



**City Council Regular Meeting Agenda
Tuesday, October 15, 2024 7:00 PM
Kyle City Hall, 100 W. Center Street, Kyle, TX 78640**

**Watch City Council Meetings at home on Spectrum 10 or
Watch Online at www.cityofkyle.com/kyle10**

I. Call Meeting to Order and Roll Call

II. Approval of Minutes

1. Consider approval of the City Council October 2, 2024 Special Meeting Minutes, and October 2, 2024 Regular Meeting Minutes.

(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)

[Exhibit 1 - 2024 1002 Draft Special](#)

[Exhibit 2 - 2024 1002 Draft Regular](#)

III. Citizen Comment Period with City Council

The City Council welcomes comments from Citizens early in the agenda of City Council 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. Agenda Order

2. Agenda Order per Rules of Council Sec. B1.

(Item Presenter: Travis Mitchell, Mayor)

V. Appointments

3. Consider approval of a resolution to appoint Robert Skillern as Alternate No. 1 and Robert Spina as Alternate No. 2 to the Board of Adjustment.

(Item Presenter: Will Atkinson, Director of Planning)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Resolution](#)

4. Consider approval of a resolution to appoint Chanel Walker to Seat 1 and Nathan Gato to Seat 3 of the Trails Committee to fill vacancies with terms expiring July 2025.

(Item Presenter: David Lopez, Director of Parks & Recreation)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Resolution](#)

5. Consider approval of a resolution to appoint Holly Wilson to Seat 1 and Chuck Koenen to Seat 3 of the Community Gardens Committee to fill vacancies with terms expiring July 2025.

(Item Presenter: David Lopez, Director of Parks & Recreation)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Resolution](#)

VI. Reports and Presentations

6. Receive a report regarding Pillows of Peace Project celebrating its 15 Year Anniversary providing pillows of comfort for those displaced due to Domestic Violence, Homelessness, Major Storms, and other needs in our community.

(Item Presenter: Michael Tobias, Council Member)

7. A proclamation recognizing City Engineer Leon Barba's 50-year anniversary as a licensed professional engineer.

(Item Presenter: Amber Schmeits, Assistant City Manager)

VII. Consent Agenda

8. *(First Reading)* Consider approval of an ordinance amending Chapter 2, Administration, of the City's Code of Ordinances to add Article III, Division 8, Kyle Board on Aging, which establishes the board and lays out the general powers and duties of the board, as well as qualifications and terms of members, appointment of officers, and conduct of meetings.

(Item Presenter: Amber Schmeits, Assistant City Manager)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Ordinance](#)

9. Consider approval of an agreement with Langford Community Management Services, Inc. for American Rescue Plan Act (ARPA) grant management services in the amount of \$350,000.

(Item Presenter: Rosie Truelove, Director of Administrative Services)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Resolution](#)

[Exhibit 4 - Agreement](#)

10. Consider approval of a resolution authorizing City Manager, or designee, to accept a TXDOT - STEP Comprehensive grant in an amount no greater than \$21,917.95, and authorize an approximate 21.434% match funding from the Police Department's approved operating budget for FY 2024-2025 in an amount not to exceed \$4,697.95, for one year beginning October 1, 2024 and ending September 30, 2025.

(Item Presenter: Jeff Barnett, Chief of Police)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Resolution](#)

11. Consider approval of a resolution authorizing City Manager, or designee, to accept STEP (Strategic Traffic Enforcement Program) Commercial Motor Vehicle (CMV) grant in an amount no greater than \$15,132.10 from TXDOT and authorize an estimated 21% matched funding from the Police Department's approved operating budget for FY 2024-2025 in an amount not to exceed \$3,222.10 to fund the STEP Grant Program, for one year beginning October 1, 2024 and ending September 30, 2025.
(Item Presenter: Jeff Barnett, Chief of Police)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
12. Consider approval of a resolution accepting the Talavera Phase 4 Subdivision Improvements.
(Item Presenter: Leon Barba, City Engineer)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
13. Consider approval of a resolution authorizing the City Manager, or designee, to enter into low-risk parks and recreation partnership agreements with community partners for park projects, events, and programs with a term not to exceed one year.
(Item Presenter: David Lopez, Director of Parks & Recreation)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
14. Consider approval of a resolution to establish a design taskforce for Lake Kensington Nature Park.
(Item Presenter: David Lopez, Director of Parks & Recreation)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
15. Consider approval of a resolution authorizing the acceptance of two permanent wastewater easements with associated temporary construction easements to the City of Kyle, Hays County, Texas from Kyle Retail/Office, LLC for the construction of Center Street Village Wastewater Improvements Phase 2.
(Item Presenter: Leon Barba, P.E., City Engineer)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Easements](#)
16. Consider approval of a resolution acknowledging a change in the alignment of the Six Creeks Section of Old Stagecoach Road and reaffirming that Old Stagecoach Road and Center Street (Off-System) Project of the 2022 Road Bond Program as serving a public purpose for public use.
(Item Presenter: Amber Schmeits, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)

[Exhibit 3 - Resolution](#)

17. Consider approval of a resolution authorizing the City Manager to negotiate and execute any and all documents necessary to contract for employee benefits for 2025.
(Item Presenter: Rosie Truelove, Director of Administrative Services)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Resolution](#)

18. Consider approval of Task Order No. 8 to Pape Dawson Consulting Engineers, LLC, for PS&E design of the northern portion of the Old Stagecoach Road project of the 2022 Road Bond Program in the amount of \$1,510,111.20.

(Item Presenter: Joe Cantalupo, K Frieze & Associates, City's 2022 Road Bond Program Manager)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Task Order](#)

VIII. Items Pulled from Consent Agenda

X. Consider and Possible Action

19. *(First and Final Reading)* Consider approval of an ordinance of the City Council of the City of Kyle, Texas accepting and approving a Service and Assessment Plan and Assessment Roll for the Plum Creek North Public Improvement District; making a finding of special benefit to the property in Improvement Area #2; levying assessments against property within Improvement Area #2 of the district and establishing a lien on such property; providing for the method of assessment and the payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing penalties and interest on delinquent assessments; providing for severability; resolving all matters incident and related thereto; and providing an effective date.

- Public Hearing

(Item Presenter: Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Ordinance](#)

[Exhibit 4 - Notice of Public Hearing](#)

20. *(First and Final Reading)* Consider approval of an ordinance approving and authorizing the issuance and sale of the City of Kyle, Texas, Special Assessment Revenue Bonds, Series 2024 (Plum Creek North Public Improvement District Improvement Area #2 project); and approving and authorizing related agreements.

(Item Presenter: Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Ordinance](#)

21. Consider approval of a resolution finding public convenience and necessity and authorizing the use of eminent domain to condemn, if necessary, from a 3.393 acre permanent utility easement (as described in Exhibit 4) from certain real property conveyed to Rafter Holdings, LLC and recorded at Document No. 18006670 of the official public records of Hays County, Texas, for the public use and purpose of construction of public water and wastewater improvements.
(Item Presenter: Amber Schmeits, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Property Description](#)
22. Consider approval of a resolution finding public convenience and necessity and authorizing the use of eminent domain to condemn, if necessary, a 0.012 acre permanent wastewater easement and a 0.215 acre temporary construction easement (both as described in Exhibit 4 and Exhibit 5) from certain real property conveyed to Center Street Village, LP and recorded at Volume 2635, Page 784 of the official public records of Hays County, Texas, for the public use and purpose of construction of a wastewater line.
(Item Presenter: Amber Schmeits, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Property Description A](#)
[Exhibit 5 - Property Description B](#)
23. Consider approval of a resolution finding public convenience and necessity and authorizing the use of eminent domain to condemn, if necessary, a 0.416 acre permanent wastewater easement and a temporary construction easement over a 0.725 acre parcel and a 0.069 acre parcel (all as described in Exhibits 4-6) from certain real property conveyed to Center Street Village, LP and recorded at Volume 2635, Page 784 of the official public records of Hays County, Texas, for the public use and purpose of construction of a wastewater line.
(Item Presenter: Amber Schmeits, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Property Description A](#)
[Exhibit 5 - Property Description B\(1\)](#)
[Exhibit 6 - Property Description B\(2\)](#)
24. Consider approval of a resolution finding public convenience and necessity and authorizing the use of eminent domain to condemn, if necessary, a permanent wastewater easement over a 0.078 acre parcel and a 0.005 acre parcel and a temporary construction easement over a 0.176 acre parcel and a 0.075 acre parcel (all as described in Exhibit 4-7) from certain real property conveyed to Center Street Village, LP and recorded at Volume 2635, Page 784 of the official public records of Hays County, Texas, for the public use and purpose of construction of a wastewater line.
(Item Presenter: Amber Schmeits, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)

[Exhibit 3 - Resolution](#)
[Exhibit 4 - Property Description A\(1\)](#)
[Exhibit 5 - Property Description A\(2\)](#)
[Exhibit 6 - Property Description B\(1\)](#)
[Exhibit 7 - Property Description B\(2\)](#)

25. Consider approval of a resolution finding public convenience and necessity and authorizing the use of eminent domain to condemn, if necessary, a 0.380 acre permanent wastewater easement and a 0.978 acre temporary construction easement (both as described in Exhibit 4 and Exhibit 5) from certain real property conveyed to Center Street Village, LP and recorded at Volume 2635, Page 784 of the official public records of Hays County, Texas, for the public use and purpose of construction of a wastewater line.

(Item Presenter: Amber Schmeits, Assistant City Manager)

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Property Description A](#)
[Exhibit 5 - Property Description B](#)

26. Consider approval of a resolution amending the current Residential Water Conservation Rebate Program, approved by Resolution No. 1404, to include a pilot rain barrel program as well as rebates for residents to convert existing landscaping to Texas native plants or drought-tolerant plants and/or xeriscaping for owner-occupied residential City of Kyle water utility customers.

(Item Presenter: Mike Murphy, Director of Water Utilities)

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Policy & Application](#)

27. Consider approval of a resolution of the City of Kyle approving a resolution by the Board of Directors of the Alliance Regional Water Authority (ARWA) authorizing the issuance of contract revenue bonds in an aggregate principal amount not to exceed \$38,875,000 for the City of Kyle, Texas in connection with the regional water supply contract project; and approving other related matters.

(Item Presenter: Graham Moore, P.E., Executive Director, Alliance Regional Water Authority)

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Kyle Resolution Approving ARWA Resolution 9-26-2024](#)
[Exhibit 4 - ARWA Resolution](#)
[Exhibit 5 - Certificate for Kyle Resolution](#)
[Exhibit 6 - Kyle Approval Certificate](#)
[Exhibit 7 - Kyle General Certificate](#)
[Exhibit 8 - TWDB Private Placement Memo - City of Kyle 2024B](#)

28. Consider approval of a resolution authorizing the City Manager, or designee, to accept easements for needed access for the Marketplace Road project and to execute all documents necessary for the conveyance of such easements and access agreements in final form approved by the City Attorney.
(Item Presenter: Amber Schmeits, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)

XI. Staff Reports and Presentations

29. Receive a report, hold discussion, and provide staff direction regarding an overview of the emergency management division and related programming objectives.
(Item Presenter: Jeff Barnett, Chief of Police)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Cooling Center Policy](#)
[Exhibit 4 - Warming Center Policy](#)
30. Receive a report, hold a discussion, and provide staff direction regarding the Gregg-Clarke Park Skatepark.
(Item Presenter: David Lopez, Director of Parks & Recreation)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
31. Receive a report, hold a discussion, and provide staff direction regarding branding for the City of Kyle as part of the Economic Development Strategic Plan.
(Item Presenter: Victoria Vargas, Director of Economic Development)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
32. Receive a report, hold a discussion, and provide staff direction on the creation of a Customer Assistance Program for residential utility accounts.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Draft Policy](#)

XII. City Council Requested Items

33. Consider directing the City Manager to provide an update on the status of the Wordplace, Waterfront at Marketplace, and Woodmere developments.
(Item Presenter: Daniela Parsley, Council Member)

XIII. Executive Session

34. 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.
- a. **Executive session pursuant to Texas Government Code 551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related

- to the acquisition of property for transportation improvements and related infrastructure; **and pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate related to same.
- b. **Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to the acquisition of property for park and recreation use, and related infrastructure; **and pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate related to same.
 - c. **Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to the acquisition of downtown property for municipal purposes; **and pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate related to same.
 - d. **Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to the acquisition of property for water and wastewater utility improvements and related infrastructure; **and pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate related to same.
 - e. **Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to Project Sahara; **and pursuant to Texas Government Code §551.087** to discuss and deliberate regarding potential financial or other incentives to business prospect(s) that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations related to same.
 - f. **Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to potential agreements with Waterstone Land Partners, Ltd., Lasalle Holdings, Ltd., and/or other entities or owners of land in the vicinity of the Waterstone development; **and pursuant to Texas Government Code §551.087** to discuss and deliberate regarding potential financial or other incentives to business prospect(s) that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations related to same.
 - g. **Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to the water and wastewater Certificates of Convenience and Necessity for the City of Kyle and related to the existing agreement with Caraway Cattle Company Family Partnership, LLP, Transwestern Development Company, LLC, and/or Newquest Equity, LLC.

35. Take action on items discussed in Executive Session.

XIV. Adjourn

One or more members of the board may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the board will be present at Kyle City Hall.

Posted this 11th day of October, 2024, prior to 4:00 p.m.

At any time during the City Council meeting, the City Council may elect to go into an Executive Session to discuss any item on the agenda for which state law authorizes an Executive Session to be held. If the City Council elects to go into an Executive Session regarding an agenda item, the presiding officer will first announce the section of the law authorizing a closed meeting. The description of an item in Executive Sessions constitutes the written interpretation by the City Attorney of Chapter 551 of the Texas Government Code and the legal opinion of the City Attorney that said item may be discussed in a closed meeting.

Under the Americans with Disabilities Act, an individual with a disability must have equal opportunity for effective communication and participation in public meetings. Kyle City Hall is wheelchair accessible. Individuals who require auxiliary aids, interpretive services, and/or other services for this meeting should submit a request at <https://www.cityofkyle.com/contact> or call (512) 262-1010, 48 hours in advance of the meeting.