



# 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 July 6, 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 1st day of July, 2021, prior to 7:00 p.m.

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

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

1. [City Council Special Meeting Minutes - June 15, 2021. ~ Jennifer Holm, City Secretary](#)
2. [City Council Meeting Minutes - June 15, 2021. ~ Jennifer Holm, City Secretary](#)
3. [City Council Special Meeting Minutes - June 26, 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. City Manager's Report

4. 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
  - Senior Center Task Force
  - La Verde and Cultural Trail groundbreaking
  - Curative Testing Site Update
  - Election Info
  - James Adkins Pool opening
  - 4th of July recap

#### V. Presentation

5. Parks and Recreation Month Proclamation. ~ Ashlee Bradshaw, Council Member
6. CIP/Road Projects and Consent Agenda Presentation. ~ Travis Mitchell, Mayor

#### VI. Consent Agenda

7. Authorize the City Manager to negotiate a contract with Kyle Park Music, Inc., Fredericksburg, Texas in an amount not to exceed \$50,000 for brand ambassador efforts. ~ Samantha Armbruster, Director of Communications
8. Authorize award and execution of a Purchase Order to ARTISTIC HOLIDAY DESIGNS, Lemont, Illinois in an amount not to exceed \$95,475.00 for Holiday Light Displays for Mary Kyle Hartson City Square Park. ~ Mariana Espinoza, Director of Parks & Recreation
9. Authorize award and execution of a Purchase Order to ARNETT MARKETING, LLC, San Antonio, Texas in an amount not to exceed \$59,110.00 for Holiday Decoration for Center Street . ~ Mariana Espinoza, Director of Parks & Recreation
10. Authorize award and execution of of Purchase Order to ABC HOME AND COMMERCIAL SERVICES, San Marcos, Texas in an amount not to exceed \$16,136,40 for tree wrapping at Mary Kyle Hartson City Square Park. ~ Mariana Espinoza, Director of Parks & Recreation
11. Authorize award and execution of a Purchase Order to HOLIDAY LIGHTING DECORATION, Austin, Texas in an amount not to exceed \$17,895.00 for holiday decoration at the KRUG Activity Center and Large Oak Tree at Mary Kyle Hartson City Square Park. ~ Mariana Espinoza, Director of Parks & Recreation
12. Approve a Resolution declaring the City of Kyle's intent to participate in the TxDOT Turnback Program and assume ownership of Old Highway 81 and Hill Street from TxDOT. ~ Leon Barba, P.E., City Engineer
13. Authorize award and execution of a Purchase Order to CONTECH ENGINEERED SOLUTIONS, Irving, Texas in an amount not to exceed

\$22,137.35 for special drainage pipe to be used on the Old Post Road Project. ~ Leon Barba, P.E., City Engineer

14. Approve an Amendment to FUGRO USA LAND, INC., Austin, Texas, in the amount of \$2,550.00 increasing the total amount not to exceed \$27,800.00 for providing additional geotechnical services for 104 S. Burleson Street. ~ Leon Barba, PE, City Engineer
15. Consider joining the CIEDAR Consortium and signing the membership agreement. ~ Scott Sellers, City Manager
16. Approve the form of the Electrical Easement with Pedernales Electric Cooperative for the Brick and Mortar District. ~ Paige Saenz, City Attorney
17. (First Reading) An Ordinance of the City of Kyle, Texas, Amending Chapter 41 of the Code of Ordinances by Amending Section 41-1 to Include a Definition of a Transportation Master Plan; and by Requiring Compliance with the City of Kyle Transportation Master Plan in the Development and Construction of Subdivisions; Providing for Repeal of Conflicting Ordinances; Providing for Severability; and Providing Effective Date and Open Meetings Clauses. ~ Paige Saenz, City Attorney
18. Approve an Independent Contractor Agreement with INDUSTRIAL/ORGANIZATIONAL SOLUTIONS, Oak Brook, IL, in an amount not to exceed \$38,215.00 for the 2021 Kyle Police Department's Promotional Assessment Center. ~ Kristiana Spencer, Civil Service Director

## **VII. Consider and Possible Action**

19. Consider and possible action to approve an update to Transportation Master Plan. ~ John Dean, CP&Y, Inc.
20. [Postponed 6/15/21] (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
21. (Second 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.

City Council voted 4-3 to approve on First Reading.

- Public Hearing

22. [Postponed 6/15/21] (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

23. (First Reading) An ordinance of the City of Kyle, Texas, annexing 24.563 acres, more or less, of land located in Hays County, Texas; 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 findings of fact; providing severability clause and an effective date; and providing for open meetings and other related matters. (Shelia Lynn Webb and Rebecca Ann Hadsell, Independent Co-Executors of the Estate of Janell Hadsell - ANNX-21-0009)~ Howard J. Koontz, Director of Planning and Community Development

- Public Hearing

24. (First Reading) An ordinance of the City of Kyle, Texas, annexing 120.458 acres, more or less, of land located in Hays County, Texas; 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 findings of fact; providing severability clause and an effective date; and providing for open meetings and other related matters. (Kyle 120 LLC - ANNX-21-0010)~ Howard J. Koontz, Director of Planning and Community Development

- Public Hearing

25. (First Reading) An ordinance amending the Code of Ordinances of the City of Kyle, Texas; amending Chapter 41 ("Subdivisions"); Section 41-146 - Streetlights; Repealing conflicting provisions and determining that the meeting at which this ordinance as passed as open to the public as required by law. ~ Howard J. Koontz, Director of Planning and Community Development

26. (First Reading) An Ordinance of the City of Kyle, Texas, Authorizing and Approving Exchanges and Conveyances of Land with the Alexander Family Trust, By and Through Mary Jane Alexander as Trustee and Mary Jane Alexander as the Director of Mary Jane Alexander GP, the General Partner of BJ-MJ Alexander LTD.; Making Findings of fact; and providing for Related Matters. ~ Leon Barba, P.E., City Engineer

27. *(First Reading) An Ordinance of the City of Kyle, Texas, Amending Article II to Include a Section 12-23 Roundabouts, Requiring Use of Roundabouts in Certain Intersections, Requiring Consideration of Roundabouts in Certain Intersections, Requiring Compliance with National Standards in the Construction of Roundabouts, Requiring Notice of Exclusions, Providing Severability, Effective Date, and Open Meetings Clauses; and Providing for Related Matters. ~ Leon Barba, P.E., City Engineer*
- - Public Hearing
28. *Discussion and possible action to establish an arts commission. ~ Paul Phelan, Director of Library Services*
29. *Consideration of Juneteenth as a City Holiday as it relates to the Federal holiday. ~ Dex Ellison, Council Member*
30. *[Postponed 6/15/21] 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*

### **VIII. 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 or to seek the advice of the City Attorney pursuant to Section 551.071.
    - o Prairie Lakes MUD
    - o CIEDAR
    - o CO Bond
    - o LGI Sewer
    - o Possible Creation of TIRZ
    - o Federal Legislative Advocacy Services
    - o City Lights and Kyle Marketplace Subdivision/Development
    - o Bebee 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.
    - o Project Valkyrie
    - o Project Pacific Blue
    - o Project Deep Golden
    - o Project Tropical Green
    - o Project Midnight Blue
    - o Restaurant Incentive Program

32. [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."