

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on August 2, 2022 at Kyle City Hall with the following persons present:

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| Mayor Travis Mitchell | Diane Hervol |
| Mayor Pro Tem Robert Rizo | Tracy Scheel |
| Council Member Yvonne Flores-Cale | Kay Rush |
| Council Member Ashlee Bradshaw | Jo Fenety |
| Council Member Daniela Parsley | Mark McLIney |
| Council Member Michael Tobias | Stephanie Leibe |
| Jerry Hendrix, Acting City Manager | Ryan Rosborough |
| Amber Lewis, Assistant City Manager | Bob Farmer |
| Paige Saenz, City Attorney | |
| Rachel Sonnier, Communications Director | |
| Grant Bowling, Video Production Specialist | |
| Jennifer Holm, City Secretary | |
| Leon Barba, City Engineer | |
| Perwez Moheet, Finance Director | |
| Sandra Duran, HR Director | |
| Matt Dawson, IT Director | |
| Marco Forti, IT Systems Administrator | |
| Mariana Espinoza, Parks & Recreation Director | |
| William Atkinson, Interim Planning Director | |
| Jeff Barnett, Chief of Police | |
| Pedro Hernandez, Police Captain | |
| Julie Crookston, Asst. Director of Public Works | |
| David Amsler, Management Analyst | |

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.

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

II. Approval of Minutes

1. City Council Special Meeting Minutes - July 7, 2022. ~ *Jennifer Holm, City Secretary*
2. City Council Special Meeting Minutes - July 9, 2022. ~ *Jennifer Holm, City Secretary*
3. City Council Special Meeting Minutes - July 19, 2022. ~ *Jennifer Holm, City Secretary*
4. City Council Meeting Minutes - July 19, 2022. ~ *Jennifer Holm, City Secretary*
5. City Council Special Meeting Minutes - July 23, 2022. ~ *Jennifer Holm, City Secretary*

Council Member Tobias moved to approve the minutes of the July 7, 2022 Special Council Meeting, July 9, 2022 Special Meeting, July 19, 2022 Special Meeting, July 19, 2022 Regular Meeting and the minutes of the July 23, 2022 Special Meeting. Council Member Parsley seconded the motion. Motion carried 6-0.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:03 p.m.

Diane Hervol was called to speak as registered in favor of Item Nos. 21 and 22. She stated her appreciation for all the hard work by the City Manager and City Attorney. She stated a complaint about a business that is accumulating trash where there is no trash receptacle. Second, she spoke about natural speed humps in the Amberwood subdivision in the form of dips, valleys, and manholes. She asked Council or staff to ride through Amberwood to locate and fix the places that scrape the bottoms of the cars.

Tracy Scheel was called to speak as registered regarding Item No. 39. She spoke about having sat next to a wonderful statesman of the City of Kyle, Council Member Dex Ellison. She spoke about his accomplishments and initiatives, and his character trait of listening. She spoke about his Dialogue for Peace and Progress meetings. She thanked him for his service.

Kay Rush was called to speak as registered regarding Item No. 21. She asked Council to approve Item Nos. 21 and 22 and thanked Council for their work.

Jo Fenety was called to speak as registered in favor of Item No. 21. She thanked Mr. Hendrix and Mr. Sellers for putting up with her calls and wants Council to approve and put this behind them. She stated ditto, that her heart is broken, and she believes everyone knows why.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:10 p.m.

IV. Agenda Order

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

No action was taken.

V. Presentation

7. 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
- Free Haircuts for Kids at KRUG- August 8
- Movie in the Park - August 12
- Ash Pavilion Skate Night- August 12
- Kyle Market Days - August 13
- National Dog Day - Aug 26

- Pie in the Sky Day Celebration - Sept. 3
- Save the Date: Heroes Memorial Park Ribbon Cutting - Sept. 11

Mr. Hendrix, Ms. Sonnier, and Ms. Espinoza presented the item. Mr. Hendrix closed by recognizing outgoing Kyle Area Senior Zone President, Larry Simone for his contributions. No action was taken.

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

No action was taken.

VI. Consent Agenda

Mayor Mitchell asked whether there were any items Council wished to pull from the Consent Agenda. Council Member Flores-Cale pulled Item No. 11. Mayor Mitchell brought forward Item Nos. 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and 20 for consideration.

9. *(First Reading)* An Ordinance of the City of Kyle, Texas, Amending Division 3, Chapter 44 of the City of Kyle Code of Ordinances to Amend the Exemptions from Ad Valorem Taxes Provided in Ordinance 1210 by Removing Section 44-64 “Veterans”; Providing for severability and conflicting ordinances; Providing for Open Meetings and Effective Date Clauses; and Providing for Related Matters. ~ *Paige Saenz, City Attorney*
10. Authorize award and execution of a Purchase Order to LCRA, Dallas TX, in an amount not to exceed \$34,800.00 for the purchase and installation of mobile radios and misc. associated equipment for the Public Works Department. ~ *Julie Crookston, Assistant Director Public Works*
12. Authorize award and execution of a Purchase Order to Pedernales Electric Cooperative, Kyle, TX in an amount not to exceed \$47,143.32 for the installation of electrical infrastructure to provide service to the wastewater treatment plant dewatering facility. ~ *Leon Barba, P.E., City Engineer*
13. Approve a resolution of the City Council of the City of Kyle, Texas accepting the Casetta Ranch Section Four improvements: finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
14. Consider approval of a license agreement on South Goforth Road right of way. ~ *Leon Barba, P.E., City Engineer*
15. Authorize the Police Department to Execute an Agreement with LexisNexis Coplogic Solutions, Inc. for the Purpose of Establishing an eCommerce Account for Accessing Publicly Available Crash and Citizen Online Reports. ~ *Jeff Barnett, Chief of Police*
16. Authorize the Police Department to Execute an Agreement LexisNexis Coplogic Solutions, Inc. with for the Purpose of Providing Crash Reports and Establishing Procedures and Guidelines for Access, Use, and Fees. ~ *Jeff Barnett, Chief of Police*

17. Authorize the Police Department to Execute an Agreement LexisNexis Coplogic Solutions, Inc. for the Purpose of Providing Citizen Online Reporting. ~ *Jeff Barnett, Chief of Police*
18. Authorize the City Manager or his designee to approve the purchase of a Brazos Technology - commercial motor vehicle citation software license in an amount not to exceed \$3,250.00, and a \$911 recurring annual fee due 12 months from the date that the license is provided, and to be paid to Tyler Technologies Inc., 5101 TENNYSON PKWY PLANO, TX 75024-3525, Texas Tax Payer# 17523039208. ~ *Jeff Barnett, Chief of Police*
19. Authorize the City Manager or his designee to approve the purchase for Municipal Court Incode software in an amount not to exceed \$3,120.00 to be paid to Tyler Technologies Inc., 5101 TENNYSON PKWY PLANO, TX 75024-3525, Texas Taxpayer# 17523039208. ~ *Jeff Barnett, Chief of Police*
20. (*First Reading*) An ordinance of the City of Kyle, Texas, Ordering a General Election to be held jointly with Hays County on November 8, 2022, for the Election of Council Members for City Council District 1 and District 3 to serve three-year terms; Providing for candidate application methods, designating the main and branch early voting locations for such Election; Providing for an order and notice of such general election; Providing for related matters; Providing a severability clause; and Providing an effective date. ~ *Travis Mitchell, Mayor*

Mayor Pro Tem Rizo moved to approve Consent Agenda Item Nos. 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and 20. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

VII. Items Pulled from Consent Agenda

11. Authorize amendment to memorandum of understanding between ARWA, previously HCPUA agency, and the cities of Buda, Kyle and San Marcos for water supply sharing
~ *Jerry Hendrix, Acting City Manager*

Mr. Hendrix and Ms. Saenz presented the item.

Council Member Flores-Cale moved to approve Item No. 11. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

VIII. Consider and Possible Action

21. [Postponed 7/5/2022] Consider approval of an extension to the Rate Stabilization Agreement between Texas Water Utilities and City of Kyle. ~ *Paige Saenz, City Attorney*
22. [Postponed 7/5/2022] 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*

With no objections, Mayor Mitchell brought forward Item Nos. 21 and 22 simultaneously.

Council Member Tobias moved to approve an extension to the Rate Stabilization Agreement between Texas Water Utilities and City of Kyle and approve an agreement between Texas Water

Utilities and the City of Kyle regarding conditions for the suspension of water services. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

23. Consider and possible action on a request to waive Section 23-60 of the City's Code of Ordinances for construction at 19086 IH-35, Kyle, Texas (Costco) and to authorize the City Manager to approve the dates and times. ~ *Amber Lewis, Assistant City Manager*

Sec. 23-60. - Noises prohibited. (12) The excavation or grading of land, or the erection, construction, demolition or alteration of any building or structure, between the hours of 9:00 p.m. and 7:00 a.m., within 600 feet of any occupied residential structure, or that generates, produces or results in any noise or sound that may be heard at the property line of any occupied residential structure; provided that this subsection shall not apply to any such work, construction, repairs or alterations that constitute an urgent necessity for the benefit and interest of the public safety, health or general welfare, e.g., repairs and emergency installations by any public utility, or to any excavation, erection, construction, demolition or alteration authorized by the city council to be undertaken between the hours of 9:00 p.m. and 7:00 a.m.

Mayor Mitchell moved to approve a request to waive Section 23-60 of the City's Code of Ordinances for construction at 19086 IH-35, Kyle, Texas (Costco) and to authorize the City Manager to approve the dates and times. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

24. *(Second Reading)* An Ordinance Repealing Ordinance No. 1033, Regulating Traffic, Authorizing and directing the installation and erection of stop signs for the traffic control at the intersection of Silverado Drive and FM 150 (Rebel 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. ~ *Leon Barba, P.E., City Engineer*

City Council voted 4-3 to approve on first reading on 7/19/2022.

Mayor Mitchell moved to approve an Ordinance Repealing Ordinance No. 1033, Regulating Traffic, Authorizing and directing the installation and erection of stop signs for the traffic control at the intersection of Silverado Drive and FM 150 (Rebel 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. seconded the motion. Motion carried 4-2 with Council Members Flores-Cale and Tobias dissenting.

25. *(First and Final Reading)* Consideration and Approval of an Ordinance Authorizing the Issuance of “City of Kyle, Texas General Obligation Bonds, Series 2022”; Levying a Continuing Direct Annual Ad Valorem Tax, within the Limitations Prescribed by Law, for the Payment of the Bonds; Authorizing the Execution of any Necessary Engagement Agreement with the City’s Financial Advisors; and Providing for an Effective Date. ~ *Stephanie Leibe, Norton Rose Fulbright US LLP*

Mr. McLiney presented the item in Ms. Leibe's absence. Ms. Leibe provided the motion language.

Mayor Mitchell moved that the City Council adopt an Ordinance authorizing the issuance of “City of Kyle, Texas General Obligation Bonds, Series 2022” pursuant to a delegated sale. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

26. Consideration and Approval of a Resolution Relating to Establishing the City’s Intention to Reimburse Itself for the Prior Lawful Expenditure of Funds Relating to Constructing Various City Improvements from the Proceeds of Tax-Exempt Obligations to Be Issued By the City for Authorized Purposes; Authorizing Other Matters Incident and Related Thereto; And Providing an Effective Date ~ *Stephanie Leibe, Norton Rose Fulbright US LLP*

Ms. Leibe presented the item and Mr. Moheet also provided information.

Council Member Parsley moved to approve a Resolution Relating to Establishing the City’s Intention to Reimburse Itself for the Prior Lawful Expenditure of Funds Relating to Constructing Various City Improvements from the Proceeds of Tax-Exempt Obligations to Be Issued by the City for Authorized Purposes; Authorizing Other Matters Incident and Related Thereto; And Providing an Effective Date Mayor Pro Tem Rizo seconded the motion. Motion carried 5-1 with Council Member Flores-Cale dissenting.

27. Consideration and possible action to approve 1-Year Landscape Maintenance at Heroes Memorial Park in an amount not to exceed \$90,059.00. ~ *Ryan Rosborough, AG|CM*

* \$90,059.00 = \$70,059.00 (In Contract Landscaping Per Attached Quote) + \$20,000 (Out of Contract Allowance for Additional Landscaping Options for Parks Dept. Consideration Throughout the Year)

Mayor Mitchell moved to approve a 1-Year Landscape Maintenance at Heroes Memorial Park in an amount not to exceed \$90,059.00 and direct staff to use funds from the TIRZ 2 account. Mayor Pro Tem Rizo seconded the motion. Mayor Mitchell withdrew his motion.

With no objections, Mayor Mitchell postponed the item.

After Item No. 33, Mayor Mitchell stated that Item No. 27 would be tabled.

28. Consideration and possible action to approve PR-07: Cellular Booster System at Public Safety Center in an amount not to exceed 104,823.00. ~ *Ryan Rosborough, AG|CM*

Mayor Pro Tem Rizo moved to approve PR-07: Cellular Booster System at Public Safety Center in an amount not to exceed 104,823.00. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

29. Consideration and possible action to approve Dispatch Workstations & Misc. Furniture at Public Safety Center in an amount not to exceed \$233,715.45. ~ *Ryan Rosborough, AG|CM*

Council Member Flores-Cale moved to approve Dispatch Workstations & Misc. Furniture at Public Safety Center in an amount not to exceed \$233,715.45. Council Member Tobias seconded the motion. Motion carried 6-0.

30. Consideration and possible action to approve PR-09: CAPCOG & LCRA Infrastructure Build-Out for Dispatch Workstations at Public Safety Center in an amount not to exceed \$256,000.00. ~ *Ryan Rosborough, AG|CM*

Council Member Parsley moved to approve PR-09: CAPCOG & LCRA Infrastructure Build-Out for Dispatch Workstations at Public Safety Center in an amount not to exceed \$256,000.00. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

31. Consideration and possible action on approval to proceed with Contract Negotiation with LCCx for Test & Balance Services at Public Safety Center. ~ *Bob Farmer, AG|CM*

* LCCx was the only respondent to the RFQ

Council Member Flores-Cale moved to proceed with Contract Negotiation with LCCx for Test & Balance Services at Public Safety Center. Council Member Parsley seconded the motion. Motion carried 6-0.

32. *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of amending Sec. 53-1230 (Zoning), to add Indoor Firing Range to the Entertainment “E” zoning district and amend the associated zoning use chart. ~ *Will Atkinson, Interim Director of Planning and Community Development*

Planning and Zoning Commission voted 4-1 to recommend approval of the amendment.

City Council voted 6-1 to approve on first reading on 7/19/2022.

Council Member Tobias moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of amending Sec. 53-1230 (Zoning), to add Indoor Firing Range to the Entertainment “E” zoning district and amend the associated zoning use chart. Council Member Parsley seconded the motion. Motion carried 5-1 with Mayor Mitchell dissenting.

33. Consideration and approval of applying for the Railroad Crossing Elimination Program Grant, #20.327 of the Infrastructure Investment and Jobs Act. ~ *Amber Lewis, Assistant City Manager*

Mr. Amsler presented the item. He mentioned that Mr. Karl Kalbacher was present online to assist with any questions. There were none.

Mayor Pro Tem Rizo moved to approve applying for the Railroad Crossing Elimination Program Grant, #20.327 of the Infrastructure Investment and Jobs Act. Mayor Mitchell seconded the motion. Motion carried 6-0.

34. [Postponed 7/19/2022] Consider and possible action to approve a Resolution of the City Council Authorizing and Creating the Limestone Creek Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; resolving other matters incident and related thereto; and providing an effective date. ~ *Amber Lewis, Assistant City Manager*

- Public Hearing

The public hearing was left open at the 7/19/2022 Council meeting.

Ms. Lewis stated that the applicant has requested Council to leave the public hearing open and postpone to the next Council meeting. Mayor Mitchell opened the public hearing at 8:17 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone a Resolution of the City Council Authorizing and Creating the Limestone Creek Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; resolving other matters incident and related thereto; and providing an effective date, until the next regularly scheduled council meeting. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

35. Appoint Amber Lewis, Assistant City Manager, to the Alliance Regional Water Authority Board of Directors representing the City of Kyle. ~ *Jerry Hendrix, Acting City Manager*

Mayor Mitchell moved to appoint Amber Lewis, Assistant City Manager, to the Alliance Regional Water Authority Board of Directors representing the City of Kyle. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

36. Discussion and possible action to direct the ethics committee to update the City's ethics ordinance, including verbiage regarding notifications/updates after a complaint is heard by the committee. ~ *Yvonne Flores-Cale, Council Member*

Council Member Flores-Cale moved to direct the ethics committee to review and update the City's ethics ordinance, including verbiage regarding notifications/updates after a complaint is heard by the committee. Council Member Parsley seconded the motion. Motion carried 6-0.

37. Discussion and possible action regarding updating the City's "Core Values." ~ *Yvonne Flores-Cale, Council Member*

Council Member Tobias moved to direct staff to find a third-party company to conduct an anonymous employee satisfaction survey and to review the City's core values using the results from the survey. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

38. Discussion and possible action regarding the City's plan to staff director positions. ~ *Yvonne Flores-Cale, Council Member*

No action was taken.

39. Accept the resignation of Dex Ellison, Council Member District 1. ~ *Travis Mitchell, Mayor*

Mayor Mitchell moved to accept the resignation of Dex Ellison, Council Member District 1. Council Member Flores-Cale seconded the motion.

Mayor Mitchell moved to adjourn. Mayor Pro Tem Rizo seconded the motion. No vote was held.

Mayor Mitchell called the meeting back to order at 9:09 p.m. and called for the vote on Item No. 39. Motion carried 6-0.

IX. Executive Session

40. 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.
 - 1119 S. Old Highway 281
 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.
 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 MBA
 - Project Shamrock

There was no executive session.

41. Take action on items discussed in Executive Session.

X. Adjourn

Mayor Mitchell moved to adjourn. No vote was held.

With no further business to discuss, the City Council adjourned at 9:10 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer Holm, City Secretary