

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on January 3, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Beau Burkett
Mayor Pro Tem Michael Tobias	Sharri Boyett
Council Member Bear Heiser	Christie Banduch
Council Member Yvonne Flores-Cale	Stephanie Leibe
Council Member Miguel Zuniga	Jon Snyder
Council Member Ashlee Bradshaw	Derek Bird
Council Member Daniela Parsley	
Jerry Hendrix, Interim City Manager	
Amber Lewis, Assistant City Manager	
Paige Saenz, City Attorney	
Rachel Sonnier, Communications Director	
Grant Bowling, Video Production Specialist	
Jennifer Kirkland, City Secretary	
Leon Barba, City Engineer	
Victoria Vargas, Economic Dev. Director	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Marco Forti, IT Director	
Colleen Tierney, Library Director	
Mariana Espinoza, Parks & Recreation Director	
Kaela Sharp, City Planner	
Jason Lutz, Senior Planner	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Assistant Chief of Police	
Briana Geddes, Neighborhood Services Supvr.	
Harper Wilder, Director of Public Works	
Will Paiz-Tabash, Emergency Mgmt. Coord.	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:06 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

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

II. Approval of Minutes

1. City Council Special Meeting Minutes - December 20, 2022. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Meeting Minutes - December 20, 2022. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the December 20, 2022 Special Council Meeting and the minutes of the December 20, 2022 Council Meeting. Council Member Parsley seconded the motion. Motion carried 7-0.

III. Citizen Comment Period with City Council

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

Beau Burkett was called to speak as registered regarding Project Light Bright. He stated his availability to answer any questions the Council may have.

Sharri Boyett was called to speak as registered. She spoke in support of the Trap Neuter Return program.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:11 p.m.

IV. Agenda Order

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

Council Member Flores-Cale called a point of order stating that Mayor Mitchell has more than three items on the agenda.

Mayor Mitchell moved to excuse the Rules of Council to allow Item Nos. 5 and 22 to be treated as one item since they are the same. Council Member Parsley seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

V. Appointments

4. Appoint Nominee for Position on the City of Kyle Ethics Commission. ~ *Bear Heiser, Council Member*

- JD Sanford

Council Member Heiser moved to approve the appointment of JD Sanford to the City of Kyle Ethics Commission. Council Member Bradshaw seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

VI. Presentation

5. Presentation on the benefits of Trap, Neuter and Release (TNR) as it relates to Hays County's overall regional animal shelter plans. ~ *Travis Mitchell, Mayor*

Christie Banduch, Animal Services Manager for the San Marco Regional Animal Shelter, presented on the item and was available for questions. Ms. Geddes also provided information on the item.

Mayor Mitchell brought forward Item No. 22 during the discussion.

22. Discussion and possible action regarding Hays County's recent Resolution supporting the practice of return community cats to their original location. ~ *Travis Mitchell, Mayor*

Ms. Sharri Boyett provided information on this item.

Mayor Pro Tem Tobias moved to direct staff to bring a budget proposal for documentation on this program, including any kind of medical procedures needed, also to develop a policy for TNR working with Kyle Police Animal Control, and to develop a possible volunteer program related to this item. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

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*
- Polar Bear Splash Recap
 - National Bird Day
 - Basketball League
 - Spring Break Camp
 - Valentine's Day Dance for People with Disabilities
 - Art in the Park
 - MLK Day Events at Library
 - Dr. Martin Luther King Jr. Day Event
 - Library Language classes
 - Library Storytimes
 - Team Kyle Updates

Mr. Hendrix, Ms. Espinoza, and Ms. Tierney presented the item. Mr. Hendrix introduced Jason Lutz as the City's new Senior Planner. No action was taken.

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

No action was taken.

VII. Items Pulled from Consent Agenda

VIII. Consider and Possible Action

8. (*Second Reading*) An Ordinance repealing and replacing the City's Code of Ethics Ordinance No. 961, as amended; providing an effective date; and providing for open meetings. ~ *Paige Saenz, City Attorney*

Council Member Flores-Cale moved to leave in the sentence in Section 2-142 "the appearance of impropriety may itself be a conflict of interest." Council Member Zuniga seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Flores-Cale voted aye; Council Member Parsley voted nay; Council Member Zuniga voted aye; Mayor Mitchell voted nay; Council Member Heiser voted nay; Mayor Pro Tem Tobias voted nay; and Council Member Bradshaw voted nay. Motion failed 2-5.

Mayor Mitchell moved to approve the Ordinance as amended. Mayor Pro Tem Tobias seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

9. A Resolution Setting a Public Hearing under Section 311.003 of the Texas Tax Code for the Creation of a Tax Increment Reinvestment Zone within the Corporate Limits of the City of Kyle, Texas; Authorizing the Issuance of Notice by the City Secretary of Kyle, Texas Regarding the Public Hearing; and Directing the City to Prepare a Reinvestment Zone Preliminary Project and Financing Plan. ~ *Stephanie Leibe, Norton Rose Fulbright*

Mayor Mitchell moved to approve Item No. 9. Mayor Pro Tem Tobias seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

10. Consideration of amendments to the City's alcohol sale permit and license applications and annual fees pursuant to maximum permitted fees as established by the Texas Alcoholic Beverages Commission September 1, 2021 rates. ~ *Paige Saenz, City Attorney*

Ms. Saenz presented the item. Ms. Kirkland also provided information.

Mayor Pro Tem Tobias moved to postpone this item to find out what San Marcos and Buda charge. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

11. A Resolution of the City of Kyle, Texas Determining the Costs of Certain Authorized Improvements to be Financed within Improvement Area #4 and the Remainder Area of the 6 Creeks Public Improvement District; Approving a Preliminary Service and Assessment Plan updated for Improvement Area #4 and the Remainder Area, Including a Proposed Improvement Area #4 Assessment Roll and a Proposed Remainder Area Assessment Roll; Directing the Filing of the Proposed Improvement Area #4 Assessment Roll and the Proposed Remainder Area Assessment Roll with the City Secretary to make Available for Public Inspection; Noticing a Public Hearing for January 17, 2023 to Consider an Ordinance Levying Assessments on Property Located within Improvement Area #4 and the Property Located in the Remainder Area of the 6 Creeks Public Improvement District; Directing City Staff to Publish and Mail Notice of said Public Hearing; and Resolving other matters incident and related thereto. ~ *Jon Snyder, P3Works LLC, City's PID Administrator*
12. A Resolution of the City of Kyle, Texas Approving the Form and Authorizing the Distribution of a Preliminary Limited Offering Memorandum for the City of Kyle, Texas Special Assessment Revenue Bonds, Series 2023 (6 Creeks Public Improvement District Improvement Area #2B Project); Approving the Form and Authorizing the Distribution of a Preliminary Limited Offering Memorandum for the City of Kyle, Texas Special Assessment Revenue Bonds, Series 2023 (6 Creeks Public Improvement District Improvement Area #4 Project); And Resolving other matters incident and related thereto. ~ *Jon Snyder, P3Works LLC, City's PID Administrator*

Mayor Mitchell brought forward Item Nos. 11 and 12 simultaneously.

Council Member Flores-Cale moved to approve Agenda Item Nos. 11 and 12. Council Member Parsley seconded the motion. Motion carried 6-0. Council Member Heiser left the dais at approximately 9:04 p.m. and was absent for the vote.

13. Consideration and possible action to authorize the Interim City Manager to execute a Change Order that removes \$325,000.00 from the Escalation Allowance of the Bartlett Cocke GMP Construction Contract and to utilize these funds to fund additional items needed to complete the Public Safety Center project as presented to City Council on December 6, 2022. ~ *Derek Bird, AGCM, City of Kyle Project Manager*
14. Consideration and possible action to authorize the Interim City Manager to cancel and rescind the Purchase Order awarded by the City to SMART CHARGE AMERICA in an amount not to exceed \$26,500.00 and utilize the funds for other Public Safety Center project needs as presented on December 6, 2022. ~ *Derek Bird, AGCM, City of Kyle Project Manager*

Mayor Mitchell brought forward Item Nos. 13 and 14 simultaneously. Mr. Bird presented the items. Mr. Moheet also provided information on the items.

Council Member Heiser returned to the dais at approximately 9:06 p.m.

Mayor Pro Tem Tobias moved to approve Item Nos. 13 and 14. Council Member Parsley seconded the motion. Motion carried 7-0.

15. Discussion and possible action to amend the policy on Appointments for City Boards, Committees and Commissions. ~ *Amber Lewis, Assistant City Manager*

Mayor Mitchell moved to eliminate point No. 5 “In those instances that multiple interviewees exhibit the virtues, etc.” Mayor Pro Tem Tobias seconded the motion. Motion carried 6-0. Council Member Zuniga left the dais at 9:26 p.m. and was absent for the vote.

Council Member Flores-Cale moved to add to No. 1 “will be created by the staff in charge of that committee.” Mayor Pro Tem Tobias seconded the motion. Motion carried 6-0. Council Member Zuniga was absent for the vote but returned at 9:29 p.m.

Council Member Bradshaw left the dais at 9:36 p.m.

Council Member Flores-Cale moved to amend Item No. 6 from “Nominees may attend but are not required.” to “Nominees are encouraged to attend but are not required.” Mayor Pro Tem Tobias seconded the motion. Motion carried 5-1 with Mayor Mitchell dissenting. Council Member Bradshaw was absent for the vote.

Mayor Mitchell moved to approve Item No. 15. Mayor Pro Tem Tobias seconded the motion. Motion carried 6-0. Council Member Bradshaw was absent for the vote.

16. A Resolution of the City of Kyle, Texas, Amending Resolution Number 1308 And Restating the City of Kyle Rules of City Council, Providing for Meetings, Agenda, Council Proceedings, Reconsideration of Agenda Items; Parliamentary Procedure, Debate, Decorum, and Citizen Participation at Meetings; Making Findings of Fact; and Providing for Related Matters. ~ *Travis Mitchell, Mayor*

Council Member Parsley moved to amend the deadline for Council to submit agenda items from 8:00 a.m. to noon. Council Member Flores-Cale seconded the motion. Motion carried 6-0. Council Member Bradshaw was absent for the vote.

Council Member Bradshaw returned at 9:45 p.m.

Mayor Mitchell moved to approve the Rules of City Council as amended. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

17. Consider and possible action on a City Council policy/procedure for incoming/outgoing council members. ~ *Amber Lewis, Assistant City Manager*

Ms. Lewis presented the item. Mr. Forti provided information on the item. Ms. Kirkland and Ms. Saenz also provided information.

Council Member Flores-Cale moved to approve using the new city council member set-up and checklist provided as backup in the agenda packet. Council Member Parsley seconded the motion. Motion carried 7-0.

It was the consensus of Council to continue this topic at the Visioning Workshop.

18. Discussion and possible action regarding issues with damage to personal and City property caused by the current installation of buried utility lines, to include, but not limited to, the requirement of potholing. ~ *Yvonne Flores-Cale, Council Member*

Council Member Flores-Cale moved to direct staff to bring back a solution to this problem for a vote at the next council meeting. Mayor Mitchell seconded the motion. Motion carried 6-0. Council Member Parsley left the dais at approximately 10:33 p.m. and was absent for the vote.

19. Discussion and Possible Action to update procedure for Reporting a Pothole on City maintained streets including but not limited to, outreach notifications, improving website, estimated repair date, and reporting methods by residents. ~ *Miguel A. Zuniga PhD, Council Member*

Mr. Wilder provided information on the item. Council Member Parsley returned at 10:38 p.m. No action was taken.

20. Consider and possible action to direct staff to provide for a draft ordinance on low flying aircraft over city and neighborhoods to provide notice and proof of insurance and necessary pilot training and license etc. ~ *Miguel A. Zuniga PhD, Council Member and Yvonne Flores-Cale, Council Member*

Council Member Heiser moved to direct staff to provide options on permit requirement notice. Council Member Flores-Cale seconded the motion. Council Member Heiser withdrew his motion. No action was taken.

21. Discussion and possible action regarding the purchase, planning and installment of a splash pad at Steeple chase park. ~ *Miguel Zuniga PhD, Council Member*

Mayor Mitchell moved to direct staff to amend the budget on CIP Item No. 48 (Park Development NE) to recategorize the \$500,000 as a park development Steeplechase Park project, and to direct staff to work with the Parks Board to bring back a proposal for how best to use the \$500,000, that includes but is not limited to a water feature such as a splash pad. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

23. Consider and possible action to appoint individual council members to serve as representatives on the boards and commissions interview panels. ~ *Travis Mitchell, Mayor*

- Arts & Cultural Commission
- Economic Development & Tourism Board
- Library Board
- Parks and Recreation Board
- Planning & Zoning Commission
- Train Depot Board

Mayor Mitchell moved to appoint Council Member Flores-Cale to the Arts and Cultural Commission interview panel. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

Mayor Mitchell moved to appoint Council Member Heiser to serve as representative on the Economic Development & Tourism Board interview panel. Council Member Parsley seconded the motion. Motion carried 7-0.

Mayor Mitchell moved to appoint Mayor Pro Tem Tobias to the Library Board interview panel. Council Member Parsley seconded the motion. Motion carried 7-0.

Mayor Mitchell moved to appoint Council Member Parsley to the Parks and Recreation Board interview panel. Council Member Bradshaw seconded the motion. Motion carried 5-2 with Council Members Flores-Cale and Zuniga dissenting.

Mayor Mitchell moved to appoint himself to the Planning & Zoning Commission interview panel. Council Member Parsley seconded the motion. Motion carried 6-1 with Council Member Zuniga dissenting.

Mayor Mitchell moved to appoint Council Member Zuniga to the interview panel for the Train Depot Board. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

IX. Executive Session

24. 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.
 - 104 S. Burluson

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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 Laser Lemon
 - Project Light Bright

There was no executive session.

25. Take action on items discussed in Executive Session.

- Project Laser Lemon

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 11:39 p.m.



Travis Mitchell, Mayor

Attest:



Jennifer Kirkland, City Secretary