



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 June 7, 2022, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 3rd day of June, 2022, prior to 9:00 a.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Special Meeting Minutes - May 3, 2022. ~ Jennifer Holm, City Secretary](#)
2. [City Council Regular Meeting Minutes - May 3, 2022. ~ Jennifer Holm, City Secretary](#)
3. [City Council Special Meeting Minutes - May 12, 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. Presentation

4. [Memorial Day/D-Day Proclamation. ~ Robert Rizo, Mayor Pro Tem](#)
5. [Women Veterans Day \(June 12th\) City Council Proclamation. ~ Dex Ellison, Council Member](#)

6. [Presentation of Graduates of the 2022 Team Kyle Academy. ~ James R. Earp, Assistant City Manager](#)
7. [Spring Creek Trail Presentation. ~ Allen Ross, Schaumburg & Polk, Inc.](#)
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](#)
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 - [Budget Workshops](#)
 - [Boards and Commissions Openings](#)
 - [National Trails Day - June 4th](#)
 - [Movie in the Park - June 7th](#)
 - [Juneteenth Celebration/First Market Day - June 11th](#)
 - [Family Skate Night - June 17th](#)
 - [James Adkins Pool Public Swim Day open June 24th](#)
 - [AMVETS Walker Event - June 12th](#)
 - [Juneteenth Dialogue - June 17th](#)
 - [State of the City - June 28th](#)
 - [Summer Reading Program](#)
9. [CIP/Road Projects and Consent Agenda Presentation. ~ Leon Barba, P.E., City Engineer](#)

V. Consent Agenda

10. [Approve an Interlocal Agreement Between Hays County and the City of Kyle related to the Dacy Lane Project from Bebee Rd. to Amberwood Loop. ~ Leon Barba, P.E., City Engineer](#)
11. [Approve Task Order No. 14 to LJA ENGINEERING, INC., Austin, Texas in an amount not to exceed \\$48,499.00 for the Dacy Lane Illumination and Shared Use Path Design Project ~ Leon Barba, P.E., City Engineer](#)
12. [\(Second Reading\) An ordinance amending Chapter 53 \(Zoning\) of the City of Kyle, Texas, for the purpose of rezoning approximately 87.694 acres of land from 'A' to 'R-1-C' \(Residential Condominium, 30.565 acres\), 'R-1-3' \(Single Family Residential – 3, 26.322 acres\), 'R-1-2' \(Single Family Residential – 2, 19.130 acres\) & 'CC' \(Community Commercial, 11.677 acres\) for property located at 1111 & 1113 Roland Lane, in Hays County, Texas. \(Edward Coster Bullock Jr. - Zoning -Z-22-0094\) ~ Will Atkinson, Senior Planner](#)
 - [Planning and Zoning Commission voted 7-0 to recommend approval the request contingent on full annexation.](#)
 - [City Council voted 5-1 to approve on first reading on 5/17/2022.](#)
13. [\(Second Reading\) An ordinance amending Chapter 53 \(Zoning\) of the City of Kyle, Texas, for the purpose of rezoning approximately 259 acres of land from Agriculture 'A' to Planned Unit Development 'PUD' for property located at 5260](#)

Hillside Terrace, in Hays County, Texas. (Hillside Terrace Development LLC - Zoning - Z-21-0090) ~ Will Atkinson, Senior Planner

Planning and Zoning Commission voted 7-0 to recommend approval the request contingent on full annexation.

City Council voted 6-0 to approve on first reading on 5/17/2022.

14. Approve a professional services agreement with P3WORKS, LLC, Austin, Texas, to provide Public Improvement District (PID) formation and administration services to the City of Kyle in association with the Porter Country Public Improvement District PID. All costs incurred for services under this agreement will be paid through future PID assessments collected. ~ J. Scott Sellers, City Manager
15. Approval of a Resolution of the City Council of the City of Kyle, Texas accepting the Talavera 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
16. Approve a Resolution of the City of Kyle, Texas, Authorizing the submission of a Hazard Mitigation Assistance Grant Application for DR-4485, appointing the city manager as the chief executive officer and authorized representative to act in all matters in connection with the FEMA mitigation grants. ~ James R. Earp, Assistant City Manager
17. Approve a Resolution of the City of Kyle, Texas, Committing the City of Kyle to provide local matching funds to secure and complete the FEMA Hazard Mitigation Grant Projects. ~ James R. Earp, Assistant City Manager
18. Consider and possible action to approve contract with Lone Star Trapping for feral hog removal on city-owned property. ~ Kathy Roecker, Stormwater Management Plan Administrator
19. Authorize the City Manager to execute the TDEM DR-4485 Application Certification. ~ James R. Earp, Assistant City Manager
20. Authorize the City Manager to execute acceptance of DR-4485 Grant Terms and Conditions required should grant funds be awarded. ~ James R. Earp, Assistant City Manager
21. (First Reading) An ordinance of the City of Kyle, Texas, Amending Part II, Chapter 2, Article III Boards, Committees and Commissions, Division 1 Generally, Subdivision I Boards, Section 2-42. Appointment; Repealing conflicting ordinances and providing for related matters. ~ James R. Earp, Assistant City Manager
22. Approve Task Order No. 15 to LJA ENGINEERING, INC., Austin, Texas in an amount not to exceed \$150,913.20 for designing a new 16" waterline within the new FM 110 right of way. ~ Leon Barba, P.E., City Engineer

23. Approval of Change Order No. 8 to SKYBLUE UTILITIES, INC., Kingsland, Texas, in an additional amount of \$546,675.37, increasing the total contract amount, not to exceed, \$6,756,882.60 for City requested changes and unforeseen conditions. ~ Leon Barba, P.E., City Engineer
24. Authorize the Mayor to execute a contract for professional services with Halff and Associates for the DR-4485 Hazard Mitigation grant. ~ James R. Earp, Assistant City Manager

VI. Items Pulled from Consent Agenda

VII. Consider and Possible Action

25. Consider and possible action to waive the requirement of the 12-month waiting period in Sec. 53-1205(i)(2) of the City's Code of Ordinances with regard to the application for zoning or property located at 5839 Kyle Parkway, in Hays County, Texas. CTC Residential LLC (Z-21-0091). ~ Daniela Parsley, Council Member
- City Council voted 1-6 to approve on 1/18/2022.
26. Discussion regarding possible text amendments and/or alternative traffic calming measures to be considered in single residential zoned areas (including but not limited to R-1-1, R-1-2, R-1-3, R-1-A, M-1, M-2, M-3). ~ Dex Ellison, Council Member
27. Discussion and possible action regarding the City of Kyle's process of creating the Comprehensive Plan. ~ Yvonne Flores-Cale, Council Member
28. Discussion and possible action regarding a change in the City of Kyle's homestead exemption. ~ Yvonne Flores-Cale, Council Member
29. (First Reading) An ordinance granting to Universal Natural Gas, LLC (d/b/a Universal Natural Gas, Inc.) and its successors and assigns, for a period of ten (10) years from the effective date of this ordinance, a non-exclusive franchise and right to enter the public ways to install, operate and maintain a distribution system within, along, across, over and under the public ways of the city of Kyle, Texas for the transportation, distribution and/or sale of gas to customers and the public in the city; defining the words and phrases therein; providing for assignment, sale or lease of the franchise; providing for use and repair of the public ways; providing for regulation of service; establishing depth of pipelines; establishing rights and duties in the movement and alteration of pipelines; providing for indemnification of the city of Kyle; providing for inspection of grantee's records; requiring grantee to pay a franchise fee; providing for conditions of the franchise; providing for construction of this ordinance upon the invalidity of any part thereof; providing for acceptance of this franchise by grantee and both an effective and an operative date thereof; repealing all other ordinances directly in conflict herewith; providing for severability; providing for publication and prescribing an effective date. ~ Jerry Hendrix, Assistant City Manager
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 - Public Hearing

30.

Consideration and possible action on an Ordinance of the City of Kyle Making a Finding of Special Benefit to the Property in the Kyle 57 Public Improvement District; Providing for the Method of Assessment of Special Assessments Against Property in the District; Approving an Assessment Roll for the District; Levying Assessments Against Property within the District; Providing for Payment of the Assessments; Providing for Penalties and Interest on Delinquent Assessments; Establishing a Lien on Property within the District; Approving a Service and Assessment Plan; Approving Landowner Agreements; Providing for Related Matters in Accordance with Chapter 372, Texas Local Government Code; Providing an Effective Date; and Providing for Severability. ~ Jon Snyder, P3Works, LLC, City's PID Administrator

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- Public Hearing

31. Consideration and possible action on an Ordinance Authorizing the Issuance of the City of Kyle, Texas Special Assessment Revenue Bonds, Series 2022 (Kyle 57 Public Improvement District); Approving and Authorizing an Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement, and Other Agreements and Documents in Connection Therewith; Making Findings with Respect to the Issuance of Such Bonds; Providing an Effective Date. ~ Jon Snyder, P3Works, LLC, City's PID Administrator

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- Public Hearing

32. Consider and possible action to approve an Infrastructure and Property Conveyance Agreement, a Property Conveyance Escrow Agreement, the Transportation Improvement Design, and Permitting and Construction Agreement in the Brick and Mortar District by and between Plum Creek Development Partners, LTD., Mountain Plum, LTD., and the City of Kyle, Texas, and the First and Second Amendments to Letter Agreement confirming Allocation of Land to Satisfy Land Dedication of Plum Creek Land to the City of Kyle, Texas. ~ J. Scott Sellers, City Manager
33. Consider and possible action on a Resolution of the City Council of the City of Kyle, Texas accepting a Petition for Creation of the Porter Country Public Improvement District; Setting a public hearing under Sec. 372.009 of the Texas Local Government Code on the advisability of the creation of the Porter Country Public Improvement District within the City of Kyle, Texas; and Authorizing the issuance of Notice by the City Secretary of Kyle, Texas regarding the public hearing. ~ Amber Lewis, Assistant City Manager
34. Consider and possible action on a Public Improvement District Deposit Agreement by and between the City of Kyle, Texas and Meritage Homes of Texas, LLC (Limestone Creek). ~ Amber Lewis, Assistant City Manager
35. Consider and possible action on a Development Agreement by and between the City of Kyle, Texas and Meritage Homes of Texas, LLC (Limestone Creek). ~ Amber Lewis, Assistant City Manager
36. Consider and possible action on a Resolution of the City Council of the City of Kyle, Texas accepting a Petition for Creation of the Limestone Creek Public

Improvement District; Setting a public hearing under Sec. 372.009 of the Texas Local Government Code on the advisability of the creation of the Limestone Creek Public Improvement District within the City of Kyle, Texas; and Authorizing the issuance of notice by the City Secretary of Kyle, Texas regarding the public hearing. ~ Amber Lewis, Assistant City Manager

37. Consider and possible action to retain services of Mark McCliney from SAMCO Capital as the city's financial advisor. ~ J. Scott Sellers, City Manager
38. Consider approval of a Resolution Approving an Engagement Agreement for Bond Counsel Legal Services with Norton Rose Fulbright US LLP; and Other Matters in Connection Therewith. ~ J. Scott Sellers, City Manager
39. Consider and possible action to approve a resolution of the City of Kyle, Texas, Amending Resolution Number 1273 and Restating the City of Kyle Rules of City Council. ~ Travis Mitchell, Mayor

VIII. Executive Session

40. 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 Greentrails HOA
 - o Combined Emergency Communications Center
 - o Cause No. 18-1282; Jesse Espinoza v. the City of Kyle, Texas, in the 22nd Judicial District, Hays County, Texas
 - o SOAH Docket No. 407-18-3098.F5, Jesus Espinosa v. Kyle Police Department, Before the State Office of Administrative Hearings
 - o Cause No. 22-0873 The State of Texas, Ex. Rel. 1200 S. Old Stagecoach Road, LLC vs. City of Kyle, Texas
 - o Nonconforming uses and structures
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - o Greentrails HOA
 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 Fire Engine Red
 - o Project Tropical Green
 - o Project French Lime
 - o Project Goldfish
 - o Project Titanium
 - o Project Bullseye
41. 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."