



CITY OF KYLE

Notice of Regular City Council Meeting

Kyle City Hall, 100 W. Center Street, Kyle, TX 78640;
Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live>

SPECIAL NOTE: Pursuant to the March 16, 2020

proclamation issued by Governor Abbott, this meeting will be held in-person and by videoconference in order to advance the public health goal of limiting face-to-face meetings (also called 'social distancing') to slow the spread of COVID-19. Some City Council members will be present in the chamber while others will attend the meeting via videoconferencing. This meeting can be viewed live online at

<https://www.cityofkyle.com/kyletv/kyle-10-live> OR
Spectrum10.

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on February 2, 2021, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640; Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live>, for the purpose of discussing the following agenda.

Posted this 28th day of January, 2021, prior to 5:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Special Meeting Minutes - January 19, 2021. ~ Jennifer Holm, City Secretary](#)
2. [City Council Meeting Minutes - January 19, 2021. ~ Jennifer Holm, City Secretary](#)

III. Citizen Comment Period with City Council

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

3. Members of the public that wish to provide citizen comment have the following

options:

1. In-Person at Kyle City Hall
2. Virtual Attendance - Submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.

IV. Appointments

4. [Consider nominations and take possible action for reappointment to the Kyle Parks and Recreation Board to fill expired terms. ~ Mariana Espinoza, Director of Parks & Recreation](#)
 - [Seat 2 - Lana Nicholson](#)

V. Presentation

5. [Black History Month Proclamation. ~ Dex Ellison, Council Member](#)
6. [Dating Violence Awareness and Prevention Month. ~ Travis Mitchell, Mayor](#)
7. [Presentation and possible direction regarding renaming of W RM 150. ~ Vanessa Westbrook, Chair of the W RM 150 Naming Committee](#)
8. [Presentation by San Marcos Animal Shelter on the Trap Neuter and Release \(TNR\) program. ~ DerryAnn Krupinsky, Assistant Director of Neighborhood Enhancement-WIC, City of San Marcos](#)
9. [CIP/Road Projects and Consent Agenda Presentation. ~ Travis Mitchell, Mayor](#)

VI. Consent Agenda

10. [\(Second Reading\) An ordinance amending Chapter 53 \(Zoning\) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 5.87 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1400 E. RR 150, in Hays County, Texas. \(1400 E. FM 150, LLC - Z-20-0068\) ~ Howard J. Koontz, Director of Planning and Community Development](#)
[- Planning and Zoning Commission voted 6-0 to recommend approval of the request.](#)
[- City Council voted 7-0 to approve on first reading.](#)
11. [Declaring parks maintenance equipment as surplus and directing city staff to identify the equipment to be placed on the surplus property listing and the equipment to be declared without value to be disposed or recycled. ~ Mariana Espinoza, Director of Parks & Recreation](#)
12. [Consider and approve Assignment and Novation of a contract from EDMONDSON REED & ASSOCIATES, INC., to the City of Kyle for the 104 S. Burluson Street and City Square Park capital improvement projects. ~ Leon Barba, PE, City Engineer](#)

13. Approve a purchase order to FUGRO USA LAND, INC., Austin, Texas, in the amount of \$25,250.00 for providing geotechnical and environmental services for the 104 S. Burleson Street and City Square Park capital improvement projects. ~ Leon Barba, PE, City Engineer
14. Approve and ratify a purchase order to BYRN AND ASSOCIATES SURVEYING, San Marcos, Texas in the amount of \$16,000.00 for providing topographic services for the 104 S. Burleson Street and City Square Park capital improvement projects. ~ Leon Barba, P.E., City Engineer
15. Approve an interlocal agreement between Hays County and the City of Kyle authorizing reimbursement in the amount of \$700,000.00 by the City to Hays County for road construction materials required in the reconstruction of Old Post Road (CR 134) from CR 158 to FM 150. ~ Leon Barba, P.E., City Engineer

VII. Consider and Possible Action

16. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 57-acres of land from Single Family Residential-2 'R-1-2' (42.3-acres) and Retail Service District 'RS' (15-acres) to Planned Unit District 'PUD' (Single Family Attached 'R-1-A', 54-acres) and (Retail Service District 'RS', 3.3-acres) for property located at 1821 W. RR 150, in Hays County, Texas. Kyle Mortgage Investors, LLC (Z-20-0067) ~ Howard J. Koontz, Director of Planning and Community Development
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Planning and Zoning Commission voted 4-2 to recommend approval of the request.
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City Council voted 7-0 to approve on first reading.
17. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 1.4 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 101 Sunflower Circle, in Hays County, Texas. (Jimmy and Diana Owen - Z-20-0066) ~ Howard J. Koontz, Director of Planning and Community Development
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Planning and Zoning Commission voted 6-0 to recommend approval of the request.
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City Council voted 6-1 to approve on first reading.
18. [POSTPONED 1/19/2021] (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, to rezone approximately 19.5 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located at 5492 Kyle Center Drive, in Hays County, Texas. (DDR DB Kyle LP - Z-20-0069) ~ Howard J. Koontz, Director of Planning and Community Development
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Planning and Zoning Commission voted 5-1 to deny the request.
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- [Public Hearing](#)
19. [Discussion and Update of activity related to the Texas Downtown Association plan for Kyle. ~ Michael Tobias and Dex Ellison, Council Members](#)
 20. [\(First Reading\) An Ordinance of the City of Kyle, Texas, Amending the City of Kyle, TX Code of Ordinances Appendix A - Fee Schedule, to Reflect an Increase in Building Inspection Fees to Cover Costs Associated with Third Party Inspections. ~ James R. Earp, Assistant City Manager](#)
 21. [Consider a Request to Remove the Required Public Utility Easement for the Plum Creek Uptown Central Park \(SUB-20-0164\). ~ Howard J. Koontz, Director of Planning and Community Development](#)
 22. [Presentation on a proposed Ordinance of the City of Kyle, Texas Regulating Sex Offender Residency within the City and Establishing Child Safety Zones. ~ Jeff Barnett, Chief of Police](#)

VIII. City Manager's Report

23. [Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ J. Scott Sellers, City Manager](#)
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 - [Mass Food Distribution events](#)
 - [Black History Month programming](#)
 - [President's Day holiday](#)
 - [COVID Testing and Vaccine information](#)
 - [Timeline & key dates for City's Fiscal Year 2021-2022 budget development and adoption](#)

IX. Executive Session

24. [Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session\(s\) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.](#)
 1. [Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.](#)
 - o [Bird Scooters](#)
 - o [City Lights and Kyle Marketplace Subdivision/Development](#)
 - o [Chapter 43 Non-Annexation agreement on property located at the intersection of Bunton Lane and Goforth Road](#)
 - o [Planned Unit Development Zoning](#)
 - o [Cause Number 19-1492; 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas](#)
 2. [Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.](#)
 3. [Personnel matters pursuant to Section 551.074.](#)

4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
 - o SUFC
 5. Deliberation Regarding Security Devices or Security Audits pursuant to Section 551.089.
 - o Deployment of security devices and critical infrastructure related to billing program
25. Take action on items discussed in Executive Session.

X. Adjourn

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

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