

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on April 19, 2022 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Diana Woods
Mayor Pro Tem Robert Rizo	Alexander Villalobos
Council Member Dex Ellison	Jason Cale
Council Member Yvonne Flores-Cale	Kay Rush
Council Member Ashlee Bradshaw	Gabe Parsley
Council Member Daniela Parsley	Jo Fenety
Council Member Michael Tobias	Jeremy Garrett
Scott Sellers, City Manager	Lila Knight
James Earp, Assistant City Manager	Mario Perez
Jerry Hendrix, Assistant City Manager	Rebecca Chapa
Amber Lewis, Assistant City Manager	David Russell
Paige Saenz, City Attorney	Daniel McElrath
Samantha Armbruster, Communications Dir.	Brian Bahr
Jennifer Holm, City Secretary	Tim Williford
Leon Barba, City Engineer	David Harding
Diana Torres, Economic Dev Director	Jon Snyder
Perwez Moheet, Finance Director	Mike Boswell
Andy Alejandro, Accounting Manager	
Sandra Duran, HR Director	
Matt Dawson, IT Director	
Paul Phelan, Library Director	
Mariana Espinoza, Parks & Recreation Director	
William Atkinson, Senior Planner	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Harper Wilder, Director of Public Works	
Will Paiz-Tabash, Emerg. Mgmt. Coord.	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:07 p.m. The Pledge of Allegiance was recited.

Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Rizo, Council Member Ellison, Council Member Flores-Cale, Council Member Bradshaw, Council Member Parsley, and Council Member Tobias. A quorum was present.

II. Approval of Minutes

1. City Council Special Meeting Minutes - April 5, 2022. ~ *Jennifer Holm, City Secretary*

Council Member Tobias moved to approve the minutes of the April 5, 2022 Special Council Meeting. Mayor Pro Tem Rizo seconded the motion. Motion carried 7-0.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:08 p.m.

Diana Woods was called to speak as registered in opposition of Item Nos. 30 and 31. She spoke about attending a public hearing before the Planning and Zoning Commission. She spoke about the contractor having trespassed onto her property to erect a permanent iron stake, inside her fence which was damaged, and removed the surveyor's land marker. She stated that it would be improper for the Council to approve the annexation without addressing the alteration of the metes and bounds.

Alexander Villalobos was called to speak as registered. He spoke about Mr. Armando Chapa and the advocacy, education, guidance and mark that he impressed on his community.

Jason Cale was called to speak as registered. He spoke about the city manager's outside employment, former Council Member Rick Koch, the endorsement of the business by Mayor Mitchell, and council spending by Council Members Koch and Bradshaw and Mayor Mitchell. He continued about actions of former Council Member Rick Koch with regard to the appointment of a Planning & Zoning Commissioner, and the Brick and Mortar District. He spoke about the sale of Mayor Mitchell's commercial property and made many accusations of lack of integrity.

Kay Rush, representing Amberwood, was called to speak as registered regarding Item No. 34. She spoke about Monarch as the water provider for Amberwood. She spoke about cost differences between City of Kyle water customers and Monarch customers. She spoke about a 3% raise that is in agenda packet. She asked why the chart doesn't consider the cost of distribution, the cost of water, the cost of doing business in water, who Monarch receives water from, and what their cost is. She asked whether the City bases its water rates on costs for meals at restaurants, costs of shoes and clothing, because she stated, these items are considered in her water rate with Monarch. She thanked council for approving item numbers 11, 12, and 13 in the agreement, which they have requested for many years. She stated that Monarch is guaranteed a net 5.8% increase.

Gabe Parsley was called to speak as registered in regarding Item No. 24. He stated that his topic is to bring more financial transparency and scrutiny on expenditures by the City Council and senior members. He provided totals for each council member's expenses over the last five years. He asked that stringent oversight of all elected officials must be enacted immediately, and all expenditures be made plainly available to the taxpayers who are footing the bill.

Jo Fenety was called to speak as registered in opposition of Item No. 34. She spoke about the Monarch contract. She asked that Council think about the amount of money that is okay to have citizens pay for water. She stated that the City had the opportunity to purchase the water utility in 2006 and didn't, and now must negotiate contracts. She stated the amount is not quite as fair as it should be.

Jeremy Garrett, representing KAP Literary Center, was called to speak as registered. He serves as the writer-in-residence for the Literary Center. He wanted to remind Council and local community that the arts and literary arts have been long represented in the City. Mr. Garrett spoke about the accomplishments and events held over the last 22 years. He spoke about a national PBS broadcast that took place yesterday evening from Kyle regarding the healing power of arts. He stated that this Friday, April 22 at 7:30 p.m., Joy Harjo would be hosting a poetry event.

Lila Knight, representing Hays County Historical Commission, was called to speak as registered. She spoke about the Commission's previous survey of historical buildings in Kyle having taken place in 1994 and went back to 1945. She stated that the Commission will soon be resurveying the buildings of Kyle. They plan to finish by the end of the year and will provide a copy of the report to the City.

Mario Perez was called to speak as registered. He commented on Item No. 39, Savannah Ranch Development. He spoke about the requirements for a reinvestment zone and stated that Savannah Ranch is not appropriate for a reinvestment zone because it is clearly not a blight area. He described this area as the most prime development land in Kyle that can accommodate luxury real estate.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:36 p.m.

V. Presentation

3. Resolution honoring the life and legacy of long-time educator and principal, Mr. Armando Chapa. ~ *Michael Tobias, Council Member*

With no objections, Mayor Mitchell brought forward Item No. 3 out of order, prior to Item No. 2. Council Member Tobias presented the resolution.

Council Member Tobias moved to approve a resolution honoring the life and legacy of long-time educator and principal, Mr. Armando Chapa. Mayor Pro Tem Rizo seconded the motion. Ms. Rebecca Chapa spoke on behalf of the Chapa family. Motion carried 7-0.

Mayor Mitchell called a recess at 7:47 p.m. Mayor Mitchell called the meeting back to order at 7:56 p.m.

IV. Appointments

2. Approve the appointment of William Paiz-Tabash or the City of Kyle Emergency Management Coordinator as the data custodian for the State of Texas Emergency Assistance Registry. ~ *William Paiz-Tabash, Emergency Management Coordinator*

Mayor Mitchell moved to approve the appointment of William Paiz-Tabash or the City of Kyle Emergency Management Coordinator as the data custodian for the State of Texas Emergency Assistance Registry. Council Member Ellison seconded the motion. Motion carried 7-0.

V. Presentation

4. Presentation from Frontier Communications about deploying fiber optics. ~ *David Russell, Frontier Communications*

No action was taken.

5. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*
 - Hays County Tire Drive April 23
 - Earth Day festivities

- Summer Job Hiring event April 27
- Movies in the Park April 29
- Downtown Master Plan survey
- Prescription Drug Take Back event April 30

No action was taken.

6. CIP/Road Projects and Consent Agenda Presentation. ~ *Leon Barba, P.E., City Engineer*

Mr. Barba and Mr. Hendrix presented the item. Council Member Ellison also provided an update, along with David Harding of AG|CM. No action was taken.

VI. Consent Agenda

Mayor Mitchell pulled Item Nos 14, 21 and 22. Council Member Flores-Cale pulled Item No. 9, 11, 12, 19. Mayor Mitchell brought forward Item Nos. 7, 8, 10, 13, 15, 16, 17, 18, and 20 for consideration.

7. Approve Plum Creek Uptown 1B - Final Plat (SUB-22-0237) 8.0249 acres; 2 lots; 1 right-of-way located at the intersection of Benner and Jack Ryan. ~ *Will Atkinson, Senior Planner*

Planning and Zoning Commission voted 7-0 to recommend approval of the final plat.

8. *(Second Reading)* An ordinance of the City of Kyle, Texas, Regulating Traffic, Authorizing and directing the installation and erection of no stopping signs for traffic control along the east side of Old Stagecoach Road, from West Center Street to Veterans Drive in the city limits of Kyle; Repealing any ordinance or resolution in conflict; Providing a severability clause; Declaring a penalty; and Providing an effective date. ~ *Jeff Barnett, Chief of Police*

City Council voted 7-0 to approve on First Reading on 4/5/2022.

10. Authorize award and execution of a purchase order to AMERICAN FIREWORKS, Bastrop, Texas in an amount not to exceed \$52,000.00 for the 4th of July Fireworks show. ~ *Mariana Espinoza, Director of Parks & Recreation*
13. Approve a contract with LANDMARK SURVEYING, LP., Austin, Texas, in an amount not to exceed \$15,000.00 for construction staking for Phase II of the Old Post Road Improvements Project. ~ *Leon Barba, P.E., City Engineer*
15. Approve Task Order No. 12 to LJA ENGINEERING, INC., Austin, Texas, in the amount not to exceed \$398,029.32 to widen the IH 35 Southbound Frontage Road to 3 lanes with a shared use path from Marketplace Ave. to Center St. ~ *Leon Barba, P.E., City Engineer*
16. Approve Task Order No. 7 to CP&Y, INC., Austin, Texas in an amount not to exceed \$358,650.00 for developing an FM 150 W extension preliminary engineering report and a 10% schematic for submittal through an application to Capital Area Metropolitan Planning Organization (CAMPO) for competition and possible project funding. ~ *Leon Barba, P.E., City Engineer*

17. Approve Task Order No. 13 to LJA ENGINEERING, INC., Austin, Texas in an amount not to exceed \$137,036.22 for developing Kohlers Crossing Overpass and Extension to Seton Parkway preliminary engineering report, and a 10% schematic for submittal through an application to Capital Area Metropolitan Planning Organization (CAMPO) for competition and possible project funding. ~ *Leon Barba, P.E., City Engineer*
18. Authorize the City Manager to negotiate agreements with the following six (6) engineering firms to develop preliminary engineering reports for the planned 2022 Road Bond Program projects: COBB, FENDLEY & ASSOCIATES, INC., RPS INFRASTRUCTURE, INC., KIMLEY-HORN & ASSOCIATES, INC., BGE, INC., LOCKWOOD, ANDREWS, & NEWNAM, INC., and AMERICAN STRUCTUREPOINT, INC. ~ *Amber Lewis, Assistant City Manager*
20. Ratify emergency cleaning at the Wastewater Treatment Plant, in an amount not to exceed \$17,408.57 payable to Wastewater Transport Services, Austin, Texas. ~ *Harper Wilder, Director of Public Works*

Mayor Mitchell moved to approve Consent Agenda Item Nos. 7, 8, 10, 13, 15, 16, 17, 18, and 20. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

14. Authorize award and execution of a purchase order to BRZ COATINGS, INC., Watauga, Texas, in an amount not to exceed \$275,000.00, which includes a 10% contingency to perform all work required for the rehabilitation of the Plum Creek Elevated Storage Tank. ~ *Leon Barba, P.E., City Engineer*
21. Approve a professional services agreement by and between The Boring Company and the City of Kyle. ~ *J. Scott Sellers, City Manager*
22. Approve a Reimbursable Agreement by and between Union Pacific Railroad and the City of Kyle, Texas and to approve payment of associated fees. ~ *Allen Ross, Schaumberg and Polk, Inc.*

Mayor Mitchell stated that Item Nos. 14, 21, and 22 were pulled for postponement. No action was taken.

9. Authorize a change in the company name from BRIGHTVIEW LANDSCAPE SERVICES, INC., DBA WLE to BRIGHTVIEW LANDSCAPE DEVELOPMENT, INC. On March 1, 2022, a Change Order was authorized by City Council to BRIGHTVIEW LANDSCAPE SERVICES, INC., DBA WLE to add four additional scopes of work in an amount not to exceed \$430,669.78 for providing landscape, tree planting, and irrigation services in the City's beautification corridors. ~ *Jerry Hendrix, Assistant City Manager*

Council Member Flores-Cale moved to postpone a change in the company name from Brightview Landscape Services, Inc., DBA WLE to Brightview Landscape Development, Inc. On March 1, 2022, a Change Order was authorized by City Council to Brightview Landscape Services, Inc., DBA WLE to add four additional scopes of work in an amount not to exceed \$430,669.78 for providing landscape, tree planting, and irrigation services in the City's beautification corridors until Council

receives documentation of authority of transfer of contract. Council Member Parsley seconded the motion. Council Member Flores-Cale withdrew her motion, and the item was tabled.

11. Authorize award and execution of a purchase order to ARTISTIC HOLIDAY DESIGNS, Lemont, Illinois in an amount not to exceed \$65,475.74 for holiday displays for Mary Kyle Hartson City Square Park. This Council approval will also authorize staff to reprogram funds from the Historic Water Tower Festive Lighting project to provide funding for this expenditure. ~ *Mariana Espinoza, Director of Parks & Recreation*
12. Authorize award and execution of a purchase order to DOWNTOWN DECORATIONS, Fredericksburg, Texas in an amount not to exceed \$19,148.22 for holiday displays for Mary Kyle Hartson City Square Park through Buy Board Contract #643-21. This Council approval will also authorize staff to reprogram funds from the Historic Water Tower Festive Lighting project to provide funding for this expenditure. ~ *Mariana Espinoza, Director of Parks & Recreation*

Mayor Mitchell brought forward Item Nos. 11 and 12 simultaneously. Ms. Espinoza and Mr. Moheet presented the items.

Mayor Mitchell moved to approve Item Nos. 11 and 12. Council Member Flores-Cale seconded the motion. Motion carried 6-1 with Mayor Pro Tem Rizo dissenting.

19. Authorize the Mayor or his designee to execute a contract with GrantWorks for the purpose of preparing and submitting grant applications on behalf of the City of Kyle. ~ *James R. Earp, Assistant City Manager*

Council Member Flores-Cale moved to approve agenda Item No. 19. Mayor Mitchell seconded the motion. Motion carried 7-0.

VII. Consider and Possible Action

23. Consider a sponsorship or donation to the 2022 Operation: Hats off for Veterans event (April 24, 2022) benefitting the Kyle VFW Post #12058 and their Veteran services programs. ~ *Dex Ellison, Council Member*

Mayor Pro Tem Rizo moved to direct staff to sponsor a table for the 2022 Operation: Hats off for Veterans event (April 24, 2022). Council Member Ellison seconded the motion. Motion carried 7-0.

24. Discussion and possible action regarding mayor and council expenses to be published and updated every month in the city of Kyle web page. ~ *Daniela Parsley, Council Member*

Mayor Mitchell moved to direct staff to put council expenses on the city's website. Council Member Flores-Cale seconded the motion.

Mayor Mitchell moved to amend his motion to include direction to staff to bring back a council expense policy for review and adoption. Council Member Flores-Cale seconded the motion.

Mayor Mitchell called the question. This non-debatable motion requires a roll call vote. Council Member Bradshaw voted aye; Council Member Ellison voted aye; Council Member Flores-Cale

voted aye; Mayor Mitchell voted aye; Council Member Parsley voted aye; Mayor Pro Tem Rizo voted aye; and Council Member Tobias voted aye. Motion carried 7-0.

Amended motion carried 7-0.

Original motion carried 7-0.

25. Discussion and possible direction to debrief the Boards & Commissions process. ~ *Dex Ellison, Yvonne Flores-Cale, Council Members and Robert Rizo, Mayor Pro Tem*

No action was taken.

26. Discussion and possible direction regarding creating a new Kyle Uber \$3.14 service to South Austin. ~ *Daniela Parsley, Council Member*

No action was taken.

27. Discussion and possible action addressing concerns from council and residents regarding the City Manager and "MUNICIPAL CONSULTING, LIMITED LIABILITY COMPANY, to include any other authorized and/or unauthorized outside business activities. ~ *Yvonne Flores-Cale, Council Member*

Council Member Flores-Cale moved to bring this item back after an Ethics opinion is provided. Mayor Pro Tem Rizo seconded the motion. Motion carried 7-0.

28. *(First Reading)* An ordinance of the City of Kyle, Texas annexing 119.703 acres of land, more or less located at 1111 and 1113 Roland Lane, approximately 3,000' northwest of the intersection of IH-35 & Roland Lane in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. (Edward Bullock - ANNX-22-0017) ~ *Will Atkinson, Senior Planner*

- Public Hearing

Mayor Mitchell opened the public hearing at 10:01 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 10:01 p.m.

Mayor Mitchell moved to approve an ordinance of the City of Kyle, Texas annexing 119.703 acres of land, more or less located at 1111 and 1113 Roland Lane, approximately 3,000' northwest of the intersection of IH-35 & Roland Lane in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. Council Member Bradshaw seconded the motion. Motion carried 7-0. Mayor Mitchell objected to the Ordinance being finally passed.

29. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of assigning original zoning to approximately 1 acre of land from Agriculture 'A' to Retail Service District 'RS' for property located at 23451 IH-35, in Hays County, Texas. (Winn Family LP - Z-22-0095) ~ *Will Atkinson, Senior Planner*

Planning and Zoning Commission voted 7-0 to recommend approval of the request.

- Public Hearing

Mayor Mitchell opened the public hearing at 10:06 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 10:06 p.m.

Mayor Mitchell moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of assigning original zoning to approximately 1 acre of land from Agriculture 'A' to Retail Service District 'RS' for property located at 23451 IH-35, in Hays County, Texas. Council Member Tobias seconded the motion. Motion carried 7-0.

30. *(First Reading)* An ordinance of the City of Kyle, Texas annexing 176.023 acres of land, more or less, located at 5260 Hillside Terrace, in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. (Hillside Terrace/Porter Country - ANNX-21-0015) ~ *Will Atkinson, Senior Planner*

- Public Hearing

Daniel McElrath spoke about the survey issue.

Mayor Mitchell opened the public hearing at 10:11 p.m.

Diane Woods stated that the iron stake that was placed on her property was removed by herself. She stated that she is not opposed to growth and houses and development but encouraged Council to explore the Central Appraisal District's interactive maps. She stated that her professional floodplain engineer did an independent review for the Mansions of Buda as it ties into Porter Country and there is a portion of floodplain that the City would be assuming with this annexation. She stated that the location of the roadway connecting to Porter Country is creating a barrier and backflow. She stated that her engineer has opined that the barrier would be created for her property and the one next to her. She urged Council to look at the map and consider delay. She spoke about the 2015 floods, the volume of water being the particular section where Mansions of Buda is attempting to cross. She stated that Mr. McElrath has been very kind and answered her questions, but she has concerns about the level of water that will be created by the barrier. Ms. Woods stated that the engineer believes it can provide a backflow problem for the for her, her neighbor and the City's trail system. Council Member Ellison asked whether her consultant offered an alternative recommendation. She stated that the engineer felt like an elevated bridge rather than culverts is necessary. Ms. Woods continued that the deal-breaker for her is the roadway and the disturbance the other developer has made with the metes and bounds. She urged Council to look at the FEMA maps. She stated there is a side of the flood plain that comes through porter country on the east side of her property and floodplain to the west of her property on the other side of her neighbors and they come together just beyond her property, going in that direction, and is collecting all the way from Stonebridge subdivision under Hillside Terrace, through the RV Park, through the retention pond. She stated that it is her understanding that other retention ponds are planned for the other side. The placing of the roadway between the two developments will create a barrier and possibly a backflow issue. She stated that her engineer is very familiar with the area, and he believes culverts will not work. Council Member Flores-Cale asked whether she had looked at the survey. She stated that her engineer stated that it appeared the surveyor was placing stakes for the roadway. She stated that what is on the ground leads her to believe there is a change in the lines.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 10:22 p.m.

Mayor Pro Tem Rizo moved to postpone Item Nos. 30 and 31 until the next City Council meeting. Council Member Tobias seconded the motion.

Mayor Pro Tem Rizo moved to amend his motion to postpone only Item No. 30 until the next City Council meeting. Council Member Tobias seconded the motion. Mayor Pro Tem Rizo withdrew his motion.

Council Member Flores-Cale moved to approve Item No. 30. Council Member Parsley seconded the motion. Motion carried 7-0.

31. *(First Reading)* An ordinance of the City of Kyle, Texas annexing 82.951 acres of land, more or less, located on FM 2001, approximately 500' north of Windy Hill Road, in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. (Hillside Terrace/Porter Country - ANNX-21-0016) ~ *Will Atkinson, Senior Planner*

- Public Hearing

Mayor Mitchell opened the public hearing at 10:41 p.m.

Diana Woods stated that the markings on the ground show right of way very close to the fence. She stated that it gives the developer 60 feet of right-of-way.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 10:43 p.m.

Council Member Flores-Cale moved to approve an ordinance of the City of Kyle, Texas annexing 82.951 acres of land, more or less, located on FM 2001, approximately 500' north of Windy Hill Road, in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. Mayor Mitchell seconded the motion. Motion carried 7-0.

32. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of assigning original zoning to approximately 1.503 acres of land from Agriculture 'A' to Central Business District-1 'CBD-1' for property located at 1400 W. Center Street, in Hays County, Texas. (Richard and Rita Cuellar Sr. - Z-22-0096) ~ *Will Atkinson, Senior Planner*

Planning and Zoning Commission voted 7-0 to recommend approval of the request.

- Public Hearing

Mayor Mitchell opened the public hearing at 10:53 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 10:53 p.m.

Council Member Flores-Cale moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of assigning original zoning to approximately 1.503 acres of land from Agriculture 'A' to Central Business District-1 'CBD-1' for property located at 1400 W.

Center Street, in Hays County, Texas. Council Member Ellison seconded the motion. Motion carried 5-2 with Mayor Pro Tem Rizo and Council Member Tobias dissenting.

33. Acceptance of the City's Annual Comprehensive Financial Report (ACFR) and the Independent Auditor's Report for the fiscal year ended September 30, 2021. ~ *Perwez Moheet, CPA, Director of Finance & Tino Robledo, CPA, Senior Director, RSM US, LLP, Certified Public Accountants*

Mayor Mitchell moved to accept the City's Annual Comprehensive Financial Report (ACFR) and the Independent Auditor's Report for the fiscal year ended September 30, 2021. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

34. Consider approval of an extension to the Rate Stabilization Agreement between Monarch Utilities I L.P. and City of Kyle. ~ *Paige Saenz, City Attorney*
35. Consider approval of an agreement between Monarch Utilities I L.P. and the City of Kyle regarding conditions for the suspension of water services. ~ *Paige Saenz, City Attorney*

With no objection, Mayor Mitchell brought forward Item Nos. 34 and 35 simultaneously.

Brian Bahr, the Director of Rates and Regulatory for Monarch, spoke about the rates. Tim Williford also provided information on the item.

Mayor Mitchell moved to postpone Item Nos. 34 and 35, and direct staff to engage with Monarch Utilities, to the discretion of the city manager for when it comes back. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

36. Consider and possible action to approve Change Order No. 9 in the amount of \$151,394.78 for STODDARD GENERAL CONTRACTORS for adding the construction of a Lift Station for the La Verde Park project. ~ *David Harding, AG|CM*
37. Consider and possible action to approve Change Order No. 10 in the amount of \$236,630.00 for CADENCE MCSHANE CONSTRUCTION COMPANY for the Heroes Memorial Park project. ~ *David Harding, AG|CM*

With no objection, Mayor Mitchell brought forward Item Nos. 36 and 37 simultaneously. Mr. David Harding presented the items. Mr. Moheet also provided information on the items.

Mayor Mitchell moved to approve Item Nos. 36 and 37, changing the total for Item No. 37 to \$215,643.50. Council Member Ellison seconded the motion. Motion carried 5-2 with Council Members Flores-Cale and Tobias dissenting.

38. Consider and possible action to amend the 2021 Transportation Master Plan. ~ *Leon Barba, P.E., City Engineer*

Council Member Flores-Cale left the dais at approximately 12:13 a.m.

Mayor Mitchell moved to approve an amendment to the 2021 Transportation Master Plan. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0. Council Member Flores-Cale was absent for the vote.

39. Reconsideration of the vote on Item Nos. 21 through 27 from the 4/5/2022 City Council Meeting relating to Blanco River Ranch Properties, L P - Z-22-0097, TIRZ 3, Savannah Ranch Development and Savannah PID. ~ *Michael Tobias, Council Member*

Council Member Flores-Cale returned to the dais at 12:18 a.m.

Mayor Mitchell moved to reconsider the vote on Item Nos. 21 through 27 from the 4/5/2022 City Council Meeting relating to Blanco River Ranch Properties, L P - Z-22-0097, TIRZ 3, Savannah Ranch Development and Savannah PID. Council Member Tobias seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Tobias voted aye; Mayor Pro Tem Rizo voted aye; Council Member Parsley voted nay; Mayor Mitchell voted aye; Council Member Flores-Cale voted nay; Council Member Ellison voted nay; and Council Member Bradshaw voted aye. Motion carried 4-3.

40. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 201.4 acres of land from Agriculture 'A' to Single Family Residential-1 'R-1-1' for property located at 1899 Six Creeks Blvd, in Hays County, Texas. (Blanco River Ranch Properties, LP - Z-22-0097) ~ *Will Atkinson, Senior Planner*

Planning and Zoning Commission voted 5-0 to recommend approval conditioned on full annexation completed first.

- Public Hearing left open on 3/22/2022

Mayor Mitchell brought forward Item Nos. 40 - 46 simultaneously. Mr. Jon Snyder provided information on the items. Mike Boswell provided information.

Council Member Tobias moved to approve Items 41 - 46, earmarking up to \$2 Million for east side infrastructure development and projects. Mayor Mitchell seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Tobias voted aye; Council Member Parsley voted nay; Council Member Flores-Cale voted nay; Council Member Bradshaw voted aye; Council Member Ellison voted nay; Mayor Mitchell voted aye; and Mayor Pro Tem Rizo voted aye. Motion carried 4-3.

41. Consider and possible action to approve an Interlocal Agreement regarding City of Kyle Reinvestment Zone No. 3 by and between the City of Kyle, Texas and the County of Hays, Texas. ~ *Paige Saenz, City Attorney*
42. *(Second Reading)* An ordinance of the City Council of the City of Kyle, Texas, designating a contiguous geographic area within the City of Kyle, Texas as Reinvestment Zone Number Three, for the purposes of Tax Increment Financing and creating a Board of Directors. ~ *Paige Saenz, City Attorney*

City Council voted 6-1 to approve on first reading on 3/1/2022.

43. Consider and possible action to approve an agreement regarding the Dissolution of a Public Improvement District (Savannah Ranch Development). ~ *Paige Saenz, City Attorney*
44. Consider and possible action to approve a Resolution of the City Council Authorizing and Creating the Savannah Ranch Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; Providing for Related Matters; and Providing an Effective Date. ~ *Paige Saenz, City Attorney*
45. *(Second Reading)* An ordinance of the City of Kyle, Texas, annexing 201.377 acres of land, more or less located at 1899 Six Creeks Blvd., Hays County, including the abutting streets, roadways, and rights-of-way into the corporate limits of the City of Kyle. (Blanco River Ranch Properties, LP - ANN-21-0014) ~ *Will Atkinson, Senior Planner*

City Council voted 6-1 to approve the ordinance on first reading on 2/15/2022.

46. Consider and possible action to approve a Development Agreement by and between the City of Kyle, Texas and Blanco River Ranch Properties LP and Toll Southwest, LLC, for the Savannah Development. ~ *Paige Saenz, City Attorney*
9. Authorize a change in the company name from BRIGHTVIEW LANDSCAPE SERVICES, INC., DBA WLE to BRIGHTVIEW LANDSCAPE DEVELOPMENT, INC. On March 1, 2022, a Change Order was authorized by City Council to BRIGHTVIEW LANDSCAPE SERVICES, INC., DBA WLE to add four additional scopes of work in an amount not to exceed \$430,669.78 for providing landscape, tree planting, and irrigation services in the City's beautification corridors. ~ *Jerry Hendrix, Assistant City Manager*

Mayor Mitchell brought back Item No. 9 after Item No. 46. Ms. Saenz provided advice.

Council Member Flores-Cale moved to postpone a change in the company name from Brightview Landscape Services, Inc., DBA WLE to Brightview Landscape Development, Inc. On March 1, 2022, a Change Order was authorized by City Council to Brightview Landscape Services, Inc., DBA WLE to add four additional scopes of work in an amount not to exceed \$430,669.78 for providing landscape, tree planting, and irrigation services in the City's beautification corridors until Council receives documentation of authority of transfer of contract. Council Member Bradshaw seconded the motion. Motion carried 6-1 with Council Member Ellison dissenting.

47. Consideration, discussion and possible action on a resolution accepting the petition to increase the estimated costs for the Kyle 57 Public Improvement District and setting a public hearing. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*

Mayor Mitchell moved to approve a resolution accepting the petition to increase the estimated costs for the Kyle 57 Public Improvement District and setting a public hearing. Council Member Bradshaw seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

48. *(First Reading)* An Ordinance Amending Section 47-28 of the Code of Ordinances, Kyle, Texas and Amending the Tow-Away Zone Under Said Section, Relating to the Removal of

Vehicles in No Parking Zones, Fire Access Roads, and Fire Lanes; Providing for Enforcement; Containing Findings and Other Provisions Relating to the Foregoing Subject; Providing for Severability; and Providing for Related Matters. ~ *Paige Saenz, City Attorney*

Mayor Mitchell moved to approve an ordinance Amending Section 47-28 of the Code of Ordinances, Kyle, Texas and Amending the Tow-Away Zone Under Said Section, Relating to the Removal of Vehicles in No Parking Zones, Fire Access Roads, and Fire Lanes; Providing for Enforcement; Containing Findings and Other Provisions Relating to the Foregoing Subject; Providing for Severability; and Providing for Related Matters. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-1 with Mayor Mitchell dissenting.

VIII. Executive Session

49. 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 or to seek the advice of the City Attorney pursuant to Section 551.071.
 - La Verde and Heroes Memorial Park
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 3. Personnel matters pursuant to Section 551.074.
 - City Manager Consulting Opportunity Approved 1/19/2021
 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 Razz Matazz
 - Project Laser Lemon

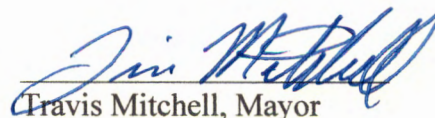
There was no executive session.

50. Take action on items discussed in Executive Session.

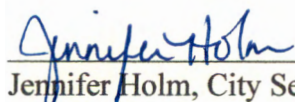
IX. Adjourn

Mayor Mitchell moved to adjourn. No vote was held.

With no further business to discuss, the City Council adjourned at 1:06 a.m. on April 20, 2022.


Travis Mitchell, Mayor

Attest:


Jennifer Holm, City Secretary