



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 August 3, 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 July, 2021, prior to 5:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Special Meeting Minutes - July 20, 2021. ~ Jennifer Holm, City Secretary](#)
2. [City Council Meeting Minutes - July 20, 2021. ~ Jennifer Holm, City Secretary](#)
3. [City Council Special Meeting Minutes - July 27, 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. Appointments

4. Confirm City Manager's appointment to the Civil Service Commission to fill a vacancy for a three-year term to expire July 31, 2024. ~ J. Scott Sellers, City Manager
 - Jeneva Garza

V. Presentation

5. CIP/Road Projects and Consent Agenda Presentation. ~ Travis Mitchell, Mayor

VI. Consent Agenda

6. Approve the conveyance of a wastewater line easement to the City of Kyle, Hays County, Texas from Pantaleon Tenorio, Jr. for the Schlemmer and Porter Street Wastewater Line Improvement Project, Phase 1. ~ Leon Barba, P.E., City Engineer
7. Approval of Underground Agreement between Pedernales Electric Cooperative, Inc. and the City of Kyle for electrical service installation to Heroes Memorial Park located near intersection of Kohlers Crossing and FM 1626 (Work Order #145535). ~ Leon Barba, P.E., City Engineer
8. Hays County Election Services Contract and Joint Election Agreement. ~ Jennifer Holm, City Secretary
9. Approve an estimated amount of \$20,110.50 for election services in accordance with the approved contract with the Hays County Elections Administrator relating to the November 2, 2021 elections. ~ Jennifer Holm, City Secretary
10. Approve a Resolution of the City Council of the City of Kyle, Texas accepting the Brooks Ranch Phase 1 Subdivision 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
11. Approve library board recommendation to increase checkout limit to 10 DVDs and 25 total items per card per Sec. 2-422 Department Policies. Code of Ordinances. ~ Paul Phelan, Director of Library Services
12. Approve Change Order No. 1 to construction contract with T.F. HARPER & ASSOCIATES, LP, Austin, Texas, in the amount of \$24,992.46 increasing the total contract amount not to exceed \$1,823,892.28 for the inclusion of 560 linear feet of 3-inch diameter PVC conduit installation for future dry utilities related to park construction and improvements at Mary Kyle Hartson Park. ~ James R. Earp, Assistant City Manager
13. Approve an agreement with Parallel - A Brand Agency, San Antonio, TX in an amount not to exceed \$18,250.00 for event and marketing services. ~ Samantha Armbruster, Director of Communications

14. Approve and ratify a purchase order to McGRAY & McGRAY, Land Surveyors, Inc., 3301 Hancock Drive, Suite 6, Austin, Texas in the amount of \$16,816.00 for providing right of way and topographic services for the Downtown Relocation of Overhead lines around Old City Hall Project. ~ Leon Barba, P.E., City Engineer

VII. Consider and Possible Action

15. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 24.65 acres of land from Agriculture 'AG' to Manufactured Home Park District 'M-3' for property located 600 Bebee Road, in Hays County, Texas. (Estate of Janelle Hadsell - Z-21-0083) ~ Howard J. Koontz, Director of Planning and Community Development
 - Planning and Zoning Commission voted 5-0 to recommend approval of the request.
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 - Public Hearing
16. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Code of Ordinances for the purpose of modifying Sec. 53-5 Definitions (Building Acre, Multifamily Residential Restricted, Townhouse); Sec. 53-443 – Permitted Uses; Sec. 54-5 (Note 1). ~ Howard J. Koontz, Director of Planning and Community Development
 - Planning and Zoning Commission voted 5-0 to recommend approval.
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 - Public Hearing
17. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of modifying Sec. 53-1047 – Authorized Conditional Uses; Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council. ~ Howard J. Koontz, Director of Planning and Community Development
 - Planning and Zoning Commission voted 5-0 to recommend approval.
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 - Public Hearing
18. Consideration of an application to waive requirements for public road access to Lots 4A & 4B of the Oak Mesa Subdivision. ~ Howard J. Koontz, Director of Planning and Community Development
19. [Postponed 7/6/21] (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

20. Approve a resolution accepting a petition for the creation of the Kyle 57 Public Improvement District and calling for a public hearing. ~ Paige Saenz, City Attorney
 21. [Postponed 7/20/2021] (Second 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
- The City Council voted 6-1 to approve on First Reading.
22. (First Reading) An Ordinance of the City of Kyle, Texas, Ordering a General Election to be Held Jointly with Hays County on November 2, 2021, for the Election of City Council Place Five and Place Six to Serve Three-Year Terms. ~ Travis Mitchell, Mayor
 23. Discussion regarding Public Safety Center. ~ Yvonne Flores-Cale, Council Member

VIII. 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
 - Market Days
 - FY 2021-2022 Budget Worksessions
 - 2021 Election Info
 - State of the City recap
 - 2021-2022 Groundbreaking and Ribbon Cutting celebrations
 - Veterans Day Parade update

IX. 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 Temporary Pump and Haul Wastewater Service Agreements
 - o Agreement regarding prepayment of impact fees

- [Balcones Trail Workforce Housing Payment and Development Agreement](#)
 - [Utility Disconnects](#)
 - [Kyle 57 PID](#)
 - 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 Deep Golden](#)
 - [Project MBA](#)
 - 5. [Deliberation regarding Security Devices or Security Audits pursuant to Section 551.089.](#)
 - [Public Safety Center](#)
26. [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."