



# 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 June 15, 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 10th day of June, 2021, prior to 7:00 p.m.

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

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

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

3. [Juneteenth proclamation. ~ Dex Ellison, Council Member](#)

4. [Recognition of Captain Pedro Hernandez for 25 years with KPD. ~ Rick Koch, Mayor Pro Tem](#)
5. [\(Place Holder\) Recognition of the Kyle Police Citizens on Patrol and the Kyle Citizens Police Academy Alumni Association. ~ Jeff Barnett, Chief of Police](#)
6. [Introduction of new police and emergency communications employees. ~ Jeff Barnett, Chief of Police](#)
7. [CIP/Road Projects and Consent Agenda Presentation. ~ Travis Mitchell, Mayor](#)

## V. Consent Agenda

8. [Approve a contract with AMERICAN FIREWORKS, Bastrop, Texas in an amount not to exceed \\$45,000.00 for the 2021 4th of July Fireworks Show. ~ Mariana Espinoza, Director of Parks & Recreation](#)
9. [Authorize award and execution of a Purchase Order to JOHN DEERE COMPANY, Cary, North Carolina, in an amount not to exceed \\$79,471.04 for the purchase of one \(1\) John Deere 5100 Cab Utility Tractor with 15' Batwing Mower and 8' Rotary Deck Mower through the TXMAS Purchasing Cooperative for the Storm Drainage and Flood Risk Mitigation Division in Public Works Department. ~ Harper Wilder, Director of Public Works](#)
10. [Approve a contract with VIKING CONSTRUCTION, INC., Georgetown, Texas in an amount not to exceed \\$488,369.01 for the 2021 Miscellaneous Streets Micro-Surfacing Project. ~ Leon Barba, P.E., City Engineer](#)
11. [A Resolution of the City Council of the City of Kyle, Texas accepting the Stagecoach Subdivision Phase 3 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](#)
12. [\(Second Reading\) An Ordinance of the City of Kyle, Texas, Amending Ordinance 959, which Granted a Transmission and Distribution Electric Utility Franchise to Pedernales Electric Cooperative, Inc, to Address Matters Related to the Location of Facilities in an Urban Development District. ~ Paige Saenz, City Attorney](#)  
[City Council voted 6-0 to approve on First Reading.](#)
13. [Heroes Memorial Park - Final Plat \(SUB-21-0191\) 5.5440 acres; 1 lot located on the northwest corner of Kohler's Crossing and Kyle Parkway intersection. ~ Howard J. Koontz, Director of Planning and Community Development](#)  
[Planning and Zoning Commission voted 4-0 to approve the final plat.](#)
14. [Heroes Memorial Park - Site Plan \(SD-20-0088\) 4.86 acres; 1 lot located on the northwest corner of Kohler's Crossing and Kyle Parkway intersection. ~ Howard J. Koontz, Director of Planning and Community Development](#)

- Planning and Zoning Commission voted 4-0 to approve the site plan.

15. Consider Approving Site-Specific Declaration of Covenants, Restrictions and Easements for the Heroes Memorial Tracts and Authorize the City Manager to Execute Documents Related to Closing on the Parcel. ~ Paige Saenz, City Attorney

## VI. Consider and Possible Action

16. [Postponed 6/1/2021] (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 12.9 acres of land from Agriculture 'AG' to Mixed Use District 'MXD' for property located on the northeast corner of Philomena Drive and Bunton Creek Road, in Hays County, Texas. (Estate of Evelyn Franke, et al - Z-21-0074) ~ 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 5-2 to approve on First Reading.

17. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of assigning original zoning to approximately 4.56 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 145 Lehman Road, in Hays County, Texas. (Lucia Hernandez - Z-21-0081) ~ Howard J. Koontz, Director of Planning and Community Development

- Planning and Zoning Commission voted 4-0 to recommend approval of the request.

- • Public Hearing

18. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 10.81 acres of land to Retail Service District 'RS' and approximately 34.83 acres to Multi-Family Residential-3 'R-3-3' for property located at 20139 IH-35, in Hays County, Texas. (Sunrise Village Investments, LLC - Z-21-0082) ~ Howard J. Koontz, Director of Planning and Community Development

- Planning and Zoning Commission voted 4-0 to recommend approval of the request.

- • Public Hearing

19. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning and rezone approximately 11.08 total acres of land from Agriculture 'AG' (.023-Acres) and Single Family 'R-1' (10.85-Acres) to Single Family Residential-3 'R-1-3' for property located between Scott Street and the 800 block of South Sledge Street, in Hays County, Texas. (LD Enterprises, LLC - Z-21-0084) ~ Howard J. Koontz, Director of Planning and Community Development

Planning and Zoning Commission voted 4-0 to recommend approval of the request.

- Public Hearing

20. Consider and approve update to Transportation Master Plan. ~ John Dean, CP&Y, Inc.
21. Consider and possible action to approve Capital Idea, a scholarship program for low income students to attend ACC, a program through Corridor Interfaith Alliance for Families here in Hays County. ~ Yvonne Flores-Cale, Council Member
22. Proposition F ordinance update on plans for soliciting public input. ~ Dex Ellison, Robert Rizo, and Michael Tobias, Council Members
23. (Second Reading) Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2020-2021 by increasing the total appropriations for expenditures in the General Fund by \$8,000,000.00 and in the Park Development Fund by \$375,000.00 to provide \$4,500,000.00 in additional funding for the Uptown Central Park and Heroes Memorial Park projects, \$3,500,000.00 for 2021 Road Bond Program, \$200,000.00 for Christmas lighting and decorations on Center Street and City Square Park, and \$175,000.00 for decorative lights on the historic water tower in downtown Kyle. ~ Perwez A. Moheet, CPA, Director of Finance

City Council voted 7-0 to approve budget amendments, except that City Council voted 6-1 for \$3,500,000.00 for 2021 Road Bond Program and 4-3 for \$175,000.00 for decorative lights on the historic water tower in downtown Kyle to approve on First Reading.

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

24. 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
  - Parks and Recreation events
  - Juneteenth programming
  - Mass Food Distribution event

## **VIII. Executive Session**

25. 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 Milestone PID

- [Sign Code](#)
  - [Automated Metering Infrastructure](#)
  - [Downtown Utilities](#)
  - [Texas Lehigh Agreement](#)
  - [City Lights and Kyle Marketplace Subdivision/Development](#)
  - [Transportation Master Plan](#)
  - [Site-Specific Declaration of Covenants, Restrictions and Easements for the Heroes Memorial Tracts](#)
  - [Beebe Road Development Agreement](#)
2. [Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.](#)
  3. [Personnel matters pursuant to Section 551.074.](#)
  4. [Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.](#)
    - [Project Pacific Blue](#)
    - [Project Valkyrie](#)
    - [Project Indigo](#)
    - [Project Just Peachy](#)
26. [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."