



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 18, 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 13th day of May, 2021, prior to 7:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Special Meeting Minutes - May 1, 2021. ~ Jennifer Holm, City Secretary](#)
2. [City Council Special Meeting Minutes - May 4, 2021. ~ Jennifer Holm, City Secretary](#)
3. [City Council Meeting Minutes - May 4, 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.

IV. Presentation

4. [Annual Update of the Kyle Area Youth Advisory Council \(KAYAC\) Presentation.](#)
~ Abby Power, Chair of the Kyle Area Youth Advisory Council
5. [Introduction of Gary Stubbins, Building Inspector.](#) *~ Howard J. Koontz, Director of Planning and Community Development*
6. [CIP/Road Projects and Consent Agenda Presentation.](#) *~ Travis Mitchell, Mayor*

V. Consent Agenda

7. [Termination and Release of Two Water Easements for Kyle Mortgage Investors.](#)
~ Leon Barba, P.E., City Engineer
8. [Consider approval of an agreement with RAILPROS FIELD SERVICES, Grapevine, Texas, in an amount not to exceed \\$47,575.00 for providing observation services required by Union Pacific Railroad \(UPRR\) during installation of casing, reclaimed water line, and wastewater line under the UPRR tracks.](#) *~ Leon Barba, P.E., City Engineer*
9. [Consider approval of an agreement with RAILPROS FIELD SERVICES, INC., Grapevine, Texas, in an amount not to exceed \\$42,369.00 for providing flagging services required by Union Pacific Railroad \(UPRR\) during installation of a casing, reclaimed water line, and wastewater line crossing under the UPRR tracks.](#)
~ Leon Barba, P.E., City Engineer
10. [Authorize the Chief of Police to Execute and Accept a Grant Award on behalf of the Kyle Police Department from the Texas Office of the Attorney General in the amount of \\$4,300 for the purpose of acquiring software in support of the partnership with the Internet Crime Against Children \(ICAC\) Task Force Program.](#)
~ Jeff Barnett, Chief of Police
11. [Approval of Change Order No. 1 to N.G. PAINTING, LP 1225 Bandera Hwy #A2, Kerrville, TX 78028, in an additional amount not to exceed \\$50,000 increasing the total contract amount not to exceed \\$392,000 for the purpose of providing additional work for the Well #4 elevated storage tank located on Kohlers Crossing, and the downtown elevated storage tank next to City hall.](#) *~ Leon Barba, P.E., City Engineer*
12. [\(Second Reading\) 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*

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

13. Authorize the City Manager to enter an agreement with Pedernales Electric Cooperative, Inc., P.E.C., to relocate overhead power lines around the premises of Krug Activity Center to adjacent streets, alleys, underground, as necessary for beautification of Downtown Square, Mary Kyle Hartson Park. ~ Leon Barba, P.E., City Engineer

VI. Consider and Possible Action

14. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 1.63 acres of land from Construction Manufacturing 'CM' to Retail Service District 'RS' for property located at 1050 Bunton Creek Road, in Hays County, Texas. (Goforth Partners, Inc. - Z-21-0078) ~ Howard J. Koontz, Director of Planning and Community Development
- Planning and Zoning Commission voted 5-0 to recommend approval of the request.
-
- Public Hearing
15. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 1.105 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located within the 1800 block of Goforth Road, in Hays County, Texas. (CTX Park, LLC - Z-21-0079) ~ Howard J. Koontz, Director of Planning and Community Development
- Planning and Zoning Commission voted 5-0 to recommend approval of the request.
-
- Public Hearing
16. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of modifying Section 53-893 Conditional Use Permit, required, in Hays County, Texas.~ Howard J. Koontz, Director of Planning and Community Development
- Planning and Zoning Commission voted 4-1 to approve with an amendment outlined in the staff memo.
-
- Public Hearing
17. (Second 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. City Council voted 5-2 to approve on First Reading.

18. [\[POSTPONED 5/4/2021\] 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. ~ Paige Saenz, City Attorney](#)
19. [Consider and possible to approve a Temporary Construction Easement and Access Agreement. ~ Paige Saenz, City Attorney](#)
20. [\[POSTPONED 5/4/2021\] 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](#)
21. [\[POSTPONED 5/4/2021\] 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](#)
22. [\[POSTPONED 5/4/2021\] 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](#)
23. [\[POSTPONED 5/4/2021\] 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](#)
24. [Consider approving a Resolution Authorizing Amendments to the Personnel Policy. ~ Sandra Duran, Director of Human Resources](#)
25. [Approve the City of Kyle's Voluntary Commitment to Reducing Particulate Matter \(PM2.5\) Emissions within the Austin-Round Rock-Georgetown Metropolitan Statistical Area \(MSA\). ~ Robert Rizo, Council Member](#)
26. [Discussion of implementation of Proposition F - Police Department Oversight. ~ Dex Ellison, Council Member](#)
27. [Discussion and possible action to direct staff to prepare a Camping and Begging Activity Ordinance. ~ Yvonne Flores-Cale, Council Member](#)

VII. City Manager's Report

28. [Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ J. Scott Sellers, City Manager](#)
 - [Heroes Memorial Park groundbreaking event](#)
 - [COVID vaccine and testing information](#)

- [Mass Food Distribution events](#)
- [Parks and Recreation programming](#)
- [Library 2021 Summer Reading program](#)
- [City Wide Cleanup Event](#)
- [Upcoming Budget Worksessions](#)
- [Trails Open House Event](#)
- [Congrats 2021 Kyle graduates](#)

VIII. Executive Session

29. [Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session\(s\) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.](#)
1. [Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.](#)
 - [CO Bond](#)
 - [Possible Creation of TIRZ](#)
 - [American Rescue Plan](#)
 - [Automated Metering Infrastructure](#)
 - [Mary Kyle Hartson Park Electric Service](#)
 2. [Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.](#)
 - [Acquisition of public parkland tracts](#)
 - [Acquisition of Right of Way](#)
 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 Pacific Blue](#)
 - [Project Eburnean](#)
 - [Project Goldfish](#)
 - [Project SUFC](#)
 - [Project Shamrock](#)
 - [Project Wild Strawberry](#)
 - [Project Tomahawk](#)
 - [Project Pinstripes](#)
30. [Take action on items discussed in Executive Session.](#)

IX. Adjourn

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

*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC. 551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the

public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting."