



**City Council Regular Meeting Agenda
Tuesday, February 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 and Roll Call

II. Approval of Minutes

1. Consider approval of the city council January 16, 2024 Special Meeting Minutes and January 16, 2024 Regular Meeting Minutes.
(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)
[Exhibit 1 - Draft Minutes January 16, 2024 City Council Special Meeting](#)
[Exhibit 2 - Draft Minutes January 16, 2024 City Council Regular Meeting](#)

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 minute order approving the appointment of Lize Challis to the Trails Committee.
(Item Presenter: Mariana Espinoza, Director of Parks & Recreation)
[Exhibit 1- Staff Memo](#)
[Exhibit 2- Presentation](#)
4. Consider approval of a minute order appointing Dr. Eric Wright, Superintendent of Hays Consolidated Independent School District; Julie Snyder, CEO of the Kyle Area Chamber of Commerce; Cassidy Berenato, Vice President of Texas Aviation Partners – San Marcos Regional Airport; and Mike Kamerlander, President of the Greater San Marcos Partnership as ex officio members of the Economic Development and Tourism Board.
(Item Presenter: Victoria Vargas, Director of Economic Development)
[Exhibit 1- Staff Memo](#)
[Exhibit 2- Presentation](#)

VI. Reports and Presentations

5. Introduction of new City Attorney, Aimee Alcorn-Reed.
(Item Presenter: Bryan Langley, City Manager)
6. A Proclamation recognizing George Washington's Birthday.
(Item Presenter: Daniela Parsley, Council Member)
7. A Proclamation recognizing Black History Month.
(Item Presenter: Michael Tobias, Council Member)
8. A Proclamation recognizing Dating Violence Awareness Month.
(Item Presenter: Bear Heiser, Council Member)
9. A Proclamation recognizing Spay Neuter Awareness.
(Item Presenter: Miguel A. Zuniga PhD, Council Member)
10. Receive a report, hold a discussion, and provide staff feedback on the City of Kyle's plans and procedures to follow during emergency weather events and partnership and collaboration with neighboring entities.
(Item Presenter: Jeff Barnett, Chief of Police)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
11. Receive a report, hold a discussion, and provide staff feedback regarding the City of Kyle's legislative programming, priorities, grant opportunities, and strategic advocacy.
(Item Presenter: Jesse Elizondo, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
12. Receive a report, hold a discussion, and provide staff feedback regarding the strategic planning efforts for the city's water system and supply.
(Item Presenter: Amber Schmeits, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2: Presentation](#)

VII. Consent Agenda

13. Consider approval of a resolution authorizing application for State Homeland Security Program - Law Enforcement Terrorism Prevention Activities grant funds in the amount of \$409,431.
(Item Presenter: William Paiz-Tabash, Emergency Management Coordinator)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
14. Consider approval of a resolution authorizing application for Criminal Justice Grant Program - Edward Byrne Memorial Justice Assistance Grant Program funds in the amount of \$69,599.97.
(Item Presenter: William Paiz-Tabash, Emergency Management Coordinator)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)

15. Consider approval of an agreement between the City of Kyle and Sutter Equipment Company for a trail dozer for the Plum Creek Trail improvements in the amount of \$94,246.17.
(Item Presenter: Mariana Espinoza, Director of Parks & Recreation)
[Exhibit 1- Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3- Purchase Agreement](#)
16. *(Second Reading)* Consider approval of an ordinance requesting a conditional height exception pursuant to Sec. 53-1047 (12) and Sec. 53-1048 of the City of Kyle Code of Ordinances. The project is located at 22497 IH-35 in the City of Kyle, Hays County, Texas (Country Inn Suites - CUP-23-0093)
Planning and Zoning Commission voted 6-0 to approve the request with staff recommended changes.
Council voted 6-1 to approve on first reading on 1/16/2024.
(Item Presenter: Kaela Sharp, City Planner)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Ordinance](#)
[Exhibit 4 - Summary Letter](#)
[Exhibit 5 - Architectural Plans](#)
[Exhibit 6 - Landowner Authorization Form](#)
[Exhibit 7 - Deed](#)
[Exhibit 8 - Franchise Account Status](#)
17. Consider approval of a resolution authorizing the application for the United States Department of Transportation through the Rebuilding American Infrastructure with Sustainability and Equity grant program for fiscal year 2024 in the amount of \$25,000,000.
(Item Presenter: Jesse Elizondo, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
18. Consider approval of a resolution authorizing the application for the United States Department of Transportation through the Consolidated Rail Infrastructure and Safety Improvements grant program for fiscal year 2024 in the amount of \$23,718,208.
(Item Presenter: Jesse Elizondo, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
19. Consider approval of a resolution approving a municipal utility easement – electric utilities (within street right-of-way for the Uptown Development Phase 1B); approving the form of the easement and authorizing the City Manager to execute the easement from time-to-time in a form approved by the City Engineer and the City Attorney.
(Item Presenter: Paige Saenz, Legal Counsel)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Municipal Utility Easement](#)

20. Consider approval of a resolution accepting the Paramount Section Four subdivision improvements.
(Item Presenter: Leon Barba, P.E., City Engineer)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Acceptance Package with Resolution](#)
21. Consider approval of Task Order No. 1 to HDR Engineers, Inc., in the amount of \$40,000 for the FM 1626 access road survey and real estate services and authorize the City Manager to execute the task order.
(Item Presenter: Leon Barba, P.E., City Engineer)
[EXHIBIT 1 - STAFF MEMO City Council Regular Meeting Staff Report_HDR Engineers FM 1626 SURVEY AND REAL ESTATE SERVICES.docx](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Agreement](#)
[Exhibit 4 - Task Order No. 1 Scope](#)
22. Consider approval of Task Order No. 1 to Quiddity Engineers LLC. for professional engineering services for permanent generators at the city's water system facilities and City Hall in an amount of \$129,290 and authorize the City Manager to execute the task order.
(Item Presenter: Amber Schmeits, Assistant City Manager)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Agreement](#)
23. Consider approval for the City Manager to execute an amendment to the agreement between the City of Kyle and Brightview Landscaping Services, Inc. for maintenance of City of Kyle corridors in an amount of \$78,259.57.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Resolution](#)
[Exhibit 4 - Agreement Amendment](#)
24. Consider approval of Amendment No. 2 to Task Order No. 12 to LJA Engineering, Inc. in an amount of \$5,928 for preparing surveying documents necessary for the water line easement along Marketplace Avenue and authorize the City Manager to execute Amendment No. 2.
(Item Presenter: Leon Barba, P.E., City Engineer)
[Exhibit 1 - Staff Memo](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Amendment No. 2 to Task Order No. 12](#)
25. Consider a resolution approving the Chapter 380 First Year on Us, owner occupied, incentive request by Tea TipPer 1, LLC operating HTeaO in an amount not to exceed \$10,000.
(Item Presenter: Victoria Vargas, Director of Economic Development)
[Exhibit 1- Staff Memo](#)
[Exhibit 2- Presentation](#)
[Exhibit 3 - Resolution](#)

[Exhibit 4 - Agreement](#)

26. Consider approval of Supplement No. 1 to Task Order No. 10 to STV, Inc., Austin, Texas, in an amount of \$76,197, for a total amount of \$154,958 to revise the construction plans, specifications, and estimates to add drainage, pedestrian, and Vybe improvements to the temporary signal design at the intersection of Kohlers Crossing and Kyle Crossing.

(Item Presenter: Leon Barba, P.E., City Engineer)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Supplement No. 1 - Task Order No. 10](#)

[Exhibit 4 - Weekly Report Memo](#)

[Exhibit 5 - Draft PER](#)

VIII. Items Pulled from Consent Agenda

IX. Consider and Possible Action

27. Consider approval of a resolution authorizing the purchase and closing of a 26.607 acre parcel of land, more or less, out of the Thomas G. Allen Survey, Abstract No. 26, and the Daniel Downes Survey, Abstract No. 151 in Hays County, Texas for the extension of Kohlers Crossing and the reconstruction of Bebee Road, for the purchase price plus closing costs, approving and authorizing the Earnest Money Contract and authorizing the City Manager to execute any and all contracts and documents necessary to close on the real property identified herein.

(Item Presenter: Amber Schmeits, Assistant City Manager)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Resolution](#)

[Exhibit 4 - Earnest Money Contract](#)

28. Consider approval of a resolution approving a Stormwater Facilities Site Maintenance Agreement; a Declaration of Drainage and Detention Easement; a Special Warranty Deed (Plum Creek Regional Detention Pond and Drainage Channel); Special Warranty Deed from Lennar Homes of Texas Land and Construction, Ltd., for Approximately 23.471 acres, more or less; and a Public Access Easement; authorize the City Manager to execute the foregoing documents in final form approved by the City's legal counsel; authorize the City Manager to execute all document necessary to accomplish the conveyance of the foregoing properties (Regional Sportsplex Site).

(Item Presenter: Paige Saenz, Legal Counsel)

[Exhibit 1 - Staff Memo](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Resolution](#)

[Exhibit 4 - Stormwater Facilities Site Maintenance Agreement](#)

[Exhibit 6 - Special Warranty Deed Plum Creek Regional Detention Pond and Drainage Channel](#)

[Exhibit 7 - Special Warranty Deed Lennar to City](#)

[Exhibit 8 - Public Access Easement](#)

[Exhibit 9 - Declaration of Drainage and Detention Easement](#)

29. Consider directing the City Manager to waive permit fees for The Texas Ramp Project, a nonprofit, to install code compliant residential ADA ramps at homes of residents who are financially and physically in need.
(Item Presenter: Travis Mitchell, Mayor)

X. Executive Session

30. 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.
1. Pending or contemplated litigation, settlement agreement, or to seek the advice of the City Attorney and Attorneys concerning legal issues pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct.
 - Various Lobbyist and Strategic Advocacy Contracts
 - RFQ-2023-40-PARD
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 to deliberate the purchase of real property for public purpose.
 - Purchase of property for city facilities and public purposes
 - Acquisition of property for transportation improvements and related infrastructure
 - Center Street Village Wastewater Line Easement
 - Cypress Road Utilities Easement
 - Kyle Parkway and Lehman Extension Right of Way
 - Quail Ridge Drainage Assessment
 3. Personnel matters pursuant to Section 551.074.
 4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
 - Project Two Step
 - Project Sahara
31. 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 1st day of February, 2024, prior to 5:30 p.m.

At any time during the City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held.

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.