

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on May 2, 2023 at Kyle City Hall with the following persons present:

Mayor Pro Tem Michael Tobias	Lila Knight
Council Member Bear Heiser	Vanessa Westbrook
Council Member Yvonne Flores-Cale	Anna Martinez Boling
Council Member Miguel Zuniga	Tim Cropley
Council Member Ashlee Bradshaw	Kayleigh Soukup
Council Member Daniela Parsley	Shawn Jackson
Jerry Hendrix, Interim City Manager	Briana Miller
Amber Schmeits, Assistant City Manager	Molly Quirk
Paige Saenz, City Attorney	
Rachel Sonnier, Communications Director	
Grant Bowling, Video Production Specialist	
Jennifer Kirkland, City Secretary	
Leon Barba, City Engineer	
Kathy Roecker, SWMP Administrator	
Perwez Moheet, Finance Director	
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	
Scott Egbert, Streets Division Manager	

I. Call Meeting to Order

Mayor Pro Tem Tobias called the meeting to order at 7:02 p.m. The Pledge of Allegiance was recited. Mayor Pro Tem Tobias asked the city secretary to call roll.

Present were: 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. Mayor Mitchell was absent.

Mayor Pro Tem Tobias moved to excuse Mayor Mitchell's absence for another obligation. Council Member Parsley seconded the motion. Motion carried 6-0.

II. Approval of Minutes

1. City Council Special Meeting Minutes - April 14, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Special Meeting Minutes - April 18, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
3. City Council Meeting Minutes - April 18, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the April 14, 2023 Special Council Meeting and the minutes of the April 18, 2023 Council Meeting. Council Member Parsley seconded the motion. Motion carried 6-0. No action was taken regarding the April 18, 2023 Special Council Meeting minutes.

III. Citizen Comment Period with City Council

Mayor Pro Tem Tobias opened citizen comments at 7:04 p.m.

Lila Knight was called to speak as registered. She stated that she intended to speak about the historic preservation of the City, but she is here to speak about something more important. She spoke about residents whose homes have been threatened with eminent domain. She stated that the cost doesn't matter; this is where they live. She stated that these homes were already there when she moved to Kyle in the 1980's. Ms. Knight continued that for years Council Member Selbera told them the City would provide a park for their children to play basketball, but that has never happened. She stated Council needs to do better.

Vanessa Westbrook was called to speak as registered, as the Chair of the Arts & Cultural Commission. She stated that for the month of May there will be art on display in the City Hall. She introduced Anna Martinez Boling, a local artist, attorney and volunteer, and she is the artist whose work will be displayed. Ms. Boling thanked the Council for the opportunity. Ms. Westbrook continued, stating that there will be an event at the Train Depot called All Aboard, an acrylic painting opportunity, on May 13 from 10:00am to 2:00pm.

With no one else wishing to speak, Mayor Pro Tem Tobias closed citizen comments at 7:10 p.m.

IV. Agenda Order

4. Agenda Order per Rules of Council Sec. B1. ~ *Travis Mitchell, Mayor*

Council Member Flores-Cale asked to move Item No. 27 before consent and after presentations. Council Member Zuniga asked to move Item Nos. 29 and 30 ahead of the trails presentation. No action was taken.

V. Appointments

5. Approve the appointment of Amber Schmeits to the 2023 CAMPO Technical Advisory Committee. ~ *Amber Schmeits, Assistant City Manager*

Council Member Zuniga moved to approve the appointment of Amber Schmeits to the 2023 CAMPO Technical Advisory Committee. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

VI. Presentation

6. Public Service Recognition Week Proclamation. ~ *Yvonne Flores-Cale, Council Member*

Council Member Flores-Cale read aloud the Proclamation acknowledging Public Service Recognition Week. No action was taken.

7. Air Quality Awareness Week Proclamation. ~ *Bear Heiser, Council Member*

Ms. Roecker provided information on the item. No action was taken.

8. Parks and Recreation Board Presentation. ~ *Mariana Espinoza, Director of Parks & Recreation*

Mayor Pro Tem Tobias stated this item would be postponed. No action was taken.

9. 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*

- The Wall that Heals
- Kyle Fair A Tex-Travaganza
- Post Oak Community Garden Groundbreaking
- Pool Opens May 27th
- Library Book Sale
- Story Time Pause
- Library Asian American Pacific Islander Heritage Month Events
- Summer Reading Program
- Comprehensive Master Plan Update
- July 4th - First Tuesday Council Meeting
- Team Kyle Update

Mr. Hendrix, Ms. Espinoza, Ms. Tierney and Mr. Atkinson presented the item. No action was taken.

10. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

Mr. Barba and Mr. Hendrix presented the item. No action was taken.

27. Discussion of the Limestone development agreement (including amendments) located within TIRZ 4, including but not limited to, the city's plan of action for 6 residential lots located in Quail Ridge. ~ *Yvonne Flores-Cale, Council Member and Michael Tobias, Mayor Pro Tem*

Mayor Pro Tem Tobias brought forward Item No. 27 out of order, after Item No. 10.

Mr. Hendrix provided an update on the process of this item. Mr. Shawn Jackson, Acquisition Project Manager with Stateside Right of Way Services, provided information on the item. Ms. Briana Miller, Right of Way Director also with Stateside Right of Way Services, provided information regarding the relocation process.

Mayor Pro Tem Tobias moved to direct staff to follow up with the residents of Quail Ridge and to also work with the City of San Marcos about an alternative route for the road that would go through. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

VII. Consent Agenda

During the presentation of Item No. 10, Council Member Flores-Cale stated she wanted to pull Item No. 11 from the Consent Agenda. Mayor Pro Tem Tobias brought forward Item Nos. 12, 13, 14, 15, 16, 17, and 18 for consideration.

12. *(First Reading)* Approve an Ordinance amending the City's approved budget for Fiscal Year 2022-2023 by appropriating \$22,250.00 from the City's General Fund balance and increasing the amount of total expenditures of the Police Department for the implementation of Spay/Neuter/Vaccination Voucher Program in Kyle as approved by City Council on April 18, 2023. ~ *Perwez A. Moheet, CPA, Director of Finance*
13. Approve Task Order No. 1 to STATESIDE RIGHT OF WAY SERVICES, LLC., Arlington, Texas in an amount not to exceed \$40,400.00 for acquisition of easements for the Center Street Village Phase II Wastewater Project. ~ *Leon Barba, P.E., City Engineer*
14. Approve a Resolution of the City Council of the City of Kyle, Texas accepting the Crosswinds Phase 6A subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
15. A Resolution of the City of Kyle, Texas, Amending Resolution Number 1358 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. ~ *Paige Saenz, City Attorney*
17. Authorize the City's Chief of Police to donate up to five (5) surplus Tasers with associated holsters and cartridges to the City of Martindale, Texas Police Department upon the written request of the Martindale Police Department. ~ *Jeff Barnett, Chief of Police*
18. Authorize the City's Chief of Police to donate up to fifteen (15) surplus Tasers with associated holsters and cartridges to the City of Lockhart, Texas Police Department upon the written request of the Lockhart Police Department. ~ *Jeff Barnett, Chief of Police*

Council Member Flores-Cale moved to approve Consent Agenda Item Nos. 12, 13, 14, 15, 17, and 18 with Item No. 16 being postponed. Council Member Parsley seconded the motion.

Chief Barnett provided information on Item Nos. 17 and 18.

Mayor Pro Tem Tobias called for the vote on the motion. Motion carried 6-0.

VIII. Items Pulled from Consent Agenda

11. Approve a contract with SOUTHWEST MONUMENT & SIGN, San Antonio, Texas in the amount not to exceed \$36,258.29 to fabricate and install the La Verde Dedication Element. Funding to fabricate and install the La Verde Dedication Element will be provided from available project contingency funds. ~ *Jerry Hendrix, Interim City Manager*

Council Member Heiser moved to approve a contract with SOUTHWEST MONUMENT & SIGN, San Antonio, Texas in the amount not to exceed \$36,258.29 to fabricate and install the La Verde Dedication Element. Funding to fabricate and install the La Verde Dedication Element will be provided from available project contingency funds. Council Member Parsley seconded the motion. Motion carried 5-1 with Council Member Flores-Cale dissenting.

16. Resetting the date for a public hearing to be held on June 20, 2023, as required under Chapter 395 of the Texas Local Government Code, to consider, discuss, and review the update to the water and wastewater land use assumptions, water and wastewater capital improvements plan, and imposition of updated water and wastewater impact fee amounts.
~ *Leon Barba, P.E., City Engineer*

After Item No. 11, Ms. Saenz stated that Item No. 16 had been marked as postponed, but that it requires action to be taken so that a notice can be published. Mayor Pro Tem Tobias brought forward Item No. 16 after Item No. 11.

Council Member Flores-Cale moved to approve Agenda Item No. 16. Council Member Parsley seconded the motion. Motion carried 6-0.

IX. Consider and Possible Action

19. Consider and possible action to authorize the Interim City Manager to execute a contract with Ardurra Group, Inc. in an amount not to exceed \$35,780.00 for professional services related to accepting HUD Entitlement Status and the CDBG Program. ~ *Amber Schmeits, Assistant City Manager*

Council Member Bradshaw left the dais at 8:47 p.m.

Council Member Flores-Cale moved to amend Agenda Item No. 19 not to exceed \$46,485.00. Council Member Parsley seconded the motion.

Molly Quirk, Client Service Manager with Ardurra Group, provided information on the item.

Council Member Flores-Cale moved to approve Item No. 19. Council Member Parsley seconded the motion. Motion carried 5-0. Council Member Bradshaw was absent for the vote.

After Item No. 24, Mayor Pro Tem Tobias brought back Item No. 19 because no vote was taken on the motion to amend the amount.

Council Member Flores-Cale restated her motion to approve an amendment in the amount of \$46,485.00, not to be exceeded, for the professional services related to accepting HUD Entitlement Status and the CDBG Program. Council Member Parsley seconded the motion. Motion carried 6-0.

20. Consider and possible action to approve a Resolution of the City of Kyle City Council Authorizing and Directing the Interim City Manager to Execute an Agreement with the Texas Department of Transportation for the Operation and Maintenance of Traffic Signals at Certain Freeway Locations. ~ *Amber Schmeits, Assistant City Manager*

City Council Meeting Minutes

May 2, 2023 – Page 6

Kyle City Hall

21. Consider and possible action to approve a Resolution of the City of Kyle City Council Authorizing and Directing the Interim City Manager to Execute an Agreement with the Texas Department of Transportation for the Operation and Maintenance of Traffic Signals at Certain Non-Freeway Locations. ~ *Amber Schmeits, Assistant City Manager*

Ms. Schmeits presented Item Nos. 20 and 21 at the same time.

Council Member Bradshaw returned to the dais at approximately 8:55 p.m.

Council Member Flores-Cale moved to approve Item Nos. 20 and 21. Council Member Parsley seconded the motion.

Mr. Egbert provided additional information.

Mayor Pro Tem Tobias called for the vote on the motion. Motion carried 6-0.

22. (*First Reading*) An ordinance of the City of Kyle, Texas, adopting comprehensive plan amendment to amend approximately 26 acres of “Farm Landscape” to ‘Regional Node’ for certain parcels south of the intersection of SH-21 and E FM 150, amend approximately 3 acres to ‘New Settlement District’ from ‘Regional Node’ & amend approximately 18.9 acres from ‘New Settlement District’ to ‘Regional Node’. This area outlined in the map includes 14.5 acres of existing ‘Regional Node’ with a total approximate area of 60 acres; and providing for related matters. ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 5-0 to recommend approval.

- Public Hearing

Mayor Pro Tem Tobias opened the public hearing at 9:02 p.m. With no one wishing to speak, Mayor Pro Tem Tobias closed the public hearing at 9:02 p.m.

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

23. Authorize award and execution of a purchase order to TEXAS MATERIALS GROUP, INC., Cedar Park, Texas, lowest and most responsible bidder, in an amount not to exceed \$1,044,280.70 which includes a five (5) percent contingency for spot repairs on Kohlers Crossing from FM 2770 to IH35 Southbound Frontage Road. ~ *Leon Barba, P.E., City Engineer*

Mr. Barba and Mr. Moheet presented the item.

Council Member Flores-Cale moved to approve Agenda Item No. 23. Council Member Parsley seconded the motion. Motion carried 5-0. Council Member Parsley left the dais at 9:16 p.m. and was absent for the vote.

24. (*First Reading*) An Ordinance of the City of Kyle, Texas, Establishing the Community Policing Commission Pursuant to Section 7.06(B) of the City Charter; Providing for Qualifications and Duties of the Commission; and Providing for Related Matters. ~ *Paige Saenz, City Attorney*

Council Member Parsley returned to the dais at 9:20 p.m.

Council Member Flores-Cale moved to approve seven members to this commission. Council Member Zuniga seconded the motion. Motion carried 4-2 with Mayor Pro Tem Tobias and Council Member Parsley dissenting.

Mayor Pro Tem Tobias moved to add the verbiage of 2nd degree to Section 2-127(5). Council Member Flores-Cale seconded the motion. Motion carried 6-0.

Council Member Heiser moved to approve the first reading of Agenda Item No. 24 with the proposed amendments establishing the Community Policing Commission pursuant to Section 7.06(B) of the City Charter. Council Member Parsley seconded the motion. Motion carried 6-0.

25. Discussion and possible action directing staff to research other city-created mental health programs, including third-party partnerships, for the purpose of creating a service contract to support Kyle residents who are seeking mental health care. ~ *Bear Heiser, Yvonne Flores-Cale, and Daniela Parsley, Council Members*

Council Member Parsley moved to direct staff to look into third-party partnerships for mental health services. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

29. Consider and possible action to identify an interim practical solution to install public restrooms at MKP city square park. ~ *Miguel A. Zuniga PhD, Council Member*

Mayor Pro Tem Tobias brought forward Item No. 29 out of order, after Item No. 25, at Council Member Zuniga's request. Ms. Espinoza presented the item. No action was taken.

26. Discussion and possible action regarding the City purchasing and donating a pet chip scanner for the Kyle Fire Department. ~ *Yvonne Flores-Cale, Council Member*

Mayor Pro Tem Tobias brought forward Item No. 26 out of order, after Item No. 29.

Council Member Zuniga moved to approve the item. Council Member Flores-Cale seconded the motion.

Chief Barnett provided information on the item.

Mayor Pro Tem Tobias called for the vote on the motion. Motion carried 5-1 with Council Member Heiser dissenting.

30. Consider and possible action to amend gas station ordinance to prohibit excess fuel stations within lot size and building scales. ~ *Miguel A. Zuniga PhD, Council Member*

Mayor Pro Tem Tobias brought forward Item No. 30 out of order, after Item No. 26.

Mr. Atkinson provided information on the item.

Council Member Zuniga moved to relook at this ordinance to see where we can have some sort of limit based on scale and intersection for gas pumps. Council Member Flores-Cale seconded the motion. Motion failed 3-3 with Council Members Heiser, Bradshaw and Parsley dissenting.

28. Presentation about the international trails summit. ~ *Daniela Parsley and Bear Heiser, Council Members*

After Item No. 27, Council Member Parsley stated that this item will be postponed. No action was taken.

X. Executive Session

31. 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, settlement agreement, 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.
 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.

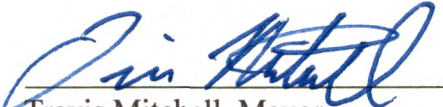
There was no executive session.

32. Take action on items discussed in Executive Session.

XI. Adjourn

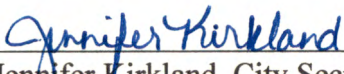
Mayor Pro Tem Tobias moved to adjourn. Council Member Parsley seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 10:44 p.m.



Travis Mitchell, Mayor

Attest:



Jennifer Kirkland, City Secretary