quality Awareness Week Proclamation

Meeting Date: 5/2/2023
Date time: 7:00 PM

Subject/Recommendation: Air Quality Awareness Week Proclamation. ~ *Bear Heiser, Council Member*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Parks and Recreation Board Presentation

Meeting Date: 5/2/2023
Date time: 7:00 PM

Subject/Recommendation: Parks and Recreation Board Presentation. ~ *Mariana Espinoza, Director of Parks & Recreation*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

City Manager's Report

Meeting Date: 5/2/2023

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. ~ *Jerry Hendrix, Interim City Manager*

- The Wall that Heals
- Kyle Fair A Tex-Travaganza
- Post Oak Community Garden Groundbreaking
- Pool Opens May 27th
- Library Book Sale
- Story Time Pause
- Library Asian American Pacific Islander Heritage Month Events
- Summer Reading Program
- Comprehensive Master Plan Update
- July 4th - First Tuesday Council Meeting
- Team Kyle Update

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

CIP/Road Projects Update

Meeting Date: 5/2/2023

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

Approve a Contact with Southwest Monument & Sign for La Verde Dedication Element \$36,258.29

Meeting Date: 5/2/2023
Date time:7:00 PM

Subject/Recommendation: Approve a contract with SOUTHWEST MONUMENT & SIGN, San Antonio, Texas in the amount not to exceed \$36,258.29 to fabricate and install the La Verde Dedication Element. Funding to fabricate and install the La Verde Dedication Element will be provided from available project contingency funds. ~ *Jerry Hendrix, Interim City Manager*

Other Information: A Request for Proposals (RFP) was issued on March 15, 2023 seeking qualified consultant services to install the dedication element for La Verde Park. The Element combines a split limestone block seating element with a mix of metal etched dedication text and pin set lettering. A hidden irrigation bubbler flows down a channel cut in the stone to provide an interactive element for the person seated on the bench and connect to the story of aquifer recharge that inspired the design of La Verde Park.

Two (2) submittals were received in response to the RFP prior to the April 5, 2023 (5:00 p.m.) deadline.

Staff evaluated the proposals and are recommending the firm of Southwest Monument & Sign, for City Council approval to fabricate and install the complete interactive dedication element.

Legal Notes: N/A

Budget Information: Funding to fabricate and install the La Verde Dedication Element will be provided from available project contingency funds.

Funding in the amount of \$36,258.29 from the General Fund is available in the approved budget for Fiscal Year 2022-2023 for the La Verde Park capital improvement project as follows:

- 1530-63510-572220

The City's General Fund has provided advance funding (loan) for the design and construction of the La Verde Park to be repaid with tax increment revenues from TIRZ #2.

ATTACHMENTS:

Description

-
- ☐ Quotation & Purchase Contract
- ☐ Final Concept Presentation



QUOTATION & PURCHASE CONTRACT

Southwest Monument & Sign

Job #2385

04/04/2023

BILL TO
 AGCM
 85 N.E. Loop 410, STE 600
 San Antonio, TX 78216
 United States

JOB LOCATION 1302 West Blanco Road
 City of Kyle San Antonio, TX 78232
 United States
 Website: www.swmsigns.com
 Phone/Fax: 844.331.1522
 Email: info@swmsigns.com

QUANTITY	DESCRIPTION	UNIT COST	COST
1	<p>La Verde Park-Dedication Monument To Provide, Deliver and Install Turn Key Per plans Interactive Dedication Monument Includes: Footing and Catch Basin, Roughback stone blocks, Precisely cut and cored, Irrigation Pipe, Water Circulation Pump-Bubbler, Corten Steel Base, PIN Mounted Letters, Stamped Structural Engineered Drawings</p> <p>Exclusions: Permitting, Landscaping, Lighting, Irrigation, Bringing Electrical to site location.</p>	\$27,710.72	\$27,710.72
1	<p>Aluminum with Cast Vinyl Option for the information plaques To Provide, Deliver and Install Qty 1) Top Piece is approximately 24" x 36" Qty 1) Front side piece is 24" x 24"</p> <p>1/4" Aluminum with a full cast vinyl overlay where the seams and artwork will match up. Edges that meet will need to be on a 45 so the match up perfectly. They will be PIN mounted to the stone surface</p> <p>Exclusions: Permitting, Bringing Electrical Service to location, Landscaping, Irrigation, Lighting</p>	\$5,251.36	\$5,251.36

THIS AGREEMENT IS ACCEPTED AND APPROVED BY:

Subtotal \$32,962.08

Total Tax \$0

AGCM **TOTAL CONTRACT \$32,962.08**

Sign: _____ Sign: _____ Required Deposit \$16,481.04

Print: _____ Print: _____ FINAL BALANCE \$16,481.04

Date: _____ Date: _____

Customer agrees for payments to be made as follows: **Required Deposit in order for work to commence (which includes any material ordering) and the remaining balance due upon completion.**

All material is guaranteed to be as specified. All work to be completed in a workman like manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be only on written order, and will

become an extra charge over and above this estimate. All agreements contingent upon strikes, accident or delays beyond our control. Southwest Monument & Sign warrants and guarantees all labor and materials incorporated into the above-referenced project for a period of one (1) year from date of substantial completion. Repairs or replacement is to be made within sixty (60) days of receipt of written notice. This warranty does not cover normal wear and tear, or repair and replacement of material that has been abused, neglected or not properly maintained.

This proposal subject to acceptance within 30 days and it is void thereafter at the option of the undersigned.

Photo Release: I hereby give consent for Southwest Monument & Sign to use photos of my project for advertising purposes including print and web. _____

LA VERDE PARK

INTERACTIVE DEDICATION PLAQUE - FINAL CONCEPTS

07/26/2022



AGENDA

INSPIRATION
DEFINITION

LOCATION

DESIGN INTENT

NEXT
STEPS

INSPIRATION

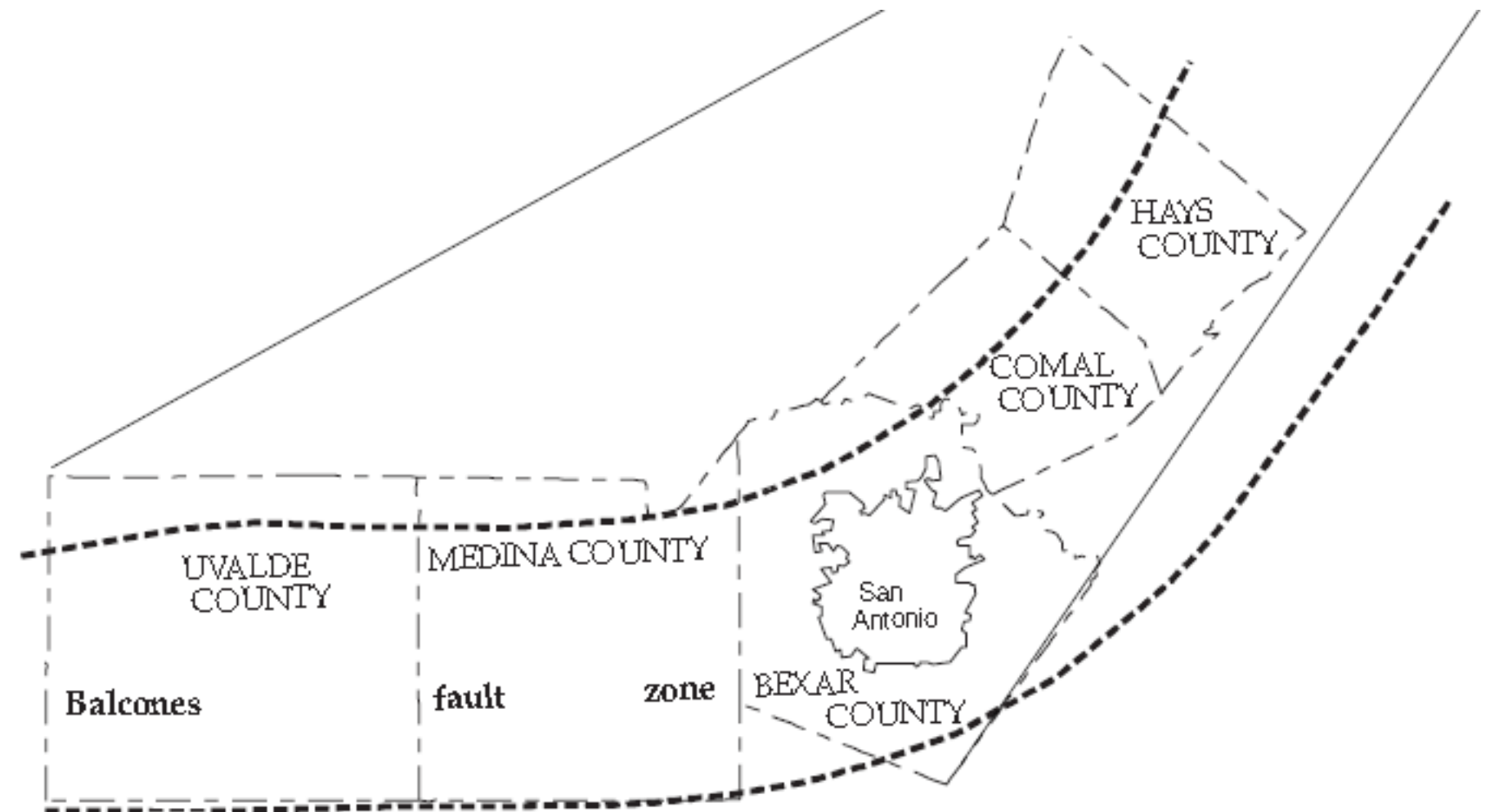
The final Plan drew inspiration from the **regional geology while subtly incorporating important historic and cultural aspects of the City** to create a space that feels rooted in Kyle. The Edwards Aquifer is the regional aquifer that provides drinking water to communities for miles along the I-35 corridor and is responsible for the natural springs and wells in and around the City of Kyle. The **limestone geology** associated with the Edwards Aquifer is occasionally exposed at **fault lines** that are visible in the region and allows water to **rapidly recharge the aquifer** and freely flow through its karstic formation. The landscape architects intentionally used limestone as a key material used throughout Central Park as inspired by the exposed limestone rock outcroppings along the fault lines in the region.

DEFINITION

fault lines.

A fault is a fracture or zone of fractures between two blocks of rock. Faults allow the blocks to move relative to each other. **This movement may occur rapidly, in the form of an earthquake - or may occur slowly,** in the form of creep. Faults may range in length from a few millimeters to thousands of kilometers. Most faults produce repeated displacements over geologic time. During an earthquake, the rock on one side of the fault suddenly slips with respect to the other. The fault surface can be horizontal or vertical or some arbitrary angle in between.

- United States Geological Survey - (USGS)





Item # 11



Location

DESIGN INTENT

DIAMOND SAWN
SMOOTH FINISH
TYPICAL.



DESIGN INTENT



Item # 11



ROUGHBACK
TYPICAL.

THE STORY OF LA VERDE PARK

Historic La Verde Park, a 127-acre urban park that has been a community landmark since its founding in 1906, is set to be transformed into a modern, multi-use park. The project, led by the City of San Jose, will include a new playground, a dog park, a community garden, and a new parking lot. The park is located in the heart of San Jose, California, and is a popular destination for families and friends. The project is a testament to the city's commitment to providing high-quality public spaces for its residents.

The park is a beautiful example of urban park design. It features a mix of natural and man-made elements, including a large tree canopy, a paved walking path, and a modern playground. The park is a great place to spend a day with family and friends. It is a great place to enjoy the outdoors and get some exercise. The park is a great place to relax and enjoy the view. The park is a great place to meet with friends and family. The park is a great place to spend a day with family and friends.



THE STORY OF LA VERDE PARK

Historia de La Verde Park, un parque urbano que se está convirtiendo en un espacio de recreación y comunidad.

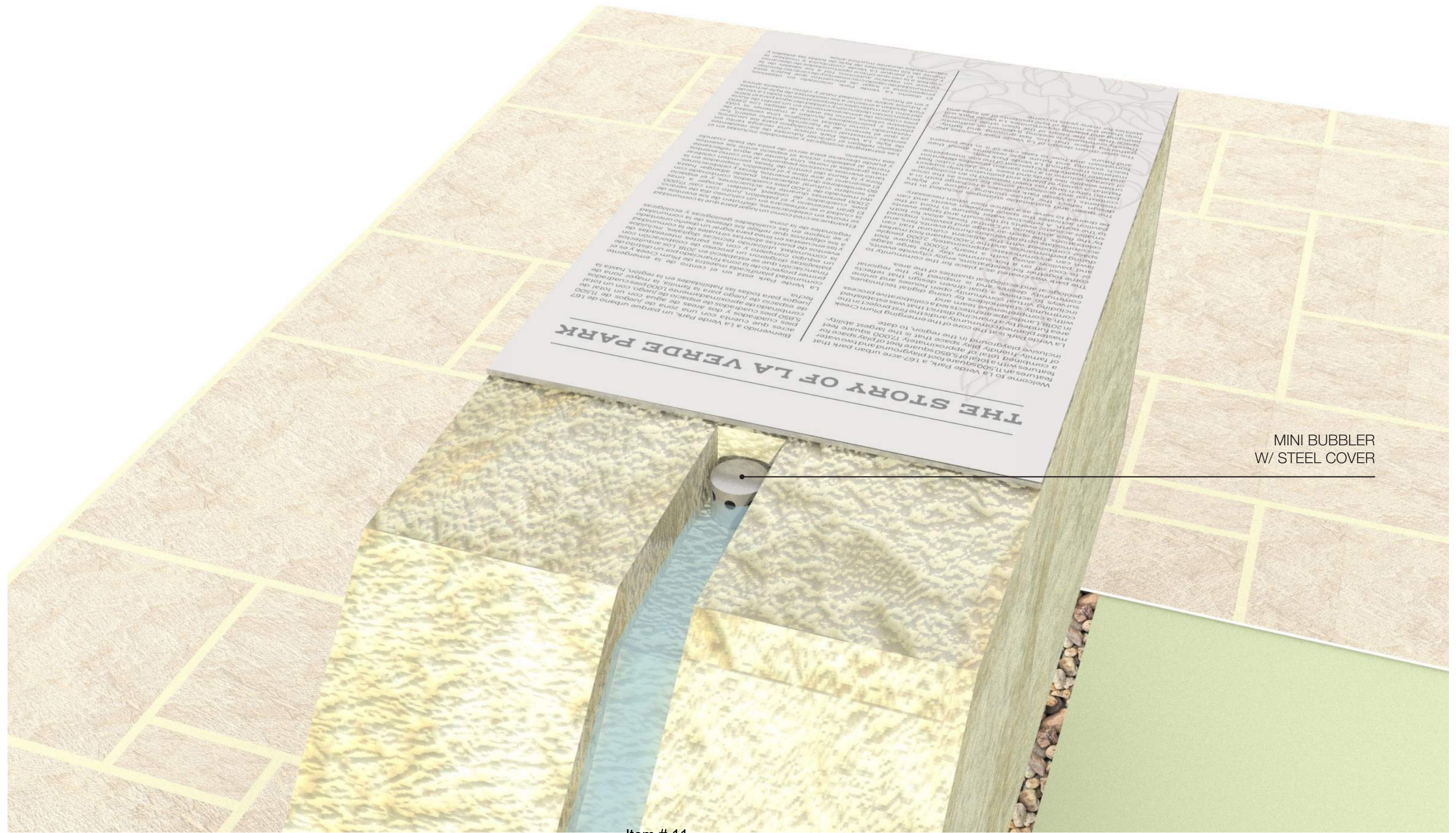
La Verde Park es un espacio de recreación y comunidad que se está convirtiendo en un espacio de recreación y comunidad. El gran espacio de recreación y comunidad que se está convirtiendo en un espacio de recreación y comunidad.

El diseño de La Verde Park, orientado en objetivos, ofrece un espacio de crecimiento de carácter familiar y juego. El parque de La Verde contribuirá a moldear la capacidad durante muchos años.

CONTRIBUTORS

- City Council and Administration 2020 - 2022**
 - Mayor: Travis Mitchell
 - Mayor Pro Tem: Robert Bizo, Rick Koch
 - City Council: Dex Ellison, Michael Tobias, Ashlee Bradshaw, Yvonne Flores-Cale, Daniela Parsley, Tracy Scheel, Alex Villalobos
- Hays County Commissioners**
 - Mark Jones, Debbie Ingalsbe
- City Manager**
 - Scott Sellers
- Assistant City Managers**
 - James Earp, Jerry Hendrix, Amber Lewis
- Design and Construction Team**
 - Project Management: ACJCM, Stoddard Construction
 - Design Team: Lionheart Places, Overland Partners, Water Design
 - Engineers: Kimley Horn, DBB, Thornton Thomasetti

Made possible by the contributions from Texas Disposal Systems

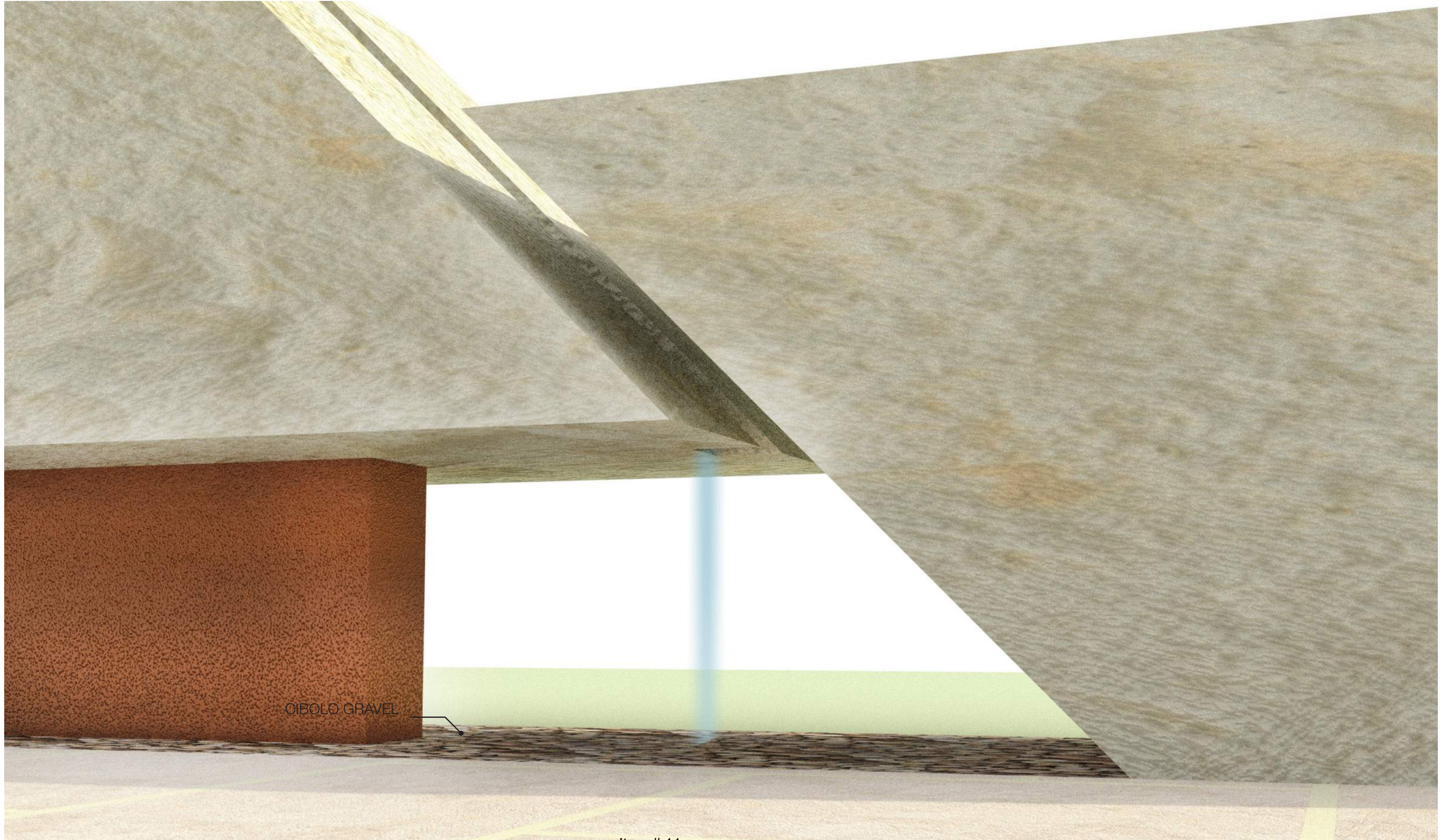


THE STORY OF LA VERDE PARK

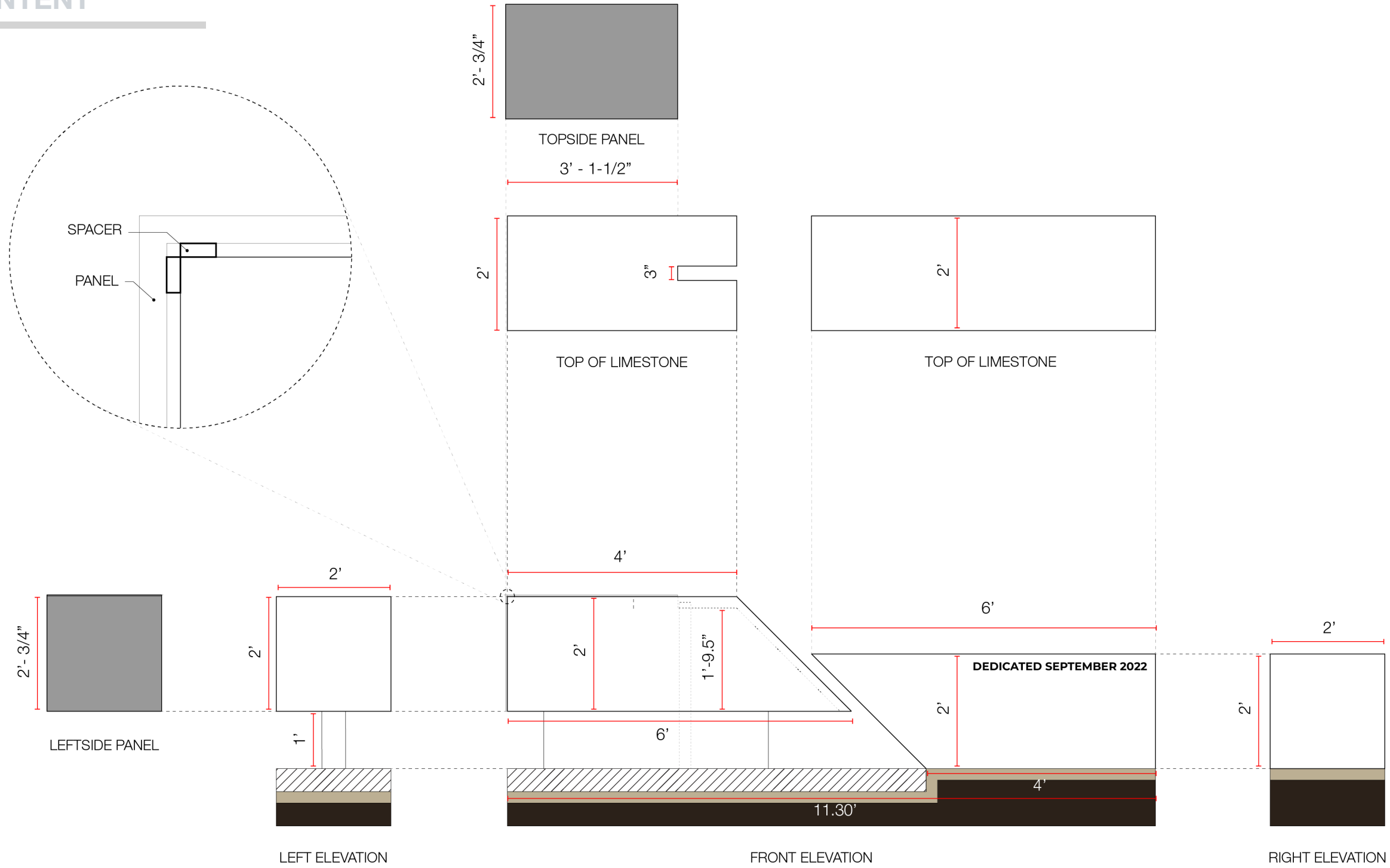
Welcome to La Verde Park, a 1.7-acre urban park that features an 11,500 square foot playground and two water inclusive play areas. The park is a family-friendly play space that is the largest of its kind in the region. The park is a testament to the city's commitment to providing high-quality recreational opportunities for all residents. The park is a testament to the city's commitment to providing high-quality recreational opportunities for all residents. The park is a testament to the city's commitment to providing high-quality recreational opportunities for all residents.

MINI BUBBLER
W/ STEEL COVER

DESIGN INTENT



DESIGN INTENT

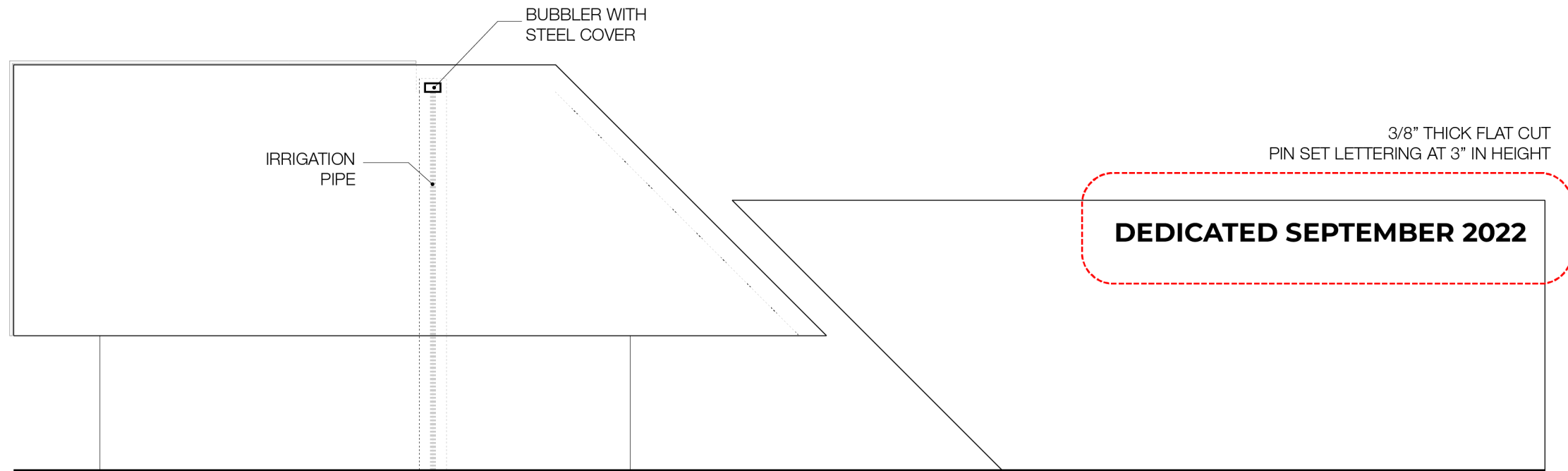


INTERACTIVE DEDICATION PLAQUE

1/2" = 1' 0"

NOTE:
 DRAWINGS REPRESENT DESIGN INTENT.
 DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION.
 CONTRACTOR TO PROVIDE FULL SHOP DRAWINGS FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.

- Metal Panel
- Cibolo Gravel
- Sand
- Subsoil



INTERACTIVE DEDICATION PLAQUE

NTS

NOTE:
DRAWINGS REPRESENT DESIGN INTENT.
DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION.
CONTRACTOR TO PROVIDE FULL SHOP DRAWINGS FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.



CITY OF KYLE, TEXAS

Budget Amendment No. 3 for FY 2023 to Provide Funding for Spay, Neuter, & Vaccination Voucher Program \$22,250.00

Meeting Date: 5/2/2023
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* Approve an Ordinance amending the City's approved budget for Fiscal Year 2022-2023 by appropriating \$22,250.00 from the City's General Fund balance and increasing the amount of total expenditures of the Police Department for the implementation of Spay/Neuter/Vaccination Voucher Program in Kyle as approved by City Council on April 18, 2023. ~ Perwez A. Moheet, CPA, Director of Finance

Other Information: On April 18, 2023, under agenda item number 18, the City Council also directed staff to prepare and bring forward a budget amendment in the amount of \$22,250.00 for City Council's consideration and approval, in order to provide funding for the implementation of the Spay/Neuter/Vaccination Voucher Program in Kyle.

This budget amendment totaling \$22,250.00 to the City's approved budget for Fiscal Year 2022-2023, if approved by the City Council, will authorize the City's Director of Finance to make the following amendments to the approved budget:

- Appropriate \$22,250.00 by reducing the City's General Fund balance by the same amount for Fiscal Year 2022-2023
- Increase the total amount for expenditures by \$22,250.00 of the Police Department for Fiscal Year 2022-2023 to provide funding for the Spay/Neuter/Vaccination Voucher Program as approved by the City Council on April 18, 2023.

The following documents are attached to provide complete information and to support Budget Amendment No. 3 for Fiscal Year 2022-2023:

1. Ordinance for Budget Amendment No. 3
2. Copy of agenda item 18 approved by the City Council meeting held on 4-18-2023

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- ☐ Ordinance - Budget Amendment #3 for FY 2022-2023
- ☐ Agenda Item #18 - Approved by City Council On 4-18-2023

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING ORDINANCE NO. 1217 ADOPTED ON AUGUST 25, 2022, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023, BY APPROPRIATING \$22,250.00 FROM THE CITY'S GENERAL FUND BALANCE AND INCREASING THE TOTAL EXPENDITURES OF THE POLICE DEPARTMENT BY THE SAME AMOUNT FOR THE IMPLEMENTATION OF THE SPAY, NEUTER, AND VACCINATION VOUCHER PROGRAM IN KYLE AS APPROVED BY CITY COUNCIL ON APRIL 18, 2023.

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

Section 1. Amendment to Approved Budget.

Total appropriations for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, for the support of the general government of the City of Kyle, Texas, is hereby amended for said term to provide funding for the implementation of the Spay, Neuter, and Vaccination Voucher Program as follows:

1. Appropriate \$22,250.00 by reducing the City's General Fund balance by the same amount for Fiscal Year 2022-2023
2. Increase the total amount for expenditures by \$22,250.00 of the Police Department for Fiscal Year 2022-2023 to provide funding for the Spay, Neuter, and Vaccination Voucher Program as approved by the City Council on April 18, 2023.

Section 2. Approval of Amendment.

This amendment is hereby approved in all aspects and adopted as an amendment to the City budget for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023.

Section 3. Conflict.

Any and all ordinances, and parts thereof, that are in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4. Severability.

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

Section 5. 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, Chapter 551, Local Government Code.

Section 6. Effective Date.

This Ordinance shall be in full force and take effect from and after the date of its final passage and publication as required by law.

PASSED AND APPROVED on First Reading this ____ day of May 2023.

FINALLY PASSED AND ADOPTED on this ____ day of May 2023.

THE CITY OF KYLE, TEXAS

Travis Mitchell, Mayor

ATTEST:

Jennifer Kirkland, City Secretary



CITY OF KYLE, TEXAS

Request Funding for Spay/Neuter Voucher Program \$22,250.00

Meeting Date: 4/18/2023
Date time: 7:00 PM

Subject/Recommendation: Presentation, update, and possible action regarding spay/neuter/vaccinate program for City of Kyle including vouchers, requirements, participation, and costs. ~ *Jeff Barnett, Chief of Police*

Other Information:

Legal Notes:

Budget Information: The Police Department estimates that \$22,250.00 in funding will be required to implement a Spay and Neuter Voucher Program. The approved budget of the Police Department for Fiscal Year 2022-2023 does not include funding for the implementation of this new program.

Should the City Council consider authorizing the Police Department to implement a Spay and Neuter Voucher Program in Kyle, then the Council would need to direct the City's Director of Finance to bring back a budget amendment for Council's approval to appropriate \$22,500.00 from the General Fund balance to fund this program.

ATTACHMENTS:

Description

- Spay neuter voucher proposal



KYLE
POLICE

ANIMAL CONTROL DIVISION
111 North Front Street, Kyle, TX 78640
512-268-3232

Budget Proposal for Spay/Neuter Voucher Program for Residents through Emancipet

Proposal:

We are proposing to have 250 spay/neuter vouchers available to City of Kyle residents on a first come first serve basis. One voucher per address. The residents must be able to provide proof of residency to receive the voucher. The vouchers would cover the base cost of the spay/neuter surgery. The voucher will not cover the cost of vaccines, microchipping, or any additional costs recommended by Emancipet staff. Owners will be required to have their pet vaccinated for rabies if they can not provide proof of current rabies vaccination at time of surgery.

Cost:

The current cost of a spay or neuter surgery on a cat or dog through Emancipet is \$89. The cost for 250 surgeries is \$22,250. The vouchers would be able to be used at their Austin clinics or the mobile clinics that come to Hays County.

CITY OF KYLE

Notice of Regular City Council Meeting



Kyle City Hall, 100 W. Center Street, Kyle, TX 78640
The public can watch remotely at: Spectrum 10;
<https://www.cityofkyle.com/kyletv/kyle-10-live>. One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on April 18, 2023, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 14th day of April, 2023, prior to 7:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. City Council Special Meeting Minutes - April 1, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Special Meeting Minutes - April 4, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
3. City Council Meeting Minutes - April 4, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

III. Citizen Comment Period with City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

IV. Agenda Order

4. Agenda Order per Rules of Council Sec. B1.

V. Presentation

5. National Crime Victims' Rights Proclamation. ~ *Yvonne Flores-Cale, Council Member*
6. Presentation of the FLOCK Safety Automated License Plater Reader System. ~ *Jeff Barnett, Chief of Police*
7. Arts & Cultural Commission updates. *Colleen Tierney, Director of Library Services*
8. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *Jerry Hendrix, Interim City Manager*
 - Skate Night
 - Art in the Park
 - 4th of July Update
 - National Library Week
 - Overdrive is Changing to Libby
 - Ribbon Cutting of Seed Library
 - Teen Job Fair
 - Landscape Code Updates
 - Residential Style Guide Updates
 - Comprehensive Master Plan Update
 - After Action Report and Improvement Plan for Exercise at City Hall
 - Team Kyle Update
9. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

VI. Consent Agenda

10. *(Second Reading)* An Ordinance granting Acadian Ambulance Service of Texas, LLC, D/B/A Acadian Ambulance Service, a franchise to provide non-emergency and rollover emergency ambulance services within the boundaries of the City of Kyle, Texas; providing an agreement prescribing conditions, terms, and regulations governing the operation of the non-emergency ambulance services; providing penalties for noncompliance with franchise. ~ *Kaela Sharp, City Planner*

City Council voted 7-0 to approve on first reading on 4/4/2023.

11. Approve Task Order No. 5 to PAPE-DAWSON ENGINEERING, INC., Austin, Texas in an amount not to exceed \$72,800.00, for a preliminary engineering report (PER) and 30% design documents for a one-million gallon elevated water storage tank, a 500,000-gallon pre-stressed concrete water ground storage tank, and an associated pump station and appurtenances for the proposed CR 158 water storage project. ~ *Leon Barba, P.E., City Engineer*

VII. Items Pulled from Consent Agenda

VIII. Public Hearings

12. Public Hearing Concerning the Approval of the Amended and Restated Project and Finance Plan and the Amended Interlocal Agreement for the Tax Increment Zone Number Two, City of Kyle and Approval of the Extension of the Zone. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

IX. Consider and Possible Action

13. Consideration and Approval of an Ordinance of the City of Kyle, Texas Approving the Amended and Restated Project and Finance Plan and Amended Interlocal Agreement for the Tax Increment Reinvestment Zone Number Two, City of Kyle and Approving the Extension of the Zone; and Other Matters Related Thereto. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*
14. Consider approval of a Transportation Improvement Design, Permitting and Construction Agreement with TIRZ No. 2 and Plum Creek Development Partners. ~ *Paige Saenz, City Attorney*
15. Consider and possible action to approve a Resolution of the City of Kyle, Texas Approving the Form and Authorizing the Distribution of a Preliminary Limited Offering Memorandum for the City of Kyle, Texas Special Assessment Revenue Bonds, Series 2023 (Porter Country Public Improvement District Improvement Area #1 Project); and Resolving Other Matters Incident and Related Thereto. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*
16. Consider and possible action to approve a Resolution of the City of Kyle, Texas Determining the Costs of Certain Authorized Improvements to be Financed within Improvement Area #1 of the Porter Country Public Improvement District; Approving a Preliminary Service and Assessment Plan Updated For Improvement Area #1, Including a Proposed Improvement Area #1 Assessment Roll; Directing the Filing of the Proposed Improvement Area #1 Assessment Roll with the City Secretary to Make Available for Public Inspection; Noticing a Public Hearing for May 16, 2023 to Consider an Ordinance Levying Assessments on Property Located within Improvement Area #1 of the Porter Country Public Improvement District; Directing City Staff to Publish and Mail Notice of Said Public Hearing; and Resolving Other Matters Incident and Related Thereto. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*
17. Discussion regarding the feasibility of utilizing the rainwater harvesting system liftstation design from the Public Safety Center to another City project/location. ~ *Derek Bird, AGCM, City of Kyle Project Manager*
18. Presentation, update, and possible action regarding spay/neuter/vaccinate program for City of Kyle including vouchers, requirements, participation, and costs. ~ *Jeff Barnett, Chief of Police*
19. Authorize execution of a professional services agreement with CATALYST COMMERCIAL, INC., Dallas, Texas, for total consulting fees in the amount not to exceed \$25,000.00 which includes reimbursable expenses at 115 percent of

actual costs to provide services related to recruitment of targeted retail, hospitality, entertainment and destination recreation in the City of Kyle for the period April 1, 2023 through September 29, 2023. ~ *Victoria Vargas, Director of Economic Development*

20. Approve an updated Interlocal Agreement (ILA) between the Plum Creek Watershed Partnership and the City of Kyle regarding the continued participation and implementation of the Plum Creek Watershed Protection Plan. ~ *Kathy Roecker, Stormwater Management Plan Administrator*

21. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 4.68 acres of land from 'RS' (Retail Services) to 'R-1-T' (Townhomes) for property locate at 1290 Bebee Road in Hays County, Texas. (Dacy Lane LLC - Z-23-0113) ~ *Will Atkinson, Director of Planning*

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

- Public Hearing

22. Approve License Agreement Between the City of Kyle & Caroline Marketplace, LP. ~ *Will Atkinson, Director of Planning*

- *The license agreement is for maintenance of public street parking associated with the Caroline on Marketplace project. The project was entitled through the CSW, LLC development agreement.*

23. Consider and Possible Action to Support the City of Kyle's Participation in a Regional Climate Pollution Action Plan Grant. ~ *Bear Heiser, Council Member*

24. Discussion and possible action regarding the Rules of Council, to include but not limited to, the rescision of votes. ~ *Yvonne Flores-Cale, Council Member*

25. Discussion regarding council budget workshop calendar and scheduling of visioning workshop. ~ *Travis Mitchell, Mayor*

X. 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, settlement agreement, or to seek the advice of the City Attorney and Attorneys concerning legal issues pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct.
 - Cause No. 22-0873; the State of Texas, ex. rel. 1200 S. Old Stagecoach Road, LLC, v. City of Kyle, Texas; pending in the 207th

Judicial District Court of Hays County, Texas, and Cause No. 19-1492; 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas

- Marshall Tract
 - City Manager Employment Agreement
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 to deliberate the purchase of real property for public purpose.
 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 Pearly Whites
 - Project Lion King
 - Project Limoncello
 - Project Chile Pepper
27. Take action on items discussed in Executive Session.

XI. Adjourn

At any time during the 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.

Under the Americans with Disabilities Act, an individual with a disability must have equal opportunity for effective communication and participation in public meetings. Kyle City Hall is wheelchair accessible. Individuals who require auxiliary aids, interpretive services, and/or other services for this meeting should submit a request at <https://www.cityofkyle.com/contact> or call (512)262-1010, 48 hours in advance of the meeting.



CITY OF KYLE, TEXAS

Approve Task Order No. 1 -
Stateside Right of Way Services,
Center St. Village Phase II
Wastewater Project \$40,400.00

Meeting Date: 5/2/2023
Date time: 7:00 PM

Subject/Recommendation: Approve Task Order No. 1 to STATESIDE RIGHT OF WAY SERVICES, LLC., Arlington, Texas in an amount not to exceed \$40,400.00 for acquisition of easements for the Center Street Village Phase II Wastewater Project. ~ *Leon Barba, P.E., City Engineer*

Other Information: Stateside Right of Way Services will acquire the 8 easements and 8 temporary construction easements needed to complete the construction of the Center Street Village Phase 2 wastewater line upsizing.

The easements are required from Philomena Drive along a private road south to FM 150 and up to Hill St.

Legal Notes: N/A

Budget Information: Funding in the amount of \$40,400.00 from the Wastewater Impact Fee Fund is available in the approved budget for Fiscal Year 2022-2023 for the Center Street Village wastewater capital improvement project as follows:

- 3420-89400-572230

ATTACHMENTS:

Description

- ☐ Task 1 Scope & Fees Center St. Village

TASK ORDER NO. 001

This Task Order is issued pursuant to that Professional Services Agreement (Agreement) between the City of KYLE, Texas (Owner) and Stateside Right of Way Services, LLC. (Professional) effective _____, 2023 and constitutes authorization by Owner for Professional to proceed with the following described right of way acquisition services.

Right of Way Acquisition Services

A. PROJECT DESCRIPTION

The scope of the Agreement is to provide professional right of way acquisition services (Services) for the Owner based on the scope of services listed below in Item B. Professional services may include project administration, parcel coordination and development of conveyance instruments, real estate appraisal services, preparation of reports, included testimony services, real estate appraisal review services, including testimony services, real estate title services, negotiation services and condemnation support services; researching, analyzing, and providing technical recommendations; and providing general consulting services in the areas identified herein.

B. SCOPE OF SERVICES AND DELIVERABLES

Project: Center Street Village Phase II
Limits: From Philomena & IH 35 FR south to FM 150
General Description of Services:

- Acquisition Services for Eight (8) wastewater easements
- Inclusive of Temporary Construction Easement Services

The services to be performed in accordance with Attachment A.

C. BASIS OF COMPENSATION

The total compensation for the Services shall be based on a per parcel type of acquisition per Stateside Right of Way Services, LLC fees submitted as response to K 22-23.4 Solicitation for Services and as needed the hourly rates as defined in Compensation Table provided on page 3 of this document, and on the corresponding rates and hours in the Fee Estimate attached as Attachment B. Owner will make payments to Professional for performing the Services described on a monthly billing basis in accordance with monthly statements submitted by the Professional and approved by Owner. Final payment shall be due upon completion of the Services described.

D. TIME FOR COMPLETION

Professional will work expeditiously to complete the Services described herein by April 15, 2024.

Stateside Right of Way Services, LLC. shall begin work as soon as authorized in this Task Order No. 001.

APPROVED:

CITY OF KYLE, TEXAS

By _____

Title: City Mayor

Attest _____

Date _____

ACCEPTED:

Stateside Right of Way Services, LLC.

By 
Diane Valek

Title : President

Attest 

Date 4-24-23

COMPENSATION

Compensation for the services provided pursuant to the Professional Services Agreement between the City of Kyle and Stateside Right of Way Services, LLC, executed the ____ day of _____, 2023 will be calculated on a per parcel basis and an hourly basis as needed, not to exceed, in the amounts reflected below:

Parcel Type Number	Parcel Type	Per Parcel Total Fee	Location Of Acquisition	Number of Parcels	Total
2	Acquisition Easement for Water/Wastewater	\$4,800.00	Commercial	8	\$38,400.00
2	Condemnation for Water/Wastewater	\$2,000.00	Commercial	1	\$2,000.00
Total					\$40,400.00

Should the scope of services not match the Scope of Services on Attachment A, those services will be compensated on an hourly basis as needed, with a not to exceed amount negotiated using the fee table below:

Professional Staff	Hourly Bill Rate	Example Staff
Utility Program Manager	\$265.00	TBD
Utility Manager	\$234.00	TBD
Utility Engineer	\$231.00	TBD
Senior Utility Coordinator	\$175.00	TBD
Utility Coordinator	\$130.00	TBD
Design Engineer (EIT)	\$120.00	TBD

ATTACHMENT A

SCOPE OF SERVICES

Stateside Right of Way Services, LLC. (Consultant) will provide staff to support the City of KYLE (Owner) with general real estate acquisition services. The Consultant is required to coordinate and work with the Owner for completion of this work. Items 1 through 5 below are considered Acquisition Services. Specific parcel acquisition tasks may include, but are not limited to, the following general scope of services:

1. Project Administration
 - a. Maintain current status of parcel acquisition
 - b. Maintain parcel contact information.
 - c. Attend project meetings as required.
 - d. Maintain project files.
 - e. Maintain project administration direct, indirect, profit, payments, costs.
2. Parcel Coordination and development of conveyance instruments.
 - a. Initial contact with landowners. Introduction of self, project, and advisement of landowner rights.
 - b. Request for landowner donation of property. Project specific documents prepared and coordinated with landowner.
 - c. Right of entry development, coordination, and processing.
 - d. Development of conveyance easement or deed documents, coordination, and processing. Parcel survey provided by City from 3rd party.
3. Real Estate Appraisal Services.
 - a. Secure written authorization to access property as required for inspection.
 - b. Prepare worksheet estimate of property cost(s) to be acquired, prior to development of full report(s).
 - c. Prepare initial report for review by City and final report.
4. Real Estate Title Services
 - a. Analyze preliminary Title Commitment report(s) to determine potential Title problems.
 - b. Propose methods to cure title deficiencies.
 - c. Coordinate and clean Title Commitments.
 - d. Secure Title Commitment update(s).
 - e. Secure title insurance for all parcels acquired, insuring acceptable title to the City. Approval by the City is required for any exception.
5. Negotiation Services
 - a. Analyze appraisal reports and confirm approved value prior to making an offer on each parcel.
 - b. Prepare and send the letter transmitting the Landowners' Bill of Rights by Certified Mail-Return Receipt Requested (CMRRR).
 - d. Issue Property Owner's Survey to the property owner.
 - e. Secure possession and use agreement if necessary, with property owner(s).

- e. Prepare all documents required or requested for the parcel acquisition (i.e., the initial offer letter, memorandum of agreement, instruments of conveyance, final offer letter).
- f. Provide written offer, appraisal report and required brochures to each property owner or the property owner's designated representative through CMRRR. Maintain follow-up contacts and secure the necessary instruments upon acceptance of the offer for the closing. Retain copies of the unsigned CMRRR receipt and the appraisal as support for billing purposes.
- g. Respond to property owner inquiries.
- h. Performs closing services in conjunction with the Title Company. Attend closing(s) as necessary. In the event of a closing by mail, title work shall be reviewed prior to the closing by mail and again prior to recording of the instrument.
- i. Perform actions to cause the recordation of all original instruments immediately after closing at the respective County Clerk's Office.
- j. Advise property owner of the Administrative Settlement process, assist them with the preparation of a counteroffer package, and transmit to City any written counteroffer from property owners including supporting documentation and written comments with regard to Administrative Settlements.
- k. Appear and provide Expert Witness testimony as required.

6. Condemnation Support Services
 - (Pre-Hearing Support)

- a. Upon receipt of a copy of the final offer, request an updated title commitment for
- b. Eminent Domain from the Title Company.
- c. Prepare clauses for the original set of legal descriptions supplied by the City.
- d. Prepare form to join all interested parties.
- e. File the Les Pendens within the legal timeline.
- f. Record the Les Pendens upon receipt of the cause number with the County Clerk's office.
- g. Send a copy of the Les Pendens and the Petition via certified mail to all named parties within three days of the filing of the Les Pendens.
- h. Following appointment of Commissioners by the judge, send via CMRRR the document appointing the commissioners to the named defendants or their attorneys if represented, as well as to the City. Secure the following documents: Oath of Commissioners signed by the Commissioners, Order Setting Hearing, 2 copies of the Notice of Hearing signed by the Commissioners.
- i. Establish the date and time for the Special Commissioners Hearing. If there is an increase in value to the appraisal, the firm will send a copy of the updated appraisal along with letter to the appropriate parties by CMRRR.
- j. The firm shall coordinate with the court personnel to reserve a court.
- k. The firm will coordinate with all parties the hearing date.
- l. After the Hearing is set, the firm shall serve Notices of Hearing to the indicated parties in accordance with the methods and time frames set out in Chapter 21 of the Texas Property Code, but in no instance less than twenty (20) days prior to the Special Commissioners Hearing. The scheduling of the Hearing must allow for any additional time frame required by law.
- m. Once the notices have been served, if e-filing is not required, file the original notices with the court and send copies stamped "copy" to required offices.
- n. Send reminder letters to parties two to three weeks in advance to parties of hearing date(s).

(Post-Hearing Support)

- a. As required submit cost and support documentation for commissioner services to City.
- b. Obtain required signatures on legal instruments.
- c. Obtain and distribute signed and marked copies of the Award to: Title Company with a request for commitment to the City.
- d. Deposit warrant in the registry of the court. File a Notice of Deposit with the court and send certified copies to each defendant notifying them of the date of the deposit. The date of Deposit is the Date of Possession.
- e. The firm will take photograph of the interest to be acquired on the day of deposit (or the day of a PUA closing) for relocation verification and date of take appraisal purposes. If a date of take has been selected by the Court, the firm shall notify the Appraiser of the date the deposit is going to be made so that the Appraiser may take date of take photographs as well.
- f. Firm shall send written notices of date of deposit to all interested parties.
- g. Firm and any sub-providers must appear as Expert Witness when requested.

Additionally, the Consultant shall coordinate with the Owner or their assigned Engineer and professional services consultants in the development of the project by answering general questions; providing clarification; providing preliminary parcel acquisition cost, evaluate utility compensatory packets; and other project-related tasks during development and construction of the project.

The Consultant shall utilize the ROW documents developed by others based on the proposed alignment, typical sections, design cross sections, access control, terrain, construction requirements, drainage, clear zone, maintenance, and environmental constraints and mitigation requirements provided to the Consultant.

In pursuance of the Owner's policy with the general public, the Consultant shall not commit acts which would result in damages to private property, and the Consultant shall make every effort to comply with the wishes and address the concerns of affected private property owners. The Consultant shall contact each property owner prior to any entry onto the owner's property and shall request concurrence from the Owner prior to each entry.

The Consultant shall provide technical assistance, and minutes of informal meetings that are either requested by the public to discuss the pending acquisitions and impacts to neighborhoods and businesses due to project or deemed necessary by the Owner.

The Consultant shall complete the services according to the milestone work schedule established in the work authorizations. The Consultant shall submit a written progress report to the Owner monthly indicating the actual work accomplished during the month, scheduled work to be accomplished for the month, and the estimated work to be accomplished for the coming month. The progress report will use a bar chart diagram to indicate the percentage complete of each task shown on the previous report and the percentage complete of each task. The Consultant is required to meet with the designated Owner project manager bi-weekly for progress tracking purposes unless prior agreement is made with Owner not to hold a meeting in any given month. The Consultant shall submit minutes of the meeting, summarizing the events of the meeting within

seven calendar days after each meeting. The Consultant shall document phone calls and conference calls as required during the project to coordinate the work for various team members.

The work schedule must incorporate an allocation of time for the task necessary to complete the parcel(s) acquisition. The Consultant shall present the work schedule to the Owner for review and acceptance and provide assistance in interpreting the proposed work schedule. The Consultant shall notify the Owner as soon as practical, by phone and in writing, of major or significant changes.

The Consultant shall invoice by parcel and or by task and agreed upon lump sum amount for work outside of Request for Proposal K22-23.3. The Consultant shall submit each invoice in a format acceptable to the Owner.

With each invoice the Consultant shall submit a monthly written progress report to the Owner's Project Manager regardless of whether the Consultant is invoicing for that month.

The Consultant's written progress report shall describe activities during the reporting period; activities planned for the following period; problems encountered and actions taken to remedy them; list of meetings attended; and overall status, including a percent complete by task.

GENERAL REQUIREMENTS

1.1. Right of Way Acquisitions

The Consultant shall follow Federal and State laws in the acquisition of property, as applicable depending on funding.

Where Owner does not have document form(s), TxDOT right of way forms, manuals, and processes will be utilized and or documents provided by Consultant and approved by the Owner.

The project deliverables and files must be organized and submitted to the Owner at the completion of the project.

Documentation of meetings includes documentation for notification of meetings, agenda, sign in sheets, and meeting minutes.

ATTACHMENT B

The maximum amount of compensation per Parcel will be as indicated below. If services not scoped out in the Request for Proposals per Parcel are not necessary, the cost will be adjusted; if services are needed outside of the Request for Proposals, the cost will be increased.

Parcel Type Number	Parcel Type	Per Parcel Total Fee	Location Of Acquisition
1	Acquisition Easement for Water/Wastewater	\$4,800.00	Residential
2	Acquisition Easement for Water/Wastewater	\$4,800.00	Commercial
3	Acquisition Easement for Water/Wastewater	\$4,800.00	Farmland
9	Eminent Domain Water/Wastewater	\$2,000.00	Residential/Farmland
10	Eminent Domain Water/Wastewater	\$2,000.00	Commercial
2	Appraisal for Water/Wastewater Easement	\$5,000.00	Commercial
2	Appraisal Review for Water/Wastewater Easement	\$2,500.00	Commercial



CITY OF KYLE, TEXAS

Acceptance of Crosswinds Phase 6A Subdivision

Meeting Date: 5/2/2023

Date time: 7:00 PM

Subject/Recommendation: Approve a Resolution of the City Council of the City of Kyle, Texas accepting the Crosswinds Phase 6A subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*

Other Information: A final walkthrough was completed on April 10, 2023. The punch list items have been completed on the project. The water and wastewater improvements have been constructed in substantial accordance with the City's requirements. Record drawings have been provided to the City.

A Maintenance Bond (Philadelphia Indemnity Insurance Company – Bond No. PB03016800838M3) in the amount of \$336,445.67 has been provided for a period of two (2) years.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Acceptance Packet

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS ACCEPTING CROSSWINDS PHASE 6A SUBDIVISION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS hereby accepts the public improvements and certifies completion of the improvements for Crosswinds Phase 6A. The current maintenance surety is hereby \$336,445.67 being thirty five percent of the total cost of required improvements, to be held for two years from this date.

SECTION 1. That the subdivision improvements within the Crosswinds Phase 6A are hereby accepted for operation and maintenance.

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

PASSED AND APPROVED this the ____ day of _____, 2023.

CITY OF KYLE, TEXAS

Travis Mitchell, Mayor

ATTEST:

Jennifer Kirkland, City Secretary

EXHIBIT A

STAFF ACCEPTANCE MEMO




CITY OF KYLE

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

Kyle, Texas 78640
Fax (512) 262-3915

MEMORANDUM

TO: Jerry Hendrix, Interim City Manager

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

DATE: April 25, 2023

SUBJECT: Crosswinds Phase 6A
Final Acceptance

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

A final walkthrough was completed on April 10, 2023. The punch list items have been completed on the project. The water and wastewater improvements have been constructed in substantial accordance with the City's requirements. Record drawings have been provided to the City.

A Maintenance Bond (Philadelphia Indemnity Insurance Company – Bond No. PB03016800838M3) in the amount of \$336,445.67 has been provided for a period of two (2) years.

Please let me know if you need any additional information.

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



Carlson, Brigance & Doering, Inc.

Civil Engineering ❖ Surveying

**ENGINEERING CONCURRENCE LETTER
CITY OF KYLE**

April 21, 2023

Crosswinds Subdivision Phase 6A

Kyle, Texas
CBD # 5409

On this day, April 21, 2023, I, the undersigned professional engineer made a final visual inspection of the above referenced project. I also visited the site during construction and observed that the streets, site grading, utilities and drainage structures were constructed per the approved plans, with insignificant deviation. I, therefore, verify the adequate completion of the following items:

All curbs, pavement, storm sewers, inlets, water, wastewater and similar construction items.

The following items will require correction and are listed below:

Sincerely,

CARLSON, BRIGANCE & DOERING, INC. (F-3791)

Patrick M. Sullivan, P.E.



EXHIBIT B

MAINTENANCE BOND

Philadelphia Indemnity Insurance Company

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004
877-438-7459

Bond No. PB03016800838M3

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we DNT Construction, LLC as Principal, and Philadelphia Indemnity Insurance Company, a corporation organized under the laws of the State of Pennsylvania, and duly authorized to do business in the State of Texas as Surety, are held and firmly bound unto City of Kyle, TX as Obligee, in the penal sum of Three Hundred Thirty Six Thousand Four Hundred Forty Five Thousand and 67/100 (\$336,445.67) to which payment well and truly to be made we do bind ourselves, and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into a contract for Crosswinds Subdivision Phase 6A Water & Wastewater, which contract is hereinafter referred to as the "Contract."

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of Two year (s) from date of acceptance of the work performed under the Contract against all defects in workmanship and materials which would have been the responsibility under the Contract for which written notice is made to Surety during said period

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which may become apparent and with respect to which notice is delivered to Surety in writing during the period of Two year (s) from and after date of acceptance of the work under the Contract, then this obligation shall be void, otherwise to remain in full force and effect.

No right of action shall accrue hereunder to or for the benefit of any person or entity other the Obligee named herein, nor shall any suit be filed or action maintained on this bond more than twenty five (25) months after the date of the earliest timely notice of defect by Obligee to Surety.

SIGNED, SEALED AND DATED THIS 8th day of March, 2023.

DNT Construction, LLC

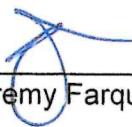
Principal

By: _____


Dean Tomme, President

Philadelphia Indemnity Insurance Company

By: _____


Jeremy Farque, Attorney-in-Fact

PHILADELPHIA INDEMNITY INSURANCE COMPANY
One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Tom Mulanax, Michael Whorton, David Whorton, Rachel Martinez, Rosemarie Lopez, Jeremy Farque and/or Noe Moreno of Whorton Insurance Services**, its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$50,000,000**.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5TH DAY OF MARCH, 2021.

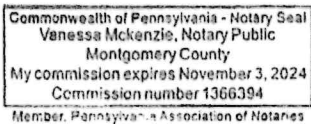


(Seal)

John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th day of March, 2021 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:



residing at:

Bala Cynwyd, PA

My commission expires:

November 3, 2024

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5th day March, 2021 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 8th day of March, 2023.



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



DNT CONSTRUCTION FINAL COST & QUANTITIES
 PROJECT: Crosswinds Subdivision PH 6A
 City of Kyle

CONTRACTOR: DNT CONSTRUCTION
 P O Box 6210
 Round Rock, Texas 78683

I. WATER ITEMS						CONTRACT
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE		AMOUNT
1	8" Wet Connect	2	EA	\$ 1,800.00		\$3,600.00
2	8" C900 DR-14 PVC, including fittings	4,116	LF	\$ 60.75		\$250,047.00
3	5 1/4" Fire Hydrant Assembly, including fire lead	7	LF	\$ 3,161.75		\$22,132.25
4	6" Gate Valve	7	EA	\$ 1,740.50		\$12,183.50
5	8" Gate Valve	10	EA	\$ 1,822.50		\$18,225.00
6	Raise Gate Valve	10	EA	\$ 377.00		\$3,770.00
7	Single Water Service Assembly	7	EA	\$ 1,400.00		\$9,800.00
8	Double Water Service Assembly	55	EA	\$ 2,043.00		\$112,365.00
9	Trench Safety	4,116	EA	\$ 0.50		\$2,058.00
10	Single Water Service Assembly (Change Order #3)	6	EA	\$ 1,400.00		\$8,400.00
11	Double Water Service Assembly (Change Order #3)	(3)	EA	\$ 2,043.00		(\$6,129.00)
						\$436,451.75

II. WASTEWATER ITEMS						CONTRACT
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE		AMOUNT
1	Tie to Existing Wastewater Line	2	EA	\$ 1,336.00		\$2,672.00
2	8" SDR-26 PVC	3,628	LF	\$ 45.85		\$166,343.80
3	Single Wastewater Service	14	LF	\$ 2,181.50		\$30,541.00
4	Double Wastewater Service	52	EA	\$ 3,504.00		\$182,208.00
5	Install Tee & Plug on Main for Future WW Service	1	EA	\$ 343.00		\$343.00
6	4' Wastewater Manhole	21	EA	\$ 3,717.00		\$78,057.00
7	Manhole Coating	21	EA	\$ 1,098.00		\$23,058.00
8	Raise Wastewater Manhole	21	EA	\$ 466.00		\$9,786.00
9	8" SDR-26 PVC (Change Order #3)	19	LF	\$ 45.85		\$871.15
10	Single Wastewater Service (Change Order #3)	7	EA	\$ 2,181.50		\$15,270.50
11	Double Wastewater Service (Change Order #3)	(4)	EA	\$ 3,504.00		(\$14,016.00)
12	4' Wastewater Manhole (A01) (Change Order #3)	1	EA	\$ 3,717.00		\$3,717.00
13	4' Wastewater Manhole (Return Base Credit) (Change Order #3)	(5)	EA	\$ 940.00		(\$4,700.00)
14	Bases/Boots and Risers (Change Order #3)	8	EA	\$ 1,550.00		\$12,400.00
15	4' Wastewater Manhole (Load or Demolish) (Change Order #3)	7	EA	\$ 225.00		\$1,575.00
16	4' Wastewater Manhole (hauling) (Change Order #3)	1	LS	\$ 1,812.50		\$1,812.50
17	Manhole Coating (Change Order #3)	1	EA	\$ 1,098.00		\$1,098.00
18	Raise Wastewater Manhole (Change Order #3)	1	EA	\$ 466.00		\$466.00
19	Trench Safety (Change Order #3)	(21)	LF	\$ 1.00		(\$21.00)
20	Remove Wastewater Line (Change Order #4)	240	LF	\$ 8.40		\$2,016.00
21	Relay Wastewater Line (Change Order #4)	240	LF	\$ 15.60		\$3,744.00
22	Remove Wastewater Manholes (Change Order #4)	3	EA	\$ 960.22		\$2,880.66
23	Relay Wastewater Manhole (Change Order #4)	3	EA	\$ 960.22		\$2,880.66
24	Manhole Riser Replacements (Change Order #4)	6	VF	\$ 175.00		\$1,050.00
25	Sanitary Sewer Pipe Waste (Change Order #4)	32	LF	\$ 24.01		\$768.32
						\$524,821.59

TOTAL CONTRACT \$961,273.34

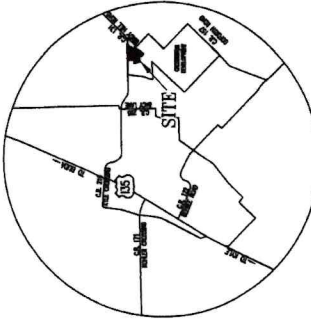
CONTRACTOR: DNT CONSTRUCTION, LLC

By: *Casey M. Glauflin*
 Casey M. Glauflin, Project Manager

Date: 3/8/2023

EXHIBIT C
SUBDIVISION MAP

CROSSWINDS PHASE 6A



SCALE: 1" = 100'

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- 1/2" CAPPED IRON ROD SET (UNLESS OTHERWISE NOTED)
- 25 LOT NUMBER
- ⊕ BLOCK DESIGNATION
- 4 SIDEWALK

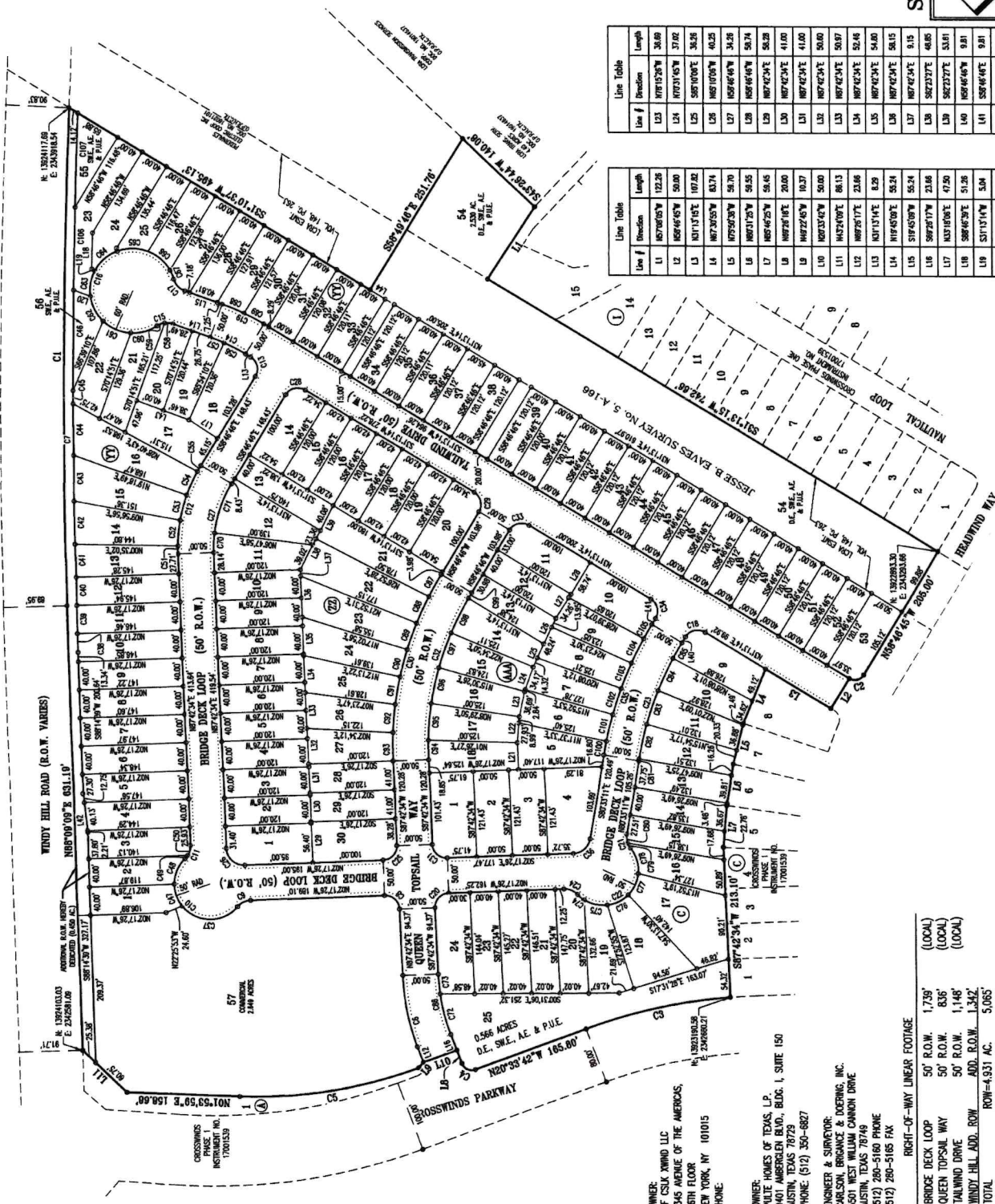
OP.R.A.C.T.Y. OPTIONAL PUBLIC RECORDS,
HAYS COUNTY, TEXAS
P.R.A.C.T.Y. PLAT RECORDS,
HAYS COUNTY, TEXAS

DATE: NOVEMBER 29, 2022
ACREAGE: 26.232 ACRES
SURVEY: JESSE B. EAVES SURVEY NO. 5
ABSTRACT NO. 166,
HAYS COUNTY, TEXAS
F.E.M.A. MAP NO. 482080209AF
HAYS COUNTY, TEXAS DATED SEPTEMBER 2, 2005
ZONE "X"
SINGLE FAMILY LOTS
COMMERCIAL LOTS
FRANCE, SIDEWALK, ACCESS &
NUMBER OF LOTS
NUMBER OF BLOCKS

SHEET NO. 1 OF 4

Carlson, Brigrance & Doering, Inc.
FIRM ID #F3791 REG. # 10024900
Civil Engineering & Surveying
5500 West Willow Cannon Drive
Austin, Texas 78729
Phone No. (512) 280-5160 Fax No. (512) 280-5165

J:\AC3D\5409\Survey\PLAT - CROSSWINDS PHASE 6A



Line #	Direction	Length
L1	N87°00'00"W	122.28
L2	S88°44'00"W	50.00
L3	N11°13'05"E	107.02
L4	N87°24'00"E	50.00
L5	N87°24'00"E	50.00
L6	N87°24'00"E	50.00
L7	N87°24'00"E	50.00
L8	N87°24'00"E	50.00
L9	N87°24'00"E	50.00
L10	N87°24'00"E	50.00
L11	N87°24'00"E	50.00
L12	N87°24'00"E	50.00
L13	N87°24'00"E	50.00
L14	N87°24'00"E	50.00
L15	N87°24'00"E	50.00
L16	N87°24'00"E	50.00
L17	N87°24'00"E	50.00
L18	N87°24'00"E	50.00
L19	N87°24'00"E	50.00
L20	N87°24'00"E	50.00
L21	N87°24'00"E	50.00
L22	N87°24'00"E	50.00

Line #	Direction	Length
L1	N87°00'00"W	122.28
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L8	N87°24'00"E	50.00
L9	N87°24'00"E	50.00
L10	N87°24'00"E	50.00
L11	N87°24'00"E	50.00
L12	N87°24'00"E	50.00
L13	N87°24'00"E	50.00
L14	N87°24'00"E	50.00
L15	N87°24'00"E	50.00
L16	N87°24'00"E	50.00
L17	N87°24'00"E	50.00
L18	N87°24'00"E	50.00
L19	N87°24'00"E	50.00
L20	N87°24'00"E	50.00
L21	N87°24'00"E	50.00
L22	N87°24'00"E	50.00

OWNER: C2 C&K WINDO LLC
1345 AVENUE OF THE AMERICAS,
40TH FLOOR
NEW YORK, NY 101015
PHONE: (512) 350-6827

OWNER: JAMES OF TEXAS, L.P.
2400 MCGEE BLVD., BLDG. 1, SUITE 150
AUSTIN, TEXAS 78729
PHONE: (512) 280-5160

ENGINEER & SURVEYOR:
CARLSON, BRIGRANCE & DOERING, INC.
5501 WEST WILLOW CANNON DRIVE
AUSTIN, TEXAS 78749
(512) 280-5160 PHONE
(512) 280-5165 FAX

RIGHT-OF-WAY LINEAR FOOTAGE

BRIDGE DECK LOOP	50' R.O.W.	1,739'	(LOCAL)
QUEEN TOPSAIL WAY	50' R.O.W.	636'	(LOCAL)
TALMUND DRIVE	50' R.O.W.	1,148'	(LOCAL)
WINDY HILL ROAD, ROW	ADD. R.O.W.	1,542'	
TOTAL		4,931 AC.	5,065

BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

CROSSWINDS PHASE 6A

Curve Table

Curve #	Length	Radius	BEHA	Chord Elevation	Chord Length	Tangent
C1	76.72	11463.00	011231	57827019"	76.61	33.47
C2	23.56	15.00	907000	81346459"	21.21	15.00
C3	216.16	762.00	1574425	812141309"	208.50	165.75
C4	23.56	15.00	907000	812621615"	21.21	15.00
C5	268.38	653.15	227274	805191718"	258.14	138.08
C6	103.64	325.00	181616	80734251"	103.20	52.36
C7	765.48	11445.00	011231	57827019"	765.33	300.88
C8	31.42	20.00	907000	812621615"	28.28	20.00
C9	21.03	25.00	481133	80232018"	20.41	11.18
C10	182.26	50.00	1882246	812621615"	182.26	89.28
C11	21.03	25.00	481133	80811461"	20.41	11.18
C12	131.88	255.00	333040	812621615"	128.73	67.74
C13	31.42	20.00	907000	812621615"	28.28	20.00
C14	55.94	276.00	112085	80291012	54.95	27.81
C15	23.55	15.00	532805	80713338"	22.89	12.73
C16	301.53	60.00	2875610	57014512"	289.59	43.64
C17	23.55	15.00	532805	80644218"	22.89	12.73
C18	31.42	20.00	907000	812621615"	28.28	20.00
C19	65.05	325.00	112085	82929118"	64.94	32.63
C20	31.42	20.00	907000	812621615"	28.28	20.00

Curve Table

Curve #	Length	Radius	BEHA	Chord Elevation	Chord Length	Tangent
C21	21.03	25.00	481133	57827019"	20.41	11.18
C22	152.40	50.00	1743301	811251019"	150.89	106.59
C23	185.51	475.00	214625	805202018"	178.43	91.38
C24	21.03	25.00	481133	812621615"	20.41	11.18
C25	31.42	20.00	907000	811251019"	28.28	20.00
C26	38.27	25.00	907000	811251019"	35.38	25.00
C27	182.25	175.00	333040	57827019"	180.30	50.69
C28	31.42	20.00	907000	811251019"	28.28	20.00
C29	31.42	20.00	907000	578151418"	28.28	20.00
C30	277.82	475.00	333040	812621615"	273.88	140.01
C31	31.42	20.00	907000	547424418"	28.28	20.00
C32	248.57	625.00	333040	57827019"	245.05	127.86
C33	31.42	20.00	907000	811251019"	28.28	20.00
C34	31.42	20.00	907000	807151418"	28.28	20.00
C35	188.51	525.00	214625	58742018"	186.31	108.87
C36	34.15	25.00	781545	541251912"	31.85	20.34
C37	88.80	50.00	1814520	800232018"	77.58	61.48
C38	28.88	11445.00	011231	588271718"	28.66	13.33
C39	40.00	11445.00	011231	588271718"	40.00	20.00
C40	40.00	11445.00	011231	588291818"	40.01	20.00

Curve Table

Curve #	Length	Radius	BEHA	Chord Elevation	Chord Length	Tangent
C41	48.27	11445.00	011231	588291818"	48.27	23.13
C42	81.26	11445.00	011231	588291818"	81.26	38.63
C43	65.11	11445.00	011231	588272318"	65.11	32.56
C44	73.12	11445.00	011231	588484818"	73.12	36.56
C45	18.56	11445.00	011231	805201818"	18.56	8.48
C46	142.88	11445.00	011231	805201818"	142.88	71.34
C47	33.63	50.00	3823215	578121318"	33.00	17.48
C48	40.22	50.00	4810335	807081818"	38.15	21.27
C49	6.88	25.00	1735205	801041818"	6.88	3.05
C50	14.85	25.00	341524	805201818"	14.73	7.70
C51	11.29	225.00	23270	805201818"	11.29	5.85
C52	38.78	225.00	92153	805201818"	38.73	18.43
C53	38.78	225.00	92153	805201818"	38.73	18.43
C54	38.78	225.00	92153	805201818"	38.73	18.43
C55	9.88	225.00	23271	805201818"	9.88	4.89
C56	34.20	275.00	70770	527392818"	34.18	17.12
C57	20.84	275.00	62034	521552718"	20.84	10.43
C58	11.96	25.00	27416	588291818"	11.85	6.10
C59	11.96	25.00	267316	530581818"	11.88	5.80
C60	38.64	60.00	371633	515142812"	38.38	20.34

DEVELOPMENT AGREEMENT LOT SCHEDULE [PER 1.01(o) & (e)]

40'			50'			60'		
Block	Lot	Area (sq ft)	Block	Lot	Area (sq ft)	Block	Lot	Area (sq ft)
W	1	5,117	W	1	5,117	W	1	5,117
W	2	5,117	W	2	5,117	W	2	5,117
W	3	5,117	W	3	5,117	W	3	5,117
W	4	5,117	W	4	5,117	W	4	5,117
W	5	5,117	W	5	5,117	W	5	5,117
W	6	5,117	W	6	5,117	W	6	5,117
W	7	5,117	W	7	5,117	W	7	5,117
W	8	5,117	W	8	5,117	W	8	5,117
W	9	5,117	W	9	5,117	W	9	5,117
W	10	5,117	W	10	5,117	W	10	5,117
W	11	5,117	W	11	5,117	W	11	5,117
W	12	5,117	W	12	5,117	W	12	5,117
W	13	5,117	W	13	5,117	W	13	5,117
W	14	5,117	W	14	5,117	W	14	5,117
W	15	5,117	W	15	5,117	W	15	5,117
W	16	5,117	W	16	5,117	W	16	5,117
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W	42	5,117	W	42	5,117	W	42	5,117
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W	44	5,117	W	44	5,117	W	44	5,117
W	45	5,117	W	45	5,117	W	45	5,117
W	46	5,117	W	46	5,117	W	46	5,117
W	47	5,117	W	47	5,117	W	47	5,117
W	48	5,117	W	48	5,117	W	48	5,117
W	49	5,117	W	49	5,117	W	49	5,117
W	50	5,117	W	50	5,117	W	50	5,117
W	51	5,117	W	51	5,117	W	51	5,117
W	52	5,117	W	52	5,117	W	52	5,117
W	53	5,117	W	53	5,117	W	53	5,117
W	54	5,117	W	54	5,117	W	54	5,117
W	55	5,117	W	55	5,117	W	55	5,117
W	56	5,117	W	56	5,117	W	56	5,117
W	57	5,117	W	57	5,117	W	57	5,117
W	58	5,117	W	58	5,117	W	58	5,117
W	59	5,117	W	59	5,117	W	59	5,117
W	60	5,117	W	60	5,117	W	60	5,117
W	61	5,117	W	61	5,117	W	61	5,117
W	62	5,117	W	62	5,117	W	62	5,117
W	63	5,117	W	63	5,117	W	63	5,117
W	64	5,117	W	64	5,117	W	64	5,117
W	65	5,117	W	65	5,117	W	65	5,117
W	66	5,117	W	66	5,117	W	66	5,117
W	67	5,117	W	67	5,117	W	67	5,117
W	68	5,117	W	68	5,117	W	68	5,117
W	69	5,117	W	69	5,117	W	69	5,117
W	70	5,117	W	70	5,117	W	70	5,117
W	71	5,117	W	71	5,117	W	71	5,117
W	72	5,117	W	72	5,117	W	72	5,117
W	73	5,117	W	73	5,117	W	73	5,117
W	74	5,117	W	74	5,117	W	74	5,117
W	75	5,117	W	75	5,117	W	75	5,117
W	76	5,117	W	76	5,117	W	76	5,117
W	77	5,117	W	77	5,117	W	77	5,117
W	78	5,117	W	78	5,117	W	78	5,117
W	79	5,117	W	79	5,117	W	79	5,117
W	80	5,117	W	80	5,117	W	80	5,117
W	81	5,117	W	81	5,117	W	81	5,117
W	82	5,117	W	82	5,117	W	82	5,117
W	83	5,117	W	83	5,117	W	83	5,117
W	84	5,117	W	84	5,117	W	84	5,117
W	85	5,117	W	85	5,117	W	85	5,117
W	86	5,117	W	86	5,117	W	86	5,117
W	87	5,117	W	87	5,117	W	87	5,117
W	88	5,117	W	88	5,117	W	88	5,117
W	89	5,117	W	89	5,117	W	89	5,117
W	90	5,117	W	90	5,117	W	90	5,117
W	91	5,117	W	91	5,117	W	91	5,117
W	92	5,117	W	92	5,117	W	92	5,117
W	93	5,117	W	93	5,117	W	93	5,117
W	94	5,117	W	94	5,117	W	94	5,117
W	95	5,117	W	95	5,117	W	95	5,117
W	96	5,117	W	96	5,117	W	96	

CROSSWINDS PHASE 6A

- FINAL PLAT NOTES:
1. THIS FINAL PLAT IS LOCATED WITHIN THE EXTRA TERRITORIAL JURISDICTION (E.T.J.) OF THE CITY OF KYLE.
 2. THIS PROJECT IS LOCATED IN THE BRUSHY CREEK - PLUM CREEK SUB WATERSHED.
 3. NO PORTION OF THIS PRELIMINARY PLAT LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE OR CONTRIBUTING ZONE.
 4. THIS PLAT IS LOCATED WITHIN THE BOUNDARY OF THE HAVS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.
 5. WATER SERVICE WILL BE PROVIDED TO EACH LOT FROM THE CITY OF KYLE.
 6. ORGANIZED WASTEWATER SERVICE WILL BE PROVIDED TO EACH LOT BY THE CITY OF KYLE.
 7. ELECTRIC SERVICE WILL BE PROVIDED BY THE FEDERNALES ELECTRIC COOPERATIVE.
 8. TELEPHONE SERVICE WILL BE PROVIDED BY SPECTRUM.
 9. ORGANIZED GAS SERVICE MAY BE PROVIDED.
 10. MINIMUM FRONT SETBACK SHALL BE TWENTY (20') FEET.
 11. MINIMUM REAR SETBACK SHALL BE FIFTEEN (15') FEET.
 12. MINIMUM SIDE AND INTERIOR SIDE SETBACKS SHALL BE FIVE (5') FEET.
 13. MINIMUM SIDE SETBACK ADJACENT TO A PUBLIC STREET SHALL BE TEN (10') FEET.
 14. A 15' MUNICIPAL UTILITY EASEMENT (MUE) SHALL BE LOCATED ALONG THE FRONT OF EACH LOT ADJACENT TO THE R.O.W., A 10' MUE ALONG SIDE VARS ADJACENT TO THE ROW AND A 10' MUE ALONG REAR PROPERTY LINES.
 15. ALL STREETS SHALL BE DESIGNED AS IN ACCORDANCE WITH APPLICABLE CITY OF KYLE AND HAVS COUNTY DEVELOPMENT REGULATIONS AND DEDICATED AS PUBLIC R.O.W. AT FINAL PLATING.
 16. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A STATE-APPROVED COMMUNITY WATER SYSTEM.
 17. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A STATE-APPROVED ORGANIZED WASTEWATER SYSTEM.
 18. THE WATER AND WASTEWATER UTILITY SYSTEM SERVING THIS SUBDIVISION MUST BE IN ACCORDANCE WITH THE CITY OF KYLE CODE OF ORDINANCES. THE WATER AND WASTEWATER UTILITY PLAN MUST BE REVIEWED AND APPROVED BY THE KYLE WATER UTILITY. THE UTILITY CONSTRUCTION MUST BE INSPECTED BY THE CITY OF KYLE.
 19. PRIOR TO CONSTRUCTION ON ANY LOT IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF KYLE FOR REVIEW.
 20. CONSTRUCTION OF ANY OTHER UTILITY OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAVS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.
 21. NO STRUCTURE SHALL BE OCCUPIED UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED BY THE CITY OF KYLE.
 22. IN ORDER TO PROMOTE SAFE USE OF ROADS AND TO PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTION ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED ACCESS ONTO A PUBLIC ROADWAY UNLESS (A) A PERMIT FOR USE OF THE COUNTY ROADWAY RIGHT-OF-WAY HAS BEEN ISSUED UNDER AND (B) THE DRIVEWAY SATISFIES THE MINIMUM SPACING REQUIREMENTS FOR DRIVEWAYS AS SET FORTH IN CHAPTER 721 OF THE HAVS COUNTY DEVELOPMENT REGULATIONS.
 23. ALL ROADWAYS WILL BE PUBLICLY DEDICATED AND MAINTAINED.
 24. DRAINAGE EASEMENTS SHALL REMAIN OPEN AND FREE OF OBSTRUCTIONS.
 25. EROSION/SEDIMENTATION CONTROLS ARE REQUIRED ON EACH LOT INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION.
 26. PUBLIC SIDEWALKS BUILT TO THE CITY OF KYLE STANDARDS, ARE REQUIRED ALONG BOTH SIDES OF ALL STREETS. THOSE SIDEWALKS NOT BEING A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED. WHERE THERE ARE DOUBLE FRONTAGE LOTS, SIDEWALKS TO THE STREET TO WHICH ACCESS IS PROVIDED ARE ALSO REQUIRED TO BE MAINTAINED BY THE PROSSESSOR OF THE UTILITY.
 27. THE CITY OF KYLE HAS THE RIGHT TO PRUNE AND REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR.
 28. THE OWNER/DEVELOPER OF THIS SUBDIVISION SHALL PROVIDE THE ELECTRIC COMPANY THAT SHALL SERVICE THIS SUBDIVISION WITH OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. THESE EASEMENTS AND ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH THE CITY OF KYLE CODE OF ORDINANCES.
 29. THE OWNER SHALL BE RESPONSIBLE FOR ANY INSTALLATION OF TEMPORARY PERSON CONTROL, REVERSE MOUNT AND TREE PROTECTION DEVICES. THESE DEVICES SHALL BE REMOVED AND THE UNDERGROUND FACILITIES RESEED TO PROVIDE ELECTRIC SERVICE TO THE CENTER LINE OF THE OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT.
 30. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO THE DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
 31. NO BUILDINGS, FENCES, LANDSCAPING OR OTHER OBSTRUCTIONS ARE PERMITTED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF KYLE AND HAVS COUNTY.
 32. PARALLEL REQUIREMENTS ARE SATISFIED THROUGH THE CROSSWINDS MUNICIPAL UTILITY DISTRICT.
 33. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR ASSIGNS.
 34. THIS FINAL PLAT IS LOCATED WITHIN ESD #6.
 35. THE OWNER/DEVELOPER IS ADVISED TO OBTAIN APPROVAL FOR ANY NEEDED LICENSE AGREEMENTS PRIOR TO APPROVAL OF THE CONSTRUCTION PLANS. OTHER SPECIAL OR NONSTANDARD TREATMENTS OF THE R.O.W. MAY ALSO REQUIRE A LICENSE AGREEMENT.
 36. LOT 25, BLOCK "Y" AND LOTS 54, 55 & 56, BLOCK "Y" ARE TO BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION OR HIS OR HER ASSIGNS.
 37. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF KYLE. EXPENSES FOR PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
 38. THE LANDOWNER SHALL BE RESPONSIBLE FOR PROVIDING THE SUBDIVISION INFRASTRUCTURE, INCLUDING WATER AND WASTEWATER UTILITY IMPROVEMENTS, OFFSITE MAIN EXTENSION AND SYSTEM UPGRADES.
 39. ALL ELECTRICAL, TELEPHONE, CABLE TELEVISION AND SIMILAR LINES SHALL BE UNDERGROUND.
 40. SIDEWALKS, PEDESTRIAN CROSSINGS AND OTHER PUBLIC AMENITIES 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.
 41. PER CHAPTER 731 OF THE HAVS COUNTY DEVELOPMENT REGULATIONS, STORM WATER DRAINAGE FACILITIES MAY BE REQUIRED SUCH AS DRAINAGE SWALES, STORM WATER DETENTION BASINS, STORM WATER STORAGE AND 100 YEAR STORM.
 42. ALL WALLBORES LOCATED IN THE RIGHT-OF-WAY SHALL BE OF AN APPROVED TYPOT OR FINNA APPROVED DESIGN.
 43. POST-CONSTRUCTION STORMWATER CONTROL MEASURES SHALL TAKE A MAINTENANCE PLAN. THE MAINTENANCE PLAN MUST BE FILED IN THE REAL PROPERTY RECORDS OF HAVS COUNTY. THE OWNER OPERATOR OF ANY NEW DEVELOPMENT OR REDEVELOPMENT SITE SHALL DEVELOP AND IMPLEMENT A MAINTENANCE PLAN ADDRESSING MAINTENANCE REQUIREMENTS FOR ANY STRUCTURAL CONTROL MEASURES INSTALLED ON SITE. OPERATION AND MAINTENANCE PERFORMED SHALL BE DOCUMENTED AND RETAINED AND MADE AVAILABLE FOR REVIEW UPON REQUEST. THIS REQUIREMENT IS UNDER THE TYPES GENERAL PERMIT THROUGHOUT PART II, SECTION 8.

AREA TABLE	
AREA WITHIN SUBDIVISION	26,232 ACRES (1,142,685 sq. ft.)
AREA OF SINGLE FAMILY LOTS	15,392 ACRES (670,497 sq. ft.)
AREA OF COMMERCIAL LOTS	2,649 ACRES (115,406 sq. ft.)
AREA OF DRAINAGE EASEMENT & PUBLIC UTILITY EASEMENT LOTS	3,260 ACRES (142,000 sq. ft.)
AREA WITHIN STREETS	4,931 ACRES

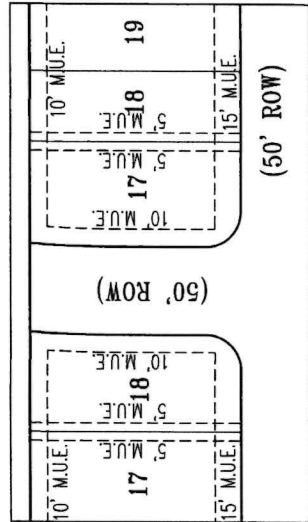
LOT SIZE	NO.
< 1 ACRE	120
1-2 ACRE	0
2-5 ACRE	2
5-10 ACRE	0
> 10 ACRE	0

BLOCK	LOT	50 FT. AVERAGE	LOT	50 FT. AVERAGE	
B	1	5.817	Y	1	5.817
B	2	5.817	Y	2	5.817
B	3	5.817	Y	3	5.817
B	4	5.817	Y	4	5.817
B	5	5.817	Y	5	5.817
B	6	5.817	Y	6	5.817
B	7	5.817	Y	7	5.817
B	8	5.817	Y	8	5.817
B	9	5.817	Y	9	5.817
B	10	5.817	Y	10	5.817
B	11	5.817	Y	11	5.817
B	12	5.817	Y	12	5.817
B	13	5.817	Y	13	5.817
B	14	5.817	Y	14	5.817
B	15	5.817	Y	15	5.817
B	16	5.817	Y	16	5.817
B	17	5.817	Y	17	5.817
B	18	5.817	Y	18	5.817
B	19	5.817	Y	19	5.817
B	20	5.817	Y	20	5.817
B	21	5.817	Y	21	5.817
B	22	5.817	Y	22	5.817
B	23	5.817	Y	23	5.817
B	24	5.817	Y	24	5.817
B	25	5.817	Y	25	5.817
B	26	5.817	Y	26	5.817
B	27	5.817	Y	27	5.817
B	28	5.817	Y	28	5.817
B	29	5.817	Y	29	5.817
B	30	5.817	Y	30	5.817

BLOCK	LOT	50 FT. AVERAGE	BLOCK	LOT	50 FT. AVERAGE
B	1	5.817	AA	1	7.412
B	2	5.817	AA	2	6.072
B	3	5.817	AA	3	6.072
B	4	5.817	AA	4	6.256
B	5	5.817	AA	5	6.246
B	6	5.817	AA	6	6.246
B	7	5.817	AA	7	6.246
B	8	5.817	AA	8	6.246
B	9	5.817	AA	9	6.246
B	10	5.817	AA	10	6.246
B	11	5.817	AA	11	6.246
B	12	5.817	AA	12	6.246
B	13	5.817	AA	13	6.246
B	14	5.817	AA	14	6.246
B	15	5.817	AA	15	6.246
B	16	5.817	AA	16	6.246
B	17	5.817	AA	17	6.246
B	18	5.817	AA	18	6.246
B	19	5.817	AA	19	6.246

BLOCK	LOT	50 FT. AVERAGE	BLOCK	LOT	50 FT. AVERAGE
B	1	5.817	AA	1	7.412
B	2	5.817	AA	2	6.072
B	3	5.817	AA	3	6.072
B	4	5.817	AA	4	6.256
B	5	5.817	AA	5	6.246
B	6	5.817	AA	6	6.246
B	7	5.817	AA	7	6.246
B	8	5.817	AA	8	6.246
B	9	5.817	AA	9	6.246
B	10	5.817	AA	10	6.246
B	11	5.817	AA	11	6.246
B	12	5.817	AA	12	6.246
B	13	5.817	AA	13	6.246
B	14	5.817	AA	14	6.246
B	15	5.817	AA	15	6.246
B	16	5.817	AA	16	6.246
B	17	5.817	AA	17	6.246
B	18	5.817	AA	18	6.246
B	19	5.817	AA	19	6.246

BLOCK	LOT	50 FT. AVERAGE	BLOCK	LOT	50 FT. AVERAGE
B	1	5.817	AA	1	7.412
B	2	5.817	AA	2	6.072
B	3	5.817	AA	3	6.072
B	4	5.817	AA	4	6.256
B	5	5.817	AA	5	6.246
B	6	5.817	AA	6	6.246
B	7	5.817	AA	7	6.246
B	8	5.817	AA	8	6.246
B	9	5.817	AA	9	6.246
B	10	5.817	AA	10	6.246
B	11	5.817	AA	11	6.246
B	12	5.817	AA	12	6.246
B	13	5.817	AA	13	6.246
B	14	5.817	AA	14	6.246
B	15	5.817	AA	15	6.246
B	16	5.817	AA	16	6.246
B	17	5.817	AA	17	6.246
B	18	5.817	AA	18	6.246
B	19	5.817	AA	19	6.246



SHEET NO. 3 OF 4

Carlson, Briggance & Doering, Inc.
 REG. # 10028900
 Civil Engineering
 4500 N. 10th St., Suite 100
 Fargo, ND 58103
 Phone No. (701) 286-5160
 Fax No. (701) 286-5165



J:\AC3D\5409\Survey\PLAT - CROSSWINDS PHASE 6A

MUE DETAIL
 SCALE 1" = 50'

CROSSWINDS PHASE 6A

STATE OF TEXAS
COUNTY OF HAYS
KNOW ALL MEN BY THESE PRESENTS,
THAT PAULIE HOMES OF TEXAS, L.P., OWNER OF 23,500 ACRES OF LAND, AS COMPREHENDED BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NUMBER 22012358, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND OF CS&K WIND LLC, A DELAWARE LIMITED LIABILITY COMPANY, OWNER OF 2,640 ACRES OF LAND, AS COMPREHENDED BY CORRECTION SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NUMBER 22004549, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE A 26,224 ACRES OF SAID TRACTS IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT TO BE KNOWN AS:

"CROSSWINDS PHASE 6A"

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEED TO THE PUBLIC THE USE OF THE STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN ON THIS PLAT.

WITNESS MY HAND THIS 30th DAY OF November A.D. 2022

[Signature]
Vice President of Land Development

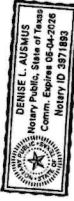
PAULIE HOMES OF TEXAS, L.P.
1340 AMERIGLEN BLVD., BLDG. 1, SUITE 150
AUSTIN, TEXAS 78729
PHONE: (512) 532-3300

STATE OF TEXAS
COUNTY OF Williamson

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED Eric Van Gansbreck, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 30th DAY OF November A.D. 2022.

[Signature]
NOTARY PUBLIC, STATE OF TEXAS



STATE OF TEXAS
COUNTY OF Dallas

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED Eric Van Gansbreck, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 5 DAY OF December A.D. 2022

[Signature]
NOTARY PUBLIC, STATE OF TEXAS



STATE OF TEXAS
COUNTY OF Tarrant

KNOW ALL MEN BY THESE PRESENTS,
THE OWNERS OF THE LAND SHOWN ON THIS PLAT WHOSE NAMES ARE SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY DEDICATED TO USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, WATER COURSES, DRAINS, MUNICIPAL UTILITY EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED. I (WE) FURTHER CERTIFY THAT ALL OTHER PARTIES WHO HAVE A MORTGAGE OR LIEN INTEREST IN THE SUBDIVISION HAVE BEEN NOTIFIED AND SAID THIS PLAT.

I (WE) FURTHER ACKNOWLEDGE THAT THE DEDICATIONS AND/OR EASEMENTS MADE HEREIN ARE PROPORTIONAL TO THE IMPACT OF THE SUBDIVISION UPON THE PUBLIC SERVICE REQUIRED IN ORDER THAT THE DEVELOPMENT WILL COMPORT WITH THE PRESENT AND FUTURE GROWTH NEEDS OF THE CITY; I (WE), BY (OUR) SUCCESSORS AND ASSIGNS HEREBY WAIVE ANY CLAIM, DAMAGE, OR CAUSE OF ACTION THAT I (WE) MAY HAVE AS A RESULT OF DEDICATIONS OF EASEMENTS MADE HEREIN.

[Signature]
INTERNATIONAL BANK OF COMMERCE

STATE OF TEXAS
COUNTY OF Texas

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Nick Fahrenzon known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein stated, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 30th DAY OF November A.D. 2022

[Signature]
NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: 6-2-2024



REVIEWED BY:

[Signature]
CITY ENGINEER, CITY OF RULE

12/15/22
DATE

REVIEWED BY:

[Signature]
DIRECTOR OF PUBLIC WORKS, CITY OF RULE

12/16/22
DATE

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF RULE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS 1st DAY OF Dec, A.D. 2022

[Signature]
CHAIRPERSON

SENSE DISPOSAL/INDIVIDUAL WATER SUPPLY CERTIFICATION, TO-WIT:

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE APPROVED COMMUNITY WATER SYSTEM, DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY THIS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY, GROUND WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT.

NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGUN UNTIL ALL HAYS COUNTY DEVELOPMENT AUTHORIZATION REQUIREMENTS HAVE BEEN SHIPPED.

[Signature]
DIRECTOR

12-8-2022
DATE

ERIC VAN GANSBRECK, R.S., C.F.A.I.
HAYS COUNTY FLOODPLAIN ADMINISTRATOR

STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED, DIRECTOR OF HAYS COUNTY DEVELOPMENT SERVICES, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL HAYS COUNTY REQUIREMENTS AS SHOWN IN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF RULE FOR SUBDIVISION REGULATION WITHIN THE EXTRAJURISDICTIONAL JURISDICTION OF THE CITY OF RULE.

[Signature]
DIRECTOR

12-8-2022
DATE

MARCUS PHAROCCA, DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

STATE OF TEXAS
COUNTY OF HAYS

I, ELAINE H. CARDBENS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 29th DAY OF December A.D. 2022, AND DULY RECORDED ON THE 29th A.D. 2022 AT 4:10 O'CLOCK P.M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN INSTRUMENT NUMBER 2022053598

WITNESS MY HAND AND SEAL OF OFFICE THIS THE 29th DAY OF December A.D. 2022

[Signature]
ELAINE H. CARDBENS
COUNTY CLERK
HAYS COUNTY, TEXAS



STATE OF TEXAS
COUNTY OF TRAVIS

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

DO HEREBY CERTIFY THAT NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A DESIGNATED 100-YEAR FLOOD ZONE AREA, AS DELINEATED ON THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL 48060C020F, DATED SEPTEMBER 2, 2005, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. ADDITIONALLY, STORMWATER RUNOFF FROM THE 100 YEAR STORM EVENT SHALL BE CONTAINED WITHIN THE DRAINAGE FACILITIES TO BE LOCATED WITHIN THE RIGHTS-OF-WAY, AND /OR OPEN SPACE AND DRAINAGE ESCAPEMENT LOTS.

[Signature]
PATRICK M. SULLIVAN, P.E. No. 142359
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON
AUSTIN, TEXAS 78749
(512) 280-5180

11-29-2022
DATE



STATE OF TEXAS
COUNTY OF TRAVIS

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE, AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

[Signature]
ARON V. THOMASON, R.P.L.S. #6714
CARLSON, BRIGANCE & DOERING, INC.
WEST WILLIAM CANNON
AUSTIN, TEXAS 78749
carol@cbdb.com

11-29-2022
DATE



THIS FLOOD STATEMENT, AS DETERMINED BY A H.U.D.-F.I.A. FLOOD INSURANCE RATE MAP, DOES NOT IMPLY THAT THE PROPERTY OR THE IMPROVEMENTS THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR, AND FLOOD HEIGHTS MAY INCREASE BY MAN-MADE OR NATURAL CAUSES.
THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF ENGINEER OR SURVEYOR.

SHEET NO. 4 OF 4



Carlson, Brigrance & Doering, Inc.
FIRM ID #F3791 REG. # 10024900
Civil Engineering
5501 West William Cannon
Austin, Texas 78749
Phone: 512.280.5180 Fax: 512.280.5185



CITY OF KYLE, TEXAS

Rules of Council

Meeting Date: 5/2/2023

Date time: 7:00 PM

Subject/Recommendation: A Resolution of the City of Kyle, Texas, Amending Resolution Number 1358 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. ~ *Paige Saenz, City Attorney*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KYLE, TEXAS, AMENDING RESOLUTION NUMBER 1358 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

Whereas, Article III of the Kyle City Charter provides that City Council may determine and define the rule of its proceedings and require certain decorum it deems necessary to properly transact the business of the city; and

Whereas, the Mayor and City Council have now reviewed and agree upon certain amendments to the *Rules of City Council* to amend rules and procedures herein.

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

Section 1. Findings. The recitals herein are 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 *City of Kyle Rules of City Council*, a copy of which is attached hereto marked "Exhibit A" and made part of this Resolution are hereby approved and adopted as written, and replaces the previously adopted rules contained in Resolution No. 1358.

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 and shall expire upon the first regular scheduled city council meeting where any Councilmember is seated to fill an expired term.

Section 4. Open Meetings. That it is hereby found and determined that the meeting at which this Resolution 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, Chapter 551, Texas Local Government Code.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2023.

THE CITY OF KYLE, TEXAS

Travis Mitchell, Mayor

ATTEST:

Jennifer Kirkland, City Secretary

CITY OF KYLE**RULES OF CITY COUNCIL**

Effective immediately following adoption of these rules, the following rules, regulations, and bylaws will be adhered to by the Kyle City Council. They shall remain in effect unless otherwise changed by formal approval by City Council. Such action is authorized and is in keeping with **Kyle City Charter**, Article III, Section 3.05, which states in part, that the City Council may determine the rules of its proceedings. These Rules shall be reviewed annually or in the meeting following the seating of a new Councilmember.

A. MEETING – Four types of meetings are recognized:

1. **Regular Meetings** will be held on the first and third Tuesday night of each month. Unless determined otherwise by majority vote of the City Council, such meetings will be held at the City Hall in the Council Chambers commencing at 7:00 p.m.
2. **Special Meetings** are subject to call by the Mayor or City Manager. Except in unusual circumstances, these meetings will be held at the City Hall at a stated time. The purpose of such meeting is to act upon matters that should not be delayed until a Regular Meeting. Minutes of such meeting will be maintained as a Special Meeting.
3. **Workshop Meetings** are subject to call by the Mayor, City Manager, or Councilmember, subject to a majority will. The time, place and purpose will be stated at each instance. The purpose of such meeting shall be to discuss in-depth or to explore matters of interest to the City. A Workshop Meeting Agenda shall not include any action item.
4. **Emergency Meetings** are to be held pursuant to Section 551.045 of the Texas Government Code.

B. AGENDA – The following stipulations relate to the Agenda for Meetings of the Council:

1. All Councilmembers may submit up to but no more than four (4) agenda items consisting of presentation/proclamation or items to be reconsidered without a co-sponsor and up to two discussion/consider and possible action items with co-sponsors to the Mayor or City Manager. The Mayor is not limited in number of agenda items. For agendas on the 1st and 3rd Tuesdays, the combined meetings allow for Council to request four total items. Agenda items must be requested by email and must be submitted to the Mayor or City Manager prior to noon on the Thursday before the next regular City Council meeting. Items to be added to a special City Council meeting, or a workshop, must also be requested by email and must be submitted to the Mayor or City Manager four (4) business days prior to the meeting. The Mayor and City Manager and will generally follow the following format: 1. Presentations and Proclamations 2. City Business 3. Council Business. After Citizen Comments, there shall be an agenda item called “Agenda Order” in which a councilmember may propose changing the order of the posted agenda.

2. In order to ensure that council-requested agenda items are compliant with the Texas Open Meetings Act, emails requesting agenda items should follow one of two formats. A Councilmember may either write out the specific agenda language, or a Councilmember may write a sufficient description of the subject and the Mayor or City Manager will craft the language. If the Mayor or City Manager believes a request is not sufficiently descriptive to comply with the Texas Open Meetings Act, the Mayor or City Manager shall correspond with the Councilmember in order to rectify the situation. In the event of a disagreement, the Mayor, City Manager, or Councilmember may request an opinion from the City Attorney whose ruling shall be final.

All council-requested agenda items submitted in accordance with Section B.1. and B.2., that pertain to City business and that are not otherwise prohibited from being placed on the agenda by these rules, the City Charter, a City ordinance, or applicable state law, will appear on the agenda for the meeting. In the event of a disagreement regarding whether a council-requested agenda item should appear on an agenda, the Mayor, City Manager, or Councilmember may request an opinion from the City Attorney whose ruling shall be final. The City Attorney's ruling shall be given in writing and shared with the Mayor, City Manager, and City Council. If an item requested by a Councilmember fails to pass by the required vote of the City Council, that same item or one of substantially similar subject matter may not be placed back on the agenda for at least six (6) months from the day of the vote unless the matter is brought back for reconsideration in accordance with Section E.6. After the six (6) month period, any Councilmember may again submit the agenda item to the Mayor or City Manager for Council consideration. The Mayor, working in conjunction with the City Manager, will determine any other business items and for placement on the agenda for consideration of Council for Regular and Special Meetings.

When an individual Councilmember requests that an item be included on the meeting agenda, the City Manager shall not be compelled to conduct any research or preparation for such agenda item. Any request for information relative to said agenda item, other than public records, shall be provided to the Council prior to discussion of such item at the meeting.

3. Agenda materials made available three (3) business days prior to the meeting shall be sufficient notice of items to be discussed to have afforded ample opportunity for all Councilmembers to inquire into the nature of each matter. However, in accordance with sec. 551.043(a) of the Texas Local Government Code, the Mayor, working in conjunction with the City Manager, may modify the posted agenda up to seventy-two (72) hours prior to the meeting.
4. All public meetings will be noticed in accordance with the Texas Open Meetings Act.

C. DAIS

1. Councilmembers shall be seated on the dais in sequential order from left to right by district number with the Mayor seated in the center.

2. Council members shall exercise professionalism with texting, email, or participating in any form of electronic communication while seated at the dais. Council members shall not text, email, or participate in any form of electronic communications with other council members while seated at the dais.

D. COUNCIL MEETING PROCEEDINGS – These procedures shall apply to all meetings of the City Council.

1. **Chair** – The Mayor shall be the presiding officer at all meetings of the City Council and have a voice in all of its proceedings. In event of the absence of the Mayor, the Mayor Pro Tem shall be the presiding officer. In the event of the absence of the Mayor and Mayor Pro Tem, the Mayor may designate a Chair from the members of Council to preside over the meeting.
2. **Roll Call** – The presiding officer shall take the Chair at the hour appointed for Council to meet and shall immediately call the City Council to order. The roll shall then be taken by the City Secretary, who shall enter in the minutes of each meeting the names of members present.
3. **Addressing the Chair** – Councilmembers shall speak in Council Meetings only upon being recognized by the Mayor or Chair, whose recognition shall not be withheld. A Councilmember shall signal his or her request for recognition by raising his or her hand.
4. **Voting** – All members of the Council present shall vote upon every issue, subject or matter properly before the Council and requiring a Council vote; provided that, if any member of the Council has a conflict of interest that fact shall be stated in the minutes and such member shall abstain from discussion and voting on the issue. Additionally, if any member of the Council abstains from a vote, that member shall immediately fill out an affidavit with the City Secretary stating the conflict of interest or other reason requiring the abstention. No ordinance, resolution, order, action, matter or issue, shall be passed, approved, adopted, taken or consented to except by a majority vote of the members of Council present and voting, and not less than four (4) affirmative votes shall be required to pass, approve, adopt, take action on, or consent to any ordinance, resolution, action, matter, issue, or motion (*Kyle City Charter, Article III, Section 3.08*), except for canvassing an election, in accordance with Texas Election Code Sec. 67.004.
5. **Recordation of Vote** – At the discretion of the Mayor or Chair, any vote on a qualifying motion may be recorded by either a simultaneous voice vote of Councilmembers or by individual roll call. A roll call vote shall be taken and duly recorded upon request by any member of Council.
6. **Attendance** – No member shall be excused from attendance at a Council meeting except by a vote of a majority of the members present.

- E. PARLIAMENTARY PROCEDURE** – In conducting all meetings of City Council, it shall be Council’s intent to generally follow Robert’s Rules of Order and the following commonly used procedures:

PARLIAMENTARY QUESTIONS, MOTIONS AND THEIR PRECEDENCE:

	Debatable	Amendable	A Majority Vote (of those present)
To adjourn	No	No	No
To take a recess	No	Yes	Yes
For the previous question	No	No	Yes
To continue to a time certain	Yes	Yes	Yes
To amend	Yes	Yes	Yes
To offer a substitute amendment	Yes	Yes	Yes
To postpone indefinitely	Yes	No	Yes
To table	Yes	No	Yes
To adjourn to Executive Session	Yes	Yes	Yes
To reconvene to Regular Session after Executive Session	No	Yes	Yes

1. **Opening an Item for Discussion** – To initiate discussion, the Mayor or Chair shall introduce an agenda item, in most cases by reading or summarizing the heading of the proposed legislation. After the Mayor or Chair has introduced the agenda item, the item will be brought forward for discussion. Council members shall then adhere to the procedures defined herein for general discussion or debate of the pending item.

A Councilmember may not be recognized to speak or make motions if no item has yet been properly introduced by the Mayor or Chair.

2. **Discussing an Item Prior to a Motion** – After an item has been properly introduced by the Mayor or Chair, but prior to a motion, the Council shall refrain from debate. Rather, the Council may ask questions or provide factual statements related to the item.
3. **Handing a Motion** – The three steps by which a motion is normally brought before Council are as follows: (a) The Mayor or a Councilmember who has the floor makes the

motion; (b) another Councilmember or the Mayor seconds the motion; and (c) the Mayor or Chair states the question on the motion.

When a motion is made, no further discussion will be permitted until the Mayor or Chair receives a second.

When the Mayor or Chair has stated the question, the motion is pending. It is then open to further discussion and debate, if necessary.

4. **Amending a Motion** – Amending a motion that is before Council allows for additional clarification of action pending before Council. After any motion is made and properly seconded, placing it before the Council, the Mayor or Chair shall ask if there are any questions or further discussion, except non-debatable items. If, as a result of the ensuing discussion, the Councilmember who made the motion wishes to amend, add to, and/or clarify his/her motion, he/she shall be permitted to do so before the vote is taken. Upon its proper seconding by a Councilmember or the Mayor, the amended motion may be immediately put to a vote.
5. **Close Debate to Vote** – Debate shall normally be closed after every Councilmember wishing to speak has been given every opportunity to speak and no Councilmember has any additional comments to make. When the debate appears to have closed, the Mayor or Chair shall call for a vote.
6. **Calling the Question** – If a motion or amendment is before the Council, a Councilmember who has the floor may call for the question on any issue by stating “I call the question.” The Mayor or Chair may interrupt the speaker to call the question. In either case, if the question is properly called, the Mayor or Chair shall immediately ask for a second, and upon seconding, shall immediately ask for a roll call vote. Passage of the motion to call the previous question shall terminate debate on the original motion, amendment, or amended motion, and the motion which was called shall then immediately be put to a roll call vote.
7. **Point of Order** – At any time during the meeting, a Councilmember may seek recognition from the Mayor or Chair to call a Point of Order and may interrupt to do so. After being recognized, the Councilmember shall explain what Council procedure they believe was not followed. The Mayor or Chair will then rule on the Point of Order by either sustaining or overruling.

If the Point of Order is sustained, corrective action will be taken by the Mayor or Chair to rectify the situation if possible. If no corrective action can be taken, the Point of Order and ruling will be recorded by the City Secretary in the official meeting minutes. If the Point of Order is overruled, the floor will be given back to whomever had it before the Point of Order and council business shall proceed.

If the Councilmember who called the Point of Order disagrees with the ruling of the Mayor or Chair, he or she may immediately appeal following the ruling by verbally stating they

would like to appeal. In this case, the Mayor or Chair will ask for a roll call vote of Council and the majority vote shall be the ruling.

Point of Orders must be called immediately after the action in question. If the action has passed and new business is before council, the Mayor or Chair may reject the Point of Order based on timeliness.

8. **Reconsider** – Reconsidering previous Council action enables a majority of Council, within a limited time and without notice (other than notice required by the Open Meetings Act), to bring back for further consideration a motion that has already been voted on. The purpose of reconsidering a vote is to permit correction of hasty or erroneous action, to consider added information or a changed situation that has developed since the taking of the vote, or to bring back a matter that has not received four votes of the City Council either for or against the matter. The motion to reconsider has the following unique characteristics:
 - a. For matters that were approved with at least four votes of Council:
 - i. The motion to reconsider can be made only by a member who voted with the prevailing side and only at the same meeting the vote to be reconsidered was taken.
 - b. For matters that failed to be approved due to four or more Council members voting against the matter:
 - i. A member of Council from the prevailing side of the vote (who voted against the matter), can request that the matter be reconsidered at the next regular City Council meeting following the meeting at which the matter failed to be approved.
 - ii. The request may be made at the meeting at which the motion failed to pass, or the request may be made in writing and submitted to the City Manager and the City Secretary by 3:00pm on the Thursday before the next regular City Council meeting following the meeting at which the matter failed to be approved.
 - c. For matters that have not received four votes of Council either for or against a motion on the matter:
 - i. Any member of Council can request that the matter be placed on the agenda for reconsideration. The request may be made at the meeting at which the motion failed to pass, or the request may be made in writing and submitted to the City Manager and the City Secretary by 3:00pm on the Thursday before the next regular City Council meeting following the meeting at which the matter failed to receive four votes.
 - d. Reconsideration of matters under this Section will not be limited to the motion or motions made at the prior meeting.

9. **Rescind** - A vote taken by the Council, except those described in Section 9.c, may be rescinded by majority vote under the conditions set forth in this section. A motion to rescind must meet the following requirements:
- a. A motion to rescind cannot be made if the question can be reached by using a motion to reconsider as provided in Section E.8.
 - b. A motion to rescind may be made by any Council member and may be requested at the same meeting at which the vote to be rescinded occurred, or otherwise must be requested to be placed on the next regular agenda by the same deadline for requesting a motion be reconsidered.
 - c. A vote cannot be rescinded:
 - i. after something has been done as a result of that vote that the City cannot undo; or
 - ii. where it is in the nature of a contract and the other party is informed of the fact; or
 - iii. where a resignation has been acted upon; or
 - iv. where a person has been appointed to, or expelled from, membership of a City board, commission, or committee, or office and was present or has been officially notified. In the case of expulsion, the only way to reverse the action afterwards is to restore the person to membership or office, which requires the same preliminary steps and vote as is required for an appointment.
10. **Ordinances** – If a motion to approve an ordinance passes with a 7-0 affirmative vote on first reading, said ordinance is finally passed unless objected to by a Councilmember or the Mayor. If an objection exists, then the item must be presented subsequently for a second reading.

F. **DEBATE**

1. **Limit Debate** – By majority vote, the Mayor and Council may agree to limit the duration of debate on any business before it. That agreement must be formalized by Council on a roll call vote.
2. **Assignment of the Floor for Debate** – When a measure is presented for consideration by the Council, the Mayor or Chair shall recognize the appropriate individual to present the case. If the Councilmember who made the motion that is immediately pending claims the floor and has not already spoken on the question, he is entitled to be recognized in preference to other members. When two or more Councilmembers wish to speak, the Mayor or Chair shall select the individual who is to speak first. A motion can be made

only by that Councilmember who has been recognized by the Mayor or Chair as having the floor.

3. The Mayor shall not be obligated to recognize any Councilmember for a second comment on the subject or amendment until every Councilmember wishing to speak has been allowed a first comment. Councilmembers shall also have the right to request the floor be yielded to him/her for the sole purpose of asking a question. If the Councilmember requested to yield the floor obliges, then the requesting Councilmember may ask his/her question. The floor will then be transferred back to the originating member.

G. DECORUM

1. **Dilatory & Improper Motions** – It is the duty of the Mayor or Chair to prevent Councilmembers from misusing the legitimate motions merely to obstruct business. Whenever the Mayor or Chair becomes convinced that one or more members are using parliamentary forms for obstructive purposes, he or she should rule that such motions are out of order.
2. Councilmembers shall conduct themselves in a professional manner. No Councilmember shall indulge in personalities, use language publicly offensive, or use language tending to hold a member of the City Council or staff up to contempt. Councilmembers shall not be permitted to accuse (expressly or implied) another Councilmember or staff of violating ethics or statutory laws publicly during a Council Meeting, nor shall Councilmembers be permitted to place items on the agenda to that effect. This section applies to the Mayor, all staff, and all Councilmembers.
3. If a Councilmember is speaking or otherwise transgressing the rules of the Council, the Mayor or any Councilmember may call him/her to order. City Council itself shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she shall be at liberty to proceed, but not otherwise. If determined to have transgressed the rules by a majority of Council, said member may be subject to censure or other such punishment as the Council deems proper and consistent with City Ordinances and the City Charter.

H. CITIZEN PARTICIPATION AT MEETINGS – The following procedures shall be utilized to provide for citizen participation:

1. All citizens attending any Council meeting will have an opportunity to sign the roster.
2. As required by the City Charter, a Citizen Comment agenda item will be placed on the agenda for each meeting of the City Council. The Mayor or Chair shall require that a citizen wishing to speak during Citizen Comment complete and submit a “Public Citizen Comment Form” for the record and submit it to the City Secretary. When properly recognized by the Mayor or Chair, citizens shall approach the podium, state their name for the record, and each person providing testimony will be limited to three (3) minutes for comments, subject to the discretion of the Mayor or Chair.

3. The Mayor or Chair shall ensure that citizen comments are directed to the Mayor and Council and pertain to matters of general importance to the City and its operations. The Mayor shall ensure that members of the City Council and city staff refrain from discussion of matters raised during citizen comment unless the matter is directly related to a properly posted agenda item or otherwise requires a clarification regarding city procedural or ministerial matters. The Mayor and Council may direct staff to engage a citizen at an appropriate time to address a matter raised during the citizen comment period.
4. During Citizen Comment, if a citizen requests that the City Council take action on a matter that requires legislation or other official action of the City Council, the Mayor or Chair shall inform the requestor that a member of the City Council may place an item on a future agenda for consideration by the City Council, in accordance with the provisions of Section B.1. and B.2. of these *Rules of Council*.
5. The Mayor or Chair is responsible for ensuring the orderly conduct of participants during City Council meetings and shall prohibit the use of the citizen comment period to engage in personal attacks, discussion of personnel and employment matters, the use of profanity or ethnic, racial or gender-oriented slurs, or any “disorderly conduct” which violates state or local law.
6. The Mayor or Chair is responsible for ensuring the orderly conduct of participants during City Council meetings and shall ensure that any person providing testimony before the City Council is properly recognized before speaking. The Mayor or Chair shall prohibit any person from engaging in disorderly conduct that interferes with properly recognized testimony or that is otherwise disruptive to the proceedings, including but not limited to audible gestures such as clapping, jeering, shouting and other audible outbursts and visual gestures such as visual displays or other visual communication or actions that interfere with the orderly conduct of the proceedings. The Mayor or Chair may seek the assistance of law enforcement to restore or otherwise ensure order during City Council proceedings.
7. The Mayor or Chair may recognize a citizen to participate in the discussion of any item of business as listed upon the meeting agenda. The Mayor or Chair of said meeting may ask the citizens present if they wish to speak for or against or as a resource witness regarding any item listed on the meeting agenda. If so, they may be given an opportunity to do so at the proper time when duly recognized by the Mayor or Chair of the meeting. A member of the City Council wishing to engage a citizen during the discussion of an agenda item shall make such a request of the Mayor or Chair who shall have discretion whether to allow said discussion to proceed.
8. If there is no objection from a member of the City Council, the Mayor or Chair may deviate from rules governing *Citizen Participation*, to obtain information necessary for consideration of a matter being deliberated by the City Council.
9. Upon the request of a member of the City Council, the Mayor or Chair shall strictly enforce the rules governing *Citizen Participation*.

I. COUNCIL ATTENDANCE – The following rules shall apply to council absences and tardiness and will clarify Section 3.06 and 3.09 of the Kyle City Charter.

1. Attendance at Special Meetings held on the same day as a Regular Meeting shall not be treated as a separate meeting for the purpose of determining absences, whether excused or unexcused, as it relates to Section 3.06 and 3.09 of the Kyle City Charter.
2. Except for the prior point, and consistent with Section 3.06 of the Charter, Council absence at Special Meetings, Workshop Meetings, Emergency Meetings, and Regular Meetings shall only be excused by a majority vote of council.
3. For the purposes of this section, an absence shall be defined as a Councilmember failing to attend the entirety of a meeting. Tardiness shall be defined as a Councilmember failing to be present at roll call or leaving prior to adjournment.
4. Absences and tardiness may, but are not required to, be excused by a majority vote of Council. A Councilmember who wishes to have their absence or tardiness excused should, when possible, inform the Mayor or Mayor Pro Tem prior to the absence or tardiness occurring.
5. While Section 3.06 considers council attendance at all officially called meetings, Section 3.09 shall only be calculated based on Regular Meetings (typically scheduled on the first and third Tuesday of every month).
6. A Councilmember who receives an excused absence for a Regular Meeting shall not have their compensation lowered based on missing that meeting. However, no more than two (2) Regular Meetings may be excused to prevent a reduction in Council compensation in a fiscal year.
7. Council should not invoke Section 3.06 or 3.09 based on tardiness; however, repetitive unexcused tardiness may be used as the basis for Council action consistent with Section 3.05 of the Kyle City Charter.

J. COUNCIL/STAFF COMMUNICATION – The following rules shall apply to all Councilmembers and the Mayor.

1. As per the City Charter, Council shall not give direction to any member of staff, including the City Manager, but by majority vote of Council at a public meeting.
2. Council shall not make requests for information from anyone except the City Manager, the City Attorney, the City Secretary, an Assistant City Manager, or a Department Head. The request shall be in the form of an email and in all instances the City Manager shall be copied. Whenever reasonable, appropriate staff shall accommodate and respond to Council requests for information in a timely manner (initial response typically in 1-2 business days). To promote fairness and to maintain staff productivity, the City Manager may reduce the

timeliness of responsiveness to individual Council inquiries if the volume and nature of the requests are outliers compared to most Council inquiries.

3. Council may ask questions of staff during Council meetings. Council shall avoid giving direction or assignments to staff during meetings except by motion and majority vote. Staff shall not construe any questions or statements from Council as direction, except by motion and majority vote.
4. Council may request and attend meetings with staff – with or without the City Manager present – but only with the knowledge and express permission of the City Manager.



CITY OF KYLE, TEXAS

Resetting a Public Hearing Date for W&WW Impact Fee Update

Meeting Date: 5/2/2023

Date time: 7:00 PM

Subject/Recommendation: Resetting the date for a public hearing to be held on June 20, 2023, as required under Chapter 395 of the Texas Local Government Code, to consider, discuss, and review the update to the water and wastewater land use assumptions, water and wastewater capital improvements plan, and imposition of updated water and wastewater impact fee amounts.
~ Leon Barba, P.E., City Engineer

Other Information: Under Chapter 395 of the Texas Local Government Code, a political subdivision such as the City of Kyle which has adopted a water and wastewater impact fee, is required to update such impact fee at least every five (5) years including the land use assumptions and the 10-year capital improvements plan used in the calculation of the water and wastewater impact fee .

Within sixty (60) days of the City's water and Wastewater Impact Fee Advisory Committee approving the updated land use assumptions and capital improvements plan used in the calculation of the updated water and wastewater impact fee, the City is required to adopt an order setting a public hearing to discuss and review the updated:

- Water and wastewater land use assumptions,
- 10-year capital improvements plan used in the calculation of the updated impact fee,
- Water and wastewater impact fee amounts, and
- Determine whether to amend the plan.

In public meetings held on March 16, 2023 and March 28, 2023, the City's Water and Wastewater Impact Fee Advisory Committee, appointed by the City Council, reviewed the updated water and wastewater land use assumptions and the 10-year water and wastewater capital improvements plan used in the calculation of the updated water and wastewater impact fee.

On March 28, 2023, the City's Water and Wastewater Impact Fee Advisory Committee unanimously passed a motion to approve the land use assumptions and capital improvements plan used in the calculation of the 2023 water and wastewater impact fee and to recommend to City Council to adopt the Water and Wastewater Impact Fee Report including the combined \$14,155 maximum water and wastewater impact fee per LUE (living unit equivalent). The updated impact fee breakdown is provided below:

- Water Impact Fee: \$7,984 per LUE
- Wastewater Impact Fee: \$6,171 per LUE
- Combined Total: \$14,155 per LUE

Budget Information:

ATTACHMENTS:

Description

- ☐ Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ESTABLISHING THE DATE FOR A PUBLIC HEARING TO CONSIDER LAND USE ASSUMPTIONS, ADOPTION OF A CAPITAL IMPROVEMENTS PLAN, AND IMPOSITION OF WATER AND WASTEWATER IMPACT FEES; RESETTING THE PUBLIC HEARING DATE FROM MAY 16, 2023 TO JUNE 20, 2023; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE FOR THE PUBLIC HEARING; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, it is necessary and required for the City of Kyle, Texas to study, update, revise, and adopt land use assumptions, a capital improvements plan, and an updated Water and Wastewater Impact Fee Ordinance pursuant to the requirements under Chapter 395 of the Texas Local Government Code, and

Whereas, the City Council has appointed a Water and Wastewater Impact Fee Advisory Committee pursuant to the requirements of Chapter 395 of the Texas Local Government Code, to review, advise, recommend, and assist the City Council in considering and adopting the updated land use assumptions, the capital improvements plan, and imposition of the updated water and wastewater impact fees, and to perform all duties as required of such advisory committee under Chapter 395 of the Texas Local Government Code, and

Whereas, Chapter 395 of the Local Government Code requires that notice be given, posted, and published for a public hearing to be held on the consideration and adoption of land use assumptions, the capital improvements plan, and the imposition of the updated water and wastewater impact fees,

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

Section 1. Findings. The City Council of the City of Kyle finds that:

- A. A copy of the Water and Wastewater Impact Fee Report which includes the updated land use assumptions, capital improvements plan, and water and wastewater impact fees is attached and is on file and available for public inspection in the offices of the City Engineer.
- B. The City Council hereby orders a public hearing to be held to consider the updated land use assumptions, capital improvements plan, and imposition of the updated water and wastewater impact fees, and sets and establishes June 20, 2023, at 7:00 p.m., as the time and date of such public hearing which shall be held at the Kyle City Hall located at 100 West Center Street, Kyle, Texas. The public hearing previously scheduled for May 16, 2023 is hereby cancelled.

- C. The City Engineer is hereby directed to cause notice of such public hearing to be given, posted, and published in compliance with Chapter 395 of the Local Government Code.
- D. The following 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. This Resolution of the City of Kyle, Texas, is hereby adopted in compliance with the requirements set forth in the Charter of the City of Kyle.

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

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

FINALLY PASSED AND APPROVED on this the 2nd day of May 2023.

THE CITY OF KYLE, TEXAS

Travis Mitchell, Mayor

ATTEST:

Jennifer Kirkland, City Secretary



CITY OF KYLE, TEXAS

Donate Five (5) Tasers to Martindale Police Department

Meeting Date: 5/2/2023
Date time: 7:00 PM

Subject/Recommendation: Authorize the City's Chief of Police to donate up to five (5) surplus Tasers with associated holsters and cartridges to the City of Martindale, Texas Police Department upon the written request of the Martindale Police Department. ~ *Jeff Barnett, Chief of Police*

Other Information: *Special Notes: These Tasers are an older model, considered surplus, and are no longer in service by the Kyle Police Department.*

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

Request



City of Martindale

Martindale Police Department

409 Main Street, P.O. Box 365, Martindale, Texas 78655

512-357-2639, Fax 512-357-6826

11 April 2023

Assistant Chief Pedro Hernandez

Kyle Police Department

I am requesting from your agency any surplus property that would assist my agency (the Martindale Police Department). We are a very small agency with a limited budget for the department. I currently have 4 officers including myself. If you are able to spare any surplus Tasers and related equipment (holsters, cartridges, etc..) to our agency to provide an extra measure of protection for our officers and the citizens we serve.

Thank you in advance for your consideration.

Tommy Ward
Chief, Martindale Police Department



CITY OF KYLE, TEXAS

Donate Fifteen (15) Tasers to Lockhart Police Department

Meeting Date: 5/2/2023

Date time: 7:00 PM

Subject/Recommendation: Authorize the City's Chief of Police to donate up to fifteen (15) surplus Tasers with associated holsters and cartridges to the City of Lockhart, Texas Police Department upon the written request of the Lockhart Police Department. ~ *Jeff Barnett, Chief of Police*

Other Information: *Special Notes: These Tasers are an older model, considered surplus, and are no longer in service by the Kyle Police Department.*

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

Request



LOCKHART POLICE DEPARTMENT

214 Bufkin Lane
Lockhart, Texas 78644
Phone: 512-398-4401
Fax: 512-398-3393
police@ps.lockhart-tx.org

Kevin Lunsford
Chief of Police

March 15th, 2023

To: Dr. Jeff Barnett, City of Kyle Chief of Police

CC: Kevin Lunsford, City of Lockhart Chief of Police

From: Daniel Williams, City of Lockhart Police Lieutenant

Ref: Tasers

Chief,

I hope all is well and I can't wait to see your new building! I had heard the Kyle Police Department is no longer using the Taser x26p models and moving towards a newer Taser model.

The Lockhart Police Department is desperately short on x26p Tasers for our officers. As you know budget restraints make it very difficult for me to outfit my officers with the 15 additional Tasers, I am short since they require batteries and cartridges which is very large sum of money to fully outfit our department with those Tasers.

On behalf of the Lockhart Police Department, I am requesting any operational Taser x26p models that the Kyle Police Department may no longer use or need for your officers. These weapons would only be used by sworn department personnel for a less lethal use of force option for them. These would be maintained by the Lockhart Police Department and when not issued, be stored in our secured facility. I greatly appreciate any consideration into this matter for my department. Please feel free to call or email me should you have any questions, 512-227-4553, dwilliams@ps.lockhart-tx.org.

Lieutenant Daniel Williams



CITY OF KYLE, TEXAS

CDBG RFP Recommendation

Meeting Date: 5/2/2023

Date time: 7:00 PM

Subject/Recommendation: Consider and possible action to authorize the Interim City Manager to execute a contract with Ardurra Group, Inc. in an amount not to exceed \$35,780.00 for professional services related to accepting HUD Entitlement Status and the CDBG Program. ~ *Amber Schmeits, Assistant City Manager*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Ardurra Group, Inc. RFP Submittal
- Staff Memo

CITY OF KYLE

**REQUEST FOR PROPOSAL
HUD 2023 - 2024 CONSOLIDATED PLAN
April 25, 2023, 4:00 PM**



MOLLY QUIRK
CLIENT SERVICE MANAGER
M: 512.775.5458

7500 Rialto Boulevard Building 1,
Suite 240
Austin, TX 78735
www.ardurra.com



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OUR GUIDING PRINCIPLES

COLLABORATE

A partnership of diverse professionals and clients working together to achieve common goals. As a thriving employee-centric organization, we instill a true sense of family that extends to our clients and communities.

INNOVATE

Problem solvers harnessing technology, creativity, and proven concepts to deliver inspired results. We leverage the full extent of our collective talent to create unique solutions grounded in experience.

CREATE

Strategic thinkers delivering value. We provide challenging opportunities to solve complex challenges in an environment that fosters success for each stakeholder—employees, clients, and the community.

COVER LETTER





COVER LETTER

ARDURRA

7500 Rialto Boulevard Building 1, Suite 240 Austin, TX 78735 | M: 512.775.5458 | mquirk@ardurra.com

April 25, 2023

City of Kyle
ATTN: Amber Schmeits Assistant City Manager
100 W Center St, Kyle, TX 78640

RE: **RFP HUD 2023 - 2024 Consolidated Plan**

Dear CON Plan Panel (CPP) Selection Committee:

Ardurra Group, Inc. (Ardurra) is pleased to submit this response to the City of Kyle’s request for proposals. Ardurra is uniquely qualified to successfully perform all professional services related to the preparation of the HUD 2023 - 2024 Consolidated Plan as detailed in the RFP. As a team with deep roots in the central region, our goal is to deliver efficient and effective professional consulting services that meet the needs of the City of Kyle. As you evaluate the submittal, we ask that you keep in mind Ardurra’s unique qualifications highlighted below.

EXPERIENCE AND LESSON LEARNED

Ardurra has been heavily involved in CDBG programs throughout the nation since 2006. We bring lessons learned from **12+ housing programs** using CDBG and FEMA funds and more than \$700M in housing construction in South Carolina, Louisiana, **Texas**, New York and New Jersey. We have served in a variety of roles for CDBG housing, infrastructure and community development programs including that of program manager, construction manager, architect, engineer and environmental specialist. We understand the strict CDBG rules and regulations to which we must adhere to ensure funds are not compromised. As such, we have proven systems and processes in place to ensure CDBG, local and state government compliance. These systems enable us to deliver to the high-quality standards expected by our client and the community.

LOCAL, MOBILIZED WITH TEXAS ROOTS

Ardurra has offices in Austin, Round Rock, San Antonio, Corpus Christi, Dallas, and Houston as well as staff working within Hays County to manage the County’s CDBG-DR grants. We have been furnishing grant management services throughout the state of Texas since 2012. In addition to seasoned professionals, our team consists of Texas natives and a Mayor from the Village of San Leanna, Texas. We are deeply entrenched in community affairs for the betterment and long-term development of the City. We are ready to begin work upon notice to proceed.

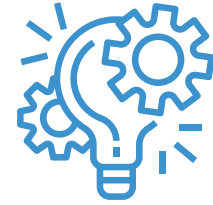
STATEMENT

Ardurra Group, Inc. is a corporation registered to do business in Texas by the Texas Secretary of State. **Our Texas Professional Engineering License registration number is F-10053 and our DUNS number is 09-298-1521.**

As Texas residents, our motivation stems from our personal investment in the success of local and statewide revitalization and recovery programs. We look forward to the opportunity to further expand upon our qualifications and program approach in the subsequent steps of your selection process. Ardurra has no exceptions to City of Kyle’s standard contract.

Sincerely,

Molly Quirk, CSM
Client Service Manager



Innovative solutions to proactively solve project challenges.



Team members with proven successful collaborations.



Project management with decades of similar project experience.



Firmwide resources to deliver prompt and thorough response to clients.

PROJECT APPROACH



PROJECT APPROACH



Firm Profile and Professional Service History. Ardurra Group, Inc (Ardurra) dates back 40+ years, furnishing multi-discipline engineering, architecture, planning and disaster management services to public agencies and private sector clients. We specialize in CDBG and FEMA grant administration, planning, civil, structural and infrastructure programs.

Ardurra will complete work for City of Kyle from our Austin office. Through Ardurra’s extensive work with government agencies, we have developed an expertise in federal funds management including HUD CDBG and CDBG-DR grant administration. Grant management capabilities include planning, housing, infrastructure, mitigation, facility assessment, recovery, construction management and close out. As such, Ardurra has completed multiple large- and small-scale housing revitalization, urban design, land use and redevelopment, and reconstruction programs throughout the nation. We bring [lessons learned from 12+ housing programs using CDBG and FEMA funds, \\$130M in CDBG grants for Nassau County, and over 40 years of experience in Land Use & Redevelopment.](#)

Texas. Ardurra has 300+ staff in 9 offices throughout Texas. For 25 years, Ardurra’s Texas principals have been committed to local municipal, county, and utility clients — large and small — to address their water, wastewater, drainage, flood control, and roadway infrastructure challenges. In the last ten years our staff have delivered \$5B and 1,500 engineering projects including assessments, planning, design, CM, and program management for public infrastructure projects in Texas.

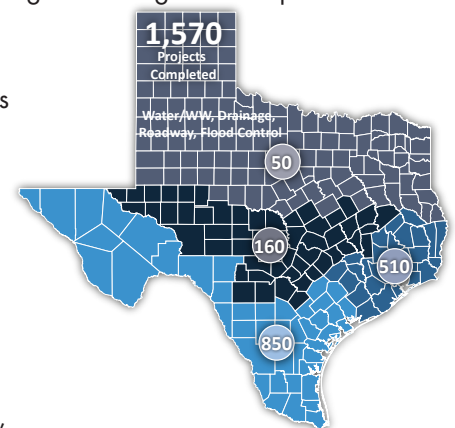
We Know the Region. With established offices in Austin, Round Rock, San Antonio, two in Corpus Christi, Dallas, Laredo, and two in Houston, Ardurra’s Texas principals have been committed to local clients — large and small — to address their water, wastewater, drainage, and roadway infrastructure challenges. We have worked alongside Hays County as well as the Cities of Kyle and San Marcos to successfully deliver a variety of engineering projects. We understand the local landscape as well as County systems, processes, and departments; local infrastructure challenges; and local, state, and federal governing agencies and authorities.

Recent Experience Managing Federally Funded Local Projects. Since Hurricane Harvey, Ardurra has been on the ground in 20+ cities and counties throughout Texas assisting local government staff with emergency repairs, facility damage assessments, federal grant application, management and administration, and overall program compliance. We understand the federal funding flows; the local, state, and federal rules and regulations; and we have established relationships with TDEM, GLO, FEMA, HUD, and TWDB.

On the Ground Ready to Begin Work. Ardurra proposed staff are available to assist immediately following selection. We have offices nearby the City of Kyle and have support from our planning team in Houston. Key grant administration staff are Texas residents who are working with State and local agencies on a variety of grant funded projects.

Depth of Staff. As a multidiscipline firm, Ardurra has the in-house capabilities to comprehensively approach the City of Kyle’s grant management and planning needs. Ardurra’s staff of 1000+ is comprised of CDBG subject matter experts, planning professionals, GIS specialist, landscape architects, engineers, environmental scientists and technical personnel bringing the experience gained from more than \$15B in infrastructure and housing programs’ as well as, over 40 years of experience in Land Use & Redevelopment. This includes extensive post-disaster rehabilitation work in coastal regions using multiple funding sources, including HUD CDBG-DR, experience in land use analysis, and dynamic long-term master planning.

Zero De-obligated Costs. We have created several arguments to the Office of Inspector General (OIG) for FEMA and HUD to discuss why costs were reasonable and necessary. We have been successful on every contested cost that we have taken to the OIG on behalf of our clients. We will ensure we remain in strict compliance with HUD, OSHA, and all applicable federal, State, and County laws, protocols, guidelines and industry standards. [Ardurra has managed and provided oversight for billions of federal dollars and we are proud to say that we have never had a de-obligated cost.](#)





Ardurra’s proposed scope of work for the City of Kyle’s Consolidated 5-year Plan and Annual Action Plan is to understand and prioritize the following areas/plan elements as required by the RFP including:

- Complete a 5-year Consolidated Plan based on HUD requirements.
- Complete annual Action Plan based on HUD requirements.
- Set-up, Complete and submit the Consolidated Plan and Action Plan to HUD via the eCon Planning Suite.
- Assist with the Consultation and Citizen Participation Process.
- Review Consolidated Plan, Action Plan and eCon Planning Suite set-up with staff.
- Make one (1) presentation to the Mayor and City Council.
- Provide progress reports on the completion of the Consolidated Plan upon request.
- Complete and/or augment the City’s Impediments to Fair Housing Choice and publish said Analysis in conjunction with the completion of the Con Plan.

Ardurra has developed a four phased approach, to be completed over the course of nine months in collaboration with the City of Kyle. The process from July 2023 to March 2024, is shown in the diagram below. Details for each phase are provided on the following pages.



PHASE 1 PROJECT KICKOFF

Initial Meeting. July 2023

Ardurra will meet with the local project team, to review and confirm project expectations, scope of work, data needs, information flow, identify fund administrator(s), relevant public and private sector stakeholders for consultation, and agree on citizen participation methods of engagement, and a timeline for outreach and drafting the Consolidated Plan. Discuss previous plans and identify areas that may need to be carried over for this plan. Also identify gaps in those plans that would be critical for the Consolidated Plan to be successful for the City.

For community workshops project team will prepare the following as needed:

- Scripts for all newspaper notices, fliers, and press releases, along with coordination with the local project team to identify locations for posting notices, and fliers
- Presentation materials, agendas, handouts, and other information packets;
- Formalized notes/narratives
- Copies of written public comments, summaries of verbal comments, and comment responses.

Community Survey. July 2023

Conduct a planning survey to get acquainted with the City, its neighborhoods, and recent, planned, or proposed development sites. Special focus will be given to areas targeted for future development, condition and cost of housing, barriers to neighborhood continuity, and other pertinent areas that the City would like to improve using the CDBG and HOME program monies through the Consolidated Plan.

PHASE 2 NEEDS ASSESSMENT & MARKET ANALYSIS

Needs Assessment. **August 2023 to September 2023**

Assessing the specific housing needs for the duration of the Consolidated Plan is critical to creating ways to effectively provide affordable housing in accordance with the CDBG and HOME funding programs. An assessment of the City's affordable rental and single-family homes will be conducted based on available demographic, economic, and housing data for Kyle. The assessment will also utilize existing information, consultation and citizen participation, as well as HUD's new eCon Planning Suite downloaded in the Integrated Disbursement and Information System (IDIS). The eCon Planning Suite will pre-populate the current housing and economic data available to assist with identifying funding priorities in the Consolidated Plan and Annual Action Plans.

Existing Information Review. **August 2023 to September 2023**

Our team will develop the basis for the Needs Assessment by reviewing previous plans and studies including, but not limited to: Comprehensive Plans, previous Transportation Master Plans, Downtown Master Plan, Parks Master Plan, Economic Development, Land Use District and Zoning Maps, and other plans that have elements that may be beneficial to this effort.

Consultation and Citizen Participation. **September 2023 to October 2023**

Ardurra will collaborate with the City to develop a portion of their website to be dedicated to the Consolidated Plan to foster and encourage citizen participation throughout the plan's development. Beginning in September 2023 we will develop and use an on-line Consolidated Plan Survey to provide citizens and stakeholders the opportunity to share input and/or ask questions during the 30-day period prior to a Needs Assessment Community Workshop set for October 2023. The Consolidated Plan Survey will be posted on the City's website and will also be available in hard copy at a designated City office location. Citizens and stakeholders will be made aware of the Consolidated Plan Survey through the City's website, interviews, media releases, email blasts, flyers at libraries, and social media outlets. The designated webpage for the plan can then be updated as needed with draft documents and notices of coming workshops.

A notice including the date, time, and location of the October 2023 Needs Assessment Community Workshop will be posted to the City website, Facebook and the local newspaper at least 72-hours prior to the workshop. The workshop's purpose is to obtain ideas from the community in a real-time, face-to-face setting. Input and comments collected during the 30-day comment period and workshop will be used to refine the Needs Assessment; they will also be attached to the Draft Consolidated Plan.

Market Analysis. **August 2023 to September 2023**

A Market Analysis will be conducted, in tandem with the Needs Analysis, based on the significant characteristics of the City's housing market, including the supply, demand, and condition and cost of owner and renter-occupied housing, housing stock available to serve persons with disabilities and other special needs, inventory of facilities, housing, and services that meet the needs of homeless persons, regulatory barriers to affordable housing, broadband needs of housing, and significant characteristics of the City's economic development needs. The Market Analysis will allow us to form the base for funding priorities that will be included in the Strategic Plan. The Market Analysis will also utilize information from the following sources:

- Existing Zoning & Land Use Policy Review, along with corresponding maps
- Development Activity/Revitalization Activity/ Housing Activity Review
- Economic Development
- The number of units by (income level/type of family served) assisted with federal, state, and local programs.

Analysis of Impediments to Fair Housing Choice would also be done as part of Market Analysis by reviewing housing supply, zoning codes, community resources and other regulatory and market factors to identify barriers to fair housing choice. We will make recommendations to address and remove barriers using HUD's Regulatory Barrier Clearing house that provides examples of how communities can identify and remove barriers to affordable housing.

PHASE 3 STRATEGIES

Strategic Plan (see also Strategic Plan section below). **October 2023 to December 2023**

Develop a Strategic Plan to address as many of the priority housing needs identified in the Needs Assessment and Market Analysis that can be met during the five-year period covered by the Consolidated Plan. The identified priority needs will be used to develop Specific, Measurable, Action-oriented, Realistic, and Time-bound (SMART) goals based on available resources and local organizational capacity. The SMART goals will address the priority needs identified and serve as a management tool to help the City of Kyle track and monitor performance throughout the term of the Consolidated Plan.

The Strategic Plan will be developed using:

- Needs Assessment and Market Analysis
- Best Practices for Community/Economic Development
- Strategies, Tools and Partnerships
- Tools and Incentives
- Consultation and Citizen Participation

Draft Consolidated Plan. **October 2023 to January 2024**

A Draft Consolidated Plan, including the Needs Assessment, Market Analysis, and Strategic Plan, will be shared with key stakeholders and the City for review and approval. Verification of facts and research will ensure the legitimacy of conclusions and findings and will provide the opportunity for corrections prior to public review.

Strategic Plan Community Workshop. **February 2024**

The Strategic Plan will also utilize consultation and citizen participation through a second Community Workshop to identify and confirm priority needs and goals as follows:

- Post Draft Consolidated Plan to City's website January 2024, 30 days prior to a February 2024 Strategic Plan Community Workshop to provide citizens and stakeholders the opportunity to review the draft plan and provide input. A hard copy of the Draft plan can also be made available for review at a designated City office location for the 30-day review period.
- A notice including the date, time, and location of the February 2024 Strategic Plan Community Workshop will be posted to the City's website, Facebook and the local newspaper at least 72-hours prior to the workshop. The workshop's purpose is to obtain ideas from the community in a real-time, face-to-face setting.
- Input and comments collected during the 30-day comment period and workshop will be used to refine the Strategic Plan; they will also be attached to the Draft Consolidated Plan.

PHASE 4 CONSOLIDATED PLAN COMPLETION

Develop Action Plan. **March 2024**

Develop an Annual Action Plan that identifies and defines the actions, activities, and programs to address the priority needs and goals identified in the Strategic Plan. The priority needs and goals selected will be limited to those that can be initiated and/or completed within the term of the program year. The Annual Action Plan will also provide a concise summary of the federal resources expected to be available, i.e., grant funds, anticipated program income, and other resources such as private and non-federal public sources, to the City of Kyle to carry out its Strategic Plan over the course of the program year. An outline of the needs and goals to be included in subsequent Annual Action Plans for the remaining four years of the Consolidated Plan can be created during the creation of the first Annual Action Plan.

The Action Plan will be developed using:

- Approved Strategic Plan
- Review of the federal funding sources and amounts expected to be available
- Best Practices for Community/Economic Development
- Tools and Incentives
- Consultation and Citizen Participation

Draft Consolidated Plan Update. **March 2024 to April 2024**

A Draft Consolidated Plan, including the Needs Assessment, Market Analysis, Strategic Plan, and Annual Action Plan will be shared with key stakeholders and the City for review and approval in April 2024. Internal review will ensure agreement of the selected priority needs and goals and also provide the opportunity for corrections prior to public review.

The Annual Action Plan will utilize consultation and citizen participation through a 30-day public comment period by viewing the document on-line or as a hard copy as at a designated City office location to confirm priority needs and goals for the program year as follows:

- While the Draft Consolidated Plan is undergoing internal review in April 2024, the Ardurra team will review the Consolidated Plan and eCon Suite set-up with City of Kyle staff.
- Input and comments collected during the 30-day comment periods and community workshops will be used to refine the Annual Action Plan; they will also be attached to the Final Consolidated Plan.
- One (1) presentation on the completed Consolidated Plan to Mayor and City Council in June 2024 at the end of the process.

Submit City-approved Consolidated Plan. **June 2024**

Submit City-approved Consolidated Plan that includes any comments from the Mayor and/or City Council to HUD via eCon Planning Suite June 2024.

Submit electronic versions in Word and PDF formats of the Final Consolidated Plan to the City of Kyle June 2024.



Federal Agencies and Public Assistance (PA) Programs Experience. Ardurra has managed multiple federally funded and planning programs from developing master plans and to managing american rescue plan fund programs. We have perfected our project management of these programs through lessons learned and continue to improve our understanding of these programs from every perspective, including that of the client and resident.

Ardurra’s experience coordinating with federal agencies and managing federal funds includes:

PROJECT	SERVICES PROVIDED			
	FEDERAL FUNDS MANAGED	Application Development & Mgmt., Financial Mgmt., Data Mgmt., Owner’s Rep for Federal/State Agency, Program Compliance, Public Outreach	Environmental Documentation & Compliance	Infrastructure Drainage, Water, Wastewater, Roads, Civic Buildings
City of Port Arthur, TX Harvey & COVID-19 Recovery	\$100M ARPA, CARES	●	●	●
Nassau County NY Sandy & Irene Recovery	\$1.6B HUD, USDA, FHWA	●	●	●
Nassau County, NY COVID-19 Recovery	\$538M CARES, ARPA, ELC	●	●	●
City of Beaumont, TX Harvey Recovery	\$50M HUD CDBG-DR	●	●	●
City of League City, TX Harvey Recovery	\$10M HUD CDBG-DR	●	●	●
City of Pearland, TX Harvey Recovery	\$5M	●	●	●
City of Seabrook, TX Harvey Recovery	\$5M	●	●	●
City of Humble, TX Harvey Recovery	\$5M	●	●	●
City of Houston, TX Harvey Wastewater Plant Recovery	TBD	●	●	●
City of Mont Belvieu, TX Harvey Recovery	\$5M	●	●	●
Texas General Land Office Harvey Env Services	\$10M	●	●	●
Gulf Coast Water Authority, TX Harvey Recovery	\$80M	●	●	●
Fort Bend MUD 25, TX Harvey Recovery	\$5M	●	●	●
Porter SUD, TX Harvey Recovery	\$5M	●	●	●
Houston, TX Harvey Damage Assessments	\$20M	●	●	●
Harris County Unmet Needs TX Harvey Recovery	\$5.5M	●	●	●
City of Galveston, TX Wastewater Plant Ike Recovery	\$75M	●	●	●
NY Bay Park Wastewater Plant Sandy Recovery	\$810M	●	●	●
Sea Gate, NY Superstorm Sandy Recovery	\$30M HUD CDBG-DR	●	●	●
St Bernard Parish, LA Katrina/Rita Recovery	\$1.5B HUD CDBG-DR	●	●	●
Louisiana Hazard Mitigation Grant Program	\$750M HMGP	●	●	●
Livingston Parish, LA Sheriff’s Office Flood Recovery	\$12M HUD CDBG-DR	●	●	●
East Baton Rouge Parish Flood Recovery	\$13M HUD CDBG-DR	●	●	●
Cameron Parish, LA Hazard Mitigation	\$35M HUD CDBG-DR	●	●	●
St Johns County, FL Matthew Recovery	\$110M HUD CDBG-DR	●	●	●
New Hanover County, NC Florence Recovery	\$20M HUD CDBG-DR	●	●	●
Pender County NC Florence Recovery	\$20M	●	●	●
Craven County NC Florence Recovery	\$20M	●	●	●
East Richland County SC Flood Recovery	\$8.3M HUD CDBG-DR	●	●	●
City of Sumter SC FEMA Flood Recovery	\$6M	●	●	●

Ardurra’s planning experience in the area and throughout Texas includes:

PLANNING

Vision 22 - East Cameron, Rockdale, Texas. The Ardurra team is currently completing work on Vision 22 – East Cameron for the Rockdale Municipal Development District. The team developed an in-depth understanding of the community based on a detailed neighborhood assessment and input from an East Cameron task force including MDD and City staff, Council members and representative community leaders. The team has developed long-range recommendations for land use issues, open space, the roadway corridor, pedestrian mobility, healthy residential neighborhoods, and commercial development. These recommendations are an integrated package of improvements, rather than isolated ideas. Corridor aesthetic enhancements and walkability are integral to successful commercial development and important to successfully building up surrounding neighborhoods. Implementation and market-based decision making is an essential part of Vision 22. In consultation with the task force, the team is developing specific, actionable objectives to meet the three-part vision; transform the avenue, create connected parks, and nurture healthy neighborhoods.

Unified Development Code (UDC) Update and Planning Services, Fair Oaks Ranch, Texas. Ardurra staff is assisting the City to update their UDC working with the Planning Commission as the advisory board and provides planning assistance. Through Ardurra’s efforts, the City will be better positioned to embrace anticipated development in the greater San Antonio area, respond to legislative mandates, and preserve the City’s “Hill Country” character.

Comprehensive Plan, Huntsville, Texas. As part of the consulting team for the City of Huntsville, Ardurra was responsible for infrastructure, mobility, transportation, growth capacity, land use, public engagement and stakeholder involvement, and implementation tools. In response to COVID 19, the team conducted multiple sessions virtually, including open houses.

Comprehensive Plan, Baytown, Texas. As part of the consulting team for the City of Baytown, Ardurra was responsible for infrastructure, mobility, transportation, growth capacity, land use, public engagement and stakeholder involvement, and implementation tools. In response to COVID 19, the team conducted multiple sessions virtually, including open houses.

Comprehensive Plan, Brenham, Texas. Serving as Director of Development Services and City Engineer, Ardurra staff was responsible for RFQ preparation, consultant selection, and developing the scope of work for the rewrite to the City of Brenham’s comprehensive Plan. A major component of the comprehensive planning process was public involvement. The plan focused on Land Use, Growth Capacity, Economic Outlook, Transportation, and Parks and Recreation. Staff implemented the Comprehensive Plan and amended the document to support continued community growth and development.

Comprehensive Plan, Needville, Texas. Working with the Comprehensive Plan Advisory Committee (CPAC), the Ardurra Team prepared the City of Needville’s first comprehensive plan. The Plan provides a framework for the City to embrace growth and change in a manner that preserves the small-town feel while embracing new residents and businesses. The Plan highlights opportunities for high quality subdivisions with a wide choice of housing options and promotes mixed-use growth along Highway 36 to prevent strip commercialization.

Urban Planning Services, Brookshire, Texas. Ardurra provides ongoing planning assistance to the City of Brookshire in the areas of current and long-range planning, staff training, staff augmentation for development services, and standardization of review and operating procedures. Ardurra assisted the City in updating their Land Use Map and is currently updating the Annexation Map. Ardurra prepared a Major Thoroughfare Plan and a traffic calming toolbox. The approach included coordination with City of Brookshire Staff, Waller County, TxDOT, identification of mobility routes, data collection, identification of deficiencies, and developing a mitigation plan. Ardurra completed updates to the City’s development codes, working with the City Council, City Attorney, and other City staff. This process included a series of works sessions with the City Council to identify issues and City aspirations and review of the proposed amendments. The purpose of updated development standards was to ensure that future growth and development conforms to the vision laid out in the Comprehensive Plan, adds value to the City and is compatible to existing neighborhoods. The amendments included – adjacency standards, lot and bulk standards, setbacks and landscaping, screening, buffers, signage, tree preservation, mobile home parks, RV park regulations, and subdivision standards.

Ardurra also has extensive experience in delivering CDBG projects and below we highlight a few.

CDBG

Houston Direct Assistance for Limited Home Repair Program, Houston, Texas. Construction Manager responsible for initial damage assessments, Scope of Work development, contractor oversight, progress and final inspections and payment verification and approval. Developed a specialized deliverable product that conforms to both FEMA and the City of Houston's guidelines, which includes the drafting of Minimum Property Standards adopted by the City, Program Specifications, Standard Operating Procedures and Policies and Procedures that are to be used for all residential rehabilitation projects. Performed over 500 inspections.

CDBG-DR Housing Recovery Program, South Carolina. Statewide full spectrum CDBG-DR housing recovery program services for 1,800 homes (single family rehab and reconstruction, mobile home rehab and replacement). Services include intake, damage assessment, environmental, engineering support, construction management, grant management, database management, internal audit, VOAD coordination, overall compliance and closeout. To date Ardurra has completed 1,363 homes, with 120 currently under construction.

CDBG-DR Advisory Services and Unmet Needs Assessment, City of Longmont, Colorado. This \$70M program assisted residents with homeownership assistance, housing rehabilitation and reconstruction, housing buyouts, mobile home park buyouts and infrastructure programs. Provided CDBG-DR advisory services to the City including preparation of an unmet needs assessment for Longmont and Boulder County. Ardurra also provided oversight and implementation of the CDBG-DR programs as well as the development of policies and procedures and grantee and sub-recipient contract development.

CDBG-DR Program Management and Unmet Needs Assessment, Cleveland County, Oklahoma. Cleveland County is a direct recipient of \$13M in CDBG-DR funds from the State. Ardurra provided program management services including researching grant opportunities; writing and submitting grant applications; developing RFP's and/or RFQ's; developing grant administration policies and procedures to comply with state, local, and federal regulations; developing and implementing programs as approved by OK and Cleveland County; gathering and maintaining documentation and data as required by grant; monitoring project budgets and expenditures; and closing out files for all applications and closed transactions.

CDBG-MIT Application, Sanitary Sewer System Infiltration and Inflow Elimination Project, Wharton, Texas. Ardurra staff assisted the City of Wharton, along with GrantWorks, with a grant application to the Texas General Land Office (GLO) for a Community Development Block Grant Disaster Recovery Mitigation (CDBG-MIT). The sanitary sewer system project will help eliminate infiltration and inflow into manholes, collection lines, and lift stations. This is a city-wide project to help protect the City's infrastructure and mitigate the potential of illicit discharges during storm events. The grant application was submitted in October 2020 for approximately \$23 Million. Unfortunately, the project application was not accepted by the GLO.

CDBG-DR Application, South Persimmon And Lizzie Lane Storm Water Drainage Improvements, Tomball, Texas, Ardurra staff assisted the City of Tomball with a grant application to the Texas General Land Office (GLO) for a Community Development Block Grant Disaster Recovery (CDBG-DR) as a result of the 2016 flood event. The storm drainage improvement project was for approximately 4,000 linear feet of open and closed system. The grant was awarded to the City for approximately \$1.5 million and the City was contributing an additional \$400,000 for engineering and land acquisition. The project is currently under design and is being coordinated with an adjacent City project and private development.

Hays County American Rescue Plan (ARP) Funds Program Management Hays County, Texas



Ardurra is serving as program manager providing the County in the overall management of its American Rescue Plan (ARP) of 2021, funded through the United States Department of The Treasury, Coronavirus State and Local Fiscal Recovery Funds. Responsibilities include implementing systems and processes for financial tracking, application development and tracking, data management and reporting; expert advisory services related to FEMA, HUD CDBG-DR and multiple funding mechanisms; grant management and administration; engineering support; debris management and oversight; disaster recovery procurement of professional services and contractors; and development of contracts that are compliant with federal funds guidelines.

Project Management. Ardurra's project management responsibilities include project oversight, compliance with project and/or grant requirements, and compliance with general federal and state guidelines related to administrative expenses, accountability, transparency, and contracting. Additional responsibilities include:

- Identify relevant funding source deadlines, including application, expenditure, reporting deadlines and closeout requirements.
- Provide monthly status updates.
- Assist with tracking outcomes of recovery spending.

Financial Advisory Services. Ardurra is managing the County's ARP plan and is responsible for ensuring that the plan is implemented in compliance with HUD regulation; is assisting with preparation of all applications; is furnishing procurement support; is overseeing compliance and financial reporting; and is closing out completed projects. Additional responsibilities include:

- Provide expert guidance and advisory services regarding all applicable legislation, regulations, policies, and rules related to federal recovery funds.
- Assist in developing appropriate policies & procedures for use of American Rescue Plan Act (ARPA) funds.
- Assist the County with establishing a comprehensive recovery portfolio by reviewing multiple funding streams and developing and implementing strategies and plans for the use and coordination of ARPA funds.
- Upon request of the Commissioners Court, provide strategic advice and guidance on how best to use ARPA funds in conjunction with other County funding sources.
- Actively search for and share guidance documentation and interpretations of such guidance as it becomes available from ARPA funding entities.
- Respond to questions from designated County representatives and provide formal, confidential opinions regarding the eligibility of specific County

expenses to be covered by ARPA funds.

- Assist the Hays County Auditor's Office in calculating and/or substantiating the lost revenue calculation at all four designated snapshot dates.

Communication Services. The implementation of the ARP Plan required Ardurra team members to coordinate with multiple stakeholders throughout the County. We have assisted the County with creating presentations and communication materials for community stakeholders and the public. Additional responsibilities include:

- Assist with creating presentations and communications materials for community stakeholders and the public.
- Assist with understanding and setting expectation regarding scope and eligibility of each funding source before stakeholder engagement.
- Attend relevant meetings with local, state, and federal agencies in conjunction with or on behalf of the County.
- Advise the County of all notice and public hearing requirements as required by federal and state regulations.
- Actively search for and share plans and practices from other US counties with regard to the use of ARPA Funds.
- Provide a monthly peer report.

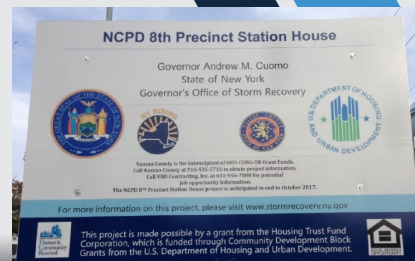
Cost Tracking Accounting & Reporting Services. Ardurra is working with the County to ensure that the County is following processes that meet federal reporting requirements. In addition we:

- Assist in developing appropriate documentation to demonstrate compliance with ARPA guidance.
- Assist with preparing reports related to federal recovery funds, including the annual Plan Performance Report and all interim and quarterly reports.

Auditing Services. When applicable, Ardurra is assisting the County with developing a process to oversee grants, distributed to outside organizations, including communicating the terms and conditions of funding to relevant vendors and sub-recipients. Additional responsibilities include:

- Assist with ensuring costs and/or proposed budgets for vendors or sub-recipients are necessary and reasonable for the activity provided.
- Assist County staff with monitoring, disbursing, and financial oversight functions.
- Assist the County with devising and implementing fraud prevention and abuse practices.
- When applicable, directly audit spending by outside organizations to ensure compliance with federal and state requirements.

Nassau County Superstorm Sandy Long Term Recovery Program, Nassau County, New York



Ardurra is serving as program manager providing recovery assistance and expert advisory services to Nassau County's **Department of Public Works**. Responsibilities include implementing systems and processes for financial tracking, application tracking, data management and reporting; expert advisory services related to FEMA, HUD CDBG-DR and multiple funding mechanisms; grant management and administration; engineering support; debris management and oversight; disaster recovery procurement of professional services and contractors; and development of contracts that are compliant with federal funds guidelines.

HUD CDBG-DR Program: Ardurra is managing the County's DPW CDBG programs – anticipated to receive \$130M in CDBG-DR funds. Ardurra is responsible for ensuring that all the programs are implemented in compliance with HUD regulation; is assisting with preparation of all applications; is furnishing procurement support; is overseeing compliance and financial reporting; and is closing out completed projects.

Long Island Agencies: The implementation of the CDBG-DR requires us to coordinate with multiple stakeholders throughout the County. We assisted with the development of Bay Park, East Rockaway, Harbor Isle, and Barnum Island's flood studies that were funded through HUD grants. Barnes Ave Force Main and Pump Station requires coordination between the States' Environmental Facilities Corporation (EFC), the Governor's Office of Storm Recovery (GOSR), and Village of Hempstead. Continuous and routine communication is maintained with the County's Comptroller's Office, Office of Management and Budget, Office of Minority Affairs, Parks Department, Police Department, and Public Works Department. We've reached out to Housing Authorities and setup meetings with local unions to in order to achieve Section 3 hiring goals.

Baldwin Downtown and Commercial Corridor Resiliency Plan: Ardurra wrote the CDBG-DR application for the \$800,000.00 in Planning and \$ 50,200.00 Delivery/ Project Administration costs for the development of a downtown and commercial corridor resiliency plan for Baldwin, in the Town of Hempstead, New York. Nassau County was awarded the grant and Ardurra served as its administrator. The completed plan, Next Stop: Resilient Baldwin, outlines implementable strategies to foster economic investment, provide housing options, increase

pedestrian amenities and enhance public spaces in Downtown Baldwin. This plan was included in the application for the \$10 million Downtown Revitalization Initiative (DRI) grant recently awarded to Baldwin.

Section 3 Plan: Ardurra wrote and updates Nassau County's CDBG-DR Section 3 plan for use in all of their CDBG-DR funded projects. This Section 3 Plan and Policies were developed in compliance with Title 24 CFR Part 135 - Economic Opportunities for Low- and Very Low-Income Persons. It is intended to ensure that employment and other economic opportunities generated by qualifying HUD financial assistance shall, to the greatest extent feasible, benefit persons and business identified in the regulation. The plan provides resources, guidelines, and reporting forms for contractor use.

Labor Compliance: Ardurra manages contractor reporting of Davis Bacon and Related Acts (DBRA) for \$130M in CDBG-DR funds for Nassau County. Our team set up the contract documents to comply with DBRA requirements and reviews certified payrolls. Documentation is checked against New York State prevailing wage documentation as well as the wage rates incorporated into the contract to ensure that all workers on the project are being paid the proper amount. We submit conformance requests for unlisted tasks.

Grant Management: Ardurra's initial role in Nassau County was short term FEMA emergency repair and PW development. Ardurra's knowledgeable and committed team earned the trust of Nassau County and continued to manage the long-term recovery program. Ardurra identified five additional funding sources for a variety of projects and is currently managing projects using 6 different funding sources. Federal Emergency Management Agency (FEMA). Ardurra is providing relevant documents to support FEMA Public Assistance, 404 and 406 Hazard Mitigation and close-outs of Hurricane Irene and Superstorm Sandy. Ardurra is providing responses for FEMA reimbursements, conducting initial Project Worksheet (PW) development for all Categories (A thru G), and managing projects for ongoing compliance. To date, Ardurra has overseen the development of over 75 PWs, 10 FEMA HMGP 404 grant applications, 16 DDIRs with FHA and other disaster grants. This program started with 65 PW - Ardurra's staff assisted the County to develop 50 additional PW totaling \$777M.

Comprehensive Plan, City of Rockdale, Texas



The [Ardurra](#) staff, as part of the team completed work on Vision 22 – East Cameron for the Rockdale Municipal Development District. The team developed an in-depth understanding of the community based on a detailed neighborhood assessment and input from an East Cameron task force that included MDD, City staff, Council members, and representatives of the community.

[Ardurra](#) staff developed long-range recommendations for future land uses, preservation of community character and open space, multi-modal roadway corridor with pedestrian mobility, neighborhood preservation, commercial design standards, and code enforcement, to support the overall vision. Corridor aesthetic enhancements and walkability are integral to successful commercial development and important to successfully building up surrounding neighborhoods. In consultation with the task force, the team developed specific, actionable objectives and an implementation plan to meet the three-part vision:



- [Transform the Avenue](#)
- [Create Connected Parks](#)
- [Nurture Healthy Neighborhoods](#)



Existing Land Use Map

ORGANIZATIONAL CHART





ERIC BOEHNING

Senior Project Manager

Mr. Boehning has 12 years of experience in disaster recovery. He served as program manager for Nassau County NY \$1.6B Superstorm Sandy recovery program which included FEMA and CDBG-DR grant management for water/wastewater infrastructure, drainage facilities, roads, government buildings and public safety buildings and shorelines and PAAP Pilot Program. He served as a reporting specialist for Louisiana's Hazard Mitigation Grant Program, a \$750M housing recovery program following Katrina. He worked with state and local government to secure grants and to implement long-term hazard mitigation measures after a major disaster. While implementing long-term hazard mitigation plans, he monitored and reported payments, construction progress, contractor progress, and grant recovery. He was responsible for assisting in the recovery and prosecution of \$10 million of misused grant money.

Education

MBA, Adelphi University, New York

Bachelor of Science, State University of New York

Relevant Experience

Hays County, Texas. Under Eric's management, Ardurra has been providing Emergency Management services to Hays County since February of 2022 for their \$4 million Emergency Rental Assistance Program (ERAP) and \$44 million American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF) Program. Our team was embedded with Hays County staff to process applications from ERAP beneficiaries and to oversee case management. Working in close connection with the County Auditor's office we pursued supporting documents and responded to their requests for information to expedite payment processing. After expending all available grant funds, Ardurra continues to assist with project closeout. On the ARPA program, we began by providing policy support to the General Counsel and the Commissioner's of the County, generated a project list, and provided eligibility writeups with support documentation. Through these efforts a clear line of logic is memorialized showing how the County's projects fit within the framework outlined in the legislation's Final Rule and periodic guidance updates from the US Treasury. As project managers for the ARPA program Ardurra composes contracts, subrecipient agreements, and grant agreements in compliance with 2 CFR part 200. We build relationships with beneficiaries to guide them through complex regulations and requirements. This relationship building allows for the strong ties necessary to monitor their project's progress and report on project outcomes.

Nassau County American Rescue Plan Act Funds Administration, NY. Program Manager. Assisting County to develop guidelines for, administer, and implement \$385M in ARPA funds.

Superstorm Sandy Nassau Sandy Long-Term Recovery Program, Nassau County, NY. Program Manager. Providing recovery assistance and expert advisory services to the county; Funds secured and managed to date exceed \$1.6B. Scope of work includes FEMA, HUD CDBG-DR and multiple funding mechanisms grant management and administration; damage assessments; engineering support; debris management and oversight; financial tracking and data management; procurement support; and development of federally compliant contracts. Facilities include fire stations, public safety facilities, parks & recreation facilities, various buildings and equipment, roads and bridges, shoreline, utilities, water control structures and sewage treatment plant. Ardurra has overseen the development of over 115 PWs, 10 FEMA HMGP 404 grant applications, 16 DDIRs with FHA and other disaster grants.

New York State Parks, New York. This Task Order entails a new Environmental Education and Resiliency Center (The Center), a unique hands-on learning center focused on storm resiliency and environmental management. It will connect the community with the surrounding natural environment and provide outreach and educational opportunities. Ardurra is responsible for ensuring that the Governor's Office of Storm Recovery (GOSR) requirements are met by the Prime Contractors that are under the supervision of Elite Construction. GOSR is New York State's Recipient of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds.



MOLLY QUIRK, CSM

Client Service Manager

Ms. Molly Quirk specializes in governmental and client relations for Ardurra. She has 20 years of experience in government administration and management; having recently served as the General Land Office's (GLO) Director of Governmental Relations. She currently services the City of Pflugerville, Guadalupe Blanco River Authority (GBRA), the City of Victoria, Hays County, Brushy Creek MUD and the GLO. As Director of Governmental Relations, she oversaw legislative strategy and ushered through important bills for the agency. She also served as the liaison to the Texas Legislature and numerous state agencies including Texas Department of Transportation, Water Development Board, Public Utility Commission, Railroad Commission, State Comptroller, Texas Attorney General, Department of Public Safety, Workforce Commission, and the Texas Commission on Environmental Quality.

Education

Bachelor of Arts, Government, University of Texas, Austin

Public Seats

Mayor, Village of San Leanna, Texas

Relevant Experience

Client Service Manager (CSM), Hays County ARPA Management, Hays County, Texas. Ms. Quirk serves as Liaison between Commissioners and coordinates grant award activities for each district.

CSM. Pflugerville, Texas. Ms. Quirk serves as Liaison between Council and Ardurra team.

CSM. Guadalupe Blanco River Authority (GBRA), Seguin, Texas. Ms. Quirk coordinates Ardurra team on all projects. She was also the lead on GBRA CDBG-MIT Grant Application Development project where she supported the Authority with project identification, compiling data, and application development.

Mayor. Village of San Leanna, Texas. Ms. Quirk serves as the Mayor of the Village of San Leanna.

Client Service Manager, Texas General Land Office (GLO), Austin, Texas. Ms. Quirk served as the Agency liaison to the Texas Legislature, the Office of the Governor, the Lt. Governor's office and the Speaker of the House and various state agencies. She was responsible for all legislation relating to the agency including the General Appropriations Act and the Alamo project.



KELLY SIMMONS

Project Manager

Kelly brings over 9 years of experience in assisting municipalities with the numerous and varied aspects of the Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Disaster Recovery (DR) program, including meeting national objectives, Section 3, Davis Bacon, and Community Participation. Kelly holds a Master of Science in Marine Biology and a Bachelor of Science in Biology from the University of Massachusetts Dartmouth.

Education

MS, Marine Biology, University of Massachusetts, Dartmouth
Bachelor of Science, State University of New York

Registration / Certification

USACE Wetland v, Rutgers University

Relevant Experience

Environmental Compliance Specialist, Texas General Land Office, CDBG-DR Multi-family Rental Program. As an Environmental Compliance Specialist Ms. Simmons prepared and reviewed environmental compliance documentation for Texas General Land Office (TX GLO) under NEPA for proposed multi-family low-to-moderate income rental units projects funded by Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) for Hurricane Harvey. The projects were proposed by several different applicants for 14 different locations in various counties. Preparation of the documentation requires collaboration with TX GLO staff as well as local government officials from numerous gulf coast municipalities to obtain information was necessary to complete the documents in accordance with 24 CFR part 58. Ms. Simmons also assisted with the preparation of Phase I ESAs for each of the proposed projects in accordance with the requirements set forth in ASTM- E 1527. Together the projects will provide 14 communities with over 600 multi-family rental units for low-to-moderate income families using \$89M of CDBG-DR Hurricane Harvey funding.

Project Manager, Governor's Office of Storm Recovery, CDBG-DR Infrastructure ,Nassau County, New York. Kelly collaborated with the county and NYS Governor's Office of Storm Recovery to prepare the corresponding CDBG-DR application for the Bay Park WWTP. Extensive damage to the collection system resulted in a PAAP Alternative Procedures Program for permanent repairs for \$810M; the largest Hurricane Sandy infrastructure award at the time. She also prepared and participated in the public participation meeting for the project prior to it going to bid, assisted with preparation of the bid documents, participated in three on-site monitoring visits by NYS GOSR and the review and approval of 72 pay requests and over 115 change orders to ensure compliance with CDBG-DR funding requirements, such as Davis Bacon, and NYS GOSR MWBE and Section 3 goals using excel tracking sheets, and GOSR's electronic system of record named "Elations". She also collaborated with the county and GOSR to ensure the demolition and construction of two existing police stations that were damaged by Superstorm Sandy was done in accordance with the requirements of NYS CDBG-DR funds, i.e., Section 3, Davis Bacon, and Citizen Participation, totaling \$27M. The new station houses for the 4th and 8th Precinct were designed to withstand severe storm event conditions, such as high winds and heavy snow loading, and will include improved Information Technology capability for utilization before and after storm events. Ms. Simmons and her team prepared the required federal (NEPA) and state (SEQR) environmental compliance documentation for these projects. The team prepared ten consultation letters to various federal and state agencies, e.g., US EPA and NY SHPO, as well as the HUD Statutory Checklist and an Environmental Assessment Checklist (as required by 24 CFR Part 58.36). These documents typically require a minimum of six months to complete; Kelly and her team completed them in less than three weeks. The quality of the documents was complimented by GOSR's Environmental Legal Counsel.

Hays Co. TX, ARPA SLFRF Beneficiary and Subrecipient Awards, Grant Application and Grant Management. Kelly is part of the team assisting Hays Co., TX with management of its \$44,711,903 American Rescue Plan Act (ARPA) 2021 allocation, funded through the U. S. Dept. of the Treasury, Coronavirus State and Local Fiscal Recovery Funds (SLFRF) by developing grant applications for local Non-Profit Organizations (NPOs) in accordance with the requirements in the SLFRF Final Rule 31 CFR Part 35 Subpart A. The NPOs are eligible for assistance as beneficiaries and/or sub-recipients of SLFRF if their financial records, for the years 2018 to 2019, show that the COVID-19 Pandemic resulted in decreased gross revenue by preventing in-person fund raising events, receiving a reduction in donations, and/or also if suspend in-person services and staff lay-offs were forced to occur, while dealing with increased cost(s) of liability insurance and demand in services. Application development and project management requires collaboration with various NPOs, the County Commissioner's Court, providing policy support, and collaboration with county accounting personnel with developing auditing processes. During the period from Oct 2022 to April 11, 2023, She developed and completed applications for twenty two (22) eligible NPOs which were awarded \$2M in grant monies to mitigate financial hardship from the County's ARPA allocation.

Project Manager, New York Rising Community Reconstruction (NYRCR) Program. Kelly collaborated with Nassau County and the New York State Governor's Office of Storm Recovery (GOSR) to prepare ten separate Pre- and Final Applications for a combination of infrastructure construction projects as well as drainage studies that were done to the 30% design phase. The applications allowed Nassau County to be the Subrecipient of over \$ 157,700,000 in HUD CDBG-DR funding.



NANCY LESAKOWSKI

Senior Consultant - HUD Subject Matter Expert (SME)

Ms. Lesakowski has more than 30 years of Community Development Block Grant (CDBG) experience including 10 years of Community Development Block Grant Disaster Recovery (CDBG-DR) specific experience. Ms. Lesakowski tenure with HUD included the role of a Senior Community Planning and Development Specialist. Most recently, Ms. Lesakowski has been working on infrastructure and planning projects for Nassau County. In addition, she led various programs within the 23 county Illinois Disaster Recovery Program.

Education

BA, Erie County Community College
Community & Human Services, Empire State College
Low-Income Housing Tax Credit, University of Buffalo

Registration / Certification / Training

National Development Council Certificate Program
Rental Housing Development Finance, Dallas, TX
WBE Certification, New York State

Relevant Experience

Harris County Disaster Recovery Program, Texas Ms. Lesakowski assisted at the Harris County Recovers Assistance Center in 2011-2012. Harris County received \$142 million for the repair and replacement of damaged and destroyed housing following Hurricane Ike in 2008. The project included both housing rehabilitation and total reconstruction, with many homes being elevated. Her responsibilities in this position were as follows; Supervising six Case Managers for all aspects of application processing; this included application intake, verification and processing for financial assistance. Providing training to Case Managers for all aspects of application process, including HUD requirements. Providing duplication of benefit (DOB) training for Case Managers and review final DOB determination. Reviewing all applicant files prior to closings. Coordinating with Harris County staff regarding issues with applicants and providing proper documentation for approval by the state of Texas. Coordination with other staff to track all applicants from application through work write-ups, bid process, closings and Notice to Proceed. Providing quality control on all applicant files.

Senior CPD Specialist, U.S. Department of Housing and Urban Development. Ms. Lesakowski worked in HUD Headquarters in the Disaster Recovery and Special Issues Division. The following were her responsibilities:

- As Senior CPD Specialist in the Division, Ms. Lesakowski was responsible for the training of all new staff.
- Main responsibility was the State of Mississippi's \$5.5 billion CDBG Disaster grant.
- Assumed the responsibility of the State of Texas \$3.2 billion 2008 CDBG Disaster grant
- Assisted as the lead and then back-up of the State of Iowa's \$850 million 2008 CDBG Disaster grant.
- Assisted with the State of Louisiana and Alabama's Disaster Grants.
- As Senior CPD Specialist, Ms. Lesakowski was involved in the monitoring and evaluation of all Disaster Grant recipients administered through Headquarters.
- Provided guidance for interpretation of policies, rules, regulatory provisions and developed concepts and approaches for disaster recovery.
- Responded to complex written and oral inquiries from the White House, Congress, grantees, all levels of government and the private sector.
- Developed policy alternatives and guidelines regarding the use of program resources for recovery from presidentially declared major disasters.
- Provided training to both staff and grantees on the Disaster Recovery Grants Reporting System (DRGR)

Nassau County, New York CDBG-DR. Ms. Lesakowski is the Senior Advisor for various Infrastructure and Planning Projects in Nassau County. For these projects her main focus has been on HUD compliance, providing technical assistance to the County and the contractors procured for these projects. Ms. Lesakowski is working with contractors on the County's \$100M pump station project and assisting them with meeting specific compliance requirements such as Section 3, MWBE participation and Davis Bacon.



LATA KRISHNARAO, AICP, LEED AP ND

Planner

Ms. Krishnarao is the Community Planning Practice Leader for Ardurra. She is a certified urban planner with over thirty (30) years of experience in the fields of urban design and planning, community development, and municipal government. She is highly competent in areas related to long-range, short term and strategic planning, land development, zoning and regulatory framework, municipal annexations, small area and corridor plans, development codes, permitting processes, demographic studies, and forecasting. She has a deep understanding of local, state, and federal regulations and compliance. She is experienced in coordinating and collaborating with city, local and state agencies, private sector partners, and diverse community groups. She is highly committed to creating sustainable environments and under her leadership, the City of Pearland was awarded the Excellence in Planning for six years (2011–2016) and the Scenic City Gold Certificate for 2 five-year periods. She is passionate about public service and, as a Rotarian for over 12 years, she is actively involved in local and international service projects and Interact clubs.

Education

Master of Science, Urban Planning, Columbia University
Master of Architecture, School of Planning and Architecture,
New Delhi
Bachelor of Architecture, MANIT, India

Registration / Certification

American Institute of Certified Planners (AICP)
LEED AP ND (Leadership in Energy and
Environmental Design)
Pearland Rotary Club

Relevant Experience

Comprehensive Plan, City of Needville, Texas. Project Manager for the first Comprehensive Plan focusing on land use, economic development, and community engagement with an advisory committee. Ongoing

Vision 22 – East Cameron, Rockdale MDD, Texas. Project Manager for Ardurra team’s contribution – Corridor design standards, public engagement, land use, mobility, and neighborhood enhancement.

Unified Development Code (UDC) updates and Planning Services, City of Fair Oaks Ranch, Texas. Project Manager for Unified Development Code updates, process improvements, and staff augmentation. Ongoing.

Zoning Amendments and Planning Services, City of Lubbock, Texas. As Interim Planning Director led zoning code amendments to include new rural residential districts; denser urban housing; billboard regulations, new uses such as micro-brewery/winery; reuse of industrial buildings; and improved aesthetic guidelines.

Unified Development Code (UDC), Corridor Overlay Districts and Planning Services, City of El Campo, Texas. Project Manager for Corridor enhancements and blight mitigation, consolidated UDC, new development guidelines, planning assistance.

Comprehensive Plan Update and Bayway Corridor Plan, City of Baytown, Texas. Project Manager for Ardurra team’s contribution - infrastructure, transportation, growth capacity.

Comprehensive Plan Update, City of Huntsville, Texas. Project Manager for Ardurra team’s contribution - infrastructure, transportation, growth capacity, and implementation tools.

City of Pearland, Texas – 2003-2014. Planning Director/Community Development Director.

Cities of Angleton, Brookshire, Bellaire, Bandera, Pearland Lower Kirby Mixed-Use Development, Texas. Development Guidelines/Planning Assistance (Ongoing)



DIANA DUCROZ, AICP

Planner

Ms. Diana DuCroz, AICP, is Senior Planner at Ardurra. Ms. DuCroz has over 20 years of progressive experience in planning and neighborhood services with a focus on development review, code amendments, urban design, and historic preservation. During her twelve years with the City of Houston's Historic Preservation Office, she worked extensively with residents, developers, city officials, and other agencies; managed the designation of multiple new historic districts; wrote code amendments that balanced stakeholder interests with program goals; and oversaw the development of Design Guidelines for historic properties. Ms. DuCroz has additional background in law and journalism, giving her a thorough understanding of both the legal framework of planning and how to communicate effectively with diverse constituents.

Education

Master of Arts, Journalism, Craig Newmark Graduate School of Journalism at CUNY, NY

Registration / Certification

American Institute of Certified Planners (AICP), No. 018381

Relevant Experience

Comprehensive Plan, City of Needville, Texas. As the Senior Planner for Ardurra Team's contribution, assisted with the preparation of the Comprehensive Plan that involved a community engagement process with an advisory committee.

Vision 22 – East Cameron, Rockdale MDD, Texas. As the Senior Planner for Ardurra Team's contribution, assisted with the preparation of plan that included Corridor design standards, land use, zoning, mobility, public engagement, and neighborhood enhancement.

Planner Leader & Historic Preservation Officer, Houston, Texas. Ms. DuCroz managed the city's historic preservation program, overseeing 22 historic districts and hundreds of landmarks and assisted constituents. She streamlined staff review procedures, created educational materials, and led training sessions for commissioners, staff, and the community. She was involved in two major updates to Houston's preservation ordinance and oversaw preparation of design guidelines for several historic districts. In 2016, she helped Houston acquire Certified Local Government (CLG) status from the Texas Historical Commission.

Planner, Planning & Development, Pearland, Texas. Ms. DuCroz coordinated subdivision plat review and reviewed variances, sign permits, and zoning appeals. She also assisted with the Old Town Pearland planning process as well as comprehensive plan and zoning updates.

Planner, Cities of Kirkland and SeaTac, Washington. Ms. DuCroz reviewed subdivision plats and permits for the City of Kirkland. For the City of SeaTac she crafted a new group homes ordinance and assisted relocation efforts for mobile home parks impacted by airport noise.

OTHER PROJECTS

Cities of Palacios and Angleton, Texas. Development/Building Code Update

Cities of Bellaire (current), Brookshire (current), Texas. Planning Services



KRISHNA RADHAKRISHNAN

Planner

Ms. Krishnaprabha Radhakrishnan has four years' experience in project management, urban planning, proposal management, market research, and strategy consulting. She has provided urban planning services for various cities in Texas. As part of developing and updating regulations and ordinances, she has conducted extensive research on various planning related topics. She has experience in the private sector and has assisted private developers with the permitting processes including zoning, development regulations, and municipal coordination. She has managed a diverse team of architects, engineers and other professionals. She is proficient in the uses of Geographic Information Systems (GIS) for mapping, analysis and research. She has provided business strategy consulting and proposal management services to several A/E and Construction firms to preposition and respond to solicitations from agencies such as USACE, U.S. Airforce, Veterans Affairs, TxDOT, Housing Authorities, and municipalities in the Greater Houston Area.

Education

MS, Civil Engineering, University of Texas at Austin
MBA, University of Kerala
BT, Civil Engineering, Cochin University of Science & Technology

Registration / Certification

Texas Citizen Planner, Texas A&M – Texas
Community Watershed Partners

Relevant Experience

Planner. Zoning Map Update and Corridor Standards, City of La Marque, Texas. Ms. Radhakrishnan coordinated the zoning map update by researching historic ordinances, related databases, and clarifying the parcel boundaries on the ArcGIS map. She assisted with updating the land use matrix and formulation of new regulations for I-10 corridor.

Planner. Thoroughfare Plan Preparation, City of Brookshire, Texas. Ms. Radhakrishnan provided planning support to prepare demographics and growth studies, using resources from Waller County, TxDOT, HGAC, Greater Houston Partnership etc.

Planner. Urban Planning Services, City of Fair Oaks Ranch, Texas. Ms. Radhakrishnan reviewed land development applications for conformance with governing regulations and prepared staff reports and presentations. She assisted with the preparation of Administrative Procedures Manual, streamlining application processing, and Unified Development Code update.

Planner. Urban Planning Services, City of El Campo, Texas. As a consultant, Ms. Radhakrishnan provided recommendations to update the existing zoning regulations and draft new Corridor standards. She assisted with blight elimination and code compliance along major corridors.

Planner. Urban Planning Services, City of Lubbock, Texas. As a consultant, Ms. Radhakrishnan provided recommendations to update the existing land development regulations for residential zones and signage requirements.

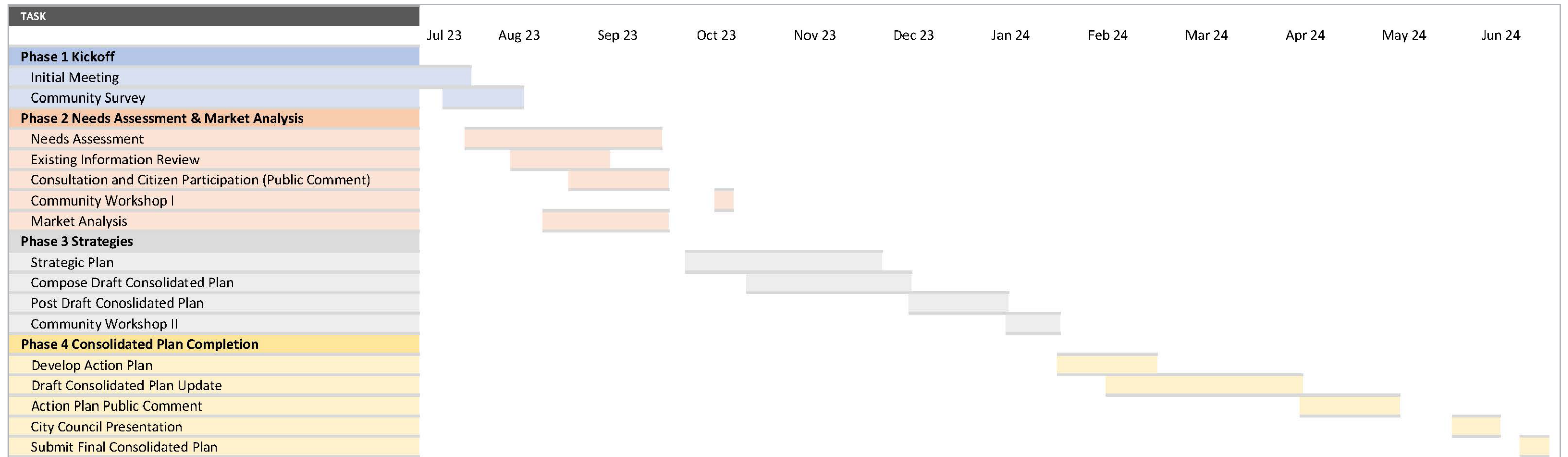
Project Management Support for Private Developers, Texas. As a consultant, Ms. Radhakrishnan guided property owners, developers, architects, and engineers in the land development process and feasibility studies. Coordinated with cities, counties, TxDOT, and utility companies.

PROJECT SCHEDULE



PROJECT SCHEDULE

Proposed Project Gantt Schedule. Ardurra Group, Inc. (Ardurra) utilizes Gantt scheduling to drive cross-team efficiency, automate processes, and get real-time insights. Our project manager will provide visual reports to support collaboration, achieve business objectives, and meet goals on time and within budget. We believe data compliance and governance promotes ownership and motivates team members to produce quality results.



REFERENCES



REFERENCES

REFERENCES



We believe our clients best attest to the quality of our services. We encourage you to contact the individuals included to hear first-hand how we meet our clients' needs and exceed their expectations.

CLIENT: Nassau County Long Term Recovery Program
CONTACT: Roseann D'Alleva
PHONE: 516-571-8055
EMAIL: rdalleva@nassaucountyny.gov

CLIENT: Hays County
CONTACT: Walt Smith
PHONE: 202-352-7727
EMAIL: Walt.smith@co.hays.tx.us

CLIENT: City of Port Arthur, Texas Hurricane Harvey Recovery
CONTACT: Ron Burton, City Manager
PHONE: 409-797-4927
EMAIL: ron.burton@portarthurtx.gov

CLIENT: City of Houston Direct Assistance for Limited Home Repair (DALHR) Program
CONTACT: Laura Vignaud, Assistant Director, Single Family & Economic Development
PHONE: 832-394-6133; 281-635-9560
EMAIL: laurie.vignaud@houstontx.gov

CLIENT: Gulf Coast Water Authority, Texas Hurricane Harvey Recovery
CONTACT: Brandon Wade, General Manager
PHONE: 409-797-4927
EMAIL: bwade@gcwater.org

PROJECT BUDGET



PROJECT BUDGET

Ardurra's proposed budget reflects the City of Kyle's complete project needs and services. Below we have provided hourly rate for staff member(s) by staff position/title.

Proposed budget for complete project

46,485.00

Hourly Rate for Staff Person(s) (by staff position/title)

Title	Name	Rate	Current Time Commitment	Potential Time Commitment
Project Manager	Kelly Simmons	150	100%	100%
Senior Consultant	Nancy Lesakowski	200	50%	50%
Senior Consultant	Eric Boehning	200	50%	60%
Senior Consultant	Lata Krishnarao, AICP, LEED AP ND	200	25%	25%
Planner I	Diana DuCroz, AICP, JD	155	75%	100
Planner II	Krishnaprabha Radhakrishnan	110	60%	80%
Admin	TBD	90	5%	100%

Workload allocation with number of hours that project staff will be devoted by phase and cost

Hours by Phase

Title	Name	Hours	Phase 1	Phase 2	Phase 3	Phase 4
Project Manager	Kelly Simmons	67	20	20	12	15
Senior Consultant	Nancy Lesakowski	26	10	8	4	4
Senior Consultant	Eric Boehning	9	3	3	0	3
Senior Consultant	Lata Krishnarao, AICP, LEED AP ND	18	5		8	5
Planner I	Diana DuCroz, AICP, JD	79	20	22	22	15
Planner II	Krishnaprabha Radhakrishnan	54	12	10	20	12
Admin	TBD	85	10	25	20	30

Title	Name	Rate	Phase 1	Phase 2	Phase 3	Phase 4
Project Manager	Kelly Simmons	150	3,000.00	3,000.00	1,800.00	2,250.00
Senior Consultant	Nancy Lesakowski	200	2,000.00	1,600.00	800.00	800.00
Senior Consultant	Eric Boehning	200	600.00	600.00	-	600.00
Senior Consultant	Lata Krishnarao, AICP, LEED, AP ND	200	1,000.00	-	1,600.00	1,000.00
Planner I	Diana DuCroz, AICP, JD	155	3,100.00	3,410.00	3,410.00	2,325.00
Planner II	Krishnaprabha Radhakrishnan	110	1,320.00	1,100.00	2,200.00	1,320.00
Admin	TBD	90	900.00	2,250.00	1,800.00	2,700.00
Phase Totals			11,920.00	11,960.00	11,610.00	10,995.00

MOLLY QUIRK
CLIENT SERVICE MANAGER
M: 512.775.5458

7500 Rialto Boulevard Building 1,
Suite 240
Austin, TX 78735
www.ardurra.com





CITY OF KYLE, TX

MEMORANDUM

TO: Mayor and City Council

FROM: Amber Schmeits – Assistant City Manager

DATE: Tuesday, May 2, 2023

SUBJECT: CDBG RFP Staff Recommendation and Approval for City Manager to Execute a Contract with Ardurra Group, INC.

Request

Consider and possible action to authorize the City Manager to execute a contract with Ardurra Group, Inc. in an amount not to exceed \$35,780.00 for professional services related to accepting HUD (Housing and Urban Development) Entitlement Status and the CDBG (Community Development Block Grant) Program.

Staff Recommendation

The City of Kyle received 5 submittals in response to the RFP approved by the Mayor and City Council on April 4, 2023. Upon review of each submittal, Staff determined that Ardurra Group, Inc. was the most qualified to provide services to accept Entitlement Status from the Department of Housing and Urban Development and implement the CDBG Program for the City.

Scope

Ardurra Group, Inc. will help the City accept Entitlement Status with HUD and create the City's Consolidated Plan and Annual Action Plan to submit to HUD on behalf of the City. The Consolidated Plan will include Community Engagement meetings and surveys to collect feedback from residents to help determine the needs of the City. They will also work with Staff, Council, and Community Stakeholders to create the Consolidated Plan and Annual Action Plan. The expected timeline is June 2023 through June 2024.

Explanation of Change in Cost and Scope of Services

Ardurra Group, Inc. originally proposed a budget of \$46,485.00 for their services, as shown in their RFP Submittal. Upon further consideration, City Staff requested removal of the Analysis of the Impediments to Fair Housing from the Scope of Services requested in the RFP. Ardurra Group, Inc. provided a revised budget of \$35,780.00 after removing this from their Scope of Work.

The Analysis of Impediments to Fair Housing was removed by Staff from the Scope of Services listed in the RFP after careful consideration. The funding the city will be granted through the CDBG Program, approximately \$219,000.00, would not provide enough funding to adequately address Fair Housing Needs at this time. This Analysis may be considered again at a later date. A Housing Needs Assessment will still be completed as part of the Consolidated Plan. Staff feels this assessment will provide enough information to determine the City's housing needs and prepare to address this in the future, at this time.

Budget and Reimbursement

The City of Kyle is expected to be awarded approximately \$219,000.00 for CDBG funding through the Department of Housing and Urban Development upon acceptance of Entitlement Status. Professional services for implementing HUD programs are a reimbursable expense for the CDBG Program. The city anticipates accepting Entitlement Status by October 1, 2023. Upon executing a contract with Ardurra Group, Inc., the City will begin working with Ardurra Group, Inc. immediately and the City will be invoiced monthly through the expected completion of services in June 2024. Currently, funding of the \$35,780.00 is available through the Code Rewrite line item through the Planning Department and will be reimbursed upon acceptance of Entitlement Status through HUD.



CITY OF KYLE, TEXAS

Signal Agreement Freeway Locations

Meeting Date: 5/2/2023

Date time: 7:00 PM

Subject/Recommendation: Consider and possible action to approve a Resolution of the City of Kyle City Council Authorizing and Directing the Interim City Manager to Execute an Agreement with the Texas Department of Transportation for the Operation and Maintenance of Traffic Signals at Certain Freeway Locations. ~ *Amber Schmeits, Assistant City Manager*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Agreement
- Resolution

STATE OF TEXAS §

COUNTY OF TRAVIS §

**AGREEMENT FOR THE
INSTALLATION AND REIMBURSEMENT FOR THE
OPERATION AND MAINTENANCE OF
TRAFFIC SIGNALS WITHIN A MUNICIPALITY**

THIS AGREEMENT is made by and through the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State," and the City of Kyle, hereinafter called the "City," acting by and through its duly authorized officers, as evidenced by Resolution No. _____, executed on _____, 2023, hereinafter acknowledged by reference.

WITNESSETH

WHEREAS, by virtue of a Municipal Maintenance Agreement entered into by the City and the State on October 29, 2002, the State has been authorized to maintain certain highway routes within the City; and

WHEREAS, from time to time the City requests the State to install traffic signals on certain highways within the City; and

WHEREAS, the State under the provisions of Title 43, Texas Administrative Code, Section 25.5 has authority to install, operate and maintain traffic signals on freeway type highways in all cities and on other highway routes in cities of less than 50,000 population (latest Federal Census); and

WHEREAS, the City requests the State to assume the installation, operation, and maintenance responsibilities of the signalized intersections as shown in EXHIBIT 1, attached hereto and made a part of this Agreement; and

WHEREAS, the City agrees to maintain and operate the signalized intersections with the State reimbursing the City for all maintenance and operations costs at a rate per location as shown on Exhibit 3.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, it is agreed as follows:

AGREEMENT

Article 1. CONTRACT PERIOD

This Agreement becomes effective when fully executed by the City and the State and shall remain in force for a period of one year from the date of final execution by the State and shall

be automatically renewed annually for a one year period, unless modified by mutual agreement of both parties, or terminated as hereinafter provided.

Article 2. CONSTRUCTION RESPONSIBILITIES

A. The State shall prepare or cause to be prepared the plans and specifications, advertise for bids, let the construction contract, or otherwise provide for the construction of new traffic signals and/or reconstruction of existing traffic signals (including, at the State’s option, any special auxiliary equipment, interconnect and/or communication material, and equipment), and will supervise construction, reconstruction, or betterment work as required by said plans and specifications. As a project is developed to construction stage, either as a unit or in increments, the State will submit plans and specifications of the proposed work to the City and will secure the City’s consent to construct the traffic signal prior to awarding the contract; said City consent to be signified by the signatures of duly authorized City officers in the spaces provided on the title sheet of the plans containing the following notion:

“Attachment No. _____ to “Agreement for the Installation and Reimbursement for the Operation and Maintenance of Traffic Signals Within a Municipality,” dated _____, 2023. The City-State construction, maintenance, and operation responsibilities shall be as heretofore agreed to, accepted, and specified in the Agreement to which these plans are made a part.”

B. All costs of construction and/or reconstruction of new and existing traffic signals will be borne by the State, and the traffic signal system will remain the property of the State.

Article 3. MAINTENANCE, OPERATION, AND POWER RESPONSIBILITIES

A. The State shall be responsible for all electrical power costs for the operation of the traffic signals covered by this Agreement and shown on Exhibit 1. Power costs shall be billed as specified in Exhibit 2, “Traffic Signal Maintenance and Operations Provisions.”

B. The City will provide a trained staff to maintain and operate the traffic signals shown on Exhibit 1, and the State will reimburse the City at the flat rate shown in Exhibit 3 for parts and labor. All repairs shall be prioritized based on public safety and made as soon as possible.

C. The City shall maintain and operate the traffic signals in accordance with the minimum requirements specified in Exhibit 2.

D. The City shall maintain at least one log of all emergency calls and all routine maintenance.

E. Routine maintenance will be performed by the City as specified in Exhibit 2.

Article 4. COMPENSATION

A. The maximum amount payable under this Agreement is \$25,650.00 per year.

B. Calculations for the above lump sum amount shall be shown in Exhibit 3, attached hereto and made a part of this Agreement for maintaining and operating the traffic signal installations covered under this Agreement.

C. The addition or deletion of traffic signals shall be made by supplemental agreement.

Article 5. PAYMENT

A. The State agrees to reimburse the City at the flat rate shown in Exhibit 3 for maintenance and operations costs for the traffic signals described in Exhibit 1. The City shall submit to the State Form 2557, "Billing Worksheet," or an invoice statement acceptable to the State on a monthly basis. An original Form 2557 or acceptable invoice and four copies shall be submitted to the following address:

Texas Department of Transportation
Attn: Signal Shop 7901 N IH 35 Austin, Tx 78753

B. The City shall maintain a system of records necessary to support and establish the eligibility of all claims for payment under the terms of this Agreement. These records may be reviewed at any time to substantiate the payment by the State and/or determine the need for an adjustment in the amount paid by the State.

C. The State shall make payment to the City within 30 days from receipt of the City's request for payment, provided that the request is properly prepared.

D. Knockdowns or damage resulting from an accident or an act of God and which require emergency replacement of major equipment shall not be included in the monthly payments. For eligibility of payment for emergency replacement of major equipment, actual cost shall be submitted to the State for review and determination of reimbursement eligibility.

E. Payment for the addition or deletion of a traffic signal installation shall be made by supplemental agreement.

Article 6. INDEMNIFICATION

The City acknowledges that it is not an agent, servant or employee of the State and, thus, is responsible for its own acts and deeds and for those of its agents or employees during the performance of the work defined in this agreement.

Article 7. TERMINATION

A. This Agreement may be terminated by any of the following conditions:

- (1) By mutual agreement and consent of both parties.
- (2) By the State upon thirty (30) days written notice to the City for failure of the City to provide adequate maintenance and operation services for those traffic signal installations which the City has agreed to maintain and operate.
- (3) By the State upon sixty (60) days written notice to the City that the State will assume operation and maintenance at the end of the one (1) year period of this contract.
- (4) By the City upon one hundred twenty (120) days written notice of the State.

B. In the event this Agreement is terminated by any of the above conditions, the maintenance and operation of the traffic signal systems shall become the responsibility of the State. Any State owned equipment being held by the City shall be promptly returned within 30 calendar days to the State upon termination of this Agreement.

Article 8. SUBLETTING

The City shall not sublet or transfer any portion of the work under this Agreement unless specifically approved in writing by the State. All subcontracts shall include the provisions required in this contract and shall be approved in writing by the State.

Article 9. AMENDMENTS

Changes in the character, costs, provisions, in the attached exhibits, responsibilities, or obligations authorized herein shall be enacted by written amendment. An amendment to this Agreement must be executed by both parties.

Article 10. SUCCESSORS AND ASSIGNS

The State and the City bind themselves, successors, assigns, and legal representatives to the other party to this Agreement and the successors, assigns, and legal representatives of such other party to all covenants and provisions provided herein. Furthermore, the City shall not assign, sublet, or transfer any interests in this Agreement without the written consent of the State.

Article 11. LEGAL CONSTRUCTION

In the case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

Article 12. STATE AUDITOR

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

Article 13. DOCUMENTS

At the request of the State, the City shall submit any information required by the State in the format directed by the State.

Article 14. PRIOR AGREEMENTS SUPERSEDED

This Agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the within subject matter.

Each party is signing this agreement on the date stated next to that party's signature.

THE CITY OF KYLE, TEXAS

Executed on behalf of the City:

By _____ Date _____
Jerry Hendrix
Interim City Manager

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
District Engineer

EXHIBIT 1 - LOCATIONS

LOCATIONS	TYPE OF SIGNAL
1 IH 35 @ FM 1626 / KYLE PARKWAY	Diamond Traffic Signal
2 IH 35 @ RM 150	Diamond Traffic Signal
3 IH 35 @ KYLE CROSSING / WINDY HILL	Diamond Traffic Signal

EXHIBIT 2**TRAFFIC SIGNAL MAINTENANCE AND OPERATION PROVISIONS**

The maintaining and operating responsibilities the City agrees to:

1. Unless specifically noted elsewhere in this agreement, the signal timing and operational phasing shall be the responsibility of the City.
2. Inspect the highway traffic signal system a minimum of once every 12 months and replace burned out lamps or damaged sockets as may be required. Police, citizen, or other reports of burned out lamps or other damage, which could jeopardize safety, shall be repaired or replaced as soon as possible after the report, depending on the nature of the report. Otherwise, appropriate steps shall be taken to protect the public. The reflector and lens should be cleaned each time a lamp is replaced. All replacement lamps shall equal the wattage and type of the existing lamp.
3. Keep signal poles, controller pedestals, and foundations in alignment.
4. Keep signal poles and controller cabinets tight on their foundations or pedestals.
5. Keep traffic and pedestrian signal heads aligned and properly adjusted. Repair back plates where needed.
6. Check the controllers, conflict monitors, detector units, relays, pedestrian push buttons, and detectors a minimum of once every 12 months to ascertain that they are functioning properly and make all necessary repairs and replacements.
7. Keep the interior of controller cabinets in a neat and clean condition at all times.
8. Clean reflectors, lenses, and lamps a minimum of once every twelve months.
9. Repaint all corrosive susceptible highway traffic signal components exposed to weather with a non-lead-based paint as needed in order to maintain in a well-kept in the opinion of the Texas Department of Transportation's representative. Plastic signal heads and galvanized and aluminum components are excluded.
10. Group relamp and incandescent lamps of all highway traffic signal heads at the expiration of the average rated lamp life or replace the lamps on a burn out basis.
11. Repair or replace any and all equipment that malfunctions or is damaged.
12. Provide alternate traffic control during a period of failure or when the controller must be repaired. This may be accomplished through installation of a spare controller, placing the intersection on flash, manually operating the controller, or manually directing traffic through the use of proper authorities. In addition, barricades and warning signs shall be provided in accordance with the requirements of the latest edition of the *Texas Manual on Uniform Traffic Control Devices*.
13. Provide maintenance personnel trained in the maintenance of traffic signal equipment who will be available to respond to emergency calls from authorized parties 24 hours a day, including Saturdays, Sundays, and holidays.
14. Provide the State and local law enforcement agencies the location and respective names and telephone numbers of individuals responsible for emergency maintenance.

15. Document routine observations during the year by trained City personnel of the traffic signal operation at each traffic signal during various times of the day to assure fair distribution of time for all traffic movements (phases) during varying traffic conditions.
16. Check cabinet filter a minimum of once every six months and clean if necessary. Cabinet filter shall be replaced every two years.
17. Document all checks and corrective actions in a separate logbook for each intersection.
18. In metropolitan cities where Intelligent Transportation Systems and/or incident management systems are being implemented the signal timing will be the responsibility of the City in cooperation with the Texas Department of Transportation.

Traffic accidents, inclement weather, special events, maintenance, and construction activities are a few of the causes of nonrecurrent congestion. Nonrecurrent congestion often changes the normal traffic demand patterns. Effective and efficient movement of traffic through the transportation network during periods on nonrecurrent congestion must be considered in the design and operation of all traffic management systems, including traffic signal systems. Priority should be given to freeway or expressway frontage roads when nonrecurrent congestion occurs on freeway or expressway mainlanes.

Power costs shall be billed directly to the State.

EXHIBIT 3

**CITY OF KYLE TRAFFIC SIGNAL MAINTENANCE &
OPERATIONS**

TXDOT REIMBURSEMENT RATES

**TxDOT Freeway Interchange = \$712.50 per freeway
interchange per month (includes signals on both
frontage roads)**

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF KYLE, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION AND REIMBURSEMENT FOR THE OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS ON FREEWAY TYPE HIGHWAYS.

WHEREAS, the Texas Department of Transportation (“TXDOT” or “State”) requested the City of Kyle (City) to enter into an Agreement for the Installation and Reimbursement for the Operation and Maintenance of Traffic Signals within the Municipality (“Agreement”), attached hereto as **Exhibit A**; and

WHEREAS, by virtue of a Municipal Maintenance Agreement entered into by the City and the State on October 29, 2002, the State has been authorized to maintain certain highway routes within the City; and

WHEREAS, from time to time the City requests the State to install traffic signals on certain highways within the City; and

WHEREAS, the State under the provisions of Title 43, Texas Administrative Code, Section 25.5 has authority to install, operate and maintain traffic signals on freeway type highways in all cities and on other highway routes in cities of less than 50,000 population (latest federal Census); and

WHEREAS, the City requests the State to assume the installation, operation, and maintenance responsibilities of the signalized intersections as shown in Exhibit 1 of the Agreement; and

WHEREAS, the City agrees to maintain and operate the signalized intersections with the State reimbursing the City for all maintenance and operations costs at a flat rate per location as shown on Exhibit 3 of the Agreement.

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

Section 1. That the above recitals are hereby found to be true and correct by the City Council of the City of Kyle and incorporated herein for all purposes.

Section 2. The City Council of the City of Kyle hereby authorizes the City Manager to execute the Agreement for the Installation and Reimbursement for the Operation and Maintenance of Traffic Signals, attached hereto as **Exhibit A**.

Section 3. That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF KYLE, TEXAS

Travis Mitchell, Mayor

ATTEST:

Jennifer Kirkland
City Secretary



CITY OF KYLE, TEXAS

Signal Agreement at Non-Freeway Locations

Meeting Date: 5/2/2023

Date time: 7:00 PM

Subject/Recommendation: Consider and possible action to approve a Resolution of the City of Kyle City Council Authorizing and Directing the Interim City Manager to Execute an Agreement with the Texas Department of Transportation for the Operation and Maintenance of Traffic Signals at Certain Non-Freeway Locations. ~ *Amber Schmeits, Assistant City Manager*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Agreement
- Resolution

STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT FOR CITY OF KYLE TO ASSUME OPERATION AND MAINTENANCE OF EXISTING SIGNALS WHEN ANNEXED BY CITY OVER 50,000 POPULATION OR CITY GROWS TO OVER 50,000 POPULATION

THIS AGREEMENT, dated this _____ day of _____, 2023, by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State", and the City of Kyle, Hays County, Texas, acting by and through its duly authorized officers under a Resolution, passed the _____ day of _____, 2023, hereinafter called the "City", is made to become effective when fully executed by both parties.

WITNESSETH

WHEREAS, there are highway traffic signals in place at the locations shown on Exhibit 1 - Locations, attached hereto and made a part hereof, said highway traffic signals having been installed, operated, and maintained by the State at a time when said locations were not within the corporate limits of a city of 50,000 population or over; and

WHEREAS, said locations are now within the corporate limits of a city of 50,000 population or over, the City of Kyle; and

WHEREAS, the State under the provisions of Title 43, Texas Administrative Code, Section 25.5, has authority to install, operate and maintain traffic signals on freeway type highways in all cities and on other highway routes in cities of less than 50,000 population (latest Federal Census); and

WHEREAS, the City has requested the State to leave the highway traffic signals in place at the locations shown on Exhibit 1- Locations, and has authorized the continued existence, use, operation, and maintenance of the highway traffic signals by Resolution passed on the _____ day of _____, 2023.

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, it is agreed as follows:

AGREEMENT

Article 1. The State will leave the highway traffic signals in place at the locations shown on Exhibit 1 - Locations.

Article 2. For locations listed on Exhibit 1 as non-freeway locations:

The City will operate and maintain the signals at their expense.

Article 3. The City will pay all power costs for operating the signals. The City shall be the responsible authority to make changes in the design and operation of the highway traffic signals as it may deem necessary and advisable to promote the safe, convenient and orderly movement of traffic.

The City will return any and all parts of said highway traffic signal installations to the State should they be removed by the City for any reason other than for installation on a State or Federal numbered highway route at a location approved by the State.

The City acknowledges that it is not an agent, servant, or employee of the State, and thus, is responsible for its own acts and deeds and for those of its agents or employees during the performance of the work defined in this agreement.

Article 4. For location(s) listed on Exhibit 1 as freeway locations:

The State will operate and maintain the signal(s) at its expense.

The State will pay all power costs for operating the signal(s).

The City will exercise no control whatsoever over the operation, maintenance, use, or existence of the highway traffic signal(s) without written authority from the Texas Department of Transportation.

The State shall have the authority to make such changes in the design and operation of the highway traffic signal(s) as it may deem necessary and advisable to promote the safe, convenient, and orderly movement of traffic.

Article 5. General conditions for all locations shown on Exhibit 1.

The City will be responsible for the police enforcement required for securing obedience to the highway traffic signals.

In the event the signal installations covered by this Agreement become unnecessary or are removed for any reason, this Agreement shall terminate.

The State will not incur any financial obligation to the City as a result of this Agreement.

Any changes in the provisions of this Agreement or obligations of the parties hereto shall be enacted by a written amendment executed by both the State and the City.

In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

Article 6. All notices to either party by the other required under this Agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

City:	State:
<p>Jerry Hendrix Interim City Manager City of Kyle 100 W. Center Street Kyle, Texas 78640</p> <p>With Copy to:</p> <p>Paige Saenz City Attorney The Knight Law Firm LLP 223 West Anderson Lane, Suite A-105 Austin, Texas 78752</p>	<p>Mikayla Adare District Agreements Coordinator 7901 N IH 35 – Bldg 1 Austin, TX 78753</p>

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

Article 7. The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

Article 8. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Article 9. This Agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

Each party is signing this agreement on the date stated next to that party's signature.

THE CITY OF KYLE

Executed on behalf of the City by:

By: _____ Date _____
Jerry Hendrix
Interim City Manager

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____ Date _____

District Engineer

EXHIBIT 1 - LOCATIONS

NON-FREEWAY LOCATIONS	TYPE OF SIGNAL
1 FM 1626 @ DORMAN LN	Actuated Traffic Signal
2 FM 1626 @ KOHLERS CROSSING	Actuated Traffic Signal
3 FM 1626 @ MARKETPLACE AVE	Actuated Traffic Signal
4 RM 150 @ BURELSON STREET	Actuated Traffic Signal
5 RM 150 @ FM 2770	Actuated Traffic Signal
6 RM 150 @ LEHMAN RD	Actuated Traffic Signal
7 RM 150 @ LOX LN (TOBIAS ELEM)	Actuated Traffic Signal
8 RM 150 @ NEW BRIDGE DR/ MINERAL SPRINGS	Actuated Traffic Signal
9 RM 150 @ WATERLEAF/ WOODLANDS	Actuated Traffic Signal
10 FM 1626 @ KOHLERS CROSSING	Advance Warning End of Green
11 FM 1626 @ MARKETPLACE EB	Signal Advanced Warning
12 RM 150 @ FM 2770 WB	Signal Advanced Warning
13 RM 150 @ FM 2770 SB	Signal Advanced Warning
14 RM 150 @ LEHMAN RD WB	Signal Advanced Warning
15 RM 150 @ SILVERADO DR WB	Stop Sign Warning
16 RM 150 @ SILVERADO DR NB	Stop Sign Warning
17 RM 150 @ SILVERADO DR SB	Stop Sign Warning
18 RM 150 @ GREGG DR NB (WALLACE MS)	Pedestrian Crossing
19 RM 150 @ GREGG DR SB (WALLACE MS)	Pedestrian Crossing
20 RM 150 @ KYLE ELEM EB	School Zone
21 RM 150 @ KYLE ELEM WB	School Zone
22 RM 150 @ TOBIAS ELEM EB	School Zone
23 RM 150 @ TOBIAS ELEM WB	School Zone

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KYLE CITY COUNCIL AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS AT CERTAIN NON-FREEWAY LOCATIONS

WHEREAS, there exist twenty-three (23) traffic signals at various locations in the vicinity of, or at intersections with FM 1626 and RM 150 installed, operated and maintained by the Texas Department of Transportation (State) at a time when the locations were not within the corporate limits of a city of 50,000 population or over; and

WHEREAS, said locations are now within the corporate limits of the City of Kyle (City or Kyle), a city of 50,000 population or over; and

WHEREAS, it would benefit residents of Kyle if the traffic signals addressed in the State Traffic TEA4 Agreement provided with this Resolution are operated and maintained by the City;

WHEREAS, the City wishes to pursue an agreement with the State to assume operation and maintenance responsibility for the 23 non-freeway traffic signals in Exhibit A to the Traffic TEA4 Agreement attached hereto; and

WHEREAS, the Interlocal Cooperation Act, Texas Government Code Chapter 791, authorizes local governments to contract with one another and with agencies of the state for the provision of governmental functions and services.

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

SECTION 1. The City Council hereby authorizes and directs the City Manager to negotiate and execute an agreement with the Texas Department of Transportation for Kyle to assume operation and maintenance of 23 non-freeway traffic signals at, or in the vicinity of intersections with FM 1626 and RM 150.

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

PASSED AND APPROVED this the _____ day of _____ 2023.

Attest:

CITY OF KYLE, TEXAS

Jennifer Kirkland
City Secretary

Travis Mitchell
Mayor



CITY OF KYLE, TEXAS

Comprehensive Plan Amendment south of the intersection of SH-21 and E FM 150

Meeting Date: 5/2/2023

Date time:7:00 PM

Subject/Recommendation: *(First Reading)* An ordinance of the City of Kyle, Texas, adopting comprehensive plan amendment to amend approximately 26 acres of “Farm Landscape” to ‘Regional Node’ for certain parcels south of the intersection of SH-21 and E FM 150, amend approximately 3 acres to ‘New Settlement District’ from ‘Regional Node’ & amend approximately 18.9 acres from ‘New Settlement District’ to ‘Regional Node’. This area outlined in the map includes 14.5 acres of existing ‘Regional Node’ with a total approximate area of 60 acres; and providing for related matters. ~ *Will Atkinson, Director of Planning*

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

- Public Hearing

Other Information: See attachments.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Staff Report
- Ordinance
- Hwy 21 Regional Node & Zoning



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Mayor & Council

FROM: Will Atkinson – Director of Planning

DATE: Tuesday, May 2, 2023

SUBJECT: Comprehensive Plan Amendment – Proposed amendments to the city’s future land use for properties located on the west side of State Hwy 21 at E. FM-150.

Request

The City of Kyle is pursuing a comprehensive plan amendment to expand the “Regional Node” area by changing the future land use plan from “Farm Landscape” to “Regional Node” for approximately 26 acres and modifying approximately 21.9 acres of land from “New Settlement District” to “Regional Node. These proposed amendments will expand the existing “Regional Node” from 14.5 acres to approximately 60 acres of land at the intersection of SH-21 and E FM 150.

Location



City Charter Comprehensive Plan Ordinance

Sec. 10.03. - Comprehensive Plan Adoption and Amendment.

“The comprehensive plan, or elements or portions thereof, shall be initially prepared and drafted by personnel and/or consultants authorized by the council, under the supervision of the city manager who shall coordinate development of the plan with the planning commission and the council. A draft of the comprehensive plan shall be submitted to the planning commission which shall hold a minimum of two public hearings on such plan and make recommendations for the approval of the plan, with or without amendments. The planning commission shall then forward the proposed comprehensive plan or element or portion thereof to the city manager, who shall thereupon submit such plan, or element or portion thereof, to the council with the planning commission's and the city manager's recommendations thereon. If the proposed comprehensive plan has not been adopted within two years from the effective date of this charter, the proposed plan as it then exists will automatically become the City's comprehensive plan.

“The council may adopt, or adopt with changes or amendments, the proposed comprehensive plan or any element or portion thereof, after one or more public hearings. The council shall act on such plan, element or portion thereof, within ninety (90) days following its submission. If such plan or element or portion thereof is not adopted by the council, the council shall, with policy direction, return such plan or element thereof to the planning commission, which may modify such plan or element or portion thereof, and again forward it to the city manager for submission in like manner to the council. Amendments to the comprehensive plan may be initiated by the council, the planning commission, or the city manager; provided that all amendments shall be reviewed, considered and recommended for adoption in the same manner as for the original adoption of the comprehensive plan.

“Upon the adoption of a comprehensive plan or element or portion thereof by the council, all land development regulations including zoning and map, subdivision regulations, roadway plan, all public improvements, public facilities, public utilities projects and all city regulatory actions relating to land use, subdivision and development approval shall be consistent with the comprehensive plan, element or portion thereof as adopted, except to the extent, if any, as provided by law. For purposes of clarity, consistency and facilitation of comprehensive planning and land development process, the various types of local regulations or laws concerning the alteration, development and use of land may be combined in their totality in a single ordinance or code.”

Comprehensive Plan Text

Regional Node

“Recommended: R-1-C, R-3-2, R-3-3, CC, NC, R/S, MXD

“Conditional: CBD-1, CBD-2, E, HS, R-3-1, O/I

'Character': Regional Nodes should have regional scale retail and commercial activity complimented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers. Regional Nodes are scaled and designed as activity centers where users not only secure goods and services, but also congregate and remain for extended periods, unlike Local Nodes which are designed around quick turnaround convenience retail. The Regional Nodes located along I-35 at the northern and southern boundaries of Kyle should be designed as entryways into Kyle with elements that are symbolic of Kyle and serve to attract I-35 travelers into Kyle. Transitions between Regional Nodes and surrounding districts must be carefully constructed to avoid abrupt shifts in land uses. Trails and sidewalks should be present throughout all Regional Nodes and should connect to surrounding neighborhoods.

'Intent': The primary goal of the Regional Nodes is to capture commercial opportunities necessary to close Kyle's tax gap. To achieve this goal, these Nodes should draw down upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location. Regional Nodes should provide a mixture of uses that compliment regional commercial activity, as well as encourage high density residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to grow toward Hwy 21, SH 45 and SH 130. The anchor of each Regional Node should be regional commercial uses, and Regional Nodes should have a high level of development intensity.

Analysis

During a recent zoning change request, the Planning & Zoning Commission discussed the possibility and desire to expand the "Regional Node" area for the subject area by changing the future land use plan from "Farm Landscape" and "New Settlement District". City Council agreed with Planning & Zoning regarding the expansion of the "Regional Node" in this area and directed city staff to initiate the proposed Changes.

From an infrastructure perspective, SH-21 is a secondary north/south route, parallel to IH-35. It is used for both commuters and commercial traffic between San Marcos and Austin. TxDOT is currently upgrading the corridor to better handle traffic and is receiving input for future improvements. E FM 150 is also a TxDOT highway that connects SH-21 and IH-35. Both corridors are significant and should be utilized to handle commercial traffic (eastbound). Proximity to SH-21 also allows for commercial traffic to utilize both Austin-Bergstrom International Airport and San Marcos Regional Airport.

Water availability is provided by County Line Special Utility District. Wastewater is currently non-existent, however, through recent conversations with County Line Special Utility District, the District is pursuing plans to construct a wastewater treatment plant east of the intersection of SH-21 & E FM 150. This comprehensive plan amendment is the first step to capture the value increase.

Relating to the “Regional Node” amendment, landowner(s) south of E FM 150 and west of SH-21, have been patiently waiting on a comprehensive plan amendment that enables the “Regional Node” on the west corner of this intersection. After reviewing the proposed change, surveying the existing land uses in the area, and studying the adjacent future land uses, staff agrees that it is appropriate to incorporate the remainder of the “Regional Node” for the portion of the intersection that is within the City of Kyle’s jurisdiction.

This amendment will add 48-acres to the existing node, bringing the total area of the node to 60-acres. This amendment will allow said landowner(s) to rezone to districts that are appropriate for major intersections (retail, offices, restaurants, vertical mixed use, etc.).

At the April 25th, 2023, Planning & Zoning Commission meeting, the Commission voted 5-0 to recommend approval of this Council directed amendment. There was discussion centered around the previous zoning case of “Neighborhood Commercial” near this intersection, and how that zoning district was not the highest and best use of the site. This was the same discussion that occurred with the “NC” zoning change, which led to Council direction to amend the comprehensive plan for this intersection.

RECOMMENDATION

Staff recommends approval of the proposed amendments expanding the “Regional Node” as shown in the request. Staff asks the Mayor & Council to vote in affirmative, supporting Staff’s recommendation.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ADOPTING A COMPREHENSIVE PLAN AMENDMENT TO AMEND APPROXIMATELY 26 ACRES OF LAND OF ‘FARM DISTRICT’ TO ‘REGIONAL NODE’ FOR CERTAIN PARCELS SOUTH OF THE INTERSECTION OF SH-21 AND E FM 150, AMEND APPROXIMATELY 3 ACRES TO ‘NEW SETTLEMENT DISTRICT’ FROM ‘REGIONAL NODE’ AND AMEND APPROXIMATELY 18.9 ACRES FROM ‘NEW SETTLEMENT DISTRICT’ TO ‘REGIONAL NODE’. THIS AREA OUTLINED IN THE MAP INCLUDES 14.5 ACRES OF EXISTING ‘REGIONAL NODE’ WITH A TOTAL APPROXIMATE AREA OF 60 ACRES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, it is necessary and reasonable for the City of Kyle, Texas, a Texas home rule municipality, (herein the “City”) to provide for, modify and amend a Comprehensive Plan for the City in accordance with Chapters 211 and 213 of the Texas Local Government Code and the City Charter;

WHEREAS, the City in anticipation of growth and expansion desires to plan for the orderly and efficient growth of the City;

WHEREAS, the City desires to facilitate the lessening of congestion in the streets; the securing of its citizens and visitors from fire, panic and other dangers; the promotion of the general health and welfare; the provision of adequate light and air; the prevention of the overcrowding of property and undue concentrations of populations; and the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

WHEREAS, the City recognize the existing Comprehensive Plan contains data that needs to be reviewed and updated where appropriate, commensurate with the City’s growth and expansion in both population and land area. The update will include amending approximately 26-acres of land of ‘Farm District’ to ‘Regional Node’ for certain parcels south of the intersection of SH-21 and E FM 150, amend approximately 3-acres to ‘New Settlement District’ from ‘Regional Node’ and amend approximately 18.9-acres from ‘New Settlement District’ to ‘Regional Node’. This area outlined in the map includes 14.5-acres of existing ‘Regional Node’ with a total approximate area of 60-acres.

WHEREAS, the Planning & Zoning Commission, after conducting two (2) Public Hearings, recommended adoption of an Update to the existing Comprehensive Plan; and

WHEREAS, after review, inquiry and the opportunity for the public to give testimony and present written evidence at Public Hearings, and after review and recommendation by the Planning & Zoning Commission, the City Council has found the amendment of the Comprehensive Plan

hereinafter set forth and listed in this ordinance is reasonable and necessary for the public health, safety, morals and welfare.

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

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

Section 2. Comprehensive Plan. Having held a Public Hearing and after receiving a recommendation from the Planning & Zoning Commission, the City Council hereby adopts and approves this Amendment to the 2010 Comprehensive Plan, as periodically amended, spread upon the minutes of this meeting. The Comprehensive Plan shall be kept in the office of the City Secretary and shall be available for public inspection during normal office hours. Zoning uses, as amended from time to time at the request of the landowner or on motion of the City, shall be amended to be made consistent with the Comprehensive Plan. The City may further amend the Comprehensive Plan at the discretion of the City Council to plan for the changing plans for the City.

Section 3. Repeal of Comprehensive Plan. Portions of the existing Comprehensive Plan are repealed, to be replaced with text and renderings as indicated in Exhibit 'A'.

Section 4. Severability. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision herein shall become inoperative or fail by reason of any unconstitutionally or invalidity of any other portion or provision.

Section 5. 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 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 Meeting Act, Chapt. 551 Tex. Gov't Code.

PASSED AND APPROVED on this the ____ day of _____, 2023.

FINALLY PASSED AND APPROVED on this the ____ day of _____, 2023.

ATTEST:

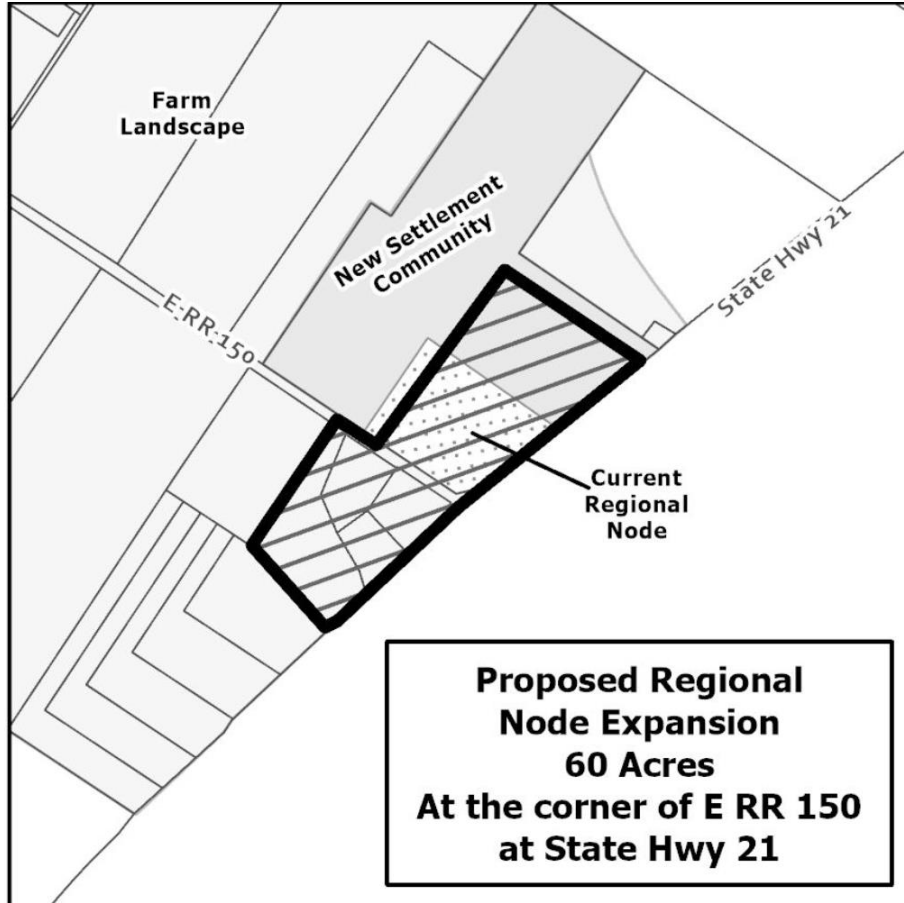
The City of Kyle, Texas

Jennifer A. Holm, City Secretary

Travis Mitchell, Mayor

Exhibit "A"

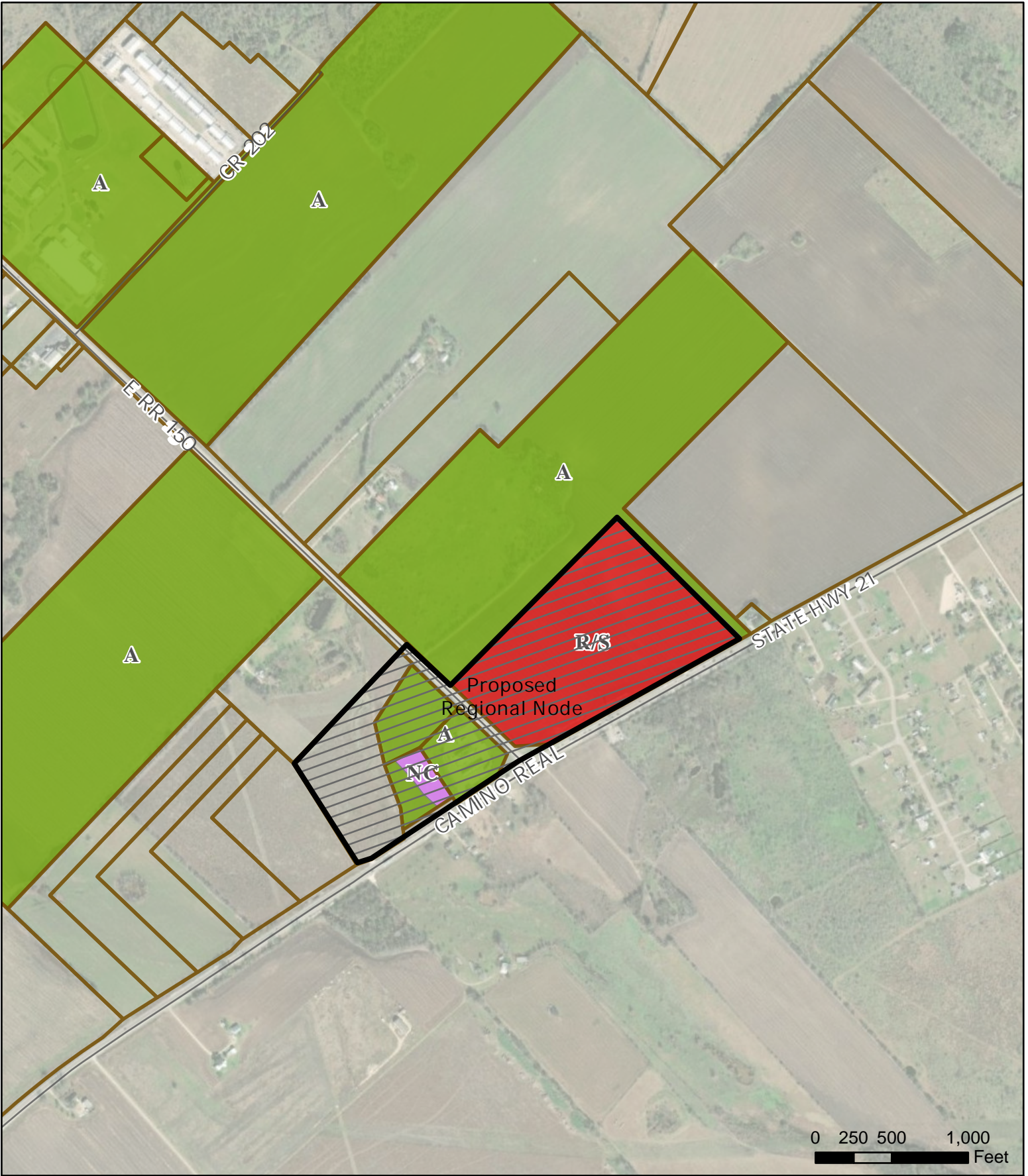
Comprehensive Plan Amendment Map and Existing Zoning





**Proposed Regional
Node Expansion
E RR 150 at State Hwy 21**

- Current Zoning**
- Agriculture
 - Neighborhood Commercial
 - Retail Services



Proposed Regional
Node Expansion
E RR 150 at State Hwy 21

- Current Zoning
- Agriculture
 - Neighborhood Commercial
 - Retail Services
- Item # 22



CITY OF KYLE, TEXAS

Kohlers Crossing Mill & Inlay Spot Repairs \$1,044,280.70

Meeting Date: 5/2/2023

Date time: 7:00 PM

Subject/Recommendation: Authorize award and execution of a purchase order to TEXAS MATERIALS GROUP, INC., Cedar Park, Texas, lowest and most responsible bidder, in an amount not to exceed \$1,044,280.70 which includes a five (5) percent contingency for spot repairs on Kohlers Crossing from FM 2770 to IH35 Southbound Frontage Road. ~ *Leon Barba, P.E., City Engineer*

Other Information: Two bids were opened on April 17, 2023 for the Mill and Inlay Spot Repairs on Kohlers Crossing from IH 35 Southbound Frontage Road to FM 2770. Four spots will be repaired in the westbound direction, three spots in the eastbound direction. The spots to be repaired were determined from a forensic evaluation of the pavement. The spots vary in length from 200 feet to 2,820 feet.

The spot repairs at the railroad crossing are to be coordinated with Union Pacific Railroad (UPRR). An agreement will need to be entered into with UPRR to work in their right of way. Closure of Kohlers Crossing at the railroad crossing will be required as repairs are completed next to the tracks.

The contractor bids varied in cost from \$994,553.05 to \$1,530,271.25. The scope of work includes the placement of signage to meet latest railroad crossing specifications, pavement markings, and placement of hot mix asphalt.

Legal Notes: N/A

Budget Information: Funding in the amount of \$1,044,280.70 from the Street Rehabilitation Fund is available in the approved budget for Fiscal Year 2022-2023 for the Kohlers Crossing Rehabilitation capital improvement project as follows:

- 1150-68511-572220

ATTACHMENTS:

Description

- Statement of Qualification
- Texas Materials Group, Inc.
- Spot Repair Map

00 44 00 Statement of Qualification

QUALIFICATIONS STATEMENT

THE INFORMATION SUPPLIED IN THIS DOCUMENT IS CONFIDENTIAL TO THE EXTENT PERMITTED BY LAWS AND REGULATIONS

1. SUBMITTED BY:

Official Name of Firm:

Texas Materials Group, Inc.

Address:

5723 University Heights Blvd, Suite 115
San Antonio, TX 78249

2. SUBMITTED TO:

City of Kyle

3. SUBMITTED FOR:

Kohlers Crossing Pavement Spot Repairs

Owner:

City of Kyle

Project Name:

Kohlers Crossing
Pavement Spot Repair Improvements

TYPE OF WORK:

Pavement spot Repairs Including
Mill, Inlay and Striping

4. CONTRACTOR'S CONTACT INFORMATION

Contact Person:

Keith Pierson

Title:

Estimating Manager

Phone:

(713) 410-3362

Email:

kpierson@texasmaterials.com

Texas Taxpayer I.D. No.:

58-1401466

5. **AFFILIATED COMPANIES:**

Name:

Address:

6. **TYPE OF ORGANIZATION:**

SOLE PROPRIETORSHIP

Name of Owner:

Doing Business As:

Date of Organization:

PARTNERSHIP

Date of Organization:

Type of Partnership:

CORPORATION

State of Organization:

Delaware

Date of Organization:

October 1, 1980

LIMITED LIABILITY COMPANY

State of Organization:

Date of Organization:

JOINT VENTURE

State of Organization:

Date of Organization:

Form of Organization:

7. **CERTIFICATIONS**

CERTIFIED BY:

Disadvantage Business Enterprise: N/A

Minority Business Enterprise: N/A

Woman Owned Enterprise: N/A

Small Business Enterprise: N/A

Other (_____): _____

8. **BONDING INFORMATION**

Bonding Company: Liberty Mutual Insurance Co.

Address: 175 Berkeley St.
Boston, MA 02116

Bonding Agent: Marsh USA, Inc.

Address: 2929 Allen Parkway, suite 2500
Houston, TX 77019

Contact Name: Stephanie Gross

Phone: (832) 294 - 4640

Bonding Capacity: \$ 250,000,000

9. **CONSTRUCTION EXPERIENCE:**

Current Experience:

List on **Schedule A** all uncompleted projects currently under contract (If Joint Venture list each participant's projects separately).

Previous Experience:

List on **Schedule B** all projects completed within the last 5 Years (If Joint Venture list each participant's projects separately).

I HEREBY CERTIFY THAT THE INFORMATION SUBMITTED HEREWITH, INCLUDING ANY ATTACHMENTS, IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NAME OF ORGANIZATION: Texas Materials

BY: Keith Pierson

TITLE: Authorized Employee

DATED: 4/17/2023

REQUIRED ATTACHMENTS

1. Schedule A (Current Experience).
2. Schedule B (Previous Experience).

CURRENT EXPERIENCE
SCHEDULE A

SEE Attached

Project Name	Owner's Contact Person	Design Engineer	Contract Date	Type of Work	Status	Cost of Work
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				

PREVIOUS EXPERIENCE (Include ALL Projects Completed within last 5 years)

SEE ATTACHED

SCHEDULE B

Project Name	Owner's Contact Person	Design Engineer	Contract Date	Type of Work	Status	Cost of Work
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				
	Name: Address: Telephone:	Name: Company: Telephone:				



5723 University Heights Blvd, Suite 115
San Antonio, TX 78249
Phone: 210-654-5576
Fax: 210-654-6165

Schedule A

Ongoing / Complete Job Listing

In Progress (As of 01/01/23)

Project Name: SL 1604 I-10 to 281
Owner: TXDOT
GC: Zachry/Austin Bridge
Contract Amount:
\$31,405,254.25
Location: San Antonio Bexar County

Project I-10 (SL1604-Graytown Rd)
Owner: TXDOT
GC: Jordan Foster
Contract Amount:
\$10,838,863.70
Location: San Antonio Bexar County

Project Bexar FM 471
Owner: TXDOT
GC: Harper Brothers
CSJ# 0849-01-055
Contract Amount:
\$7,342,437.00
Location: FM 471

Project: South Presa Reconstruct
Owner: City of San Antonio
GC: Ez Bel
Contract Amount:
\$3,127,255.00
Location: S. Presa St

Schedule B

Complete (As of 12/31/22)

Project Name: SL 1604 South
Owner: TXDOT
GC: Harper Const
Contract Amount:
\$13,524,658.00
Location: San Antonio Bexar County

Project: I-10 West 410 to SL1604
Owner: TXDOT
GC: Webber Const
Contract Amount:
\$7,635,357.00
Location: San Antonio Bexar County

Project: Blanco Rd Ph 2
Owner: Bexar County
GC: Harper Brothers
Contract Amount:
\$6,686,609.25
Location: Blanco Rd

Project: SH 211
Owner: Bexar County
GC: Capital Excavation
Contract Amount:
\$4,116,120.80
Location: SH 211

*** We have many ongoing and completed jobs. There are too many to provide a complete list of them.



MEMORANDUM

TO: Leon Barba, P.E.
City Engineer

FROM: Jo Ann Garcia, P.E.
Engineering

DATE : April 25, 2023

SUBJECT: Kohlers Crossing Mill & Inlay Spot Repair Project -
Texas Materials Group, Inc. Award & References

Two Bids were opened for the Kohlers Crossing Spot Repair Project on April 17, 2023, Solicitation K 22-23.5. The bid information is shown below.

Contractor	Signed Proposal Form	Bid Security	Base Bid (\$) (Submitted)	Base Bid (\$) (Corrected)
Lonestar Paving	Yes	Yes	1,530,271.25	1,530,271.25
Texas Materials Group, Inc.	Yes	Yes	994,553.05	994,553.05

After review of the bidders qualifications, prices, bid documentation package, and references information the contract should be awarded to the lowest and most responsible bidder, Texas Materials Group, Inc.

The following entities referenced in the contractors' documentation were contacted as part of the process, the City of San Antonio, Bexar County, and the Texas Department of Transportation, TxDOT North Bexar Area Office in San Antonio.

Ms. Katie Auto from the City of San Antonio advised they did have some testing that did not meet density requirements, however the issues were addressed by either the contractor re-working the areas and or by their office utilizing the penalty deduction per TxDOT specification on the contractor payment. A second item was the wrong mix type was delivered to the project, but where the communication lapsed on this delivery and phase of work was not definitive.

Mr. Jim Brannon from Bexar County advised Texas Materials Group, Inc. had performed well on their 7.5 mile in length project. He advised the contractor did receive a 'bonus' for the ride quality placement per TxDOT specification. He seemed pleased with the workmanship.

TxDOT inspector Garcia stated they had not had issues with the hot mix placement thus far on their projects. Meeting specifications and passing densities.

Respectfully,

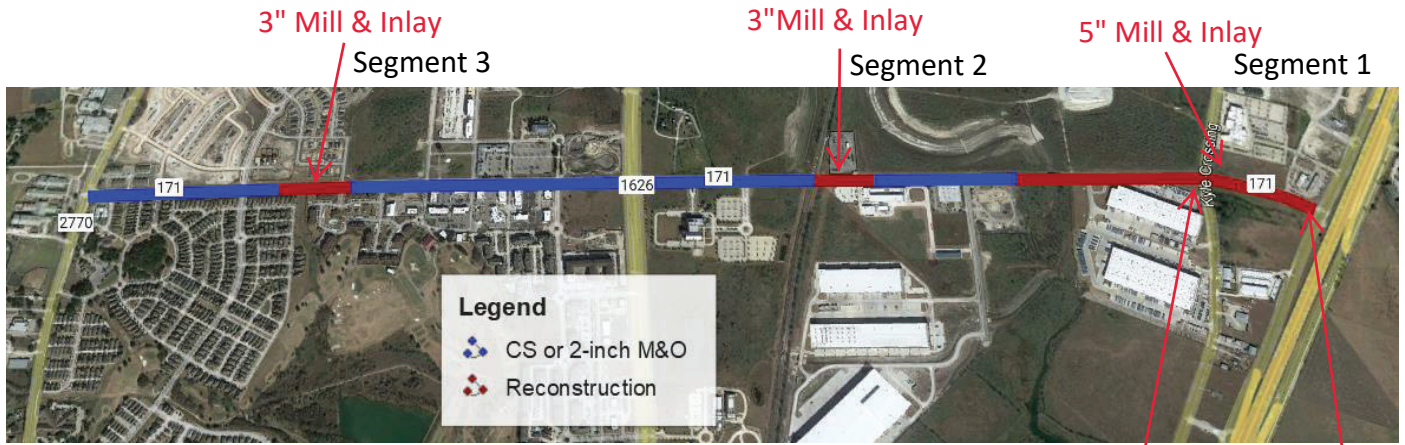


Figure 43. Repair Recommendations for EB Direction



Figure 44. Repair Recommendations for WB Direction

2" Mill & Inlay Blue areas
 and or crack seal to hold over

Sanders possible Signal
 Benner and Cromwell

RR Project Overlap
 No letting date

Interim Signal versus perm.
 signal possible overlap
 Interim construction
 June - August 2022.
 Permanent uncertain. Rpt
 recommended City acquire ROW
 in 2023.

Original Pavement - 8" treated Subgrade
 - 7" Base
 - 6" HMA

20 Yr Pavement - 8" treated subgrade
 - 12" Base
 - 6" HMA

IH 35 Kohler's to Seton possible
 overlap of work. Estimated
 Construction 2026 timeframe
 by 2024 project work improvement
 should be defined.



CITY OF KYLE, TEXAS

Community Policing Commission

Meeting Date: 5/2/2023
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* An Ordinance of the City of Kyle, Texas, Establishing the Community Policing Commission Pursuant to Section 7.06(B) of the City Charter; Providing for Qualifications and Duties of the Commission; and Providing for Related Matters. ~
Paige Saenz, City Attorney

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- ☐ DRAFT Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ESTABLISHING THE COMMUNITY POLICING COMMISSION PURSUANT TO SECTION 7.06(B) OF THE CITY CHARTER; PROVIDING FOR QUALIFICATIONS AND DUTIES OF THE COMMISSION; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, in November 2020, the voters approved Proposition F which adopted Section 7.06(b) of the City Charter to provide for the City of Kyle City Council to establish a committee to collaborate with the Police Department “to have oversight over the development of standard operating policies and strategies, providing timely data sharing, and deploying resources that aim to: (1) protect all citizens, businesses, and property within the City; (2) promote transparency within the police department to the community, to also include data sharing communication in the forms of: in person briefings, news publications, and social media on a quarterly basis; and (3) reduce crime by increasing positive community engagement and promoting cooperation with all citizens through training, education, and community policing models”; and

WHEREAS, the City Council adopts this Ordinance for the purpose of implementing Section 7.06(b) of the City Charter;

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

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated as findings of fact.

Section 2. Community Policing Commission Established. Chapter 2, Article III of the City of Kyle Code of Ordinances is hereby amended to add Division 5, entitled Community Policing Commission, to read as follows:

DIVISION 5. - COMMUNITY POLICING COMMISSION

Sec. 2-125. – Establishment of Community Policing Commission and Purpose.

The Community Policing Commission (the “Commission”) is hereby established pursuant to Section 7.06(b) of the City Charter for the purpose of collaborating with the Police Department to have oversight over the development of standard operating policies and strategies, providing timely data sharing, and deploying resources that aim to: (1) protect all citizens, businesses, and property within the City; (2) promote transparency within the police department to the community, to also include data sharing communication in the forms of: in person briefings, news publications, and social media on a quarterly basis; and (3) reduce crime by increasing positive community engagement and promoting cooperation with all citizens through training, education, and community policing models.

It is intended that the Commission be an independent, data-driven body that performs its duties and makes recommendations free from pro- or anti-law enforcement bias based on local data, so that recommendations and any action that results from the Commission's recommendations are meaningful and effective for the citizens and fulfill the purpose of the City Charter.

Sec. 2-126. – Applicability of Regulations Governing Boards Generally.

With the exception of Section 2-50 and except as otherwise provided in this Division, Article III, Division 1, Subdivision 1 which governs City boards generally shall apply to the Commission. In the event of a conflict between this Division and Article III, Division 1, Subdivision 1, this Division shall apply.

Sec. 2-127. – Membership and Qualifications.

(a) The Commission shall consist of [*five (5)/seven (7) members*].

(b) Individual shall meet the following qualifications as of the day prior to the date of appointment and must maintain such qualifications during the individual's term.

Individuals must:

(1) Meet the qualifications set forth in Section 2-45, except that members must be residents of the City;

(2) Be a registered voter of the City;

(3) Not be a City employee, a member of the City Council, or a member of any other City board, commission or committee;

(4) Not have been a member of or employed by an entity or organization affiliated with law enforcement, including but not limited to organizations that advocate pro- or anti-law enforcement missions or messages, during the five years preceding the date of application;

(5) Not be related to any member of the Police Department within the ___ degree of affinity or consanguinity, or have an immediate family member related to the Kyle Police Department within the ___ degree of affinity or consanguinity. An "immediate family member" means a person related within the first degree of affinity or consanguinity to the individual applying to the Commission;

(6) Not have a demonstrated bias against law enforcement; and

(7) Be eligible to participate in the Police Department's ride-along program.

(8) Sign an oath that the individual will comply with Section 7.06(b) of the City Charter.

Sec. 2-128. Selection Process.

Applications shall include the paperwork required to confirm the individual's eligibility to participate in the Police Department's ride-along program. The City Manager, Assistant City Manager, and one Council member appointed by the City Council shall interview qualified individuals for the Commission and recommend individuals for appointment.

Sec. 2-129. Orientation.

Members of the Commission shall attend an orientation that educates the members regarding the history, structure, and functions of the Police Department provided by the City within thirty (30) days of appointment. The orientation shall include one ride-along with a police officer pursuant to the Police Department's ride-along program.

Sec. 2-130. Duties.

- (a) The Commission's primary duty shall be to collaborate and work with the Police Department to annually prepare and present to the City Council a report within the scope approved by Council pursuant to Section 2-132(b) that reviews and provides data regarding police department standard operating policies and strategies, data sharing and communication, and the effectiveness of resources allocated to the police department, crime statistics within the City, and community engagement and education efforts.
- (b) The Commission shall also:
 - (1) Review the timeliness and effectiveness of messaging and communications issued by the Police Department.
 - (2) Report to the City Council quarterly regarding the progress of and results of data collected and reviewed pursuant to the annual report, review of Police Department messaging and communication, and the Commission's quarterly meetings.
 - (3) Make recommendations, to be included in the annual report, regarding the enactment or amendment of police department standard operating procedures and resource distribution.

Sec. 2-131. – Limitations.

The Commission shall not review incidents of use of force, department personnel investigations, or matters involving negotiation of meet and confer agreements.

Sec. 2-132. – Officers; City Liaisons.

The Commission shall appoint a Chair and Vice-Chair. The City Manager, or Assistant City Manager who supervises the Police Department, and the Police Chief, or Assistant Police Chief, shall as staff liaisons to the Commission and shall attend Commission meetings.

Sec. 2-133. – Meetings and Reporting to Council.

- (a) The Commission shall meet once per quarter.
- (b) The Commission shall report to the City Council once per quarter.
- (c) During the first quarter, the Commission shall prepare a recommendation for the City Council regarding the scope for the annual report and present the proposed scope to the City Council at the Commission's first quarterly Council report. The City Council may approve, modify, or direct the Commission to work further on the scope.
- (a) The Commission shall report on the progress of and results of data collected and reviewed pursuant to the annual report and review of Police Department messaging and communication during each quarterly Council report.
- (b) The Commission shall present the annual report to the City Council at the Commission's fourth quarter Council report. The City Council may accept the report

or refer the report, or parts thereof, back to the Commission for further review and action.

Section 3. Amendment of Ordinances. The Code is hereby amended 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 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 and the City Charter.

Section 5. 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 first reading on this the ___ day of _____, 2023.

PASSED AND FINALLY APPROVED on the second reading on this the ___ day of _____, 2023.

ATTEST:

THE CITY OF KYLE, TEXAS

Jennifer Kirkland, City Secretary

Travis Mitchell, Mayor



CITY OF KYLE, TEXAS

Mental Health Care

Meeting Date: 5/2/2023

Date time:7:00 PM

Subject/Recommendation: Discussion and possible action directing staff to research other city-created mental health programs, including third-party partnerships, for the purpose of creating a service contract to support Kyle residents who are seeking mental health care. ~ *Bear Heiser, Yvonne Flores-Cale, and Daniela Parsley, Council Members*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Pet Chip Scanner

Meeting Date: 5/2/2023

Date time:7:00 PM

Subject/Recommendation: Discussion and possible action regarding the City purchasing and donating a pet chip scanner for the Kyle Fire Department. ~ *Yvonne Flores-Cale, Council Member*

Other Information: <https://youtu.be/d7H06H5eT4M>

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Pet Chip Scanner
- Pet Chip Scanner
- Pet Chip Scanner (cost)

K



The newest, portable universal scanner with the strongest feature-set of any available microchip scanner, making it the perfect fit for animal identification in any environment.

- > Omni Max has an innovative antenna that runs along the full perimeter of the device, greatly increasing the read field for fast and easy scanning. This 360° read field improves the read distance and time – which are critical in making an identification.
- > Omni Max improves the speed and reliability of animal ID for veterinarians, shelters, and animal control officers.

 BENEFITS AT GLANCE



Reading distance

Top of the line reading distance: thanks to its 360° read field, Omni Max has a read distance up to 7.5 inches away.

Microchips compatibility

Universal reading capability: Omni Max can read FDX-B (ISO), FDX-A/Fecava, Trovan, and Avid encrypted microchips.



Premium quality

- Use of high quality materials
- 1 years standard warranty
- Swiss engineered readers
- ISO 9001 and ISO 11784/11785 certified

Connectivity

Connect Omni Max to your computer via USB (or via bluetooth in the "i" version). Using the keyboard wedge allows microchip IDs to be transmitted directly to your computer, tablet or smartphone and any other Windows or Mac compatible application, which eliminates the possibility of transcription errors.

[Microchips Scanners](#) > [DATAMARS OmniMax Microchip Scanner](#)

Datamars

DATAMARS OMNIMAX MICROCHIP SCANNER

★★★★★ 4 Reviews [Write A Review](#)

Now MSRP Was (You save \$70.00)
\$319.95 ~~\$389.95~~ ~~\$389.95~~

Availability: Usually ships same day if ordered before 4:00PM E

Shipping: Calculated at Checkout

1 ▲
▼

ADD TO CART



Item # 26



CITY OF KYLE, TEXAS

TIRZ 4/Quail Ridge

Meeting Date: 5/2/2023

Date time:7:00 PM

Subject/Recommendation: Discussion of the Limestone development agreement (including amendments) located within TIRZ 4, including but not limited to, the city's plan of action for 6 residential lots located in Quail Ridge. ~ *Yvonne Flores-Cale, Council Member and Michael Tobias, Mayor Pro Tem*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Presentation about the International Trails Summit

Meeting Date: 5/2/2023
Date time:7:00 PM

Subject/Recommendation: Presentation about the international trails summit. ~ *Daniela Parsley and Bear Heiser, Council Members*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

City Square Park Restrooms

Meeting Date: 5/2/2023

Date time: 7:00 PM

Subject/Recommendation: Consider and possible action to identify an interim practical solution to install public restrooms at MKP city square park. ~ *Miguel A. Zuniga PhD, Council Member*

Other Information:

Legal Notes:

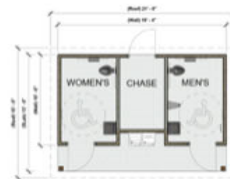
Budget Information:

ATTACHMENTS:

Description

- Modular Restroom Image
- Modular Restroom Image 1
- Modular Restroom Image 2
- Modular Restroom Image 3
- Modular Restroom Image 4
- Rear Left View
- thumbnail_Left Front View
- thumbnail_Rear Right View
- thumbnail_Right Front View

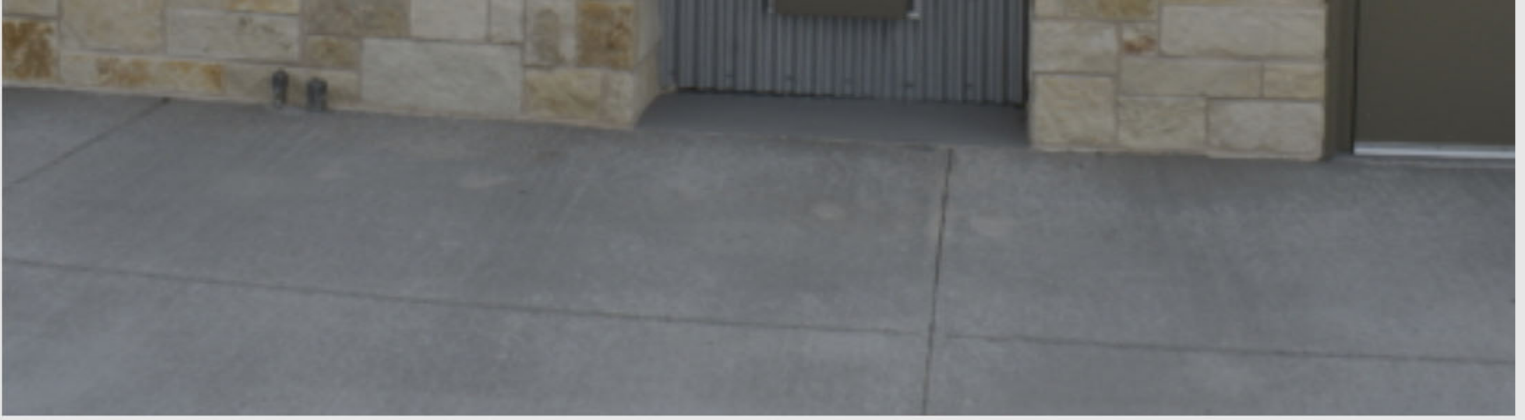
B212CEDF



Request a Quote

Item # 29





Item # 29















CITY OF KYLE, TEXAS

Amend Gas Station Ordinance

Meeting Date: 5/2/2023

Date time:7:00 PM

Subject/Recommendation: Consider and possible action to amend gas station ordinance to prohibit excess fuel stations within lot size and building scales. ~ *Miguel A. Zuniga PhD, Council Member*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- TXB Site Plan
- TXB Approved Elevations
- TXB Pictures

BULK CHART		
ITEM	REQUIRED	PROVIDED
FRONT SETBACK	25 FT	25 FT
SIDE SETBACK	10 FT	15 FT
CORNER LOT SETBACK	15 FT	20 FT
STREET SIDE YARD SETBACK	15 FT	20 FT
REAR SETBACK	15 FT	25 FT
MIN LOT SQUARE FOOTAGE	6,000 SF	4.52 AC
MIN LOT FRONTAGE	50 FT	347 FT
MAX BUILDING HEIGHT	45 FT	40 FT
MAX LOT COVERAGE	80%	80%
MAX FLOOR AREA RATIO	1.8:1	1.8:1
PARKING REQUIREMENTS		
- RETAIL SERVICES DISTRICT (1 SPACE PER 250 SF GFA)	6,400 SF X 1/250 = 26 SPACES	
- OUTDOOR DINING AREA (1 SPACE PER 4 SEAT PROVIDED)	16 SEATS X 1/4 = 4 SPACES	
MIN PARKING SPACES	30 SPACES	41 SPACES
MAX PARKING SPACES	45 SPACES	41 SPACES

ZONING CHART	
EXISTING ZONE	RETAIL SERVICES

PRELIMINARY
FOR INTERIM REVIEW
OR UNDER THE
SUPERVISION OF
JOHN MCINTYRE
P.E. #124991

F-20465

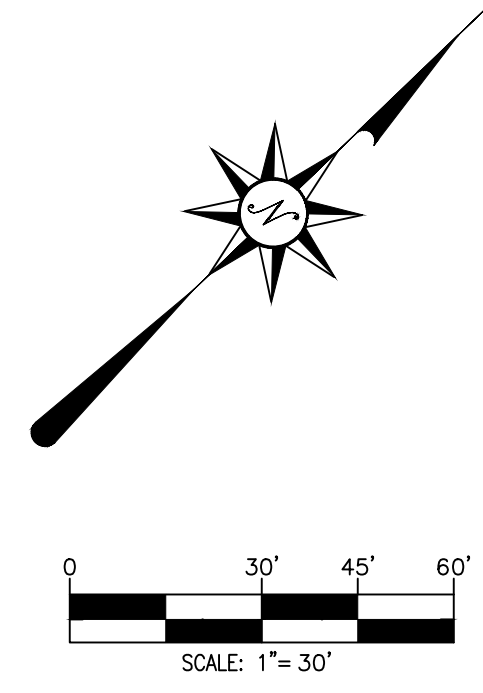
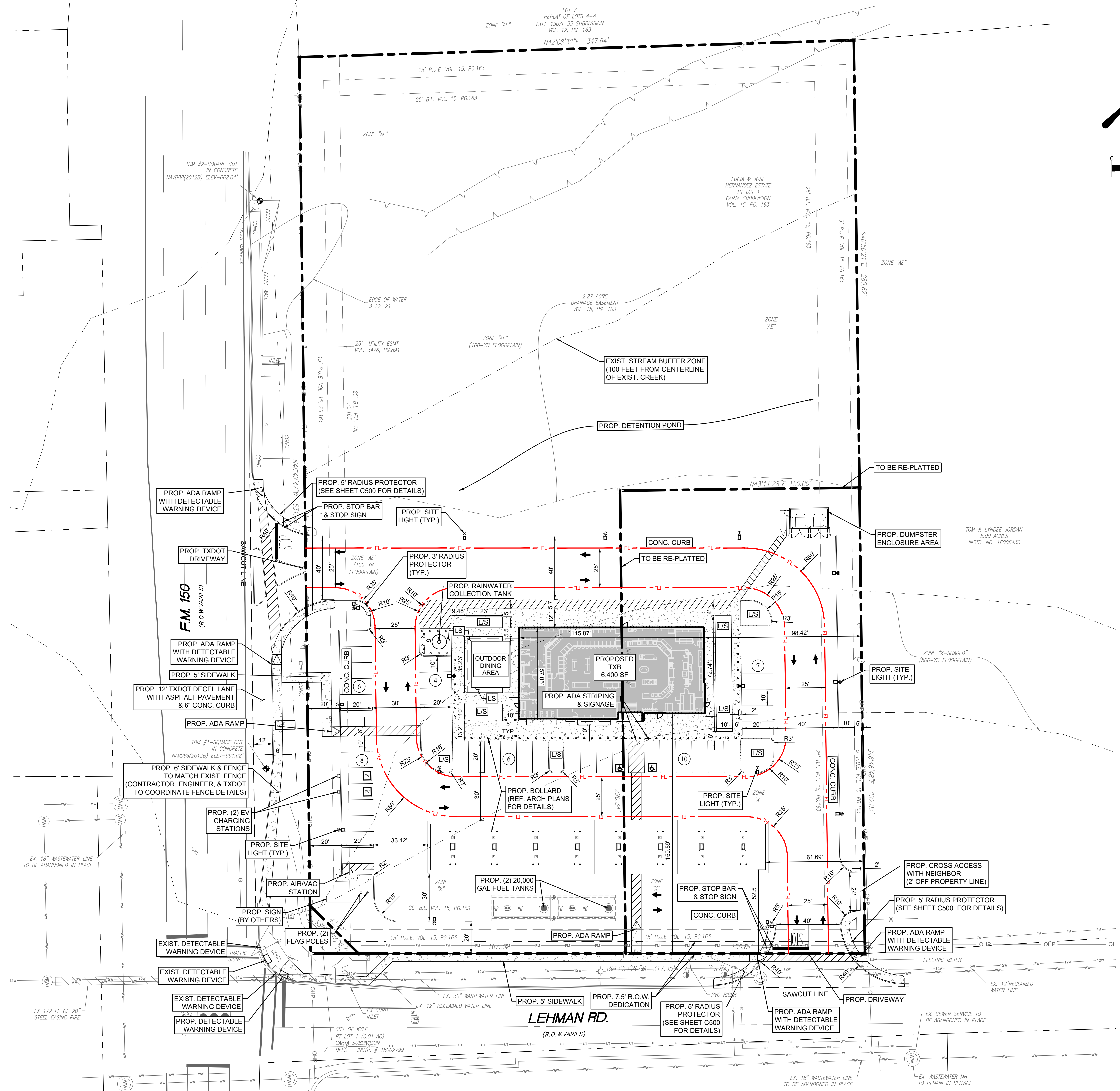
COOL BREEZE CONSULTANTS LLC
13144 W. Loop West, Suite A
Houston, Texas 77040
Phone: 832-349-4018
Email: admin@coolbreezeconsultants.com
www.coolbreezeconsultants.com
TBP# FIRM # F-20465



PROFESSIONAL ENGINEERING SERVICES

TXB
145 LEHMAN ROAD
KYLE, TEXAS 78640
HAYS COUNTY

FILE PATH: C:\100 SITE PLAN.dwg PLOT DATE: 2022-08-11 SAVED BY: MARCO



PROJECT NO:	21-14
DATE:	8/11/22
SCALE:	1" = 30'
DRAWN:	ML
CHECKED:	JFM
APPROVED:	JFM

NO.	DATE	INIT	DESCRIPTION

SHEET TITLE

CONCEPT SITE PLAN

Sheet No.

C100



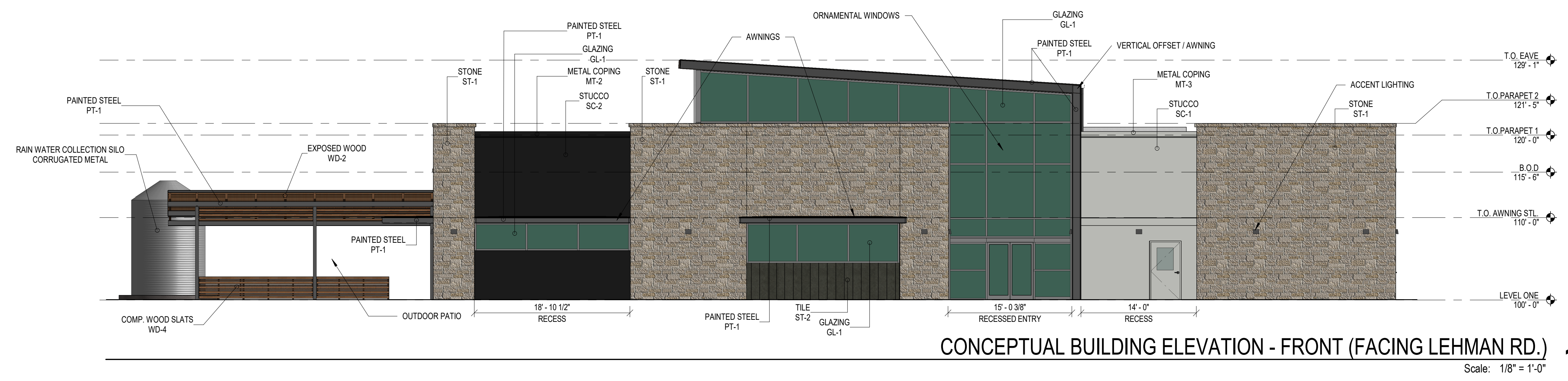
Item # 30

ARCHITECTURAL DESIGN FEATURES

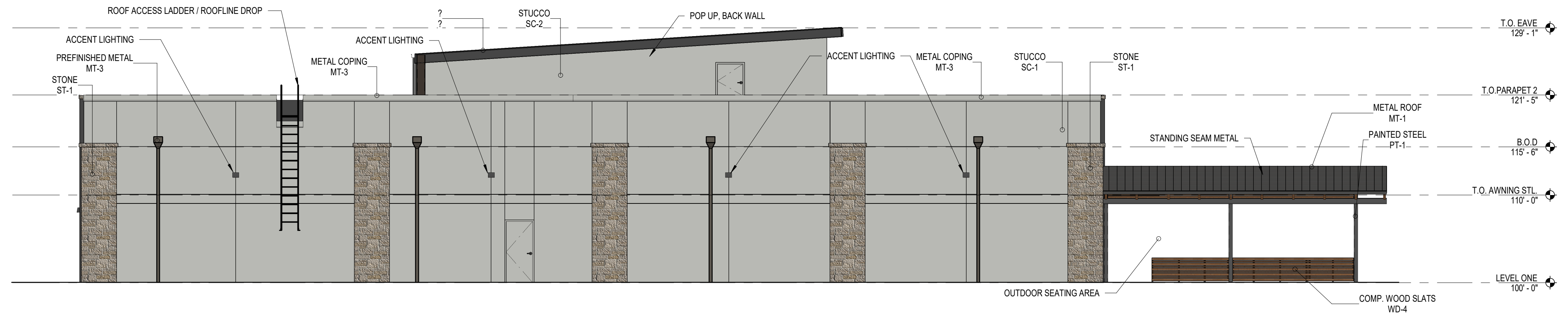
- LEHMAN ROAD ELEVATION (FRONT FACADE):**
REQUIRED ARCHITECTURAL FEATURES: 5
PROVIDED ARCHITECTURAL FEATURES: 10
1. ACCENT LIGHTING
 2. RECESSED WALLS
 3. RECESSED ENTRY
 4. VERTICAL OFFSET
 5. AWNINGS (2)
 6. ORNAMENTAL WINDOWS
 7. DECORATIVE ACCENT LIGHTING
 8. VARIED ROOF HEIGHTS
 9. OUTDOOR PATIO
 10. PREMIUM ROOF MATERIAL (STANDING SEAM METAL)
- REAR ELEVATION:**
REQUIRED ARCHITECTURAL FEATURES: 0
PROVIDED ARCHITECTURAL FEATURES: 4
1. DECORATIVE ACCENT LIGHTING
 2. OUTDOOR PATIO
 3. PREMIUM ROOF MATERIAL (STANDING SEAM METAL)
 4. ROOF LINE CHANGE
 5. ELEVATION OFFSETS (PILASTERS)
- F.M. 150 W. ELEVATION:**
REQUIRED ARCHITECTURAL FEATURES: 0
PROVIDED ARCHITECTURAL FEATURES: 6
1. DECORATIVE LIGHTING
 2. OUTDOOR PATIO
 3. AWNING
 4. ELEVATION OFFSET
 5. PREMIUM ROOF MATERIAL (STANDING SEAM METAL)
 6. RAIN WATER COLLECTION SILO
- INTERIOR LOT LINE SIDE ELEVATION:**
REQUIRED ARCHITECTURAL FEATURES: 3
PROVIDED ARCHITECTURAL FEATURES: 3
1. ELEVATION OFFSETS
 2. DECORATIVE ACCENT LIGHTS
 3. PREMIUM ROOF MATERIAL (STANDING SEAM METAL)
 4. ELEVATION OFFSETS (PILASTERS)

EXTERIOR ELEVATIONS BUILDING MATERIALS PERCENTAGE CALCULATIONS										
		MATERIALS (IN SQUARE FEET)								
ELEVATION	TOTAL AREA (SF)	MASONRY MATERIALS (SF)		TOTAL MASONRY PER ELEVATION (SF)	MASONRY PERCENTAGE PER ELEVATION (%)	NON-MASONRY MATERIALS (SF)		TOTAL NON-MASONRY MATERIALS PER ELEVATION (SF)	WINDOW AND DOOR OPENINGS (SF)	OPENINGS PERCENTAGE PER ELEVATION (%)
		STONE	STUCCO			TILE	STEEL/METAL PANEL			
LEHMAN RD.	2,776	1297	579	1876	68	73	104	177	720	26
REAR	2762	0	2697	2697	97	0	55	55	30	1
SIDE	1354	299	835	1134	84	0	194	194	21	2
F.M. 150 W.	1354	296	868	1164	86	0	80	80	102	8
GRAND TOTAL AREA	8,286	TOTAL MASONRY MATERIALS (SF)		6871	90	TOTAL NON-MASONRY MATERIALS (SF)		506	TOTAL WINDOW OPENINGS (%)	11

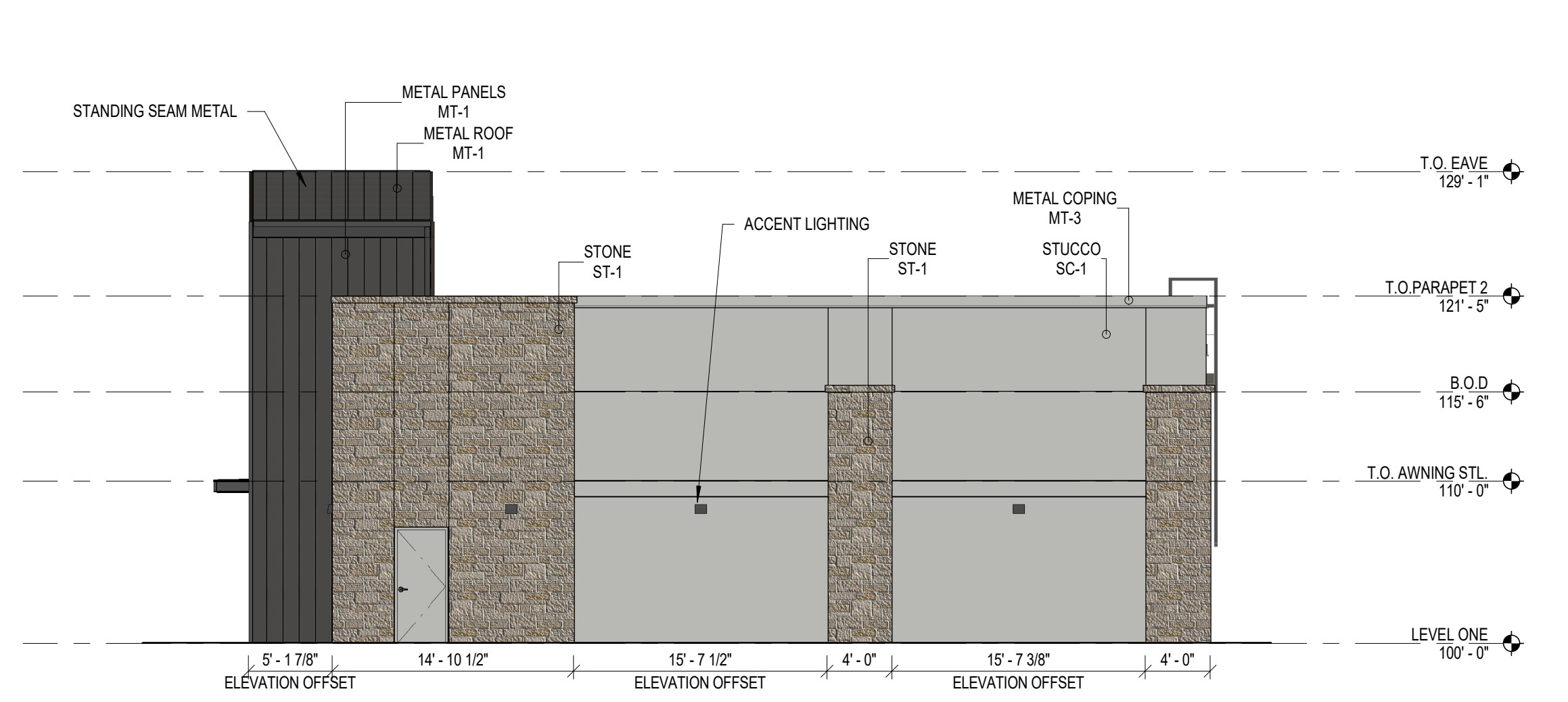
EXTERIOR FINISH SCHEDULE				
TAG	DESCRIPTION	MANUFACTURER	NAME/NUMBER	COLOR/ FINISH
GL-1	GLAZING	VITRO SOLARBAN 90	-	CLEAR
MT-1	METAL PANEL	BERRIDGE	CEE-LOCK 11 1/2", 22 GAUGE	PRE-WEATHERED GALVALUME
MT-2	PRE-FINISHED METAL COPING	BERRIDGE	-	MATTE BLACK
MT-3	PRE-FINISHED METAL COPING	BERRIDGE	-	SHASTA WHITE
MT-4	METAL PANEL	BERRIDGE	L-PANEL SMOOTH PROFILE, 22 GAUGE	PRE-WEATHERED GALVALUME
MT-5	METAL PANEL	ALPOLUC	-	WHITE
MT-6	PRE-FINISHED METAL COPING	ALPOLUC	ALPOLUC M2G	MICA GRAY
MT-7	METAL PANEL	PAC-CLAD	-	ZINC
MT-8	METAL TOP CAP	PAC-CLAD	-	ZINC
PT-1	PAINTED STEEL	SHERWIN WILLIAMS	-	SW 7049 IRON ORE / SATIN FINISH
SC-1	PAINTED STUCCO	SHERWIN WILLIAMS	-	SW 7022 ALPACA / FINE SAND FINISH
SC-2	PAINTED STUCCO	SHERWIN WILLIAMS	-	SW 6528 TRICORN BLACK / FINE SAND FINISH
ST-1	LUEDERS LIMESTONE	-	-	-
ST-2	TILE	EMSER	HANGAR	SMOKE / 23" X 47"
WD-2	EXPOSED CEDAR WOOD	-	STAINED CEDAR BOARDS	CLEAR STAIN
WD-3	TONGUE & GROOVE SOFFIT BOARDS	-	1X6 CLEAR CEDAR WITH BEVELED EDGE	CLEAR STAIN
WD-4	1X6 COMPOSITE DECKING BOARDS	FIBER ON	CONCORDIA / HORIZON	IPE



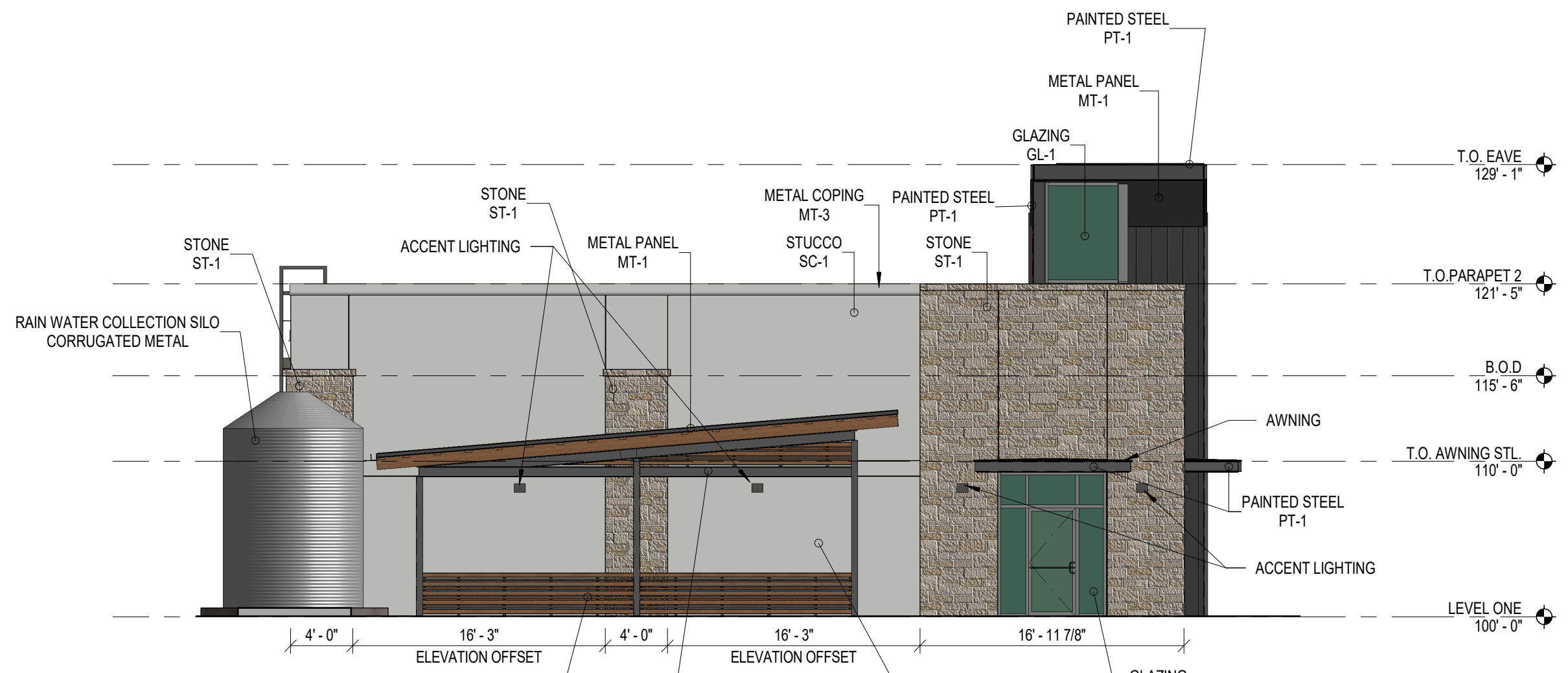
CONCEPTUAL BUILDING ELEVATION - FRONT (FACING LEHMAN RD.)



CONCEPTUAL BUILDING ELEVATION - REAR (NOT FACING ANY PUBLIC R.O.W.)



CONCEPTUAL BUILDING ELEVATION - SIDE (NOT FACING ANY PUBLIC R.O.W.)



CONCEPTUAL BUILDING ELEVATION - SIDE (FACING F.M. 150 W.)

ARCHITECTURE
Webber + Studio, Inc.
512.236.1032
1220 Lavaca Street
Austin, Texas 78701
Fax 512.236.1039
www.webberstudio.com

Issued: Tues, Aug 16, 2022
SITE DEVELOPMENT
CONCEPTUAL ELEVATIONS
Revision No. _____ Date _____

SD100
CONCEPTUAL BUILDING
ELEVATIONS

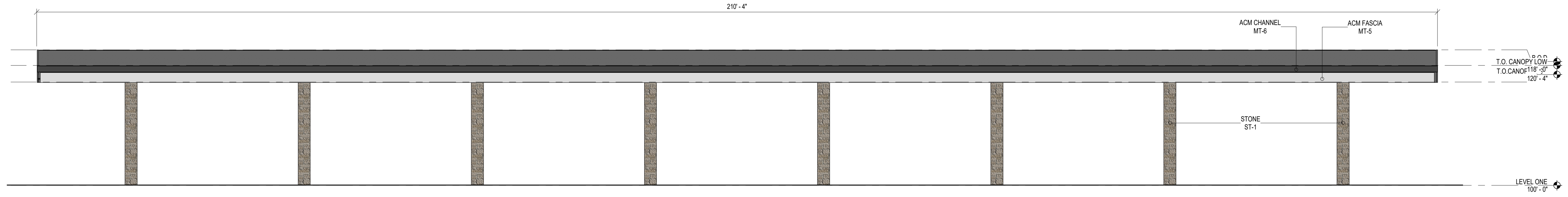
GENERAL ELEVATION NOTES

A. REFER TO SHEET SD100 FOR EXTERIOR FINISH SCHEDULE.

DOCUMENTS ARE SUBMITTED FOR SITE/ZONING REVIEW PURPOSES. NOT FOR CONSTRUCTION.

PRINCIPAL IN CHARGE
MICHAEL S. ANTENORA
TEXAS LICENSE #14917

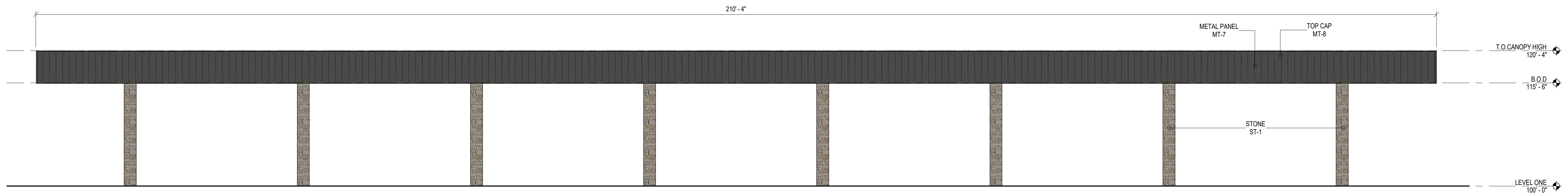
TXB MARKET KYLE
145 LEHMAN ROAD, KYLE, TX 78657



FUEL CANOPY ELEVATION - FACING BUILDING FRONT

Scale: 1/8" = 1'-0"

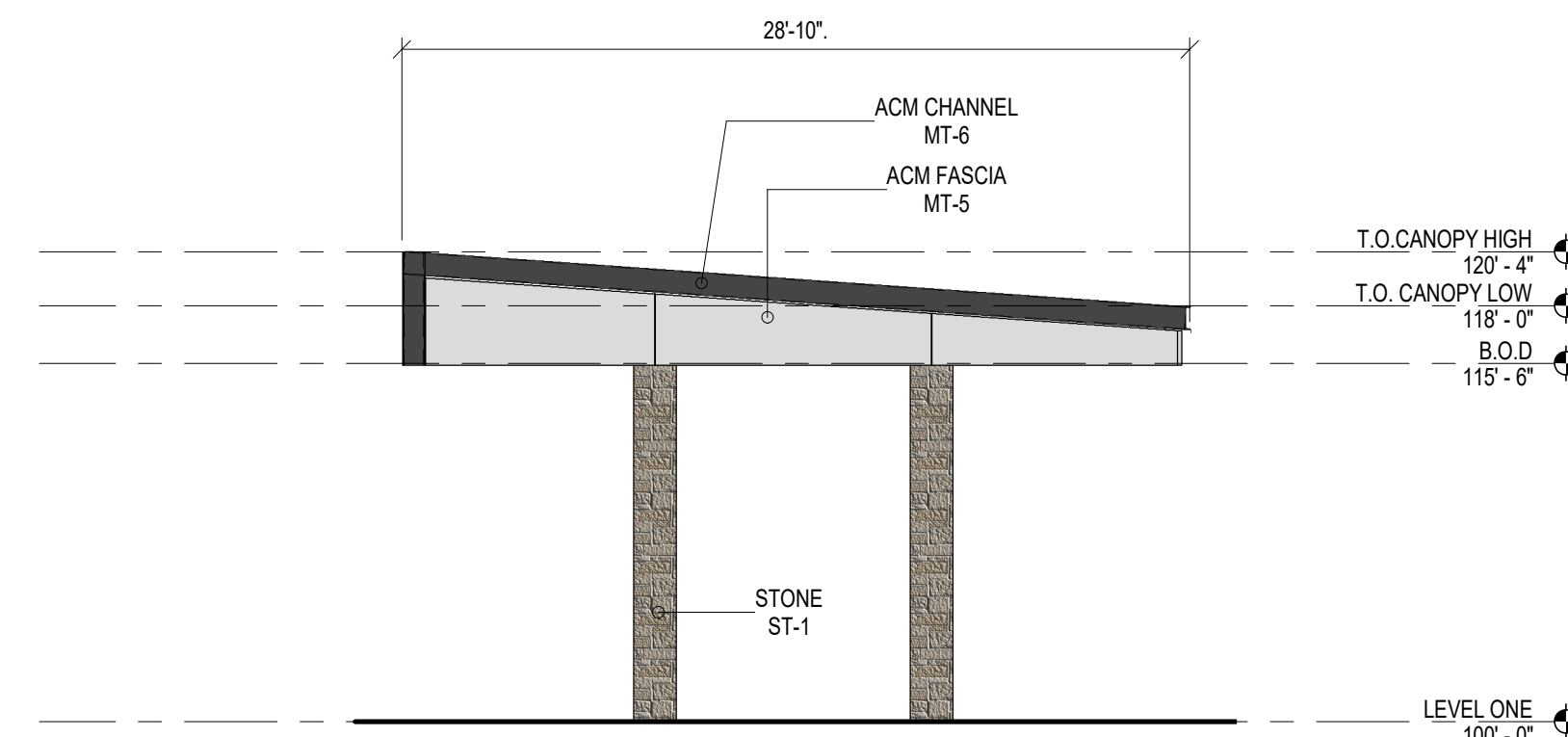
1



FUEL CANOPY ELEVATION - FACING LEHMAN RD.

Scale: 1/8" = 1'-0"

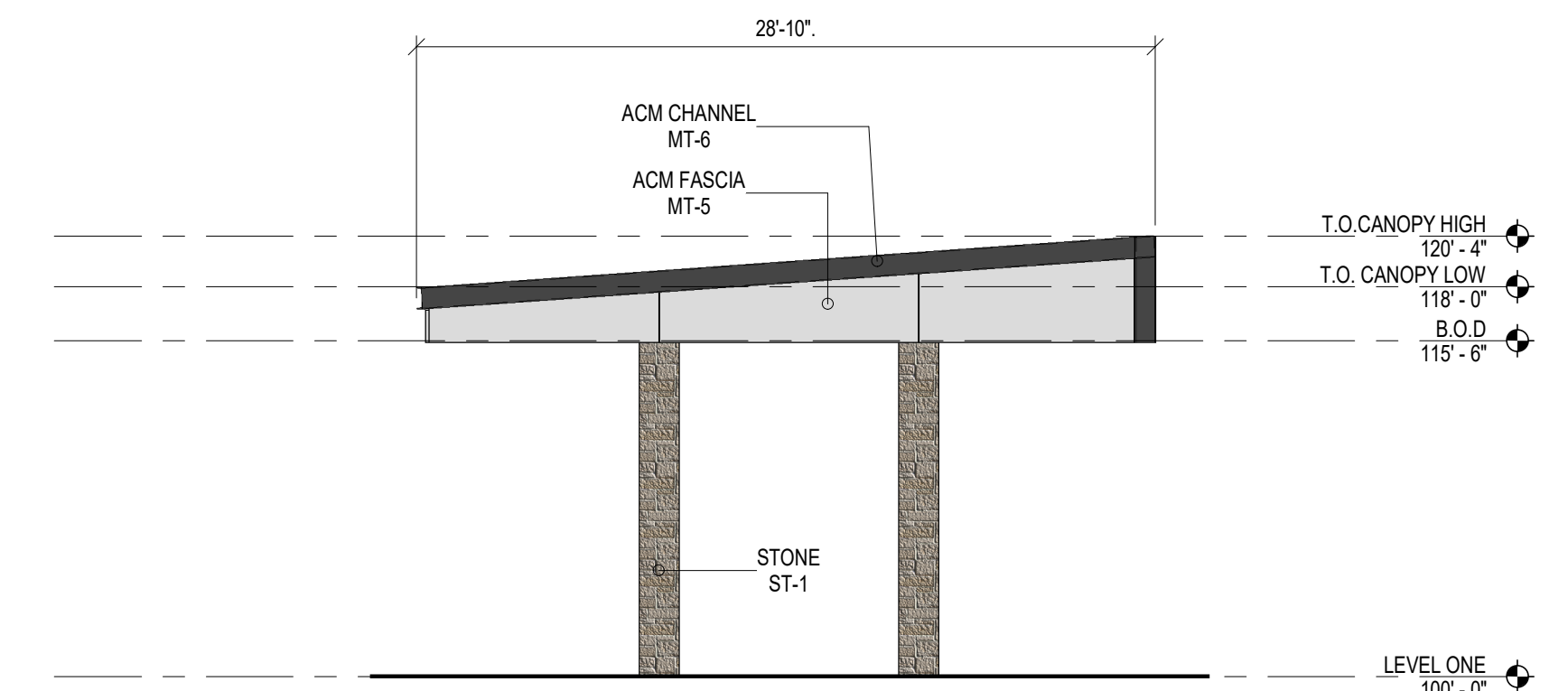
2



FUEL CANOPY ELEVATION - FACING F.M. 150 W.

Scale: 1/8" = 1'-0"

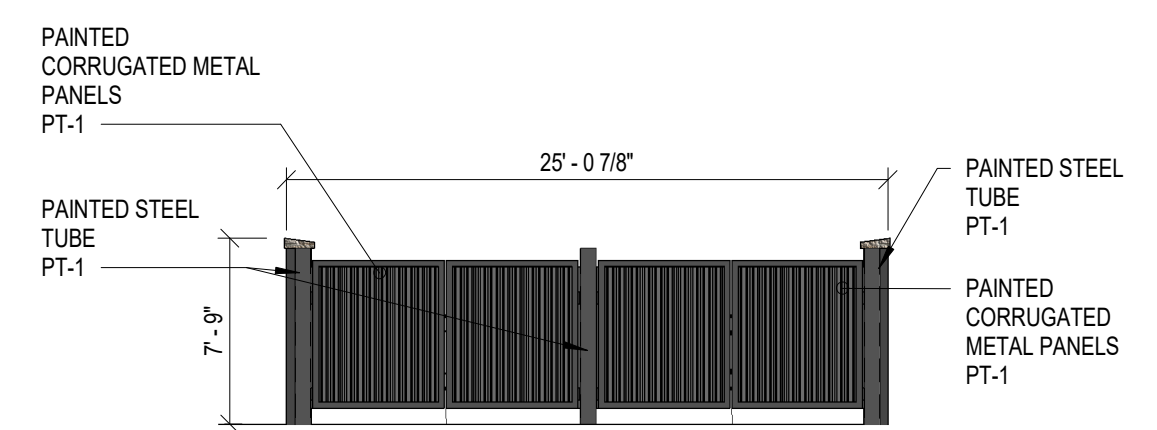
3



FUEL CANOPY ELEVATION - NOT FACING ANY PUBLIC R.O.W.

Scale: 1/8" = 1'-0"

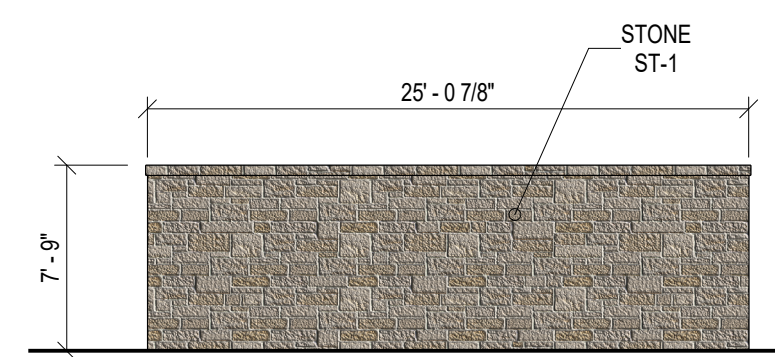
4



TRASH ENCLOSURE - FACING LEHMAN RD.

Scale: 1/8" = 1'-0"

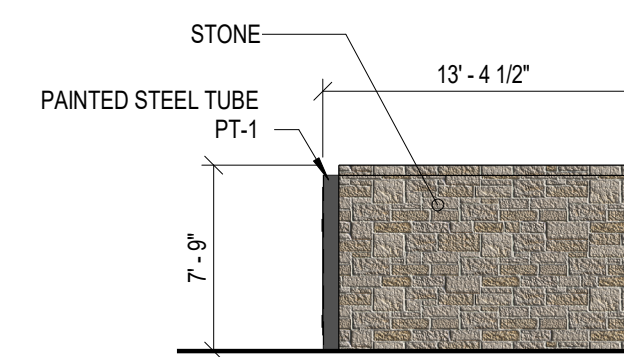
5



TRASH ENCLOSURE - REAR

Scale: 1/8" = 1'-0"

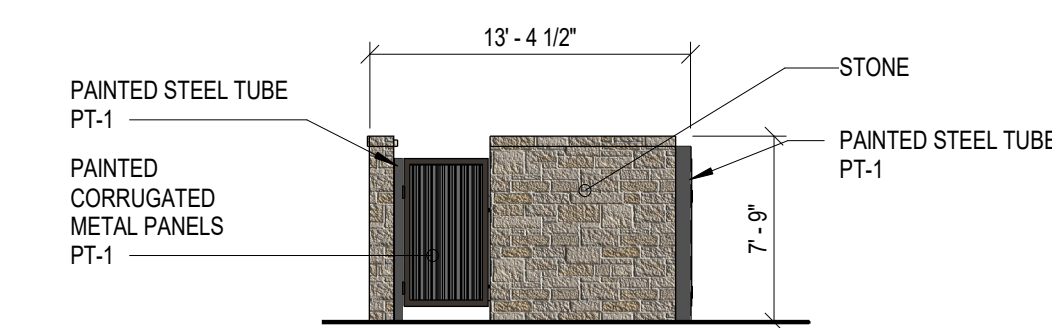
6



TRASH ENCLOSURE - SIDE

Scale: 1/8" = 1'-0"

7



TRASH ENCLOSURE - FACING F.M. 150 W.

Scale: 1/8" = 1'-0"

8

ARCHITECTURE
Webber + Studio, Inc.

512.236.1032

1220 Lavaca Street
Austin, Texas 78701
Fax 512.236.1039
www.webberstudio.com

Issued: Tues, Aug 16, 2022
SITE DEVELOPMENT
CONCEPTUAL ELEVATIONS

Revision No. _____ Date _____

SD101

CONCEPTUAL FUEL CANOPY ELEVATIONS







CITY OF KYLE, TEXAS

Executive Session - Convene

Meeting Date: 5/2/2023

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, settlement agreement, or to seek the advice of the City Attorney and Attorneys concerning legal issues pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct.
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 to deliberate the purchase of real property for public purpose.
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.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Reconvene

Meeting Date: 5/2/2023
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