

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on September 20, 2022 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Noa Baen
Council Member Yvonne Flores-Cale	Stanley Fees
Council Member Ashlee Bradshaw	Jean Chavannes
Council Member Daniela Parsley	Carrie Jaeger
Council Member Michael Tobias	Dave Knapp
Jerry Hendrix, Interim City Manager	
Amber Lewis, Assistant City Manager	
Paige Saenz, City Attorney	
Rachel Sonnier, Communications Director	
Grant Bowling, Video Production Specialist	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Yvonne Gil-Vallejo, Project Manager	
Victoria Vargas, Interim Economic Dev Director	
Perwez Moheet, Finance Director	
Marco Forti, Interim IT Director	
William Atkinson, Interim Planning Director	
Pedro Hernandez, Police Captain	
Tracy Vrana, Police Sergeant	
Harper Wilder, Director of Public Works	
Will Paiz-Tabash, Emergency. Mgmt. Coord.	
David Amsler, Management Analyst	

I. Call Meeting to Order

Council Member Tobias called the meeting to order at 7:04 p.m. Council Member Tobias asked the city secretary to call roll.

Present were: Council Member Flores-Cale, Council Member Bradshaw, Council Member Parsley, and Council Member Tobias. A quorum was present. Mayor Mitchell and Mayor Pro Tem Rizo were absent. Council Member Tobias stated that Mayor Mitchell was en route to the meeting. Mayor Mitchell arrived at approximately 7:37 p.m. during Item No. 7.

Council Member Tobias moved to excuse Mayor Pro Tem Rizo's absence due to a death in the family. Council Member Flores-Cale seconded the motion. Motion carried 4-0.

II. Approval of Minutes

1. City Council Special Meeting Minutes - September 6, 2022. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - September 6, 2022. ~ *Jennifer Holm, City Secretary*

Council Member Tobias moved to approve the minutes of the September 6, 2022 Special Council Meeting and the minutes of the September 6, 2022 Regular Council Meeting. Council Member Parsley seconded the motion. Motion carried 4-0.

III. Citizen Comment Period with City Council

Council Member Tobias opened citizen comments at 7:06 p.m.

Council Member Tobias called for the Pledge of Allegiance, which was recited.

With no one wishing to speak, Council Member Tobias closed citizen comments at 7:07 p.m.

IV. Agenda Order

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

No action was taken.

V. Presentation

4. Proclamation honoring Hispanic Heritage month. ~ *Robert Rizo, Mayor Pro Tem*

Council Member Tobias presented the proclamation. No action was taken.

5. Presentation by Noa Baen of Troop 1954 regarding an Eagle Scout Project at the VFW.
~ *Robert Rizo, Mayor Pro Tem*

No action was taken.

6. Update on the Reclaimed Water Master Plan. ~ *Leon Barba, P.E., City Engineer*

Mr. Barba introduced Stanley Fees of Cobb Fendley & Associates, Inc. who presented the item. No action was taken.

7. Presentation by Zencity for Community Engagement Platform for City Manager's Office.
~ *Rachel Sonnier, Director of Communications*

Ms. Sonnier presented the item and also introduced Jean Chavannes of Zencity who provided information on the item. Council Member Bradshaw left the dais at approximately 7:41 p.m. No action was taken.

8. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *Jerry Hendrix, Interim City Manager*

- Heroes Memorial Park Ribbon Cutting Recap
- Squeeze Box Market Day - Celebrating Hispanic Heritage Month - Sept. 24
- Dance for People with Disabilities Halloween Boo-gie - Sept 30
- Road Bond Open House – Oct 1
- Cornhole Tournament Registration - Oct 15
- Center Street Trick or Treat - Oct 22
- Youth Basketball Clinic - Nov 5
- December Events

- Team Kyle Update

Ms. Sonnier and Mr. Hendrix presented the item. Council Member Bradshaw returned to the dais at 7:47 p.m. No action was taken.

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

Mr. Barba presented the item. Mr. Moheet provided information related to budget balance of the Impact Fees Line. No action was taken.

VI. Consent Agenda

Council Member Tobias pulled Item No. 15. Council Member Parsley pulled Item Nos. 21 and 23. Mayor Mitchell brought forward Item Nos. 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, and 24 for consideration.

10. *(Second Reading)* Approve an Ordinance amending the City's approved budget for Fiscal Year 2021-2022 by appropriating \$362,532.10 in additional funds and reducing the fund balance in the General Fund by the same amount for the acquisition of properties located at 110 W. Center Street and 107 Veterans Drive as authorized by the City Council on July 23, 2022 and July 28, 2022 respectively. ~ *Perwez A. Moheet, CPA, Director of Finance*

City Council voted 6-0 to approve on first reading on 9/6/2022.

11. *(First Reading)* Approve an ordinance to reduce the speed limit on FM 1626 from Kohlers Crossing to IH 35. ~ *Leon Barba, P.E., City Engineer*
12. Approve Task Order No. 10 to CP&Y, INC., Austin, Texas, in an amount not to exceed \$78,761.00 to prepare construction plans, specifications, estimates and provide contract administration for the installation of traffic signals at the intersection of Kohlers Crossing and Kyle Crossing. ~ *Leon Barba, City Engineer*
13. Approval of Change Order #3 to QRO MEX CONSTRUCTION CO. INC., Granite Shoals, TX, in an additional amount of \$570,594.93, increasing the total contract amount not to exceed \$4,808,309.83 for the purpose of reconstructing Sledge Street to J Maryes Lane, adding additional utility services, extending a water line and adding drainage improvements. ~ *Leon Barba, P.E, City Engineer*
14. Ratify emergency repairs of package plant blower #2 at the Wastewater Treatment Plant, in an amount not to exceed \$21,500.00 payable to RPM Services INC, Iowa Colony, Texas. ~ *Harper Wilder, Director of Public Works*
16. Authorize the City Manager to accept a STEP (Selective Traffic Enforcement) Comprehensive grant in an amount no greater than \$12,000.00 from TXDOT and authorize matching funding from the Police Department's approved operating budget for FY 2022-2023 in an amount not to exceed \$3,500 to fund a STEP Grant Program for one year beginning October 1, 2022 and ending September 30, 2023. ~ *Pedro Hernandez, Police Captain*

17. Authorize the City Manager to accept a STEP CMV (Commercial Motor Vehicle) grant in an amount no greater than \$12,000.00 from TXDOT and authorize matching funding from the Police Department's approved operating budget for FY 2022-2023 in an amount not to exceed \$3,500 to fund a STEP Grant Program for one year beginning October 1, 2022 and ending September 30, 2023. ~ *Pedro Hernandez, Police Captain*

18. *(Second Reading)* An Ordinance of the City of Kyle, Texas, Amending the Authorization for New Supervisory Positions with the City of Kyle Police Department; to Include a Schedule for the Authorization and Implementation of the Positions; for Amendment of Conflicting Ordinances, and Effective Date, and Open Meetings. ~ *Pedro Hernandez, Police Captain*

City Council voted 6-0 to approve on first reading on 9/6/2022.

19. *(Second Reading)* An ordinance of the City of Kyle, Texas, amending Chapter 11, Section 11-162, Section 11-175, Section 176, & Section 11-177 of the Code of Ordinances by amending items relating to food trucks. ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 5-0 to recommend approval.

City Council voted 6-0 to approve on first reading on 9/6/2022.

20. Approve Plum Creek Phase 2, Section 10 Replat of Lot 7 (SUB-22-0270) 42.04 acres; 2 commercial lots located at FM 1626 and Rikardson. ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 4-0 to recommend approval of the request.

22. Authorize the Interim City Manager to accept the 36-month proposal from Spectrum Enterprises to provide multi-point EP-LAN connectivity from and between the City's new Public Safety Center facility and City Hall for \$1,075.20 per month plus a one-time \$280.00 installation fee. ~ *Marco Forti, Interim Director of IT*

24. Authorize the City Manager to execute a letter in support of the Texas Economic Development & Tourism Office. ~ *Victoria Vargas, Interim Director of Economic Development*

Mayor Mitchell moved to approve Consent Agenda Item Nos. 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 22, and 24. Council Member Tobias seconded the motion. Motion carried 5-0.

VII. Items Pulled from Consent Agenda

15. Resolution Authorizing Application for a Grant for ballistic Shields for Kyle PD. ~ *William Paiz-Tabash, Emergency Management Coordinator*

Mr. Paiz-Tabash presented the item.

Council Member Tobias moved to approve a Resolution Authorizing Application for a Grant for ballistic Shields for Kyle PD. Council Member Flores-Cale seconded the motion. Motion carried 5-0.

21. Approve Taco Bell - Site Plan (SD-22-0151) 0.867 acres; 1 commercial lot located at 1750 Veterans Drive. ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 4-0 to recommend approval of the request.

Mr. Atkinson presented the item.

Council Member Tobias moved to approve Item No. 21 as written. Council Member Bradshaw seconded the motion. Motion failed 3-2 with Council Members Flores-Cale and Parsley dissenting.

23. Approve an extension of contract with High 5 Promotions in an amount not to exceed \$18,000.00 to expire September 30, 2023, with no increase in rates and service charges for YouTube optimization and maps management. ~ *Rachel Sonnier, Director of Communications*

Ms. Sonnier presented the item.

Council Member Parsley moved to approve Item No. 23. Council Member Flores-Cale seconded the motion. Motion carried 5-0.

VIII. Consider and Possible Action

25. Discussion and possible action regarding locations in Kyle that qualify and gain additional safety from pedestrian cross walks/light, to include school zones. ~ *Yvonne Flores-Cale, Council Member*
26. Discussion and possible action regarding crosswalks on Center Street near Wallace Middle School. ~ *Robert Rizo, Mayor Pro Tem*

Mayor Mitchell brought forward Item No. 26 in conjunction with Item No. 25.

Mr. Wilder provided information on the items.

Council Member Tobias moved to direct staff to look at the installation of pedestrian crosswalks starting at elementary schools, and then middle and high schools, and to report back to council. Council Member Flores-Cale seconded the motion. Motion carried 5-0.

27. Approve Task Order No. 3 and Task Order No. 4 to COBB-FENDLEY & ASSOCIATES, INC., Austin, Texas in an amount not to exceed \$46,996.50 to provide Traffic Signal Warrant Studies at the Bunton Creek Road and Lehman Road Intersection and at the Bunton Creek Road and Dacy Lane Intersection. ~ *Leon Barba, P.E., City Engineer*

Mr. Barba presented the item and later introduced Carrie Jaeger with Cobb Fendley & Associates, Inc. who provided information related to the prior warrant study.

Mayor Mitchell moved to approve Task Order No. 3 and Task Order No. 4 to COBB-FENDLEY & ASSOCIATES, INC., Austin, Texas in an amount not to exceed \$46,996.50 to provide Traffic Signal Warrant Studies at the Bunton Creek Road and Lehman Road Intersection and at the Bunton Creek

Road and Dacy Lane Intersection. Council Member Flores-Cale seconded the motion. Motion carried 5-0.

28. Consider and possible action on a quote from OMJC Signal for the purchase of portable traffic signals in the amount of \$331,600.00. ~ *Amber Lewis, Assistant City Manager*

Council Member Flores-Cale moved to postpone Item No. 28. Council Member Parsley seconded the motion.

Dave Knapp of OMJC provided information on the item.

Mayor Mitchell called for the vote on the motion. Motion carried 5-0.

29. 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, City's Bond Counsel*

Mayor Mitchell stated this item would be postponed. No action was taken.

30. *(First Reading)* An Ordinance regulating traffic, authorizing and directing the installation and erection of no truck signs on South Street from Front Street to Business 81; 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*

Council Member Flores-Cale moved to approve Item No. 30. Council Member Bradshaw seconded the motion. Motion carried 5-0.

31. *(Second Reading)* An ordinance of the City of Kyle, Texas, amending Chapter 53 of the Code of Ordinances by Amending Article VII Nonconforming Uses and Structures. ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 5-0 to recommend approval.

City Council voted 6-0 to approve on first reading, with amendments, on 9/6/2022.

Mayor Mitchell stated this item would be skipped. No action was taken.

32. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 5.15 acres of land to 'PUD' for property located at 3601 Kyle Crossing, in Hays County, Texas. (Hays Commerce Center 5, LP - Z-22-0105) ~ *Will Atkinson, Interim Director of Planning*

Planning and Commission voted 4-0 to recommend approval of the request.

- Public Hearing

Mayor Mitchell opened the public hearing at 8:58 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:59 p.m.

Council Member Flores-Cale moved to approve Item No. 32. Council Member Parsley seconded the motion. Motion carried 5-0.

33. [Postponed 9/6/2022] Approve a development agreement between the City of Kyle and Plum Creek Developers, LLC (Joe Brooks). ~ *Will Atkinson, Interim Director of Planning*

Mayor Mitchell stated this item would be skipped. No action was taken.

35. [Postponed 9/6/2022] 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*

The public hearing was left open at the 9/6/2022 Council meeting.

- Public Hearing

Mayor Mitchell opened the public hearing at 8:59 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item No. 35 to the next regularly scheduled Council meeting. Council Member Tobias seconded the motion. Motion carried 5-0.

34. [Postponed 9/6/2022] (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 18.84 acres of land from ‘RS’ (Retail Services) to ‘PUD’ (Planned Unit Development) for property located approximately 400’ southwest of the intersection of Marketplace Ave & City Lights Dr. in Hays County, Texas. (Joe Brooks - Z-22-0099) ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 3-2 to recommend approval of the request.

City Council voted 6-0 to postpone first reading on 9/6/2022.

- Public Hearing

Mayor Mitchell brought forward Item No. 34 out of order, after Item No. 35.

Mayor Mitchell opened the public hearing at 9:01 p.m. Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item No. 34 until the next regularly scheduled Council meeting. Council Member Tobias seconded the motion. Motion carried 5-0.

36. (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 9.12 acres of land to ‘PUD MXD’ for property located at the NW corner of N. Burlison & Marketplace Avenue, in Hays County, Texas. (Julia Parker Family Partnership and the L.W. Parker Family Trust - Z-22-0104) ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 4-0 to postpone this item until the September 27th P&Z meeting. Staff asks the Mayor & Council to postpone consideration until the October 3, 2022 council meeting.

- Public Hearing

Mayor Mitchell opened the public hearing at 9:02 p.m. Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item No. 36 until the next regularly scheduled Council meeting. Council Member Tobias seconded the motion. Motion carried 5-0.

21. Approve Taco Bell - Site Plan (SD-22-0151) 0.867 acres; 1 commercial lot located at 1750 Veterans Drive. ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 4-0 to recommend approval of the request.

Mayor Mitchell brought back Item No. 21 for discussion after Item No. 36. Ms. Saenz provided information about the item.

Council Member Tobias moved to reconsider Item No. 21. Council Member Bradshaw seconded the motion. Motion failed 3-2 with Council Members Flores-Cale and Parsley dissenting.

Council Member Parsley moved to reconsider Item No. 21. Council Member Flores-Cale seconded the motion. Motion carried 5-0.

Mayor Mitchell moved to approve Item No. 21. Council Member Tobias seconded the motion. Motion carried 5-0.

37. Consider and possible action to issue a Request for Proposals for professional services to assist the city in the recruitment and selection of the City Manager. ~ *Amber Lewis, Assistant City Manager*

Mayor Mitchell moved to approve Item No. 37 and to direct staff to bring back the top two candidates for council interview at the second council meeting in October. Council Member Bradshaw seconded the motion. Motion carried 5-0.

38. Direction to staff regarding enforcement of existing sign ordinance related to signs located in the right-of-ways and feather flags. ~ *Travis Mitchell, Mayor*

Mayor Mitchell moved to direct staff to enforce the sign ordinance. Council Member Bradshaw seconded the motion.

Captain Hernandez provided information on the item.

Mayor Mitchell called for the vote on the motion. Motion carried 4-0. Council Member Flores-Cale left the dais at 9:32 p.m. and was absent for the vote. She returned just after the vote at 9:34 p.m.

39. *(First Reading)* Consider approving an Ordinance adopting a policy for members of the City Council regarding City business expenses charged on City issued credit card and

reimbursement of expenses incurred in carrying-out official duties. ~ *Perwez A. Moheet, CPA, Director of Finance*

- Public Hearing

Mayor Mitchell opened the public hearing at 9:34 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:34 p.m.

Mayor Mitchell moved to amend the policy to add to Section 6B, "if a particular cost center is exceeded, staff will approve so long as the total bottom line is not fully expended, excluding legal". Council Member Bradshaw seconded the motion. Motion carried 5-0.

Mayor Mitchell moved to amend the policy to remove Section 8 starting with "upon" to the remainder of the section including A and B. Council Member Flores-Cale seconded the motion. Motion carried 5-0.

Mayor Mitchell moved to approve as an Ordinance adopting a policy for members of the City Council regarding City business expenses charged on City issued credit card and reimbursement of expenses incurred in carrying-out official duties, as amended. Council Member Flores-Cale seconded the motion. Motion carried 5-0.

40. Discussion regarding location, dates, times, activities for 2023 Council Visioning Workshop.
~ *Jerry Hendrix, Interim City Manager*

No action was taken.

IX. Executive Session

41. 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.
 - Joe Brooks - Z-22-0099
 - Julia Parker Family Partnership and the L.W. Parker Family Trust - Z-22-0104
 - Legal Advice regarding the use of Bond Proceeds
 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.
 - Interim City Manager
 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 Midnight Blue
 - Project Brown Bear

Council Member Tobias 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: Project Brown Bear and Personnel matters pursuant to Section 551.074 - Interim City Manager.”

The City Council convened into executive session at 10:24 p.m.

42. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 10:52 p.m. Mayor Mitchell announced that no action took place in Executive Session but action would be taken now.

Mayor Mitchell moved to direct staff to compensate Jerry Hendrix for his new role as Interim City Manager in the amount of \$50,000 annualized, which is about \$4,000 per month, retroactive to when he was first made Acting City Manager. Council Member Flores-Cale seconded the motion. Motion carried 5-0.

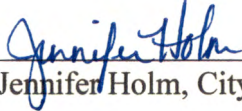
X. Adjourn

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 10:53 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer Holm, City Secretary