



City Council Regular Meeting Agenda
Wednesday, June 18, 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 June 4, 2024 Special Meeting Minutes, June 4, 2024 Regular Meeting Minutes, and June 8, 2024 Special 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. Reports and Presentations

3. A proclamation recognizing Juneteenth.
(Item Presenter: Robert Rizo, Mayor Pro Tem, and Michael Tobias and Miguel Zuniga, Council Members)

VI. Consent Agenda

4. Consider approval of a resolution approving the Community Development Block Grant Program 5-Year Consolidated Plan and Annual Action Plan for Fiscal Year 2024.
(Item Presenter: Kaela Sharp, Senior Planner)
5. Consider approval of Amendment No. 1 to Task Order No. 6 with Pape-Dawson Engineers in the amount of \$346,500 to add Langford Community Management Services as a subconsultant to provide administrative services to the CR 158 Ground Storage Project.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
6. Consider approval of Task Order No. 1 in the amount of \$491,122 to Pape-Dawson Engineers for professional construction inspection services for Phase One of the FM 1626 Ground Storage Tank and Pump Station (FM 1626) construction project.
(Item Presenter: Rosie Truelove, Director of Administrative Services)

7. Consider approval of a resolution authorizing an Agreement Regarding Governance— Restaurant, Hotel, and Office City Properties for the retail properties conveyed to the City as part of the development in the Brick and Mortar District.
(Item Presenter: Paige Saenz, The Knight Law Firm)
8. Consider approval of a temporary construction license with FM 150, LLC and a right of entry agreement with Walton Texas, LP for the wastewater treatment plant access road and authorizing the City Manager, or designee, to execute the agreements.
(Item Presenter: Leon Barba, P.E., City Engineer)
9. Consider a resolution approving new and revised personnel policies for the City of Kyle related to Paid Parental Leave, Education Assistance, Vacation and Sick Leave Buy Back, Compensatory Time and Exception Vacation.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
10. *(First and Final Reading)* Consider approval of an ordinance of the City of Kyle, Texas to remove the statutory maximum contribution rate limit to ensure that the City's contributions to the Texas Municipal Retirement System (TMRS) are based on the actuarially determined rate each year.
(Item Presenter: Perwez A. Moheet, CPA, Director of Finance)
11. Consider approval of a resolution suspending the July 8, 2024 effective date of the proposal by Texas Gas Service Company a Division of ONE Gas, Inc. to increase rates within the City of Kyle.
(Item Presenter: Aimee Alcorn-Reed, City Attorney)

VII. Items Pulled from Consent Agenda

VIII. Consider and Possible Action

12. *(Second Reading)* Consider approval of an ordinance amending Chapter 53 (Zoning) of the Code of Ordinance, rezoning approximately 45.3 acres of land from ‘RS’ (Retail Services), to ‘PUD’ (Planned Unit Development, approximately 29.9 acres ‘RS’ & approximately 15.4 acres ‘R-3-3 (apartments) for property located at 22675 IH-35 in Hays County, Texas.
(Kyle Retail/Office, LLC - Z-23-0119)
City Council voted to approve 7-0 on first reading on 6/4/2024
(Item Presenter: Jason Lutz, Planning Manager)
13. Consider approval of a Development Agreement for Project Two Step Between the City of Kyle, Texas and Kyle Retail/Office, LLC; Authorizing the City Manager to Execute the Agreement.
(Item Presenter: Jason Lutz, Planning Manager)
14. Consider approval of a Chapter 380 agreement, with Kyle Retail/Office, LLC (Project Two Step) in the amount of \$14,856,100 for the construction of an urban-style mixed-use project located at 22675 IH-35.
(Item Presenter: Victoria Vargas, Director of Economic Development)

15. Consider a resolution authorizing the City Manager to terminate the professional services agreement with Burditt Consultants, LLC for the Feasibility Study and Conceptual Plan for the Community Center Project.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
16. Consider approval of an agreement with Stantec Consulting Services, Inc. for the Design Services for Kyle Sportsplex: RFQ-2024-01 solicitation in the amount of \$672,655 for the initial phases of work for the sports complex and associated facilities.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
17. Consider a resolution authorizing the Issuance of a Request for Qualifications for professional design services at Lake Kensington Park.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
18. Consider approval of a 1-year contract with Bickerstaff Heath Delgado Acosta, LLP for redistricting services of City Council districts in the amount of \$30,000.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
19. Consider approval of a one-year extension for both the Community Garden and Trails Committees.
(Item Presenter: Lauralee Harris and Bear Heiser, Council Members)

IX. 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.
 - 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 Project Cliffhanger; **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.
 - 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 Project Connect Four; **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.
 - 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 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.

- 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 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.
- 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 the acquisition of property and/or alignment and design of park and/or recreation improvements, including the property located at 1500 Dacy Lane; **and pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate 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 City Charter.
- 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 Chapter 38 of the City's Code of Ordinances and/or potential changes thereto.

21. Take action on items discussed in Executive Session.

X. 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 15th day of June, 2024, prior to 6:00 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.