



**City Council Regular Meeting Agenda
Tuesday, August 6, 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, Roll Call, and Excuse Absences

II. Approval of Minutes

1. Consider approval of the City Council July 16, 2024 Special Meeting Minutes, July 16, 2024 Regular Meeting Minutes, July 24, 2024 Special Meeting Minutes, and July 27, 2024 Special Meeting Minutes.

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

[Exhibit 1 - July 16, 2024 Draft Special Minutes](#)

[Exhibit 2 - July 16, 2024 Draft Regular Minutes](#)

[Exhibit 3 - July 24, 2024 Draft Special Minutes](#)

[Exhibit 4 - July 27, 2024 Draft Special Minutes](#)

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. Reports and Presentations

3. Introduction of new Parks and Recreation Director David Lopez.

(Item Presenter: Jesse Elizondo, Assistant City Manager)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

4. Introduction of new Library Services Director Leslie Scott.

(Item Presenter: Amber Schmeits, Assistant City Manager)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

5. Receive a report, hold a discussion, and provide staff direction regarding conceptual designs, amenities, and financials for the proposed Kyle Sports Complex.

(Item Presenter: Jesse Elizondo, Assistant City Manager)

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Presentation from July 16 Regular Meeting](#)

6. Receive a report, hold a discussion, and provide staff direction regarding the results of the cost of service and rate study for the City's water and wastewater utilities completed by Raftelis Financial Consultants, Inc.

(Item Presenter: Perwez A. Moheet, CPA, Director of Finance)

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)

VI. Consent Agenda

7. Consider approval of a resolution amending the Citizen Participation Plan for the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program.

(Item Presenter: Kaela Sharp, Senior Planner)

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Redlined Citizen Participation Plan](#)

8. *(First Reading)* Consider approval of an ordinance of the City of Kyle, Texas, Ordering a General Election to be held on November 5, 2024, for the Election of City Council Districts Five and Six to serve three-year terms; Providing for candidate application methods, designating the main and providing for branch early voting locations for such Election; Providing for an Order and Notice of such General Election; Providing for related matters; Providing a severability clause; and Providing an Effective Date.

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

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - General Election Ordinance](#)
[Exhibit 4 - Hays County Election Cost Estimate for Kyle](#)
[Exhibit 5 - Hays County Approved Early Voting Schedule and Polling Locations](#)

9. *(First Reading)* Consider approval of an ordinance approving the 2024 Service and Assessment Plan Update for the Porter Country Public Improvement District.

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

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Ordinance](#)
[Exhibit 4 - Porter Country SAP](#)

10. *(First Reading)* Consider approval of an ordinance approving the 2024 Service and Assessment Plan Update for the Plum Creek North Public Improvement District.

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

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Ordinance](#)
[Exhibit 4 - Plum Creek North SAP](#)

11. *(First Reading)* Consider approval of an ordinance approving the 2024 Service and Assessment Plan Update for the 6 Creeks Public Improvement District.
(Item Presenter: Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Ordinance](#)
[Exhibit 4 - 6 Creeks SAP](#)
12. *(First Reading)* Consider approval of an ordinance approving the 2024 Service and Assessment Plan Update for the Southwest Kyle Public Improvement District.
(Item Presenter: Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel)
[Exhibit 1 - Staff Report](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Ordinance](#)
[Exhibit 4 - SW Kyle SAP](#)
13. *(First Reading)* Consider approval of an ordinance approving the 2024 Service and Assessment Plan Update for the Kyle 57 Public Improvement District.
(Item Presenter: Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Ordinance](#)
[Exhibit 4 - Kyle 57 SAP](#)
14. Consider approval of Amendment No. 3 to Task Order No. 4 to CP&Y, Inc. dba STV Infrastructure, in the amount of \$204,698.00 for the additional design phase services and construction phase services for Phase 2 of the Wastewater Treatment Plant Interceptor project.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Amendment 3 to Task Order 4](#)
15. Consider approval of a resolution awarding the Request for Qualifications for the CR 158 elevated, ground storage tanks and pump station Construction Management/Construction Inspection services to Foster CM Group, Inc. and authorize the City Manager to negotiate a contract.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
16. Consider approval of a resolution finding Public Convenience and Necessity and authorizing the use of eminent domain to condemn, if necessary, a 6.699 acre tract of land owned by SSSPP Realty, LLC (as described in Exhibit 4) being all of a called 6.698 acre tract conveyed to SSSPP Realty, LLC at document number 22005754 of the official public records of Hays County, Texas, for the public use and purpose of construction of public roadway improvements and public water infrastructure improvements.
(Item Presenter: Amber Schmeits, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Property Description](#)

17. Consider approval of a resolution authorizing an amendment to the non-annexation development agreement with Allaudin N. Maredia.
(Item Presenter: Will Atkinson, Director of Planning)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Amended Development Agreement - Signed](#)
18. Approve a resolution accepting a voluntary annexation petition for approximately 2.07 acres of land at 1144 CR 158 and setting the public hearing date for August 15th, 2024 (ANNX-24-0023).
(Item Presenter: Will Atkinson, Director of Planning)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Annexation Schedule](#)
[Exhibit 6 - Agreement Regarding Post-Annexation Provision of Services](#)
[Exhibit 5 - Annexation Petition](#)
19. Consider approval of a resolution awarding the Request for Qualifications for design services of an audible warning system to Mission Critical Partners, LLC and authorize the City Manager to negotiate a contract.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
20. Consider approval of an agreement with Znet Tech, LLC for the purchase of a FARO Focus 3D Scanner in the amount of \$58,234.69, via the General Services Administration (GSA) cooperative contract.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Agreement](#)
21. Consider approval of a resolution approving a waiver from Sec. 23-60 of the City's Code of Ordinances, which allows for after-hours construction for the construction of HCISD Elementary School #17; and authorizing the City Manager to approve the dates and times of the after-hours construction.
(Item Presenter: Kelly Stilwell, Building Official)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
22. Consider approval of a resolution acknowledging the property necessary for the FM 1626 Pump Station Expansion Project and future water facilities projects and acknowledging the project 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](#)

23. Consider execution of an amendment to the services contract with Hunden Strategic Partners to incorporate additional ongoing advisory services related to the development of a multi-purpose sports complex in the amount of \$30,000 for a total contract amount of \$60,000.

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

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Amendment](#)

24. Consider approval of a construction contract with E-Z Bel Construction, LLC. in an amount not to exceed \$472,032.35, which includes a five percent contingency, for the construction of the Kohlers Crossing at Kyle Crossing Intersection Improvements.

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

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Kohlers Bid Tabulation](#)
[Exhibit 4 - Agreement](#)

25. *(Second Reading)* Consider approval of an ordinance repealing Ordinance No. 1310, which amended the City's budget for Fiscal Year 2023-2024 to authorize the Mayor and City Council members to access the health insurance program on the same terms as full-time City employees and amending Ordinance No. 1043 regarding City Council insurance access.

City Council voted 5 - 1 to repeal both Ordinances 1310 and 1043 on first reading on 8/3/2024

(Item Presenter: Aimee Alcorn-Reed, City Attorney)

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Ordinance](#)

26. *(Second Reading)* Consider approval of an ordinance amending the Policy for Members of City Council Regarding City Business Expenses Charged on City Credit Card and Request for Reimbursement of City Business Expenses, which was adopted by Ordinance No. 1231.

City Council voted 6 - 0 to approve on first reading on 8/3/2024

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

[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Ordinance](#)
[Exhibit 4 - Updated Expense Policy](#)

VII. Items Pulled from Consent Agenda

VIII. Public Hearings

27. Public Hearing concerning the expansion of the boundaries for Tax Increment Reinvestment Zone Number Four, pursuant to the provisions of Chapter 311 of the Texas Tax Code.
(Item Presenter: Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Notice of Public Hearing for July 27, 2024](#)
[Exhibit 4 - Notice of Public Hearing for August 6, 2024](#)

IX. Consider and Possible Action

28. Consider approval of a resolution approving the Community Development Block Grant Program 5-Year Consolidated Plan and Annual Action Plan for Fiscal Year 2024.
• Public Hearing
(Item Presenter: Kaela Sharp, Senior Planner)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Consolidated Plan](#)
29. (*First Reading*) Consider approval of an ordinance amending Chapter 53 (Zoning) of the Code of Ordinances, to rezone approximately 1.5 acres of land from 'A' (Agriculture) to 'RS' for property located at 1417 Bunton Creek Road. (Z-23-0124). The Planning and Zoning Commission recommended approval of "Community Commercial (CC) zoning in lieu of "Retail Services" (RS).
• Public Hearing
(Item Presenter: Jason Lutz, Planning Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Draft Zoning Ordinance](#)
[Exhibit 5 - Summary Request Letter](#)
[Exhibit 4 - Legal Description](#)
[Exhibit 6 - Landowner Authorization Form](#)
[Exhibit 7 - Deed](#)
30. (*First Reading*) Consider approval of Ordinances amending the sign and zoning code per Ch. 29 and Ch. 53 of the City of Kyle Code of Ordinances.
• Public Hearing
(Item Presenter: Kaela Sharp, Senior Planner)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Ordinance](#)
31. Consider approval of a resolution amending Resolution No. 1565, which provided for the defeasance and calling for redemption certain currently outstanding obligations.
(Item Presenter: Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)

32. Consider approval of a resolution to record City Council's vote to place a proposal on the agenda of a future City Council meeting as an action item to adopt an ad valorem tax rate that is higher than the no-new-revenue tax rate for Tax Year 2024 (Fiscal Year 2024-2025) for the City of Kyle; making findings of fact; and providing for related matters. (ROLL CALL VOTE IS REQUESTED)
(Item Presenter: Perwez A. Moheet, CPA, Director of Finance)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - 2024 Certified Tax Rate Calculation Worksheet](#)
[Exhibit 5 - 2024 Certified Assessed Valuations](#)
[Exhibit 6 - Budget Meeting Notice #2 7-31-2024](#)
[Exhibit 7 - Budget Meeting Notice #1 7-17-2024](#)
33. Consider and possible action to direct city manager and staff to categorize requested items from council, staff, and developers in all development agreements and future projects.
(Item Presenter: Miguel A. Zuniga PhD, Council Member)
34. Consider and possible action to direct city manager and staff to obtain quotes for mosquito spraying and prevention around neighborhood detention pond areas.
(Item Presenter: Miguel A. Zuniga PhD, Council Member)

X. Staff Reports and Presentations

35. Receive a report, hold a discussion, and provide staff direction regarding the City's Lean Government Initiative.
(Item Presenter: Jesse Elizondo, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)

XI. Executive Session

36. 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.
- 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.
 - Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning Texas Commission on Environmental Quality consideration of the City's permit application number WQ0011041002, related State Office of Administrative Hearing proceedings, and/or other legal issues related to the Wastewater Treatment Plant expansion.
 - 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.
- 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 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.
 - 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 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.
 - f. **Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning changes to the City's comprehensive plan, including requests of applications for changes related to specific proposed future land uses.
 - g. **Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning agreements with current and prospective telecommunication providers.
 - h. **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 setting of water and wastewater rates for the City's utility customers.
 - i. **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 City's contract(s) with Lennar Homes of Texas Land and Construction, Ltd., and/or other entities for the Plum Creek North Public Improvement District and development.
 - j. **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 City's non-annexation development agreement with Allaudin N. Maredia.

37. Take action on items discussed in Executive Session.

XII. 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 3rd day of August, 2024, prior to 12:30 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.