

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on February 7, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Robert Rizo
Mayor Pro Tem Michael Tobias	Susan Reyna
Council Member Bear Heiser	Rodrigo Amaya
Council Member Yvonne Flores-Cale	Betty Conley
Council Member Miguel Zuniga	Chelsea Collie
Council Member Ashlee Bradshaw	Neal Breen
Council Member Daniela Parsley	Megan Partlow
Jerry Hendrix, Interim City Manager	Domingo Castilleja
Amber Schmeits, Assistant City Manager	Jose Mendez
Paige Saenz, City Attorney	Dana Flores
Rachel Sonnier, Communications Director	Sharri Boyett
Grant Bowling, Video Production Specialist	Mo Humble
Jennifer Kirkland, City Secretary	Stephanie Leibe
Leon Barba, City Engineer	Vanessa Westbrook
Keshav Gnawali, Engineer	Allen Ross
Victoria Vargas, Economic Dev. Director	Kyle Taylor
Perwez Moheet, Finance Director	Beau Burkett
Marco Forti, IT Director	
Colleen Tierney, Library Director	
Mariana Espinoza, Parks & Recreation Director	
Will Atkinson, Planning Director	
Kaela Sharp, City Planner	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Assistant Chief of Police	
Tim Griffith, Police Commander	
Dan Pruett, Police Officer	
James Plant, Police Officer	
Hannah-Bea Bickford, Victim Advocate	
Briana Geddes, Neighborhood Services Supvr.	
Harper Wilder, Director of Public Works	
Tim Samford, Treatment Operations Manager	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:09 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 - January 17, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

2. City Council Meeting Minutes - January 17, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
3. City Council Workshop Meeting Minutes - January 28, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
4. City Council Special Meeting Minutes - January 28, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the January 17, 2023 Special Council Meeting, the January 17, 2023 Council Meeting, the January 28, 2023 Workshop Meeting and the minutes of the January 28, 2023 Special 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 7:12 p.m.

Robert Rizo was called to speak as registered regarding Item No. 44. He asked that Council does not kick the can down the road with regard to moving the seniors. He asked that Council not move them until it is into their new building.

Susan Reyna was called to speak as registered regarding Jane Wong who will be at the Katherine Anne Porter House on February 17 at 7:30 p.m.

Rodrigo Amaya was called to speak as registered. He stated that there will be some legal action coming against the City. He stated that an employee was illegally fired while her father had passed away. He stated that there is another matter that will be coming and that the interim city manager is responsible.

Betty Conley was called to speak as registered on behalf of KASZ as its president. She spoke of their goal to have a new community center with the help of Hays County and the City of Kyle. She spoke about their history, their membership, and their participation with the City, the Library, Hays County, and several other community businesses. She spoke about their events, and their involvement in the community as a community service provider.

Chelsea Collie was called to speak as registered. She stated that the east side of Kyle doesn't get as many amenities because, she posed, that residents on the east don't show up as much. She spoke on behalf of Waterleaf subdivision. She stated that on Sunday someone came to their house for an interview about what is going on at the back of the Waterleaf subdivision. She stated the article will be in the Hays Free Press tomorrow. She stated that there have been dumpsters near the Wastewater Treatment Plant, and she stated that they were full of "poop" that was leaking into the street. She stated the dumpsters were removed, but the leakage was never cleaned up and that it has been tracked through their neighborhood the last two days.

Neal Breen was called to speak as registered in opposition of Item No. 28. He stated his concern is the greatest cost for business ownership in Kyle is in the first year. He encouraged Council to reduce the initial barrier of business ownership.

Megan Partlow, a resident in Creekside Village, spoke about the drainage system in her neighborhood. She spoke about the rail siding project and Marketplace Drive being built up. She stated that she's 150 feet away from the railroad and she is concerned that the trees will be removed for the rail siding project which will decrease the noise barrier. She then spoke about having to buy flood insurance for her home and she is concerned about flooding due to the construction projects.

Domingo Castilleja spoke on behalf of KASZ. He provided a newsletter to the Council. He spoke about how much work goes into their programs. He asked Council to visit them and see what all is going on in their Center.

Jose Mendez spoke regarding Item No. 16. He stated that the Wastewater Treatment Plant project is a nuisance with the noise, dirt, and smell. He stated that four out of five houses are experiencing similar medical concerns, which he believes is due to the operations taking place at the Wastewater Treatment Plant. He spoke about the dumpsters with the fecal matter and it how it was leaking into the roadway. He stated he has expressed concern about the property values of their homes. He asked for an update on the expansion process.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:34 p.m.

IV. Agenda Order

5. Agenda Order per Rules of Council Sec. B1

Mayor Mitchell stated he would like to move the police proclamations and presentations forward. Council Member Flores-Cale asked to move forward Item Nos. 44 and 32. Council Member Zuniga asked to move up 37, 38, and 39. No action was taken.

VI. Presentation

10. Presentation and Recognition the 2023 Kyle Citizens Police Academy Alumni Association Board of Directors. ~ *Jeff Barnett, Chief of Police*
11. Presentation, Recognition and Program Update of the Kyle Police Citizen on Patrol Program. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item Nos. 10 and 11 consecutively, out of order after Item No. 5.

Chief Barnett recognized the outgoing 2022 Kyle Citizens Police Academy Alumni Association Board of Directors and their accomplishments for the year. He then recognized incoming 2023 Kyle Citizens Police Academy Alumni Association Board of Directors. Officer James Plant provided information regarding an awards banquet the group will be hosting for the Police Department. No action was taken.

Chief Barnett introduced the Citizens on Patrol program. Officer Plant provided information about the tasks and stats for the group and introduced each of the members. No action was taken.

7. Black History Month Proclamation. ~ *Michael Tobias, Mayor Pro Tem*

Mayor Mitchell brought forward Item No. 7 out of order after Item No. 11. Mayor Pro Tem Tobias read aloud the Proclamation acknowledging Black History Month. No action was taken.

8. Dating Violence Awareness and Prevention Month Proclamation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell read aloud the Proclamation acknowledging Dating Violence Awareness and Prevention Month. Ms. Flores spoke on behalf of the Hays-Caldwell Women's Center. No action was taken.

9. Spay & Neuter Awareness Proclamation. ~ *Miguel A. Zuniga PhD, Council Member*

Council Member Zuniga read aloud the Proclamation acknowledging Spay & Neuter Awareness. No action was taken.

X. Consider and Possible Action

32. *(Second Reading)* An Ordinance of the City of Kyle, Texas, Amending Chapter Five (5) of the City of Kyle Code of Ordinances “Animals” to Include Article X “Trap, Neuter, Vaccinate, Return”; Providing Program Requirements; Providing Liability and Limitations or Liability; Providing for Enforcement and Retention of Rights; Providing a Severability Clause, and Open Meetings Clause; Providing an Effective Date and Related Matters. ~ *Paige Saenz, City Attorney*

City Council voted 6-1 to approve on first reading.

With no objections, Mayor Mitchell brought forward Item No. 32 after Item No. 9.

Mayor Mitchell moved to approve Agenda Item 32 and to amend Sec. 3 TNVR striking the last sentence and replacing it with the following: City of Kyle and Kyle Animal Control will coordinate the program, including work with residents, capture or return animals per the program through a partnership with the City of San Marcos Regional Animal Shelter. Council Member Parsley seconded the motion.

Sharri Boyett, Hays County Animal Advocate spoke from the audience during the motion.

Mayor Mitchell called for the vote. Motion carried 7-0.

V. Appointments

6. Consider and Appoint a Representative to the San Marcos Regional Animal Shelter Board.
~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 6 out of order, after Item No. 32. Chief Barnett presented the item. Ms. Briana Geddes provided information on terms.

Mayor Mitchell moved to appoint Council Member Miguel Zuniga as a representative to the San Marcos Regional Animal Shelter Board. Council Member Flores-Cale seconded the motion. Motion carried 6-1 with Council Member Bradshaw dissenting.

X. Consider and Possible Action

44. Discussion and possible action regarding City staff creating a plan to temporarily relocate KASZ until funding for a permanent space is found and to create a shared Krug Activity Center calendar during the interim. ~ *Yvonne Flores-Cale, Council Member*

Mayor Mitchell brought forward Item No. 44 out of order, after Item No. 6. Council Member Flores-Cale introduced the item. Ms. Conley spoke on the item.

Council Member Flores-Cale moved to approve agenda Item No. 44. Motion died for lack of a second.

Council Member Flores-Cale moved to direct staff to explore options for a future Senior Center. Council Member Zuniga seconded the motion. Motion carried 7-0.

VI. Presentation

12. 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*

- Gregg-Clarke Park Splash Pad Open Houses
- Valentine's Dance for Individuals with Disabilities
- Paint and Sip
- Cornhole Tournament - February 18th
- Library Black History Month Programs
- Dialogue For Peace and Progress
- Community Survey goes live Feb. 6
- Comprehensive Master Plan Update
- Downtown Master Plan Update
- Team Kyle Updates

Mayor Mitchell brought forward Item No. 12 after Item No. 44. Mr. Hendrix, Ms. Espinoza, Ms. Tierney, Ms. Sonnier, and Mr. Atkinson presented the item. No action was taken.

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

Mr. Barba presented the item. He introduced Mr. Mo Humble with Stoddard Construction who provided information regarding the delay with La Verde Park. Mr. Barba continued his presentation. No action was taken.

VII. Consent Agenda

Mayor Mitchell stated Item Nos. 17 and 20 would be pulled and brought back at a later date by staff. Mayor Pro Tem Tobias pulled Item No. 25. Mayor Mitchell brought forward Item Nos. 14, 15, 16, 18, 19, 21, 22, 23, and 24 for consideration.

14. (*Second Reading*) Approve an Ordinance amending the City's approved budget for Fiscal Year 2022-2023 by reprogramming \$500,000.00 from the New Northeast Park capital improvement project (CIP #48) to provide funding for the design and construction of a new water splash

pad and other associated improvements and equipment at the City's Steeplechase Park.
~ *Perwez A. Moheet, CPA, Director of Finance*

15. Authorize award and execution of a Purchase Order to S.A. LONESTAR TRUCK & EQUIPMENT, INC., San Antonio, Texas, in an amount not to exceed \$24,945.90 for the purchase of two (2) 2022 Odes Jungle Cross 800 ST-2 Utility Vehicles (Mules). ~ *Mariana Espinoza, Director of Parks & Recreation*
16. Authorize award and execution of a Purchase Order to and Construction Agreement with AMG FENCE AND BUILDERS, Kyle, Texas, the best value and lowest bidder, in an amount not to exceed \$19,156.50 including a ten (10) percent contingency for (excludes concrete mow strip) to perform all work required for the replacement of approximately 370 linear foot of the existing six (6) foot vertical picket fence with the construction of a new eight (8) foot vertical picket fence for five properties from 490 to 530 Holly Grove Street located behind the City's wastewater treatment plant. ~ *Harper Wilder, Director of Public Works*
18. Authorize award and execution of a Purchase Order to RDO EQUIPMENT COMPANY, Pflugerville, Texas, in an amount not to exceed \$280,755.80 for the purchase of two (2) new 2023 John Deere 320P Backhoe for the Public Works Department. This purchase is being made through the Buyboard Purchasing Cooperative (Contract # 685-22). ~ *Harper Wilder, Director of Public Works*
19. Approval of Change Order No. 6 to ARCHER WESTERN CONSTRUCTION, LLC., Irving, Texas, in the amount of \$144,154,00, increasing the total contract amount not to exceed \$34,148,612.00 for additional work associated with the installation of a non-potable water intake pump, pump repairs, and adjustments to a valve and piping at the City's wastewater treatment plant expansion project. ~ *Leon Barba, P.E., City Engineer*
21. Ratify staff application for State Homeland Security Program – Regular Projects grant, and if awarded funds, to accept such funding. This grant will be used to secure cutting edge emergency response and protection coordination software, as well as planning and mitigation services. There is no match requirement for this grant. ~ *William Paiz-Tabash, Emergency Management Coordinator*
22. Ratify staff application for State Homeland Security Program – National Priorities Areas grant, and if awarded funds, to accept such funding. This grant will be used to secure cybersecurity contracted services, hardware, software, and fund a full-time cybersecurity analyst for the city to assume such functions as provided through contracted services once the grant cycle ends. There is no match required for this grant. ~ *William Paiz-Tabash, Emergency Management Coordinator*
23. Ratify staff application for State Homeland Security Program – Law Enforcement Terrorism Prevention Activities grant, and if awarded funds, to accept such funding. This grant will be used to expand the coverage of the city's camera network to encompass all city facilities and critical infrastructure areas. This expansion requires network coverage, cameras themselves, proper mounts. There is no match required for this grant. ~ *William Paiz-Tabash, Emergency Management Coordinator*

24. *(Second Reading)* An Ordinance of the City of Kyle, Texas, Amending Division 2, Chapter 38, of the City of Kyle Code of Ordinances to add Section 38-112 Requiring any Person Excavating within the Public Right-Of-Way to Obtain Line Location Information; Addressing Construction Around Marked and Unmarked Utility Lines within the Public Right-Of-Way; Providing a Penalty; Providing an Effective Date; and Providing for Related Matters. ~ *Harper Wilder, Director of Public Works*

City Council voted 7-0 to approve on First Reading on 1/17/2023.

Council Member Flores-Cale moved to approve Consent Agenda Item Nos. 14, 15, 16, 18, 19, 21, 22, 23, and 24. Mayor Mitchell seconded the motion. Motion carried 7-0.

VIII. Items Pulled from Consent Agenda

17. Authorize award and execution of a Purchase Order to MATEFLEX, INC., Utica, New York, in an amount not to exceed \$80,755.00 for the installation of athletic sports flooring at the Ash Pavilion. ~ *Mariana Espinoza, Director of Parks & Recreation*

No action was taken.

20. Consider and possible action to authorize the Interim City Manager to execute a Change Order in the amount of \$14,415.71 for CONSTANT TECHNOLOGIES, INC., to upgrade the 4x2 Fiber Cable at the Public Safety Center. Funding for this Change Order will be provided from budget savings realized as shown in attached Exhibit B. ~ *Derek Bird, AGCM, City of Kyle Project Manager*

No action was taken.

25. Approve the renewal a contract with Kyle Park Music, Inc., Fredericksburg, Texas in an amount not to exceed \$50,000 for brand ambassador efforts. ~ *Rachel Sonnier, Director of Communications*

Ms. Sonnier presented Item No. 25.

Mayor Pro Tem Tobias moved to deny the renewal contract with Kyle Park Music, Inc., Fredericksburg, Texas in an amount not to exceed \$50,000 for brand ambassador efforts. Council Member Parsley seconded the motion.

Mayor Pro Tem Tobias moved to amend his motion to add the funding to the special events communications marketing fund. Council Member Heiser seconded the motion.

Mayor Mitchell took one vote on the motion and amendment. Motion carried 7-0.

X. Consider and Possible Action

34. Reconsider the vote for Item Nos. 29 and 30 from January 17, 2023: Approve a development agreement between the City of Kyle and Plum Creek Developers, LLC (Joe Brooks) and (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). ~ *Daniela Parsley and Bear Heiser, Council Members*

Mayor Mitchell brought forward Item No. 34 out of order, after Item No. 25.

Mayor Mitchell moved to approve the reconsideration Item. Council Member Zuniga seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

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

City Council voted 3-4 to approve the development agreement on 1/17/2023.

36. [Postponed 10/15/2022] (*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 3-4 to approve first reading on 1/17/2023.

Mayor Mitchell brought forward Item Nos. 35 and 36 simultaneously.

Council Member Parsley moved to approve a development agreement between the City of Kyle and Plum Creek Developers, LLC (Joe Brooks) as amended in the backup material and approve 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.. Council Member Heiser seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

Mayor Mitchell moved to reconsider the vote on Item No. 35 Council Member Zuniga seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

Mayor Mitchell moved to approve Item No. 35 subject to final passage of the zoning that is associated with this Item. Mayor Pro Tem Tobias seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

37. Reconsideration of vote on Woodmere Park Architectural Development Agreement. ~ *Travis Mitchell, Mayor*

Mayor Mitchell moved to reconsider the vote on the Woodmere Park Architectural Development Agreement. Council Member Parsley seconded the motion.

Council Member Flores-Cale called a point of order regarding the Rules of Council on reconsidering a vote.

Mayor Mitchell overruled the point of order. Council Member Flores-Cale appealed her point of order to Council.

Mayor Mitchell requested a roll call vote on the point of order appeal. Mayor Mitchell stated an aye vote sustains the point of order and means the development agreement can't be reconsidered, and a nay vote means it can be reconsidered.

Mayor Pro Tem Tobias voted nay; Council Member Flores-Cale voted aye; Council Member Bradshaw voted aye; Council Member Parsley voted nay; Mayor Mitchell voted nay; Council Member Zuniga voted aye; and Council Member Heiser voted nay. Motion failed 3-4.

Mayor Mitchell requested a roll call vote on his motion to reconsider the vote. He stated that an aye vote means the development agreement can be reconsidered, and a nay vote means it can't be reconsidered. Mayor Mitchell retracted his motion.

Mayor Mitchell moved to rescind the vote on Woodmere Park Architectural Development Agreement. Council Member Parsley seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Parsley voted nay; Council Member Zuniga voted aye; Mayor Pro Tem Tobias voted nay; Council Member Heiser voted nay.

There was discussion on what the aye vote means and what the nay vote means. Mayor Mitchell requested a roll call vote.

Council Member Parsley voted aye; Council Member Zuniga voted aye; Mayor Pro Tem Tobias voted nay; Council Member Heiser voted aye; Council Member Bradshaw voted nay; Mayor Mitchell voted aye; and Council Member Flores-Cale voted nay. Motion carried 4-3.

38. Woodmere Park Architectural Development Agreement. ~ *Will Atkinson, Director of Planning*

City Council voted 5-2 to approve on 1/17/2023.

39. *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 54.2 Acres of land from 'RS' (Retail Services, 24-Acres), "R-1-T" (Townhomes, 10.57-Acres), "R-1-2" (Single Family Residential 2, 15.83 acres), "TU" (Transportation Utilities, 4.35-Acres) to 'PUD' (Planned Unit Development, "RS" 17.17 Acres, "R-1-T" 14.56 Acres, "R-1-2" 22.49 Acres) for property located at 1500 E. RR 150 in Hays County, Texas. (Woodmere Park Owner, LLC - Z-22-0111) ~ *Will Atkinson, Director of Planning*

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

City Council voted 5-2 to approve on first reading on 1/17/2023.

Mayor Mitchell brought forward Item Nos. 38 and 39 simultaneously.

Council Member Flores-Cale moved to approve Item Nos 38 and 39. Mayor Mitchell seconded the motion.

Council Member Flores-Cale moved to call the question.

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

Mayor Mitchell requested a roll call vote on the motion to approve Item Nos. 38 and 39. Council Member Bradshaw voted aye; Mayor Pro Tem Tobias voted aye; Mayor Mitchell voted aye; Council Member Flores-Cale voted aye; Council Member Zuniga voted aye; Council Member Heiser voted nay; and Council Member Parsley voted nay. Motion carried 5-2.

Mayor Mitchell called a recess at 9:59 p.m. Mayor Mitchell called the meeting back to order at 10:11 p.m.

IX. Public Hearings

26. Public Hearing Concerning the Creation of Reinvestment Zone Number Four (TIRZ #4), Pursuant to the Provisions of Chapter 311 of the Texas Tax Code. ~ *Stephanie Leibe, Norton Rose Fulbright*

Mayor Mitchell brought forward Item No. 26 out of order after Item No. 39. Mayor Mitchell opened the public hearing at 10:12 p.m. With no one wishing to speak, Mayor Mitchell closed the public Hearing at 10:12 p.m.

Ms. Leibe stated the public hearing was to stay open until the next meeting.

With no objections, Mayor Mitchell re-opened the public hearing at 10:12 p.m.

X. Consider and Possible Action

27. Proposed budget for the Arts & Cultural Commission Events. ~ *Colleen Tierney, Director of Library Services*

Ms. Tierney introduced Chairwoman Vanessa Westbrook who presented the item.

Mayor Pro Tem Tobias moved to approve the proposed budget for the Arts & Cultural Commission events. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

28. [Postponed 1/17/2023] 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 introduced the item. Mr. Moheet provided information on the backup material.

Council Member Flores-Cale moved to deny. Council Member Parsley seconded the motion.

Council Member Bradshaw left the dais at 10:33 p.m.

Council Member Parsley moved to call the question.

This is a non-debatable motion. Mayor Mitchell requested a roll call vote. Council Member Parsley voted aye; Council Member Heiser voted nay; Council Member Bradshaw was absent for the vote; Mayor Mitchell voted aye; Council Member Flores-Cale voted aye; Council Member Zuniga voted aye; Mayor Pro Tem Tobias voted aye. Motion carried 5-1.

Council Member Bradshaw returned to the dais at 10:35 p.m.

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

29. Approve a master agreement with KCI TECHNOLOGIES, INCORPORATED, Sparks, Maryland, a civil engineering consulting firm, in an amount not to exceed, \$204,580.00 to provide a comprehensive street pavement evaluation and infrastructure assessment. ~ *Leon Barba, P.E., City Engineer*

41. Discussion about current and future road project (not included in the road bond) and possible action to establish a dedicated page for these projects, showing a timeline and schedule activities for those repairs. ~ *Daniela Parsley, Council Member*

At Council Member Parsley's request and with no objections, Mayor Mitchell brought forward Item No. 41 simultaneously. Mr. Barba presented Item No. 29. Mr. Wilder provided information on Item No. 29 regarding his staff's ability and budget for building roads.

Council Member Flores-Cale moved to approve Agenda Item No. 29 and incorporate Agenda Item No. 41 so the City prepares a website that will help keep the residents updated on the roads that the City will work on. Council Member Zuniga seconded the motion.

Ms. Sonnier provided information regarding the website pertaining to project modules.

Mayor Mitchell called for the vote. Motion carried 7-0.

40. Consider and possible action to direct staff to bring back reports regarding City of Kyle Boards goals to include: New projects, future activities, and or local, state federal grant possibilities for the Year 2023. ~ *Michael Tobias, Mayor Pro Tem*

Board Updates to include from:

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

42. Consider and possible action to add more trail head signage and amenities at Plum Creek Bike Trails such as benches, signage, tables, trash containers, viewing platform, bike wash station, etc. ~ *Miguel A. Zuniga PhD, Council Member*
45. Consider and possible action to explore the implementation of a kid's miniature railroad and 2-mile rail track system to improve quality of life for all ages and promote outdoor event gatherings at Lake Kyle Park. ~ *Miguel A. Zuniga PhD, Council Member*

After this item, Mayor Mitchell discussed items to be postponed. Item Nos. 45, 42, 40, and Executive Session Item Reinvestment Zone Number Four (TIRZ #4) were stated to be postponed. No action was taken.

30. Consider adoption of recommendations from the preliminary engineering report issued by CP&Y, Inc., for intersection improvements on Kohlers Crossing at Sanders, Benner, and Cromwell streets and to consider approval to begin design services for the construction of roundabouts at the same three intersections. ~ *Leon Barba, P.E., City Engineer*

Council Member Flores-Cale moved to postpone Agenda Item No. 30. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

31. Approve a resolution authorizing the Interim City Manager to negotiate an agreement with SCHAUMBURG & POLK, INC., Kyle, Texas to provide planning and design services for the implementation of the City's Vybe Trail System network. ~ *Leon Barba, P.E., City Engineer*

Mr. Barba presented the item. Mr. Allen Ross of Schaumburg & Polk provided information on the item.

Council Member Flores-Cale moved to approve Agenda Item No. 31. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

33. *(First Reading)* An Ordinance of the City of Kyle, Texas Authorizing the City Secretary to Terminate the Campaign Treasurer Appointments of Inactive Candidates and Inactive Political Committees. ~ *Jennifer Kirkland, TRMC, City Secretary*

Council Member Flores-Cale moved to approve Agenda Item No. 33. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

With no objections, the item was finally passed.

43. Discussion and possible direction to allow staff to work with the Kyle Fire Department to discuss the potential relocation of Kyle Fire Department Station 1, located at 210 W Moore St, Kyle, TX. ~ *Yvonne Flores-Cale, Council Member*

Kyle Taylor, Fire Chief of Hays County ESD #5, provided information on the item.

Council Member Flores-Cale moved to approve agenda Item No. 43. Council Member Parsley seconded the motion. Motion carried 6-1 with Mayor Pro Tem Tobias dissenting.

46. Consider amending the Rules of Council. ~ *Travis Mitchell, Mayor*

Mayor Mitchell moved to amend the Rules of Council to clarify that on the 1st and 3rd Tuesdays, the combined meetings allow for Council to request three total items. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

XI. Executive Session

47. 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 and Attorneys concerning legal issues pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct for the following matters:
 - Cause No. 22-0873; the State of Texas, ex. rel. 1200 S. Old Stagecoach Road, LLC, v. City of Kyle, Texas; pending in the 207th Judicial District Court of Hays County, Texas, and Cause No. 19-1492; 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas
 - Reinvestment Zone Number Four (TIRZ #4)
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 Light Bright

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: 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 stay, locate, or expand in or near the City - Project Light Bright.”

The City Council convened into executive session at 11:39 p.m.

48. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 11:52 p.m. Mayor Mitchell announced that no action took place in Executive Session but action may be taken now.

Beau Burkett provided information related to negotiations with City Council.

Council Member Parsley moved to approve the billboard with stipulations to include that the City gets a spot on each the northbound and southbound sides of the billboard for perpetuity and it will be built

with brick stone cladding. Council Member Flores-Cale seconded the motion. Motion carried 4-3 with Mayor Mitchell, Mayor Pro Tem Tobias, and Council Member Bradshaw dissenting.

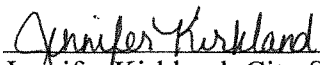
XII. Adjourn

With no further business to discuss, the City Council adjourned at 11:55 p.m.



Travis Mitchell, Mayor

Attest:



Jennifer Kirkland, City Secretary