



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 March 16, 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 11th day of March, 2021, prior to 7:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

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

3. Members of the public that wish to provide citizen comment have the following options:

1. In-Person at Kyle City Hall
2. Virtual Attendance - Submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.

IV. Presentation

4. [Texas Municipal Library Directors Association Achievement in Excellence Award. ~ Paul Phelan, Director of Library Services](#)
5. [CIP/Road Projects and Consent Agenda Presentation. ~ Travis Mitchell, Mayor](#)

V. Consent Agenda

6. [Consider a Resolution suspending for 45 days the effective date proposed by CenterPoint Energy Resources Corp., South Texas Division \("CenterPoint"\) in its application filed on or about March \[2021\] pursuant to section 104.301 of the Gas Utility Regulatory Act. ~ Jerry Hendrix, Chief of Staff](#)
7. [Authorize award and execution of a Purchase Order to THE BRANDT COMPANIES, LLC., through BuyBoard purchasing cooperative contract #638-21, for an estimated amount of \\$20,000.00 to investigate and repair damages in the plumbing system located underground and inside walls at the James Adkins Pool. Final repair costs may exceed the initial cost estimate. ~ Mariana Espinoza, Director of Parks & Recreation](#)
8. [Approve Task Order No. 1 to CP&Y, INC., Austin, Texas in the amount not to exceed \\$131,210.00 for amending the City of Kyle's Wastewater Treatment Plant Discharge Permit. ~ Leon Barba, P.E., City Engineer](#)
9. [Approve Task Order No. 2 to CP&Y, INC., Austin, Texas, in the amount not exceed \\$50,000.00 for updating the Transportation Master Plan. ~ Leon Barba, P.E., City Engineer](#)
10. [Approve Task Order No. 3 to CP&Y, INC., Austin, Texas in the amount not to exceed \\$52,675.00 for developing the City's Risk and Resilience Assessment and Emergency Response Plan as required by S.3021 - America's Water Infrastructure Act of 2018. ~ Leon Barba, P.E., City Engineer](#)
11. [Approve Task Order No. 1 to K FRIESE & ASSOCIATES, INC., Austin, Texas in an amount not to exceed \\$171,889.83 for providing a Preliminary Engineering Report to investigate and evaluate drainage issues located along Sledge St., Scott St. and the Hitching Post Subdivision. ~ Leon Barba, P.E., City Engineer](#)
12. [Approve Task Order No. 1 to PAPE-DAWSON ENGINEERS, INC., Austin, Texas in the amount not to exceed, \\$48,165.00 for providing a Preliminary Engineering Report for drainage improvements in the Quail Ridge subdivision. ~ Leon Barba, P.E., City Engineer](#)
13. [Approve Task Order No. 1 to COBB-FENDLEY & ASSOCIATES, INC., Austin,](#)

Texas in the amount not to exceed \$88,787.25 for developing a Reclaimed Water Master Plan. ~ Leon Barba, P.E., City Engineer

14. Approval of Cadence McShane's Design-Building Design Proposal in the amount of \$400,000 and authorize the City Manager to execute an Addendum to the Cadence McShane Design Build Agreement for the 104 S. Burleson project. ~ J. Scott Sellers, City Manager

VI. Consider and Possible Action

15. [Postponed 3/2/2021] (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, to rezone approximately 19.5 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located at 5492 Kyle Center Drive, in Hays County, Texas. (DDR DB Kyle LP - Z-20-0069) ~ Howard J. Koontz, Director of Planning and Community Development

- Planning and Zoning Commission voted 5-1 to deny the request.

- • Public Hearing

16. [Postponed 3/2/2021] (Second Reading) An ordinance amending Chapter 53 (Zoning) for City of Kyle, Texas, for the purpose of assigning original zoning to approximately 29.8 acres of land from Agriculture 'AG' to Single Family Residential-3 'R-1-3' for property located southeast of Lehman Road and south of Lehman High School, in Hays County, Texas. (Clayton Properties Group, Inc D/B/A Brohn Homes - Z-21-0070) ~ Howard J. Koontz, Director of Planning and Community Development

- Planning and Zoning Commission voted 5-1 to approve the request.
City Council voted 6-1 to approve the ordinance on first reading.

17. A Resolution of the City of Kyle renaming the entirety of W RM150 to Veterans Drive and give direction to staff for signs to be installed on or near Memorial Day, 2021. ~ Travis Mitchell, Mayor

- • Public Hearing

VII. City Manager's Report

18. 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

- • Great Texas River Cleanup Recap
- • TIRZ #2 Board Meeting
- • Annual Community Survey
- • Parks and Recreation Department Easter Events
- • Summer Camp Registration

VIII. Executive Session

19. 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 Case 5:21-cv-00237-JKP-RBF John David Ferrara v. Jeffrey Blake Barnett and the City of Kyle in the United States District Court for the Western District of Texas, San Antonio Division
 - o Milestone Development
 - o DR Horton Development
 - o Bunton Lane
 - o City Lights and Kyle Marketplace Subdivision/Development
 - o TML Claims
 - o Cause Number 19-1492; 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas
 - o Third amendment to the Development Agreement between City of Kyle, Texas and Clayton Properties Group, Inc. DBA Brohn Homes
 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 Big Red
 - o Project Valkyrie
20. 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."