



# 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 May 4, 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 30th day of April, 2021, prior to 6:00 p.m.

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

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

1. [City Council Workshop Meeting Minutes - April 17, 2021. ~ Jennifer Holm, City Secretary](#)
2. [City Council Workshop Meeting Minutes - April 18, 2021. ~ Jennifer Holm, City Secretary](#)
3. [City Council Special Meeting Minutes - April 20, 2021. ~ Jennifer Holm, City Secretary](#)
4. [City Council Meeting Minutes - April 20, 2021. ~ Jennifer Holm, City Secretary](#)

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

5. [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](#)
  - [Upcoming Budget Worksessions](#)

- [COVID testing and vaccination info](#)
- [Parks events and programming](#)
- [New Library hours](#)
- [Utility Billing System Upgrade](#)
- [9pm Routine Campaign](#)
- [Kyle Mass Food Distribution Event](#)

#### **IV. Recognition**

6. [Recognition of Star Wars Day. ~ Scott Solo, Millennium Falcon Manager; Mayor Boba Fett Mitchell; Emperor Palpatine Koch, Mayor Pro-Sith Lord; Yoda Ellison; Princess Leia Flores-Cale; Darth Rizo Vader; Ashley Rey Bradshaw; and K250 Tobias](#)

#### **V. Recess**

#### **VI. Presentation**

7. [Air Quality Awareness week, May 3-7. ~ Robert Rizo, Council Member](#)
8. [Asian Pacific American Heritage Month Proclamation. ~ Dex Ellison, Council Member](#)
9. [National Economic Development Week Proclamation and Celebrating the 15-Year anniversary of the creation and impact of the Economic Development Department. ~ Travis Mitchell, Mayor](#)
10. [CIP/Road Projects and Consent Agenda Presentation. ~ Travis Mitchell, Mayor](#)

#### **VII. 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.

#### **VIII. Consent Agenda**

11. [Amend the Joint Use Agreement for HCISD Parking Facilities. ~ J. Scott Sellers, City Manager](#)
12. [Approve a Resolution of the City Council of the City of Kyle, Texas, Authorizing the Acceptance of a Two Year Grant in the Amount of \\$90,000 from the Office of the Attorney General, Victim Coordinator and Liaison Grant for the Purpose of Funding the Kyle Police Department's Victim Advocate I Full-Time Position for Fiscal Years 2022 - 2023; Agreeing and Assuring that in the Event of Loss or Misuse of Said Grant Funds, the City Will Return the Total Amount of Funds to the Office of the Attorney General; Authorizing the City Manager to Apply for, Accept, Reject, Alter or Terminate the Grant on Behalf of the City Council; Finding and Determining that the Meeting at which this Resolution is Passed is](#)

Open to the Public as Required by Law; Providing for an Effective Date; and Making Such Other Findings and Provisions Related Hereto. ~ Jeff Barnett, Chief of Police

13. Authorize renewal of the lease contract with COWBOY HARLEY-DAVIDSON OF AUSTIN, TEXAS, for a total of three (3) FLHP Police Electra Glide Harley-Davidson motorcycles and to extend the lease period to expire September 30, 2021, at the lease rate of \$390.00 per month for each motorcycle for a total amount not to exceed \$14,040.00 for lease payments to be made during Fiscal Year 2020-2021. ~ Jeff Barnett, Chief of Police
14. (Second Reading) An Ordinance of the City of Kyle, Texas Regulating Sex Offender Residency within the City and Establishing Child Safety Zones; Amending Chapter 23 of the Code of Ordinances Entitled "Miscellaneous Offenses" by adding Article XI to be Entitled "Child Safety Zones;" Making it Unlawful for Certain Sex Offenders to Reside within 1000 feet of Premises where Children Commonly Gather; Providing Exceptions to the Ordinance; Prohibiting Property Owners from Renting Real Property to Certain Sex Offenders; Providing Penalties for Violations of the Ordinance; Repealing Ordinances or Parts of Ordinances in Conflict Therewith; Providing a Severability Clause, Findings of Fact and Providing for Open Meetings. ~ Jeff Barnett, Chief of Police  
City Council voted 6-1 to approve on first reading.
15. Authorize award and execution of a Purchase Order to DOGETT FREIGHTLINER of SOUTH TEXAS in an amount not to exceed \$197,100.00 for the purchase of one (1) Rosco Maximizer 3B Liquid Asphalt Distributor through the Buy Board Purchasing Cooperative for the Public Works Department. ~ Harper Wilder, Director of Public Works
16. Authorize award and execution of a Purchase Order to CLOSNER EQUIPMENT COMPANY, INC., in an amount not to exceed \$292,100.00 for the purchase of one (1) Rosco 8' to 16' Variable Width Chip Spreader through the Buy Board Purchasing Cooperative for the Public Works Department. ~ Harper Wilder, Director of Public Works
17. Authorize award and execution of a Purchase Order to NUECES POWER EQUIPMENT in an amount not to exceed \$81,345.74 for the purchase of one (1) Hamm HD 14 VO DD Roller through the Buy Board Purchasing Cooperative for the Public Works Department. ~ Harper Wilder, Director of Public Works
18. Authorize award and execution of a Purchase Order to NUECES POWER EQUIPMENT in an amount not to exceed \$138,052.36 for the purchase of one (1) Hamm HP 180-15 Pneumatic Roller through the Buy Board Purchasing Cooperative for the Public Works Department. ~ Harper Wilder, Director of Public Works
19. Authorize award and execution of a contract with HALFF ASSOCIATES, INC., Austin, Texas in an amount not to exceed \$20,000.00 for a flood study of the Bunton Branch. ~ Leon Barba, P.E., City Engineer

20.

Approve Regional Detention & Soccer Field Grading Improvements (SD-21-0097) for Approximately 92.43-Acres, Adjacent to and West of the Union Pacific Railroad and Approximately 2,500 Feet North of Kohler's Crossing. ~ Howard J. Koontz, Director of Planning and Community Development

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

## **IX. Consider and Possible Action**

21. (First Reading) An ordinance of the City of Kyle, Texas, adopting an amendment to the City's 2010 Comprehensive Plan; Providing for the amendment of the plan by including Manufactured Home Subdivision District 'M-2' and Manufactured Home Park 'M-3' to the New Town Community Land Use District; Providing for Related Matters. (Hadsell Estate - Z-21-0075) ~ Howard J. Koontz, Director of Planning and Community Development

Planning and Zoning Commission voted 6-0 to approve.

- Public Hearing

22. (First Reading) An ordinance of the City of Kyle, Texas, adopting an amendment to the City's 2010 Comprehensive Plan by amending a portion of the Farm District to the Regional Node and to the New Settlement Land Use District; Providing for Related Matters. (FM 812, LLC - JD's Market - Z-21-0076)~ Howard J. Koontz, Director of Planning and Community Development

Planning and Zoning Commission voted 6-0 to approve.

- Public Hearing

23. (First Reading) An ordinance of the City of Kyle, Texas, annexing 25.2 acres of land, more or less, located in Hays County, including the abutting streets, roadways, and rights-of-way into the corporate limits of the City, at the request of the property owner; approving a service plan for the annexed area; making finding of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. (Peggy Lehman Jansen and CTX Park - ANNX-21-0008) ~ Howard J. Koontz, Director of Planning and Community Development

- Public Hearing

24. Consider possible action to amend the Transportation Master Plan ~ Leon Barba, P.E., City Engineer

25. Authorize award and execution of a contract with CADENCE MCSHANE CONSTRUCTION COMPANY in an amount not to exceed \$7,950,000.00 for the construction of Heroes Memorial Park. ~ J. Scott Sellers, City Manager

26. Authorize award and execution of a contract with STODDARD CONSTRUCTION MANAGEMENT, INC., in an amount not to exceed \$4,850,000.00 for the construction of Uptown Central Park and Cultural Trails. ~ J. Scott Sellers, City Manager

27. [Acceptance of the the Resolution of the Board of Kyle Tax Increment Reinvestment Zone Number Two, as passed on April 29, 2021, authorizing the City Council of the City of Kyle to issue on its behalf Certificates of Obligation bonds in an amount not to exceed five million dollars \(\\$5,000,000.00\) for the design and construction of three roads in Uptown Plum Creek development and other related matters and direct the City to prepare a reimbursement agreement between the City and TIRZ #2 for the repayment of debt associated with this bond. ~ J. Scott Sellers, City Manager](#)
28. [Consider approving a Resolution directing publication of a Notice of Public Hearing and Intention to Issue Combination Tax and Revenue Certificates of Obligation. ~ Travis Mitchell, Mayor](#)
29. [Consider approving an Amendment Regarding Declaration related to the Conveyance of the Central Park Parcel to the City and Authorize the City Manager to Execute Documents Related to Closing on the Parcel. ~ J. Scott Sellers, City Manager](#)
30. [Request council to assign a task force to review, revise and update boards/commissions policy. ~ Dex Ellison, Council Member](#)
31. [Request council to schedule joint meetings to discuss vision and goals for the year with the P&Z Commission and Parks Board. ~ Dex Ellison, Council Member](#)

## **X. Executive Session**

32. [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 [Sales Tax Matters](#)
  2. [Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.](#)
    - o [Acquisition of property for park purposes](#)
  3. [Personnel matters pursuant to Section 551.074.](#)
  4. [Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.](#)
    - o [Project Pacific Blue](#)
    - o [Project Eburnean](#)
    - o [Project Gold](#)
    - o [Project SUFC](#)
33. [Take action on items discussed in Executive Session.](#)

## **XI. 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."