



CITY OF KYLE

Notice of Regular City Council Meeting

Kyle City Hall, 100 W. Center Street, Kyle, TX 78640

The public can watch remotely at: Spectrum 10;

<https://www.cityofkyle.com/kyletv/kyle-10-live>. One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on February 15, 2022, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 10th day of January, 2022, prior to 8:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Special Meeting Minutes - February 1, 2022. ~ Jennifer Holm, City Secretary](#)
2. [City Council Regular Meeting Minutes - February 1, 2022. ~ Jennifer Holm, City Secretary](#)
3. [City Council Special Meeting Minutes - February 2, 2022. ~ Jennifer Holm, City Secretary](#)
4. [City Council Special Meeting Minutes - February 6, 2022. ~ 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

5. [Appoint nominee for position on City of Kyle Ethics Commission. ~ Daniela Parsley, Council Member](#)

- [Shari Bigelow Bauer](#)

V. Presentation

6. [President George Washington Day Proclamation. ~ Travis Mitchell, Mayor](#)
7. [Spay Neuter Awareness Month Council Proclamation. ~ Dex Ellison, Council Member](#)
8. [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](#)
 - [Dialogue for Peace and Progress](#)
 - [2022 Community Survey](#)
 - [Smart City Public Input Meeting](#)
 - [Great Texas River Cleanup](#)
 - [Upcoming Parks and Recreation events](#)
9. [Presentation regarding additional services for WAV riders using the Kyle Uber \\$3.14 program. ~ Jerry Hendrix, Assistant City Manager](#)
10. [Presentation of the Kyle Police Department's 2021 Annual Racial Profiling Report. ~ Jeff Barnett, Chief of Police](#)
11. [CIP/Road Projects and Consent Agenda Presentation. ~ Travis Mitchell, Mayor](#)

VI. Consent Agenda

12. [Approval of a Longitudinal Pipeline Agreement with UNION PACIFIC RAILROAD COMPANY, Omaha, Nebraska, in an amount not to exceed \\$31,690.00 for the encroachment of a portion of the Schlemmer and Porter Wastewater Phase 1 Improvements in the railroad right-of-way. ~ Leon Barba, P.E., City Engineer](#)
13. [Approve a resolution by the City Council of Kyle, Texas to Support Pursuit of Recognition in Accordance with the Texas Scenic Certification Program. ~ Mariana Espinoza, Director of Parks & Recreation](#)
14. [Approve agreement with UNION PACIFIC RAILROAD COMPANY, Omaha, Nebraska, in an amount not to exceed \\$17,000 for gate signal adjustments at the Opal Lane and Roland Lane railroad crossings. ~ Leon Barba, P.E., City Engineer](#)
15. [Approve conveyance of a wastewater line easement from Van's Real Estate Partnership, a/k/a Van's Real Estate Partnership, Ltd., n/k/a Van Family Management, L.C., a Texas limited liability company, Beth Hodson, f/k/a Elizabeth Louise Muralt Woods, as Successor Trustee of the David C. Muralt Revocable Trust, Haltermann Real Estate, L.L.P, a Texas limited liability partnership, Robert Lathrop Case, and Edwards I, LLC, a Texas limited liability company to the City of Kyle, Hays County, Texas being more particularly](#)

described as 0.013 of an acre, or a 553 square foot tract, being out of a called 0.285 acre tract of land described as a Common Area in the Edwards Business Park Subdivision, recorded in Volume 9, Page 197 of the Plat Records of Hays County, Texas, out of the James W. Williamson Survey Number 11, Abstract 473, Hays County, Texas. ~ Leon Barba, P.E., City Engineer

16. Approve conveyance of a utility easement from Edward R. Coleman to the City of Kyle, Hays County, Texas being more particularly described as 0.8139 of one acre or 35,453 square foot easement, out of the James W. Williams Survey, abstract No. 473, Hays County, Texas, and being a portion of that tract described as 46.07 Acres (PARCEL 2, EXHIBIT "I") conveyed to F.M. 158 LAND, LTD, by special warranty deed dated June 9, 2005, as recorded in Volume 2702, Page 613, Official Public Records, Hays County, Texas. ~ Leon Barba, P.E., City Engineer

VII. Public Hearings

17. Public hearing on an ordinance designating a contiguous geographic area within the City of Kyle, Texas as Reinvestment Zone Number Three, for the purposes of Tax Increment Financing and creating a Board of Directors ~ J. Scott Sellers, City Manager

VIII. Public Hearing Action Items

18. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 8.32 acres of land from Retail Service District 'RS' to Mixed-Use Development 'MXD' for property located at Kyle Marketplace Sec. 2 Lot A & 19.48 acres of land from Retail Service District 'RS' to Mixed-Use District 'MXD' for property located at Kyle Marketplace Sec. 2 Block F, in Hays County, Texas. (CSW KC II, LLC. - Z-21-0089) ~ Will Atkinson, Senior Planner

Planning and Zoning Commission voted 5-0 to recommend approval of the request.

- Public Hearing

19. [Postponed 1/18/2022] (First Reading) An ordinance of the City of Kyle, Texas, annexing 201.377 acres of land, more or less located at 1899 Six Creeks Blvd., Hays County, including the abutting streets, roadways, and rights-of-way into the corporate limits of the City of Kyle. (Blanco River Ranch Properties, LP - ANNX-21-0014) ~ Will Atkinson, Senior Planner

- Public Hearing (left open on 1/18/2022).

20. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of assigning original zoning to approximately 5.13 acres of land from 'A' Agriculture to 'W' Warehouse District for property located at 1351 Bunton Creek Rd, in Hays County, Texas. (Abel and Linda Tenorio - Z-21-0093) ~ Will Atkinson, Senior Planner

Planning and Zoning Commission voted 5-0 to recommend approval of the request.

- - [Public Hearing](#)
- 21. [Consider a request for a Conditional Use Permit for the purposes of allowing a height increase for future buildings located at 24801 IH-35 \(Ord. No. 1161, Sec. 53-1047\(12\)\). \(Alliance Industrial Company - CUP-22-0046\) ~ Will Atkinson, Senior Planner](#)
[Planning and Zoning Commission voted 5-0 to recommend approval of the request.](#)
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 - [Public Hearing](#)
- 22. [\(First Reading\) An ordinance amending Chapter 53 \(Zoning\) of the City of Kyle, Texas, for the purpose of modifying Section 53-1230 to restrict certain uses, and amend the zoning use chart. ~ Will Atkinson, Senior Planner](#)
-[Planning and Zoning Commission voted 5-0 to restrict Self-storage.](#)
[Planning and Zoning Commission voted 5-0 to allow Brew pub in CBD-2.](#)
[Planning and Zoning Commission voted 4-1 to deny the restriction of Gas stations.](#)
[Planning and Zoning Commission voted 4-1 to deny the restrictions for Car Washes and Bars without Restaurants.](#)
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 - [Public Hearing](#)

IX. Items Pulled from Consent Agenda

X. Consider and Possible Action

- 23. [Consider and possible action on four Change Orders totaling \\$57,456.00 for the City's Public Safety Center project to be funded from the owner's project contingency balance and to authorize the City Manager to act on all future change orders for this project not to exceed the guaranteed maximum price agreed upon with the construction contractor, Bartlette Cocke General Contractors. ~ David Harding, AG/CM, Inc., City of Kyle Owner's Representative](#)
- 24. [Consider and possible action on an agreement by and between the City of Kyle, Texas and Schaumburg & Polk, Inc. for preliminary engineering services for The Vybe trail network in the amount of \\$257,000. ~ J. Scott Sellers, City Manager](#)
- 25. [Consider and possible action on an agreement by and between the City of Kyle, Texas and Burgess & Niple, Inc., for the completion and submission of the Project Information Form \(PIF\) to the Texas Water Development Board Clean Water – SRF Financial Assistance for the Wastewater Treatment Plant Improvements project. ~ Leon Barba, P.E., City Engineer](#)
- 26. [Consider and possible action to approve an agreement between KYLE HOCKEY and the City of Kyle for usage of the Ash Pavilion for youth and adult hockey programs. ~ Mariana Espinoza, Director of Parks & Recreation](#)
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The Park and Recreation Board voted 7-0 to recommend approval of the agreement between KYLE HOCKEY and the City of Kyle for usage of the Ash Pavilion for youth and adult hockey programs.

27. Consider and possible action on an interlocal agreement by and between the City of Kyle, Texas, and Hays County regarding participation in in Tax Increment Reinvestment Zone Number Three. ~ J. Scott Sellers, City Manager
28. Consider and possible action to adopt a Boards and Commissions Policies and Procedures. ~ James R. Earp, Assistant City Manager

XI. General Discussion and Possible Direction

29. Discussion of qualifications and procedures for room dedications in the new Public Safety Center. ~ Yvonne Flores-Cale, Council Member
30. Discussion regarding Chapter 53 - Zoning Article VII.- Nonconforming Uses and Structures. ~ Yvonne Flores-Cale, Council Member
31. Discussion and possible direction to establish a date for a special meeting of the City Council to make appointments to the Boards and Commissions ~ James Earp, Assistant City Manager
32. Discussion and possible direction regarding Minutes Policy for all City of Kyle Boards, Commissions, and City Council. ~ Jennifer Holm, City Secretary
33. Discussion and possible direction regarding establishing a Keep Kyle Beautiful Committee. ~ Mariana Espinoza, Director of Parks & Recreation
34. Discussion and possible direction regarding the Rules of Council including, but not limited to, meeting lengths and end times. ~ Ashlee Bradshaw, Council Member

XII. Executive Session

35. 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 New Haven Assisted Living Facility
 - o Municipal Boundary Agreement
 - o 1119 N. Old Hwy 81
 - o Kyle Uber \$3.14 Update
 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 Front Runner

36. Take action on items discussed in Executive Session.

XIII. 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."