

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on October 3, 2022 at Kyle City Hall with the following persons present:

| | |
|---|-------------------|
| Mayor Travis Mitchell | Susan Reyna |
| Mayor Pro Tem Robert Rizo | Sylvia Gallo |
| Council Member Yvonne Flores-Cale | Steve DeLory |
| Council Member Ashlee Bradshaw | Melissa Rodriguez |
| Council Member Daniela Parsley | David Harding |
| Council Member Michael Tobias | Bob Farmer |
| Jerry Hendrix, Interim City Manager | |
| Amber Lewis, Assistant City Manager | |
| Paige Saenz, City Attorney | |
| Rachel Sonnier, Communications Director | |
| Grant Bowling, Video Production Specialist | |
| Emily Hughes, Assistant City Secretary | |
| Leon Barba, City Engineer | |
| Kathy Roecker, SWMP Administrator | |
| Victoria Vargas, Interim Econ. Dev Director | |
| Perwez Moheet, Finance Director | |
| Sandra Duran, HR Director | |
| Marco Forti, Interim IT Director | |
| Mariana Espinoza, Parks & Recreation Director | |
| William Atkinson, Planning Director | |
| Jeff Barnett, Chief of Police | |
| Pedro Hernandez, Police Captain | |
| Tim Samford, Div. Mgr.-Treatment Operations | |
| Will Paiz-Tabash, Emergency. Mgmt. Coord. | |
| David Amsler, Management Analyst | |

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 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 - 5:30 p.m. September 20, 2022. ~ *Jennifer Holm, City Secretary*
2. City Council Special Meeting Minutes - 6:30 p.m. September 20, 2022. ~ *Jennifer Holm, City Secretary*
3. City Council Meeting Minutes - September 20, 2022. ~ *Jennifer Holm, City Secretary*

4. City Council Special Meeting Minutes - September 24, 2022. ~ *Jennifer Holm, City Secretary*

Mayor Mitchell brought forward the minutes for approval after the Citizen Comment period.

Council Member Tobias moved to approve the minutes of the September 20, 2022 5:30 p.m. Special Council Meeting, September 20, 2022 6:30 p.m. Special minutes, September 20, 2022 Regular minutes, and the minutes of the September 24, 2022 Special Council Meeting. Mayor Pro Tem Rizo seconded the motion. Motion carried 5-0. Council Member Bradshaw left the dais at 7:15 p.m. and was absent for the vote. She returned at 7:18 p.m.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:07 p.m.

Susan Reyna was called to speak as registered regarding Item No. 9. She stated she lives in the Stagecoach Crossing neighborhood. She stated the backup material provided for the item seems to indicate that there is only a minor problem with speeding, but the concern of residents in the neighborhood is that if there were an accident it would involve a small child because the road where people are speeding is adjacent to a park. She stated she doesn't think the materials provided are representative of the problem. She also stated that out of the options provided to address the issue, options 3, 4 and 5 are all good.

Sylvia Gallo was called to speak as registered. She stated she is a business owner that works in construction, and lives in Amberwood. She spoke about a recreation center and other development on the east side of Kyle. She asked the Council to keep development on the east side in mind.

Steve DeLory was called to speak as registered. He spoke about his interest in the open position on the Planning & Zoning Committee. He spoke about his background and qualifications. He stated that he is vested in ensuring that the Kyle of tomorrow be the city that we enjoy today and that we want to be proud of in the future.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:15 p.m.

IV. Agenda Order

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

No action was taken.

V. Appointments

6. Consider and possible action to fill a mid-term vacancy for Seat 1 of the Planning & Zoning Commission and to consider eligible applicants remaining from the previous call for applications. ~ *Will Atkinson, Director of Planning*

Mayor Mitchell moved to approve the appointment of Steve DeLory to Seat 1 of the Planning & Zoning Commission. Council Member Parsley seconded the motion. Motion carried 6-0.

VI. Presentation

7. Domestic Violence Awareness Proclamation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell read aloud the Proclamation acknowledging Domestic Violence Awareness Month.

Melissa Rodriguez, CEO of the Hays-Caldwell Women's Center, spoke about the center and the services they provide. 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*
 - Bond Open House #2 - Oct. 20
 - Dance for People with Disabilities Halloween Boo-gie Recap
 - Founders' Parade - Oct. 8
 - Halloween Movie at the Park - Oct. 14
 - Center Street Trick or Treat - Oct 22
 - Cornhole Tournament Registration - Oct 15
 - Youth Basketball Clinic - Nov. 5
 - December Events - Dec 1-25
 - Fiesta de Las Flores - Oct 15
 - The Genealogy Bash - Oct 21
 - Trick or Treat! - Oct 31
 - Team Kyle Update

Mr. Hendrix, Ms. Sonnier, Ms. Espinoza, Chief Barnett, and Mr. Moheet presented the item. No action was taken.

9. Presentation regarding evaluation of traffic conditions on Conestoga Drive from Old Stagecoach Road to Scott Street. ~ *Leon Barba, P.E., City Engineer*

No action was taken.

10. Presentation regarding September 24th water outage in the Texas Water Utilities service area. ~ *Robert Rizo, Mayor Pro Tem and Yvonne Flores-Cale, Council Member*

Will Paiz-Tabash provided information on the item. Tim Samford provided additional information. No action was taken.

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

Mr. Barba presented the item. Mr. Hendrix provided additional information. No action was taken.

VII. Consent Agenda

Mayor Mitchell brought forward Item Nos. 12, 13, 14, 15, 16, 17 and 18 for consideration.

12. Authorize award and execution of a Purchase Order to Hill Country Outdoor Power, Austin, TX in an amount not to exceed \$15,599.00 for the purchase of a zero turn mower to be used at the wastewater treatment plant grounds. ~ *Harper Wilder, Director of Public Works*

13. *(Second 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*
City Council voted 6-0 to approve on first reading on 8/2/2022.
14. *(Second Reading)* Approve an ordinance to reduce the speed limit on FM 1626 from Kohlers Crossing to IH 35. ~ *Leon Barba, P.E., City Engineer*
City Council voted 5-0 to approve on first reading on 9/20/2022.
15. *(Second 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*
City Council voted 5-0 to approve on first reading on 9/20/2022.
16. *(Second 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, Director of Planning*
Planning and Commission voted 4-0 to recommend approval of the request.
City Council voted 5-0 to approve on first reading on 9/20/2022.
17. Consider approval of an Assessment and Collection Agreement between Hays County and the City of Kyle, Texas for Kyle 57 Public Improvement District. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*
18. Consider approval of an Assessment and Collection Agreement between Hays County and the City of Kyle, Texas for Plum Creek North Public Improvement District. ~ *Jon Snyder, P3Works, LLC, City's PID Administrator*

Council Member Tobias moved to approve Consent Agenda Item Nos. 12, 13, 14, 15, 16, 17 and 18. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

VIII. Items Pulled from Consent Agenda

IX. Consider and Possible Action

Before Item No. 19 was presented, Mayor Mitchell stated Item Nos. 21, 28, 29, 30, 31, and 32 would be postponed. Council Member Parsley asked that Item No. 35 also be postponed.

19. Consideration and approval of applying for the Strengthening Mobility and Revolutionizing Transportation Grant Program (SMART), Phase I #20.941 of the Infrastructure Investment and Jobs Act. ~ *David Amsler, Management Analyst and Kirk Rabius, Honeywell*

Mr. Amsler presented the item.

Council Member Flores-Cale moved to approve agenda Item No. 19. Council Member Parsley seconded the motion. Motion carried 6-0.

20. Consideration and possible action to approve CORE Office Interiors Quote for FF&E at Public Safety Center in an amount not to exceed \$1,582,781.60. ~ *Bob Farmer, AG|CM*

Mr. Farmer presented the item. Chief Barnett provided additional information.

Mayor Pro Tem Rizo moved to approve agenda Item No. 20. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

21. Consideration and possible action to approve Guardian Quote for Key Tracker System at Public Safety Center in an amount not to exceed \$23,735.05. ~ *David Harding, AG|CM*
22. Consideration and possible action to approve Marathon Fitness Quote for Gym Equipment at Public Safety Center in an amount not to exceed \$91,503.68. ~ *David Harding, AG|CM*

Mr. Harding presented the item. Chief Barnett provided additional information.

Mayor Pro Tem Rizo moved to approve Item No. 22. Council Member Bradshaw seconded the motion. Motion carried 6-0.

23. [Postponed 9/20/2022] 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*
24. 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 brought forward Item Nos. 23 and 24 together.

Mayor Mitchell moved to postpone Item Nos. 23 and 24 until the second Council meeting in November. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

25. *(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, 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.

Council Member Flores-Cale moved to approve agenda Item No. 25. Mayor Pro Tem Rizo seconded the motion.

Mayor Mitchell moved to amend the Ordinance to add the savings clause language read by the city attorney and to add language that says that if a violation is found to occur as of the time of

the passage of this Ordinance, that such a violation will be brought before Council for consideration of an exemption. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

Mayor Mitchell called for the vote on the motion to approve. Motion carried 6-0.

26. Consider and possible action to approve a First Amendment to the Porter Country Development Agreement. ~ *Will Atkinson, Director of Planning*

27. Consider and possible action to approve a Maintenance Agreement Between City of Kyle and Hillside Terrace Development, LLC. ~ *Will Atkinson, Director of Planning*

Mayor Mitchell brought forward Item Nos. 26 and 27 together.

Council Member Flores-Cale moved to approve Item Nos. 26 and 27. Council Member Parsley seconded the motion. Motion carried 5-0. Council Member Bradshaw left the dais at 9:04 p.m. and was absent for the vote.

28. [Postponed 9/20/2022] 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 9/20/2022 Council meeting.

Mayor Mitchell opened the public hearing at 9 04 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item No. 28 until the next regularly scheduled Council meeting. Council Member Tobias seconded the motion. Motion carried 5-0. Council Member Bradshaw was absent for the vote.

29. Approve a development agreement between the City of Kyle and Plum Creek Developers, LLC (Joe Brooks). ~ *Will Atkinson, Director of Planning*

The applicant has requested postponement of consideration until the October 18, 2022 meeting.

Mayor Mitchell stated this item would be postponed.

30. [Postponed 9/20/2022] (*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, 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

The public hearing was left open at the 9/20/2022 Council meeting.

The applicant has requested postponement of consideration until the October 18, 2022 meeting. The public hearing will be opened and recessed until that date. Anyone wishing to speak will have the opportunity to do so at this meeting.

Mayor Mitchell opened the public hearing at 9:05 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item No. 30 until the next regularly scheduled Council meeting. Mayor Pro Tem Rizo seconded the motion. Motion carried 5-0. Council Member Bradshaw was absent for the vote.

31. [Postponed 9/20/2022] (*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. Burleson & Marketplace Avenue, in Hays County, Texas. (Julia Parker Family Partnership and the L.W. Parker Family Trust - Z-22-0104) ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 3-1 to recommend approval of the request.

- Public Hearing

The public hearing was left open at the 9/20/2022 Council meeting.

Mayor Mitchell opened the public hearing at 9:06 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item No. 31 until the next regularly scheduled Council meeting. Council Member Flores-Cale seconded the motion. Motion carried 5-0. Council Member Bradshaw was absent for the vote. She returned to the dais at 9:07 p.m.

32. Approve a Development Agreement between the City of Kyle and Arenaman Development Company, LLC (Julia Parker Family Partnership & the L. W. Parker Family Trust). ~ *Will Atkinson, Director of Planning*
33. Consider and possible action to approve a Resolution amending the City's Personnel Policy to reference the use of Performance Improvement Plan as a tool and approved by City Council on September 6, 2022 and to amend terminology used related to exit interviews. ~ *Sandra Duran, Director of Human Resources*

Council Member Flores-Cale moved to amend Section 7.03 of the Personnel Policy to read after payroll period "unless terminated, in which final pay will be dispersed per Section 61.014 of the Texas Payday Law." Mayor Mitchell seconded the motion. Motion carried 5-1 with Council Member Bradshaw dissenting.

Mayor Mitchell moved to amend the first sentence of Section 7.03 of the Personnel Policy to read "Upon separation of employment with the City, each employee will be offered an exit interview. That interview may be electronic or in-person at the discretion of the HR Director/Department Head." Council Member Tobias seconded the motion. Motion carried 6-0.

Mayor Mitchell moved to approve Item No. 33. Council Member Flores-Cale seconded the motion. Motion carried 5-1 with Council Member Bradshaw dissenting.

34. *(Second 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

City Council voted 5-0 to approve on first reading on 9/20/2022.

Mayor Mitchell opened the public hearing at 9: 17 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:17 p.m.

Mayor Mitchell moved to remove item no. 28 from Unallowed Expenses. Council Member Tobias seconded the motion. Motion carried 6-0.

Mayor Mitchell moved to approve Item No. 34. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

35. Discussion and possible action regarding updating the policy on Appointments for City Boards, Committees and Commissions. ~ *Daniela Parsley, Council Member*

Mayor Mitchell stated this item would be postponed.

36. Discussion and possible action regarding the City of Kyle's open records request and release policies and procedures, including but not limited to Chapter 2, Article IV, Division 2 Code of Ethics, Subdivision VI, Section 2-251 (b) of the City's Code or Ordinance. ~ *Yvonne Flores-Cale, Council Member*

Mayor Mitchell requested the item be postponed until the next Council meeting.

X. Executive Session

37. 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.
 - Julia Parker Family Partnership and the L.W. Parker Family Trust - Z-22-0104
 - New Haven Assisted Living Facility
 - Limestone Creek
 - Southwest Kyle
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.

City Council Meeting Minutes

October 3, 2022 – Page 9

Kyle City Hall

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 Jasmine
 - Restaurant Incentive Program

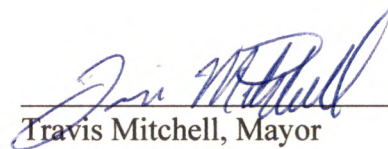
There was no executive session.

38. Take action on items discussed in Executive Session.

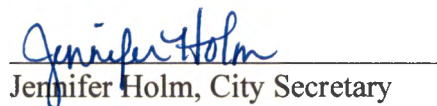
XI. Adjourn

Mayor Mitchell moved to adjourn. Council Member Tobias seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 9:43 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer Holm, City Secretary