

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on July 5, 2022 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Kay Rush
Mayor Pro Tem Robert Rizo	Diane Hervol
Council Member Dex Ellison	David Harding
Council Member Yvonne Flores-Cale	Jon Snyder
Council Member Ashlee Bradshaw	
Council Member Daniela Parsley	
Council Member Michael Tobias*	
Jerry Hendrix, Acting City Manager	
James Earp, Assistant City Manager	
Amber Lewis, Assistant City Manager	
Paige Saenz, City Attorney	
Rachel Sonnier, Interim Communications Dir.	
Grant Bowling, Video Production Specialist	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Paul Phelan, Library Director	
Mariana Espinoza, Parks & Recreation Director	
Benito Pereda, Parks & Trails Maint. Supervisor	
Aimee Garcia, Recreation Manager	
Arthur Zamarripa, Parks Project Coordinator	
Brooke Collins, Recreation Programmer	
Jimmy Gonzales, Parks Maint. Tech.	
Martin Rangel Gonzales, Parks Maint. Tech.	
Stephen Sedillo, Parks Maint. Tech - Trails	
William Atkinson, Interim Planning Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Tim Griffith, Police Lieutenant	
Catlyn Bone, Police Sergeant	
James Plant, Police Officer	
Dan Pruett, Police Officer	
Dago Pates, Police Officer	
Harper Wilder, Director of Public Works	
Scott Egbert, Div. Mgr. - Streets	
Tim Samford, Div. Mgr. – Treatment Operations	
Will Paiz-Tabash, Emerg. Mgmt. Coord.	

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 7:01 p.m. The Pledge of Allegiance was recited.

Mayor Mitchell asked the city secretary to call roll.

\*One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

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 Regular Meeting Minutes - June 7, 2022. ~ *Jennifer Holm, City Secretary*

No action was taken.

## **III. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 7:02 p.m.

Kay Rush was called to speak as registered. She thanked Council for passing the homestead exemption ordinance. She asked Council to delay the item on Texas Water Utilities since the wrong document was published and there are corrections that need to be made to the contract. She also asked that any citizens living in that water district be notified when contract renewals come up in the future. She asked the police department to respond to calls regarding fireworks. She stated that she has called for 16 years about the rockets that are fired at Windy Hill and Indian Paint Brush. She stated that her dog was scared, and she asked what about people with PTSD. She stated that the ground shakes and you can see the rockets higher than 20-foot trees

Diane Hervol was called to speak as registered. She spoke about the rate stabilization agreement with Texas Water Utilities. She stated the concern about the correct version being published on the agenda. She stated that residents had to scramble to review the contract due to the holiday weekend. She stated that in Section 4 of the contract, the language has changed from previously proposed versions. She stated that the way she reads the agreement now, it says with absent written notice. She stated that with regards to the fireworks it was crazy in Amberwood and that in addition to five dogs there were two miniature horses that got loose.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:07 p.m.

## **IV. Agenda Order**

2. Agenda Order. ~ *Travis Mitchell, Mayor*

Council Member Flores-Cale moved to postpone Item No. 23 and give direction to legal to provide Council with federal, state, and local laws and policies regarding elected official expenditures. Mayor Mitchell seconded the motion. Motion carried 7-0.

It was the consensus of Council to move Item No. 22 to the top, but after Monarch items.

## **V. Presentation**

3. Parks and Recreation Professionals Day Proclamation. ~ *Dex Ellison, Council Member*

No action was taken.

4. Presentation of the Graduates of the 2022 Kyle Advanced Citizens Police Academy Class.  
~ *Jeff Barnett, Chief of Police*

Chief Barnett introduced Officer Plant who spoke about the program. He then presented the graduates including:

Alonso Iruegas, Wayne Kamaura, Albert Karch, Mary Rehmann, Paula Rizo, Robert Rizo, Judy Reynor, Pete Reynor, and Tracy Scheel. There were three unable to attend: Lisa Ayala, Nick Diamond, and Jessica Michallick.

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. ~ *Jerry Hendrix, Acting City Manager*
  - Budget Workshops
  - Boards and Commissions Openings
  - 2022 Independence Day Fireworks Show Recap
  - Market Day- July 9
  - Skate Night- July 15
  - Pie in the Sky Day Celebration - Sept. 3
  - Summer Reading Program
  - New Employees

Mr. Hendrix, Ms. Sonnier, Ms. Espinoza, Mr. Phelan, and Ms. Duran presented the item. No action was taken.

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

No action was taken.

## **VI. Consent Agenda**

9. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 5.4 acres of land from Agriculture 'A' to 'R-1-T' (Residential Townhouse 1) and approximately 4.6 acres 'RS' (Retail Services) for property located at 951 Windy Hill Road in Hays County, Texas. (Everardo Rosales - Z-22-0098)  
~ *Amber Lewis, Assistant City Manager*

*Planning and Zoning Commission voted 5-0 to recommend approval of the request.*

*City Council voted 6-1 to approve on first reading on 6/21/2022.*

10. Hays County Election Services Contract and Joint Election Agreement. ~ *Jennifer Holm, City Secretary*
11. Authorize award and execution of a Purchase Order to ILLUMINATION HOLIDAY LIGHTING not to exceed \$35,679.00 for holiday lights on the KRUG Activity Center and interactive light show on the largest historic Oak Tree in Mary Kyle Hartson City Square Park.  
~ *Mariana Espinoza, Director of Parks & Recreation*



12. Authorize award and execution of a Purchase Order to ABC HOME & COMMERCIAL not to exceed \$57,324.67 for holiday light tree wrapping for Mary Kyle Hartson City Square Park.  
~ *Mariana Espinoza, Director of Parks & Recreation*

Council Member Flores-Cale moved to approve Consent Agenda Item Nos. 9, 10, 11, and 12. Council Member Parsley seconded the motion. Motion carried 7-0.

#### **VII. Items Pulled from Consent Agenda**

7. Consider authorizing execution of a professional services agreement with RSM US, LLP, in an estimated amount of \$45,000.00 to conduct an examination of all City credit card transactions of and all expense reimbursements to City Council, City Manager, and other City staff incurred over a 5-year period beginning October 1, 2017 and ending March 31, 2022.  
~ *Jerry Hendrix, Acting City Manager and Paige Saenz, City Attorney*

*On April 5, 2022, Council directed staff to do an internal audit regarding council and city manager expenses and make sure they add up, and to see each line item as one reimbursement. Motion carried 5-2.*

Council Member Flores-Cale pulled Item No. 7.

Council Member Flores-Cale moved to approve agenda Item No. 7, clarifying that it is an outside audit. Council Member Parsley seconded the motion. Motion withdrawn.

Council Member Flores-Cale moved to bring back Item No. 7 when Council discusses the policy from Item No. 23. Mayor Pro Tem Rizo seconded the motion. Motion carried 7-0.

8. A resolution to authorize Texas Department of Transportation to initiate the process for right-of-way conveyance to the City of Kyle on RM 967. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell stated that this item would be postponed.

#### **VIII. Consider and Possible Action**

13. [Postponed 4/19/2022] Consider approval of an extension to the Rate Stabilization Agreement between Texas Water Utilities and City of Kyle. ~ *Paige Saenz, City Attorney*
14. [Postponed 4/19/2022] Consider approval of an agreement between Texas Water Utilities and the City of Kyle regarding conditions for the suspension of water services. ~ *Paige Saenz, City Attorney*

Mayor Mitchell brought forward Item Nos. 13 and 14 simultaneously for discussion.

Mayor Mitchell moved to postpone Item Nos. 13 and 14 and bring them back at the next meeting. Mayor Pro Tem Rizo seconded the motion. Motion carried 7-0.

22. Update from the City regarding the memorialization of the trees located in Mary Kyle Hartson Park and the Train Depot. ~ *Yvonne Flores-Cale, Council Member*

Mayor Mitchell brought forward item No. 22 out of order, after Item No. 14. Ms. Espinoza presented the item.

15. Discussion and possible action regarding Pool Staffing Plan. ~ *Mariana Espinoza, Director of Parks & Recreation*

Ms. Espinoza, Ms. Collins, and Ms. Garcia presented the item.

Mayor Mitchell moved to authorize the Parks and Recreation Department to create an incentive program as outlined by Ms. Garcia for this season utilizing funds from their current budget. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

16. Update from the City regarding the community garden. ~ *Yvonne Flores-Cale, Council Member*

Ms. Espinoza presented the item. No action was taken.

17. Consideration and possible action to approve the addition of the Vybe Trail (Option 2) at Public Safety Center in an amount not to exceed \$340,000.00. ~ *David Harding, AG|CM*

Mr. Harding and Mr. Moheet presented the item.

Mayor Mitchell moved to approve the addition of the Vybe Trail (Option 2) at Public Safety Center in an amount not to exceed \$190,000.00 from the general fund and if there is additional funds left over that those reimburse the general fund. Council Member Bradshaw seconded the motion. Motion carried 7-0.

19. Public Hearing on the creation of the Porter Country Public Improvement District. ~ *Amber Lewis, Assistant City Manager*
- Public Hearing

Mayor Mitchell brought forward Item No. 19 out of order, before Item No. 18.

Mayor Mitchell opened the public hearing at 8:31 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:31 p.m.

18. Consider and possible action on a Public Improvement District Deposit Agreement by and between the City of Kyle, Texas and Hillside Terrace Development, LLC (Porter Country). ~ *Amber Lewis, Assistant City Manager*

20. Consider and possible action to approve a Resolution of the City Council Authorizing and Creating the Porter Country Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; Providing for Related Matters; and Providing an Effective Date. ~ *Amber Lewis, Assistant City Manager*

21. Consider and possible action to approve an agreement regarding the Dissolution of a Public Improvement District (Porter Country Development). ~ *Amber Lewis, Assistant City Manager*

Mayor Mitchell brought forward Item No. 18 and then with no objections, he brought forward Item Nos. 20 and 21 as well. Ms. Lewis presented, and Mr. Snyder added information as well.

Council Member Flores-Cale moved to approve Item Nos. 18, 20 and 21. Council Member Bradshaw seconded the motion. Motion carried 6-0. Council Member Parsley left the dais at 8:33 p.m. and was absent for the vote.



23. Update on the status regarding staff's creation of the City Council's credit card policy.  
~ Yvonne Flores-Cale, Council Member and ~ Travis Mitchell, Mayor

*On April 19, 2022, Council directed staff to put City Council expenses on the City's website and to bring back a Council expense policy for review and adoption. Motion carried 7-0.*

This item was postponed during Item No. 2.

#### **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.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
  - Texas Water Utilities Negotiations
  - Sign Regulations
  - Possible resolution of a personnel matter
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.
  - Downtown Property Acquisition
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.

Mayor Pro Tem read into the record, "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: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Possible resolution of a personnel matter; and Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 - Downtown Property Acquisition."

The City Council convened into executive session at 8:36 p.m. Council Member Parsley returned during executive session.

25. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 11:50 p.m. Council Members Ellison and Tobias and Mayor Pro Tem Rizo did not return from executive session. Mayor Mitchell announced that no action took place in executive session and no action would be taken now.

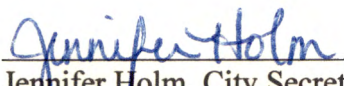
**X. Adjourn**

Mayor Mitchell moved to adjourn Council Member Flores-Cale seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 11:50 p.m.

  
Travis Mitchell, Mayor

Attest:

  
Jennifer Holm, City Secretary