

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on November 15, 2022 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Kate Johnson
Council Member Yvonne Flores-Cale	Susan Reyna
Council Member Miguel Zuniga	Jeff Barton
Council Member Ashlee Bradshaw*	Zachary Barton
Council Member Daniela Parsley	Cassidy Berenato
Council Member Michael Tobias	Luke Miller
Jerry Hendrix, Interim City Manager	Eddie Brown
Paige Saenz, City Attorney	Tony Spano
Rachel Sonnier, Communications Director	Rick Rosenberg
Grant Bowling, Video Production Specialist	Vanessa Westbrook
Jennifer Holm, City Secretary	Ryan Rosborough
Leon Barba, City Engineer	Todd Kaiser
Victoria Vargas, Economic Dev. Director	Alex Abadi
Perwez Moheet, Finance Director	
Marco Forti, IT Director	
Michael Kaufmann-Lynch, Adult Svcs Librarian	
Mariana Espinoza, Parks & Recreation Director	
William Atkinson, Planning Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Assistant Chief of Police	
Tim Griffith, Police Commander	
Mark Spencer, Police Officer	
Harper Wilder, Director of Public Works	
Tim Samford, Div. Mgr.-Treatment Operations	

### 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, Council Member Flores-Cale, Council Member Zuniga, Council Member Bradshaw, Council Member Parsley, and Council Member Tobias. A quorum was present.

### II. Approval of Minutes

1. City Council Special Meeting Minutes – November 1, 2022. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes – November 1, 2022. ~ *Jennifer Holm, City Secretary*

Council Member Tobias moved to approve the minutes of the November 1, 2022 Special Council Meeting and the minutes of the November 1, 2022 Regular Council Meeting. Council Member Parsley seconded the motion. Motion carried 6-0.

\*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.

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

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

Kate Johnson was called to speak as registered in favor of Item No. 21. She stated that the City should be mindful about the historical landscape. She stated that many new developments do not have an identity, only a name. She stated that the developer cares about historical resources as evidenced by their support in preserving the well.

Susan Reyna was called to speak as registered. She announced that local author Stacey Swann is coming to the Katherine Ann Porter House on Friday, November 18 at 5:30 p.m. She also spoke about speeding on Conestoga Drive by the park and hoped that the speed limit would be reduced.

Jeff Barton mentioned 74 people signed up in support of Item No. 25. Comment sheets were provided for the record.

Zachary Barton registered a position in favor of Item No. 25 but did not wish to speak.

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

### **IV. Agenda Order**

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

Council Member Tobias requested to move Item No. 26 to the front. Council Member Flores-Cale requested to move up Item No. 25 to Presentations.

### **V. Appointments**

#### **4. Appointments to the Economic Development & Tourism Board. ~ *Victoria Vargas, Director of Economic Development***

- Tony Spano, Developer Seat (Reappointment)
- Eddie Brown, Local Business Owner Seat (Reappointment)
- Luke Miller, Healthcare Seat
- Cassidy Berenato, Tourism Seat

Cassidy Berenato spoke about her goals in serving on the Economic Development and Tourism Board, and the asset of the San Marcos Regional Airport to the City of Kyle.

Luke Miller spoke about his goals on behalf of Ascension Hays as it pertains to the Economic Development and Tourism Board.

Eddie Brown addressed council question about his business location.

Tony Spano stated that he has recently retired but was most recently working with Bigelow Homes and Creekside Development.

Council Member Parsley moved to reappointment Tony Spano to the Developer Seat and Eddie Brown to the Local Business Owner Seat and to appoint Luke Miller to the Healthcare Seat and Cassidy Berenato to the Tourism Seat of the Economic Development & Tourism Board. Council Member Tobias seconded the motion. Motion carried 5-1 with Council Member Flores-Cale dissenting.

## VI. Presentation

### 25. Presentation of Word Place Development. ~ *Jeff Barton, Partner, Gap Strategies*

Mayor Mitchell brought forward Item No. 25 out of order after Item No. 4. Jeff Barton presented the item. Rick Rosenberg also provided information on the item.

Mayor Mitchell moved to direct staff to bring back a PID/TIRZ Development Agreement as outlined by Mr. Barton and bring it back expeditiously. Council Member Tobias seconded the motion.

Mayor Mitchell restated his motion to direct staff to bring back PID/TIRZ documents and a Development Agreement as they are able. Council Member Tobias seconded the motion. Motion carried 6-0.

### 5. Native American Heritage Month Proclamation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell read aloud the Proclamation acknowledging Native American Heritage Month

Mariana Espinoza, Parks & Recreation Director, provided information on the item. No action was taken.

### 6. 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*

- Veterans Day Parade Recap
- Santa's Arrival - Dec. 1
- Santa Rides in Kyle - Dec. 13-15
- 25 Days of Christmas - Dec. 1-25
- Downtown Master Plan Public Hearings
- Comprehensive Plan Update
- Police Employee Association
- Team Kyle Update

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

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

No action was taken.



## **VII. Consent Agenda**

8. Authorize a Purchase Order in an amount not to exceed \$150,000.00 to the Lower Colorado River Authority (LCRA) for the purchase of forty-two (42) two-way radios, including programming and accessories, for the Police Department. ~ *Jeff Barnett, Chief of Police*
9. Authorize the City's Director of Finance to dispose through an auction facility one (1) Lot of Motorola handheld devices with accessories determined to be surplus equipment by the Police Department. ~ *Jeff Barnett, Chief of Police*
10. Authorize the City's Director of Finance to dispose through an auction facility one (1) city-owned animal control vehicle determined to be a surplus vehicle by the Police Department. ~ *Jeff Barnett, Chief of Police*
11. Authorize award and execution of a Purchase Order to LCCX, LLC, DBA LACKEY DE CARVAJAL CX, San Antonio, Texas, in an amount not to exceed \$66,158.51 for test and balance services at the City's public Safety Center. ~ *Ryan Rosborough, AG\CM, City's Project Manager*
12. (*Second Reading*) An Ordinance Granting a Five-Year Extension to the Franchise Granted by Ordinance No. 959 and Amended by Ordinance No. 1150 to Pedernales Electric Cooperative Inc., Containing Various Terms and Conditions with regard to the Extension of the Franchise; to Construct, Maintain, Operate and Use a Transmission and Distribution System in the City of Kyle to Provide Electric Utility Service. ~ *Jerry Hendrix, Interim City Manager*

*City Council voted 6-0 to approve on First Reading on 11/1/2022.*

Council Member Zuniga made a motion to approve Consent Agenda Item Nos. 8, 9, 10, 11 and 12. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

## **VIII. Public Hearings**

13. Conduct a public hearing on the Creation of a Reinvestment Zone and its benefits to the City of Kyle and to provide a reasonable opportunity for any owner of property within the proposed Reinvestment Zone to protest the inclusion of their property within the proposed Reinvestment Zone, which proposed zone consists of approximately 179.341 acres generally located east of Post Road and south of County Road 158, known as Limestone Creek. ~ *Travis Mitchell, Mayor*

Mayor Mitchell opened the public hearing at 8:53 p.m.

With no one wishing to speak, Mayor Mitchell left the public hearing open at 8:53 p.m. at the request of the developer.

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

**X. Consider and Possible Action**

26. Discussion and possible action for renaming Art Commission to add Arts and Cultural Commission. ~ *Michael Tobias, Council Member*

Mayor Mitchell brought forward Item No. 26 ahead of Item No. 14. Council Member Tobias presented the item. Ms. Vanessa Westbrook, Chair of the City's Arts Commission presented on the item.

Mayor Mitchell moved to direct staff to bring back an ordinance to rename the Arts Commission to the Arts and Cultural Commission. Council member Flores-Cale seconded the motion. Motion carried 6-0.

14. [Postponed 10/3/2022] 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*

15. [Postponed 10/3/2022] 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. 14 and 15 simultaneously. Mr. Hendrix presented the item. Ms. Saenz provided information about the item. Mr. Barba and Mr. Wilder also provided information on the item.

Council Member Tobias moved to approve Agenda Items 14 and 15. Council Member Parsley seconded the motion.

Council Member Tobias moved to amend his motion to approve Agenda Item 14. Council Member Parsley seconded the motion. Motion carried 6-0.

Mayor Mitchell moved to approve Agenda Item 15. Council Member Tobias seconded the motion. Motion carried 5-1 with Council Member Flores-Cale dissenting

16. Discussion and possible action regarding adding Police Department Signage on the Public Safety Center. ~ *Ryan Rosborough, AG|CM*

Mr. Rosborough presented the item. Chief Barnett provided additional information on the item.

Council Member Parsley moved to approve the addition of "Police Department" as shown in Slide No. 8. Council Member Flores-Cale seconded the motion. Motion carried 5-1 with Council Member Zuniga dissenting.

17. (*First Reading*) Approve an ordinance to reduce the speed limit on Conestoga Drive from Old Stage Coach road to Jarbridge Drive. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell moved to approve Item No. 17. Council Member Tobias seconded the motion. Motion carried 6-0.

18. Approve a resolution authorizing the mayor to negotiate an agreement with KCI TECHNOLOGIES, INC., San Antonio, Texas to provide a comprehensive street pavement evaluation and infrastructure assessment of city streets. ~ *Leon Barba, P.E., City Engineer*

Mr. Barba presented the item. He clarified the item should be to approve a resolution to execute an agreement, not negotiate an agreement.

Council Member Flores-Cale moved to approve Item No. 18 as clarified. Council Member Parsley seconded the motion. Motion carried 6-0.

19. Approve Task Order #2 with RPS INFRASTRUCTURE, INC., Austin, Texas, a civil engineering consulting firm, to provide field notes and surveyor metes and bounds map for the Marketplace Avenue extension in an amount of \$31,950.25. ~ *Leon Barba, P.E., City Engineer*

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

20. Discussion and Consideration to approve the 104 S. Burleson Project Schematic Design Plans, Budget and Schedule, to proceed into the Design Document Phase of design. ~ *Ryan Rosborough, AG\CM and Todd Kaiser, BGK Architects*

Mr. Rosborough and Mr. Kaiser presented the item. Mr. Rosborough introduced Mr. Scott German with Cadence McShane, who was available for questions.

Mr. Moheet provided additional information on the item.

Mayor Mitchell moved to direct staff to bring back funding proposals as discussed. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

21. *(Second 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.*

*City Council voted 6-0 to approve on First Reading on 11/1/2022.*

Mayor Mitchell moved to postpone Item No. 21 to the next regularly scheduled Council meeting. Council Member Tobias seconded the motion. Motion carried 6-0.

22. [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*



23. [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 10/18/2022.*

- Public Hearing

The public hearing was left open at the 10/18/2022 Council meeting.

Mayor Mitchell brought forward Item Nos. 22 and 23 simultaneously.

Mayor Mitchell opened the public hearing at 10:15 p.m.

Alex Abadi was called to speak. He stated that he has a consultant here and asked whether she should speak now or at the next public hearing. The consultant stated she would come to the next scheduled public hearing.

With no one else wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item Nos. 22 and 23 until the January 17, 2023 Council meeting. Council Member Tobias seconded the motion. Motion carried 6-0.

24. (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 4.01 acres of land from Agriculture 'A' to Retail Service District 'RS' for property located at 23451 IH-35 in Hays County, Texas. (Winn Family Limited Partnership – Z-22-0109). ~ *Will Atkinson, Director of Planning*

*Planning and Zoning Commission voted 7-0 to approve the request.*

- Public Hearing

Mayor Mitchell stated there would be a recusal on this item. Council Member Flores-Cale left the dais at 10:16 p.m.

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

Council Member Tobias moved to approve Item No. 24. Council Member Parsley seconded the motion. Motion carried 5-0 with Council Member Flores-Cale's recusal.

27. (*First Reading*) An Ordinance of the City of Kyle, Texas, Establishing Clearance Requirements for Overhead Electric, Communication, and Cable Television Lines; Providing for violation of the ordinance; Providing a penalty; and Providing for related matters. ~ *Paige Saenz, City Attorney*

Council Member Flores-Cale returned to the dais at 10:24 p.m. Ms. Saenz presented the item. Mr. Wilder also provided information on the item.

Council Member Flores-Cale moved to approve Item No. 27. Council Member Parsley seconded the motion. Motion carried 6-0.

28. Discussion and possible action regarding review of the City of Kyle's Ordinance Sec. 8-251. - Technical provisions for building around pipelines. ~ *Yvonne Flores-Cale, Council Member*

With no objections, the item was tabled to be considered in Executive Session later in the meeting.

29. Consider and possible action to authorize the expenditure of funds to pay off the Kyle Housing Authority USDA Loan. ~ *Jerry Hendrix, Interim City Manager*

Council Member Parsley moved to authorize the expenditure of funds in the amount of \$176,847.00 to pay off the Kyle Housing Authority USDA Loan. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

## **XI. Executive Session**

30. 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.
  - San Marcos and Kyle EAA lease water agreement
  - Discussion regarding 24321 IH 35
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.
  - 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 Mitchell 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 - San Marcos and Kyle EAA lease water



agreement; Discussion regarding 24321 IH 35; and Item No. 28; and Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 - Property Acquisition.”

The City Council convened into executive session at 10:40 p.m. Council Member Bradshaw did not attend executive session.

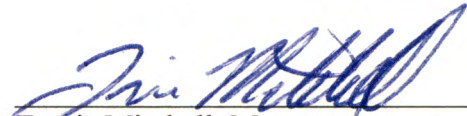
31. Take action on items discussed in Executive Session.

Council Member Tobias called the meeting back to order at 11:50 p.m. Council Member Tobias announced that no action took place in Executive Session and no action would be taken now. Mayor Mitchell was not on the dais, but was present in Council Chambers.

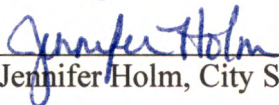
## **XII. Adjourn**

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

With no further business to discuss, the City Council adjourned at 11:51 p.m.

  
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Travis Mitchell, Mayor

Attest:

  
\_\_\_\_\_  
Jennifer Holm, City Secretary