



City Council Regular Meeting Agenda
Tuesday, April 2, 2024 7:00 PM
Kyle City Hall, 100 W. Center Street, Kyle, TX 78640

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I. Call Meeting to Order and Roll Call

II. Approval of Minutes

1. Approval of the City Council March 16, 2024 Special Meeting Minutes, March 19, 2024 Special Meeting Minutes, and March 19, 2024 Regular Meeting Minutes.
(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)

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 make appointments to the Alliance Regional Water Authority Board of Directors.
(Item Presenter: Amber Schmeits, Assistant City Manager)

VI. Reports and Presentations

4. A proclamation recognizing Child Abuse Prevention Month and approval of a temporary pinwheel garden display at Mary Kyle Hartson Park.
(Item Presenter: Lauralee Harris, Council Member)
5. A proclamation recognizing Autism Awareness Month.
(Item Presenter: Michael Tobias, Council Member)
6. A proclamation recognizing Sexual Assault Awareness Month.
(Item Presenter: Daniela Parsley, Council Member)

VII. Consent Agenda

7. Consider approval of Task Order No. 2 to Quiddity Engineering, LLC, in the amount of \$165,680 for the development of a preliminary engineering report for the Steeplechase Wastewater Interceptor Improvements project.
(Item Presenter: Leon Barba, P.E., City Engineer)
8. Consider approval of Task Order No. 3 with HDR in an amount of \$116,414 for evaluation of expansion of reclaimed water distribution system from the Plum Creek golf course holding pond.
(Item Presenter: Leon Barba, P.E., City Engineer)
9. Consider approval of Amendment No. 1 to Task Order No. 12 with CP&Y, Inc. dba STV Infrastructure in an amount of \$355,511 to complete final design for Dacy Lane wastewater line upgrades.
(Item Presenter: Leon Barba, P.E., City Engineer)
10. Consider approval of an agreement for temporary wastewater pump and haul services with Lennar Homes of Texas Land and Construction, LTD.
(Item Presenter: Amber Schmeits, Assistant City Manager)
11. Approve a resolution acknowledging the alignment of the Clara Vista Force Main and acknowledging the project as serving a public purpose for public use.
(Item Presenter: Amber Schmeits, Assistant City Manager)
12. *(Second Reading)* Consider approval of an Ordinance approving a Conditional Use Permit for a medical office use pursuant to the Kalterra Capital Partners, LLC Development Agreement for a property located at 2220 Kohlers Crossing, Hays County, TX 78640. (CUP-24-0101)
City Council voted 5-2 to approve on first reading on 3/19/2024
(Item Presenter: Kaela Sharp, Senior Planner)
13. Consider approval of a resolution approving a Second Amendment of Declaration of Covenants, Conditions, and Restrictions for Plum Creek Uptown District and Agreement to Terminate Certain Instruments.
(Item Presenter: Paige Saenz, The Knight Law Firm)

VIII. Items Pulled from Consent Agenda

IX. Consider and Possible Action

14. *(First Reading)* Consider approval of an ordinance adopting and endorsing the City's Water Conservation Plan with amendments.
(Item Presenter: Tim Samford, Assistant Director of Water Utilities)
15. Consider approval of a resolution accepting the independent auditor's report for the fiscal year ended September 30, 2023.
(Item Presenter: Perwez A. Moheet, CPA, Director of Finance)

16. Consider approval of a resolution approving the framework for the Small Business Kickstart Program.
(Item Presenter: Victoria Vargas, Director of Economic Development)
17. Consider approval of a resolution authorizing the City Manager to negotiate a contract for design services for the Community Center Project.
(Item Presenter: Jesse Elizondo, Assistant City Manager)
18. Consider approval of a resolution approving a waiver for the dedication of public rights-of-ways, allowed by Sec. 41-81 of the City's adopted subdivision ordinance, to allow a portion of the subdivision to be served by private streets for the Live Oak Townhomes project, an approximately 17.758-acre site located east of Live Oak Street and north of the intersection between Porter Street and Cockerham Street.
(Item Presenter: Jason Lutz, Planning Manager)
19. (*First Reading*) Consider approval of an ordinance updating the City of Kyle Fee Schedule in Appendix A of the City of Kyle Code of Ordinances to modify fees for Building, Engineering, Parks, Planning, and Public Works.
 - Public Hearing(Item Presenter: Melissa McCollum, Chief Development Officer)
20. (*Second Reading*) Consider approval of an ordinance amending the City's adopted 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 health insurance access.
City Council voted 4-3 to approve on first reading on 3/19/2024
(Item Presenter: Jesse Elizondo, Assistant City Manager)
21. Consider directing the City Manager to rename the July 13th and September 14th Market Day events.
(Item Presenter: Daniela Parsley, Council Member)

X. Executive Session

22. 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 Emerald Ranch **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.

- 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 property for park improvements and downtown revitalization 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 Project Pixel; **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 relate 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 relate 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 Project The Stars are Bright; **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 relate 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 Project Two Step; **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 relate to same.
- 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 Universal Natural Gas's application for an interim rate adjustment.
- 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 acquisition of property located at or near RM 2770 (Jack C Hays Trail) and FM 150 in Hays County or of property interest related to said property, from

Dennis L. Miller and/or other interested parties; **and pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate related to same, including the value of easement(s) or other property interests.

- 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 contracts with various lobbyists and strategic advocacy consultants.
- k. **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 litigation and Equal Employment Opportunity Commission complaint(s) related to the City's reorganization.
- l. **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 and/or alignment and design of water or wastewater infrastructure; **and pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate related to same.

23. Take action on items discussed in Executive Session.

XI. 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 29th day of March, 2024, prior to 5:00 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.