

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on October 18, 2022 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Susan Reyna
Mayor Pro Tem Robert Rizo	Cynthia Bentley
Council Member Yvonne Flores-Cale	Vanessa Westbrook
Council Member Ashlee Bradshaw	Julie Snyder
Council Member Daniela Parsley	Graham Moore
Council Member Michael Tobias	Stephanie Leibe
Jerry Hendrix, Interim City Manager	Justin Belmore
Amber Lewis, Assistant City Manager	Brandon Hammann
Paige Saenz, City Attorney	Edward Coleman
Rachel Sonnier, Communications Director	Amanda Swor
Grant Bowling, Video Production Specialist	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Keshav Gnawali, Engineer	
Kathy Roecker, SWMP Administrator	
Victoria Vargas, Interim Economic Dev Director	
Perwez Moheet, Finance Director	
Kristiana Spencer, HR Manager	
Marco Forti, Interim IT Director	
Cara Waits, Interim Library Director	
Mariana Espinoza, Parks & Recreation Director	
William Atkinson, Planning Director	
Tim Griffith, Police Lieutenant	
James Plant, Police Officer	
Scott Egbert, Div. Mgr. - Streets	
David Amsler, Management Analyst	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:02 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 - October 3, 2022. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - October 3, 2022. ~ *Jennifer Holm, City Secretary*

Council Member Tobias moved to approve the minutes of the October 3, 2022 Special Council Meeting and the minutes of the October 3, 2022 Regular Council Meeting. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

III. Citizen Comment Period with City Council

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

Susan Reyna was called to speak as registered on behalf of the Katherine Anne Porter Literary Center. She spoke about an upcoming event at the center that will feature poet Aimee Nezhukumatathil, who will do a reading and book signing on Friday, October 28.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:06 p.m.

IV. Agenda Order

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

Council Member Flores-Cale stated that she would like to bring her postponed Item No. 34 up to the top, after presentations.

V. Presentation

4. Presentation and recognition of the Parks and Recreation Board and Parks and Recreation Department for their work to establish Kyle as a Gold Certified City by Scenic Texas. ~ *Travis Mitchell, Mayor*

No action was taken.

5. Presentation and brief overview of Pillows for Peace - Unforgettable Families and Friends of Kyle, in bringing continuous awareness during Domestic Violence Awareness Month. ~ *Michael Tobias, Council Member*

Council Member Tobias introduced Ms. Cynthia Bentley and Ms. Vanessa Westbrook who presented the item. No action was taken.

6. Chamber of Commerce Week proclamation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell read aloud the Proclamation acknowledging Chamber of Commerce Week. Ms. Julie Snyder, CEO of the Kyle Area Chamber of Commerce, spoke. No action was taken.

7. 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
- Founders' Parade Recap
- Center Street Trick or Treat - Oct 22
- October Halloween Contests - All October
- Veterans Day Parade - Nov 12
- Scenic City Certification
- The Genealogy Bash - Oct 21
- Trick or Treat! - Oct 31
- Team Kyle Update

Mr. Hendrix, Ms. Sonnier, Ms. Espinoza and Ms. Waits presented the item. Mr. Gnawali provided comments as well. 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

Council Member Parsley pulled Item No. 15. Mayor Mitchell brought forward Item Nos. 9, 10, 11, 12, 13, 14, and 16 for consideration.

9. Ratify the emergency replacement of a traffic control box at the intersection of Kyle Parkway and Walmart, in an amount not to exceed \$22,564.55 payable to Austin Traffic Signal, Austin, Texas. ~ *Harper Wilder, Director of Public Works*

10. Approve an agreement with Charter Spectrum, in an amount not to exceed \$25,151.79, to relocate overhead communication lines around the premises of the Krug Activity Center by providing new connection services to the Krug Activity Center, and the existing Charter Spectrum customers around the perimeter of the Krug Activity Center. ~ *Leon Barba, P.E., City Engineer*

11. Approve the purchase of 2-72" Exmark Mowers, 2- 60" Exmark Mowers and 1-ZTurf Sprayer from Hill Country Outdoor Power in the amount of \$62,395.00. ~ *Chance Padier, Environmental Services & Trades Division Manager*

12. Approve Amendment No. 4 to Task Order No. 6 to LJA ENGINEERING, INC., Austin, Texas, in the amount not to exceed \$5,466.40 increasing the total contract amount to \$230,695.89 for additional engineering services for the Anthem to Kohlers Crossing Waterline Connection Project. ~ *Leon Barba, P.E., City Engineer*

13. Approve Plum Creek Phase 1, Section 12C - Final Plat (SUB-20-0150) 6.708 acres; 2 commercial lots located at the southwest corner of Kohler's Crossing and FM 1626. ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 6-0 to recommend approval.

14. Approve Plum Creek Phase 2, Section 3 - Final Plat (SUB-22-0264) 55.955 acres; 141 residential/single family lots, 11 drainage easements, open space, and landscape lots located at the western extension of Rikardson. ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 6-0 to recommend approval.

16. Approve an Independent Contractor Agreement with Stanard & Associates, Inc. for the Kyle Police Department's Professional Promotional Assessment Center for Police Ranks Corporal and Above for a two-year term ending September 2024 to provide promotional testing services for the Kyle Police Department based upon the agreed rates as outlined in the attached proposal. ~ *Kristiana Spencer, Civil Service Director*

Mayor Pro Tem Rizo moved to approve Consent Agenda Item Nos. 9, 10, 11, 12, 13, 14, and 16. Council Member Parsley seconded the motion.

During the motion to approve the consent agenda, Council Member Tobias made a comment regarding Item No. 9 and Mr. Egbert provided feedback.

Motion carried 5-0. Council Member Bradshaw left the dais at 7:58 p.m. and was absent for the vote.

VII. Items Pulled from Consent Agenda

15. Approve Plum Creek Phase 2, Section 5 - Preliminary Plan (SUB-22-0262) 101.70 acres; 421 single family lots and 13 open space lots located at the western extension of Etheredge. ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 6-0 to recommend approval.

Mr. Atkinson addressed Council Member Parsley's questions. Council Member Bradshaw returned to the dais at 8:00 p.m.

Council Member Parsley moved to approve Item No. 15. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

VIII. Consider and Possible Action

34. [Postponed 10/3/2022] 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*

This item was brought forward out of order before Item No. 17.

Council Member Flores-Cale moved to direct staff to post all campaign finance reports online for while they are in office. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

17. Consideration and possible action related to a Resolution Approving a Resolution by the Board of Directors of the Alliance Regional Water Authority Authorizing the Issuance of Contract Revenue Bonds for the City of Kyle, Texas in Connection with the Regional Water Supply Contract Project; and Other Related Matters including presentation regarding financing and project updates. ~ *Graham Moore, Executive Director of Alliance Regional Water Authority*

Council Member Flores-Cale moved to approve agenda Item No. 17. Council Member Parsley seconded the motion. Motion carried 6-0.

18. Discussion and possible action for Marketplace streetlights. ~ *Robert Rizo, Mayor Pro Tem*

No action was taken.

19. [Postponed 10/3/2022] Consideration and Approval of a Resolution 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. ~ *Stephanie Leibe, Partner, Norton Rose Fulbright US LLP*

- Public Hearing

The public hearing was left open at the 10/3/2022 Council meeting.

20. Consideration and Approval of an Agreement regarding the Dissolution of the Limestone Creek Public Improvement District. ~ *Stephanie Leibe, Partner, Norton Rose Fulbright US LLP*

21. Consideration and Approval of the First Amendment to the Amended and Restated Limestone Creek Development Agreement. ~ *Stephanie Leibe, Partner, Norton Rose Fulbright US LLP*

22. Consideration and Approval of a Resolution setting a Public Hearing for the Creation of a Tax Increment Reinvestment Zone Number Four (Limestone Creek). ~ *Stephanie Leibe, Partner, Norton Rose Fulbright US LLP*

Mayor Mitchell brought forward Item Nos. 19 - 22 simultaneously. Ms. Leibe presented the items. Justin Belmore and Brandon Hammann, both of Meritage Homes, also presented on the items.

Mayor Mitchell opened the public hearing at 9:17 p.m.

Edward Coleman was called to speak. He stated that he is the Managing General Partner of FM158, Land Ltd. He spoke in opposition to the item. He spoke about the drainage plan along Goforth Road that will transport water through channels to the Coleman detention pond. He stated that he was not made aware of this agreement with the City that affects his property. He spoke about finding out because of construction taking place at Limestone Creek. He stated that the developer is creating a diversion for the water to flow to his property. He stated that for forty years the water has been flowing to the east to farmers that can use the water, whereas on his property it will just be retained for evaporation. He requested Council not approve the agreement. He asked to be a part of the negotiations for this plan. He continued that the water isn't just flowing to his property, but they are pumping the water to him.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 9:25 p.m.

Mayor Mitchell made a recommendation for Council to convene into executive session on Item Nos. 19 - 22 to seek the advice of the City Attorney pursuant to Section 551.071. The City Council convened into Executive Session at 9:25 p.m.

Mayor Mitchell called the meeting back to order at 10:04 p.m.

Mayor Mitchell moved to approve Agenda Item Nos. 19 to 22. Council Member Tobias seconded the motion. Motion carried 5-1 with Council Member Flores-Cale dissenting.

23. First Amendment to the Regional Stormwater Facilities Cost Sharing Agreement by and among City of Kyle, Texas, North Hays County Municipal Utility District No. 2, Plum Creek Development Partners, Ltd, and Mountain Plum LTD, and Lennar of Texas Land and Construction, Ltd. ~ *Paige Saenz, City Attorney*
24. Amended and Restated First Amendment to the Consent Agreement by and among the City of Kyle, Texas, North Hays County Municipal Utility District No. 2, Plum Creek Development Partners, Ltd, and Mountain Plum LTD. ~ *Paige Saenz, City Attorney*
25. *(First Reading)* An Ordinance of the City of Kyle, Texas, Ratifying, Confirming, and Approving the Granting of Consent to the Creation of the North Hays County Municipal Utility District No. 2 and the Inclusion of Land Therein. ~ *Paige Saenz, City Attorney*

Mayor Mitchell brought forward Item Nos. 23 - 25 simultaneously.

Council Member Flores-Cale moved to approve Agenda Item Nos. 23 - 25. Council Member Tobias seconded the motion. Motion carried 6-0.

26. [Postponed 10/3/2022] Approve a development agreement between the City of Kyle and Plum Creek Developers, LLC (Joe Brooks). ~ *Will Atkinson, Director of Planning*

This item will be postponed until the regularly scheduled council meeting on 11/15/2022.

Mayor Mitchell moved to postpone this item until the regularly scheduled council meeting on 11/15/2022. Council Member Tobias seconded the motion. Motion carried 6-0.

27. [Postponed 10/3/2022] *(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 10/3/2022 Council meeting.

*This item will be postponed until the regularly scheduled council meeting on 11/15/2022.
The public hearing will be opened at this 10/18/2022 Council meeting*

Mayor Mitchell opened the public hearing at 10:20 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone the item until the regularly scheduled council meeting on 11/15/2022. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

28. [Postponed 10/3/2022] *(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 10/3/2022 Council meeting.

29. [Postponed 10/3/2022] 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*

Mayor Mitchell opened the public hearing at 10:27 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 10:27 p.m.

Amanda Swor with Drenner Group, the applicant, presented on the item.

Mayor Mitchell brought forward Item No. 29 during discussion.

Council Member Flores-Cale moved to approve Item Nos. 28 and 29. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

30. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 7.17 acres of land from ‘A’ (Agriculture) to ‘CC’ (Community Commercial) for property located on Lot 2, Block A of the Findley Subdivision, in Hays County, Texas (360 Old Stagecoach Retail, LLC - Z-22-0106). ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 5-1 to recommend approval of the request.

- Public Hearing

Mayor Mitchell opened the public hearing at 10:50 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 10:50 p.m.

Mayor Pro Tem Rizo moved to postpone Item No. 30 until the next regularly scheduled Council meeting and leave the public hearing open. Council Member Flores-Cale seconded the motion.

Mayor Mitchell re-opened the public hearing at 11:00 p.m. Mayor Pro Tern Rizo restated his motion. Motion carried 6-0.

31. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 153 acres of land from ‘A’ (Agriculture) to ‘R-1-A’ (Single Family Attached), approximately 16.5 acres of land from ‘A’ (Agriculture) to ‘R-3-2’ (Multifamily Residential 2) and approximately 1.5 acres of land from

‘A’(Agriculture) to ‘RS’ (Retail Services) for property located between Opal Ln and Roland Ln, adjacent to the UPRR tracks, which includes all legally recorded lots in the final plats of Paramount Section 1, Paramount Section 2 & Opal Point at Kyle MF, in Hays County, Texas. This includes all the property contemplated in the “Development Agreement Between City of Kyle, Texas, and Intermandeco GP, LLC or Assigns”, dated August 10th, 2017. (Intermandeco GP, LLC - Paramount Subdivision - Z-22-0108) ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

- Public Hearing

Mayor Mitchell opened the public hearing at 11:04 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 11:04 p.m.

Mayor Pro Tem Rizo moved to approve agenda Item No. 31. Council Member Bradshaw seconded the motion. Motion carried 6-0.

32. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 5.43 acres of land from ‘A’ (Agriculture) to ‘RS’ (Retail Services) for property located approximately 450 feet north of the intersection of IH-35 & Old Bridge Trail in Hays County, Texas (Sunrise Village Investments, LLC - Z-22-0107). ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

- Public Hearing

Mayor Mitchell left the dais at 11:15 p.m., recusing himself.

Mayor Pro Tem Rizo opened the public hearing at 11:17 p.m. With no one wishing to speak, Mayor Pro Tem Rizo closed the public hearing at 11:17 p.m.

Council Member Bradshaw moved to approve agenda Item No. 32. Council Member Tobias seconded the motion. Motion carried 5-0.

33. [Postponed 10/3/2022] Discussion and possible action regarding updating the policy on Appointments for City Boards, Committees and Commissions. ~ *Daniela Parsley, Council Member*

Mayor Mitchell returned to the dais at 11:23.

Council Member Bradshaw moved to reconvene a task force to bring back a recommended policy. Council Member Flores-Cale seconded the motion.

Council Member Bradshaw rescinded her motion. No action was taken.

35. Discussion and possible action regarding renaming of the Public Safety Center. ~ *Yvonne Flores-Cale, Council Member*

Council Member Flores-Cale moved to direct staff to bring back a proposal for signage for the Public Safety Center incorporating the Kyle Police Department verbiage on the building. Council Member Parsley seconded the motion.

Lt. Griffith provided information on the item.

Mayor Mitchell called for the vote on the motion. Motion failed 2-3 with Mayor Mitchell, Mayor Pro Tem Rizo, and Council Member Bradshaw dissenting. Council Member Parsley left the dais at 11:55 p.m. and was absent for the vote.

Council Member Parsley returned to the dais at 11:57 p.m.

Council Member Flores-Cale moved to reconsider. Mayor Mitchell seconded the motion. Motion carried 6-0.

Council Member Parsley moved to have signage that says Public Safety Center and to have additional signage that says Kyle Police Department. Council Member Flores-Cale seconded the motion. Motion carried 5-1 with Mayor Mitchell dissenting.

IX. Executive Session

36. 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.
 - Kyle Uber \$3.14 Update
 - Julia Parker Family Partnership and the L.W. Parker Family Trust - Z-22-0104
 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 Shamrock
 - Project Traverse

There was no executive session.

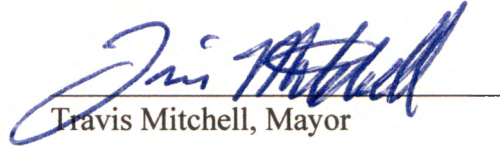
37. Take action on items discussed in Executive Session.

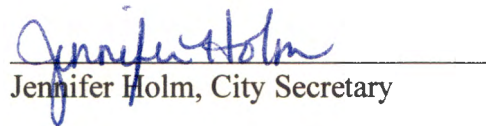
X. Adjourn

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 12:03 a.m. on October 19, 2022.

Attest:


Travis Mitchell, Mayor


Jennifer Holm, City Secretary