



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 November 1, 2021, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 29th day of October, 2021, prior to 2:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. [City Council Special Meeting Minutes - October 19, 2021. ~ Jennifer Holm, City Secretary](#)
2. [City Council Meeting Minutes - October 19, 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

3. [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](#)
 - [Parks and Recreation Halloween Recap](#)
 - [2021 Elections](#)
 - [Arbor Day - Nov 6th](#)

- [Veterans Parade - Nov 13th](#)
- [Special Meeting - Nov 9th](#)
- [Team Kyle News](#)

V. Presentation

4. [CIP/Road Projects Presentation. ~ Travis Mitchell, Mayor](#)

VI. Consider and Possible Action

5. [Consider approving an Interlocal Agreement \(ILA\) between the City of Kyle and Hays County for the City's funding obligations of each entity for the Center Street Union Pacific Rail Siding Project. The City's total funding obligation shall not exceed \\$1,230,000.00 under this ILA. ~ Paula Gruber, HNTB](#)
6. [Authorize the City Manager to execute Site Specific Declarations of Covenants, Restrictions and Easements for the Heroes Memorial Tracts, approve letter agreements authorizing the conveyance and addressing drainage and restrictive covenant obligations, and authorize the City Manager or Mayor to execute all documents necessary to accept conveyance of Heroes Memorial Tracts. ~ J. Scott Sellers, City Manager](#)
7. [Approval of Change Order No. 4 to CADENCE MCSHANE CONSTRUCTION COMPANY LLC, Austin, Texas, in an additional amount not to exceed \\$438,030, increasing the total contract amount to \\$8,388,030 for the purpose of funding value engineering items that were later denied and kept in project. ~ David Harding, AGCM Project Manager](#)
8. [Approval of Change Order No. 6 to CADENCE MCSHANE CONSTRUCTION COMPANY LLC, Austin, Texas, in an additional amount not to exceed \\$99,002, increasing the total contract amount to \\$8,487,032 for the purpose constructing 8" reclaimed waterline underneath Kohlers Crossing. ~ Leon Barba, P.E., City Engineer](#)
9. [Approve a Resolution of the City of Kyle, Texas Accepting a Preliminary Service and Assessment Plan for the Plum Creek North Public Improvement District; Directing the Filing of Proposed Assessment Rolls for said Public Improvement District; Approving the Publication of Notice of a Public Hearing to Consider an Ordinance Levying Assessments on Property Located within said Public Improvement District that is Specially Benefitted by the Improvements Being Financed; Directing City Staff to Publish and Mail Notice of said Public Hearing; and Resolving Other Matters Incident and Related Thereto; and Providing an Effective Date. ~ Jon Snyder, P3Works, LLC, City's PID Administrator](#)
10. [Authorize award and execution of a Purchase Order to Rushworks in an amount not to exceed \\$29,600.00 utilizing PEG funds, for the upgrade of servers and AV equipment used to record and broadcast public meetings on the internet and public access channel, inside council chambers. ~ Matt Dawson, Director of Information Technology](#)
11. [Authorize the Police Department to Purchase Four \(4\) Haenni Instruments WL101](#)

Wheel Load Weigher Scales in an Amount Not to Exceed \$21,000 from Loadometer Corporation. ~ Jeff Barnett, Chief of Police

12. Consider amending the Project Management Services contract with K FRIESE & ASSOCIATES, INC., Austin, Texas to add two additional roads to their scope of work. ~ Leon Barba, P.E., City Engineer
13. Development Agreement Establishing Development Standards for the RPC Kyle, LLC and Kyle 120, LLC Development. ~ Will Atkinson, City Planner
14. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 318 total acres (PUD Zoning - 256 acres to Single Family Attached 'R-1-A') (43.92 to Apartments Residential-3 'R-3-3') (18.38 acres to Retail Service District 'RS') for property located at 700 Bunton Lane and 800 Bunton Lane, in Hays County, Texas. (RPC Kyle, LLC and Kyle 120 LLC - Z-21-0088) ~ William Atkinson, City Planner

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P&Z voted 6-0 to recommend approval of the request.

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City Council voted 6-0 to approve on first reading.
15. Accept the withdrawal of the petition for annexation of 37.99 acres, more or less, of land located in Hays County, Texas; setting annexation schedule; providing for open meetings and other related matters. (ANNX-21-0012) ~ Will Atkinson, City Planner
16. (Second Reading) An ordinance of the City of Kyle, Texas annexing 2.548 of land, more or less, located at 4750 Dacy Lane, Hays County, 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 a severability clause and an effective date; and providing for open meetings and other related matters. (ANNX-21-0011) ~ Will Atkinson, City Planner

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City Council voted 5-1 to approve on first reading.
17. [Postponed 10/4/21] (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) ~ James R. Earp, Assistant City Manager

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Planning and Zoning Commission voted 4-0 to recommend approval of the request.

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 - Public Hearing
18. Consideration and possible action to update the Stormwater Regulations ordinance to include more stringent requirements for construction concrete washout pits. ~ Yvonne Flores-Cale, Council Member

19. [Discussion and possible action regarding the City of Kyle's Comprehensive Plan. ~ Yvonne Flores-Cale, Council Member](#)

VII. Executive Session

20. [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 [Public Safety Center](#)
 - o [Procurement Process](#)
 - o [Code Enforcement Project](#)
 - o [TIRZ Process](#)
 - o [PUD Zoning](#)
 - o [Kyle Uber \\$3.14 Update](#)
 - o [Heroes Memorial Park](#)
 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 Just Peachy](#)
 - o [Project Brown](#)
 - o [Project Root Beer](#)
21. [Take action on items discussed in Executive Session.](#)

VIII. 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."