



City Council Regular Meeting Agenda
Wednesday, July 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 June 18, 2024 3:00 p.m. Special Meeting Minutes, June 18, 2024 5:30 p.m. Special Meeting Minutes, and June 18, 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. Consent Agenda

3. Consider approval of a contract in the amount of \$499,849.47 with Viking Construction for micro surfacing services, which was procured via the City's interlocal agreement with Grand Prairie.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
4. Consider approval of a resolution accepting the special warranty deed document number 24021360 recorded Hays County, Texas for property described as Lot 4, Block 1, Final Plat, Waterstone Unit A, as recorded for the CR 158 water and wastewater facilities location.
(Item Presenter: Amber Schmeits, Assistant City Manager)
5. Consider approval of a contract and purchase order with RDO Equipment for two John Deere 320P backhoes in the amount of \$293,915.20, via Buyboard co-operative.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
6. Consider approval of a Contract with Hays County for Election Services and Joint Election Agreement for 2024-2025.
(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)

7. Consider approval of a resolution for the defeasance of not less than \$3,585,000 in outstanding City of Kyle general obligation bonds during the upcoming fiscal year 2024-2025 in order to realize an estimated \$725,000 in interest cost savings and to maintain the City's property tax rate for next fiscal year 2024-2025 at the same tax rate as the current fiscal year of \$0.4693 per \$100 of taxable assessed valuation.
(Item Presenter: Perwez A. Moheet, CPA, Director of Finance)
8. Consider approval of Task Order No. 2 with WGI, Inc. in the amount of \$51,120 for a traffic study at Marketplace Avenue and Kyle Center Drive.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
9. *(Second 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.
Council voted 5-0 to approve on first reading on 6/18/2024.
(Item Presenter: Perwez A. Moheet, CPA, Director of Finance)
10. Consider approval of a resolution extending the established Community Gardens Committee to July 31, 2025.
(Item Presenter: Jesse Elizondo, Assistant City Manager)
11. Consider approval of a resolution extending the established Trails Committee to July 31, 2025.
(Item Presenter: Jesse Elizondo, Assistant City Manager)
12. Consider approval of Task Order No. 5 to RPS Infrastructure Inc., for bid phase services for the Marketplace Avenue project of the 2022 Road Bond Program in the amount of \$10,512.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)
13. Consider approval of Task Order No. 6 to RPS Infrastructure Inc., for construction phase services for the Marketplace Avenue project of the 2022 Road Bond Program in the amount of \$48,987.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)
14. Consider approval of a Resolution replacing Resolution No. 1530 and approving the corrected 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)

VI. Items Pulled from Consent Agenda

VII. Consider and Possible Action

15. *(First Reading)* Consider approval of an ordinance amending Chapter 53 (Zoning) of the Code of Ordinance, to rezone approximately 0.89 acres of land from 'RS' (Retail Services),

and 4.33 acres of land from “A” (Agriculture) to ‘PUD’ (Planned Unit Development, approximately 5.22 acres ‘RS’ for property located at 24155 & 24321 IH-35 in Hays County, Texas.(Kyle Rancher / Aleena Noor Enterprise, Inc. - Z-23-0115)

- Public Hearing

(Item Presenter: Will Atkinson, Director of Planning)

16. *(First Reading)* Consider approval of an ordinance amending Chapter 53 (Zoning) of the Code of Ordinance, to rezone approximately 0.762 acres of land from ‘A’ (Agriculture) to ‘RS’ (Retail Services) for property located at 1105 E FM 150 in Hays County, Texas. (Quantum Auto Tech, LLC. - Z-24-0125)

- Public Hearing

(Item Presenter: Kaela Sharp, Senior Planner)

17. Consider approval of a resolution approving a contract with Hill Country Mental Health and Developmental Disabilities Centers to establish a Juvenile Behavioral Health Program. (Item Presenter: Rosie Truelove, Director of Administrative Services)

18. Consider and Possible Action to cancel all city council and city manager's credit cards. (Item Presenter: Miguel A. Zuniga PhD, Council Member)

19. Consider and Possible Action to ratify non-binding proposition to accept or reject health insurance for non-full time elected officials. (Item Presenter: Miguel A. Zuniga PhD, Council Member)

VIII. Staff Reports and Presentations

20. Receive a report, hold a discussion, and provide staff direction on the Roadway Condition and Preservation 5-Year Capital Improvements Plan. (Item Presenter: Mike Murphy, Director of Water Utilities)

21. Receive a report, hold a discussion, and provide staff direction on Water Utilities and Public Works Department proposed budget and Capital Improvements Plan for Fiscal Year 2024-2025. (Item Presenter: Mike Murphy, Director of Water Utilities)

22. Receive a report, hold a discussion, and provide staff direction regarding City's Facilities Master Plan. (Item Presenter: Amber Schmeits, Assistant City Manager)

23. Receive a report, hold a discussion, and provide staff direction on the Tax Increment Refinance Zone (TIRZ) opportunities to expand current TIRZ Districts #3 and #4 to support roadway infrastructure. (Item Presenter: Amber Schmeits, Assistant City Manager)

IX. Executive Session

24. 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 Project Ember; **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 the Articles III and/or VI of the City Charter, including qualifications, term limits, attendance, and/or vacancies for City Council, City Council compensation, and/or the power of initiative, referendum and/or recall, including the petition process and/or the calling of a special or general election.
- 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 acquisition of property for utility improvements, including wastewater utilities, 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.
- 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 acquisition of property for park and recreation use, and related infrastructure, including properties located at or near 1500 Dacy Lane and at, in, or near the Spring Branch and

- Silverado subdivisions; **and pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate related to same.
- 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 downtown for municipal purposes, including properties located at or near 106 N Burlison and 201 W Lockhart; **and pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate related to same.
 - 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 land use, grandfather rights, and/or other City Code requirements as applied to properties located at or near 1119 N. Old Highway 81 and/or the intersection of I-35 access road and Marketplace Ave., and/or the intersection of Marketplace Ave. and Burlison Street, and/or the Chapter 380 agreement(s) with the owner(s) of said properties.
 - 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 Chapter 552 of the Texas Government Code, known as the Texas Public Information Act, including allowable charges under the Act.

25. 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 28th day of June, 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.