

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on May 16, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Julie Snyder
Mayor Pro Tem Michael Tobias	Lila Knight
Council Member Bear Heiser	Lauren Foye
Council Member Yvonne Flores-Cale	Ben Courtney
Council Member Miguel Zuniga	Nelia Barrera
Council Member Ashlee Bradshaw*	Amanda Stark
Council Member Daniela Parsley	Joe Cantalupo
Jerry Hendrix, Interim City Manager	Stephanie Leibe
Amber Schmeits, Assistant City Manager	Mark McLiney
Paige Saenz, City Attorney	Robert Rivera
Roxy Stevens, Special Counsel	Jeff Barton
Rachel Sonnier, Communications Director	
Grant Bowling, Video Production Specialist	
Jennifer Kirkland, City Secretary	
Leon Barba, City Engineer	
Victoria Vargas, Economic Development Director	
Lauren Lyons, Business Retention Specialist	
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	
Daniel Gooding, Police Sergeant	
Catlyn Bone, Police Sergeant	
Tracy Vrana, Police Sergeant	
Dan Pruett, Police Officer	
Anthony Guzman, Police Officer	
Briana Geddes, Neighborhood Services Supervisor	

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 7:07 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.

\*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.

## **II. Approval of Minutes**

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

Mayor Pro Tem Tobias moved to approve the minutes of the April 18, 2023 Special Council Meeting and the minutes of the May 2, 2023 Council Meeting. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

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

Mayor Mitchell opened citizen comments at 7:08 p.m.

Julie Snyder was called to speak on behalf of the Kyle Area Chamber of Commerce as registered in favor of Item No. 4. She thanked Council for taking time and the initiative to recognize Small Businesses in Kyle. She spoke about the mission of the Chamber along with its membership.

Lila Knight was called to speak as registered. She spoke about the Quail Ridge Road project. She described it as rude, abhorrent, and an injustice to the citizens. She stated her curiosity about whether the Transportation Master Plan was adjusted, or whether the road was approved via development agreement. She stated that a big problem in Kyle is that the Council has never really addressed affordable housing and that none of the apartments that have been constructed are truly affordable. She stated sometimes she feels the Council's vision for the City is for it to be more affluent. Ms. Knight stated that manufactured housing is no longer allowed in the City and these displaced citizens will have to move somewhere else. She stated her hope that Council does not continue to push those with less economic power out of the city.

Lauren Foye, president of PALS, spoke regarding Item No. 12. She stated that the item includes Emancipet as the service provider for this item. She asked Council to consider allowing PALS to be an option as well, as they are already serving the residents of Kyle. She spoke about the free and low-cost services they have established in Kyle currently.

Ben Courtney of the VFW Post 12058 stated that their grand opening is being postponed due to inclement weather. He also stated that the Memorial Day event in conjunction with the City will proceed as scheduled.

Nelia Barrera spoke on behalf of KASZ. She spoke about the recent active shooter training, and she thanked Assistant Chief Hernandez for the training he recently provided to the KASZ volunteers who work the front desk at City Hall.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:20 p.m.

## **IV. Agenda Order**

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

Mayor Pro Tem Tobias requested to move Item No. 34 up.



**V. Presentation**

4. Small Business Month Proclamation. ~ *Bear Heiser, Council Member*

Council Member Heiser spoke about small business in Kyle. No action was taken.

5. National Police Week Proclamation. ~ *Michael Tobias, Mayor Pro Tem*

Mayor Pro Tem Tobias read aloud the Proclamation acknowledging National Police Week. No action was taken.

6. Memorial Day Proclamation. ~ *Daniela Parsley, Council Member*

Council Member Parsley read aloud the Proclamation acknowledging Memorial Day. No action was taken.

7. Asian American Heritage Month. ~ *Bear Heiser, Council Member*

Council Member Heiser read aloud the Proclamation acknowledging Asian American Heritage. No action was taken.

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

Ms. Espinoza introduced Amanda Stark, the Chair of the board, who presented the item. No action was taken.

9. Presentation of 2022 Road Bond Program Update. ~ *Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager*

Mr. Cantalupo presented the item. No action was taken.

10. 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*

- Wall that Heals Recap
- Kyle Fair- A Tex-Travaganza
- Community Garden Groundbreaking
- Pool Opening
- Memorial Day at Heroes Memorial Park
- KA YAC Update
- National Trails Day
- Asian American Pacific Islander Heritage Month Events
- Summer Reading Program - Crack the Case
- July 4th - First Tuesday Council Meeting
- Team Kyle Update

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

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

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

## **VI. Consent Agenda**

Mayor Mitchell stated that Item No. 15 would be postponed. Council Member Zuniga pulled Item No. 12. Council Member Flores-Cale pulled Item No. 18. Mayor Mitchell brought forward Item Nos. 13, 14, 16, 17, 19, 20, and 21 for consideration.

13. Approve a Funding Agreement with Hays Caldwell Women's Center in the amount of \$15,000 and direct staff to bring back a budget amendment. ~ *Jerry Hendrix, Interim City Manager*
14. Authorize the City's Chief of Police to execute a Consent Lease Agreement with EMAD Harley Davidson of Austin, dba Cowboy Harley Davidson, for the purpose of assigning new ownership and continuing the lease of three (3) Harley Davidson Police Electra Glides until September 30, 2023. ~ *Jeff Barnett, Chief of Police*
16. Authorize the Police Department to accept a STEP (Strategic Traffic Enforcement Program) Operation Slow Down Grant in an amount no greater than \$4,000.00 from TXDOT and authorize an estimated 20% matching funding from the Police Department's approved operating budget for FY 2022-2023 in an amount not to exceed \$1,000.00 to fund the STEP OPSLOW Grant beginning July 14, 2023 and ending July 30, 2023. ~ *Jeff Barnett, Chief of Police*
17. Authorize the Police Department to accept a STEP (Strategic Traffic Enforcement Program) Click It Or Ticket Grant in an amount no greater than \$4,000.00 from TXDOT and authorize an estimated 20% matching funding from the Police Department's approved operating budget for FY 2022-2023 in an amount not to exceed \$1,000.00 to fund the STEP Grant Program beginning May 22, 2023 and ending June 4, 2023. ~ *Jeff Barnett, Chief of Police*
19. Approve Kyle Urgent Care - Site Plan (SD-23-0175) 0.89 acres; 1 commercial lot located at 4580 S. FM 1626. ~ *Will Atkinson, Director of Planning*
- Planning and Zoning Commission voted 6-0 to approve the site plan.*
20. *(Second 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*
- City Council voted 6-0 to approve on first reading on 5/2/2023.*
21. Consider and possible action to ratify a memorandum of understanding between. City of Kyle and Hays County to allow for the relocation of a weather (WET) sensor in the area of Seton Park. ~ *William Paiz-Tabash, Emergency Management Coordinator*

Council Member Flores-Cale moved to approve Consent Agenda Item Nos. 13, 14, 16, 17, 19, 20, and 21. Council Member Parsley seconded the motion. Motion carried 6-0. Council Member Bradshaw was off-camera, and pursuant to Section 551.127 (a-3), Texas Government Code, was considered absent for the vote.

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

12. *(Second 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*

*City Council voted 6-0 to approve on first reading on 5/2/2023.*

Mayor Mitchell brought forward Item No. 12 and gave the floor to Council Member Zuniga, who pulled the item. Chief Barnett and Ms. Geddes presented the item.

Mayor Mitchell stated he wanted to be on the record that a motion to approve creates a voucher that can be used for Emancipet or PALS, under the current item as is written.

Mayor Mitchell moved to approve Item No. 12. Mayor Pro Tem Tobias seconded the motion. Motion carried 6-1 with Council Member Bradshaw dissenting.

15. Authorize award and execution of a purchase order to COUNTERTRADE PRODUCTS INC., Arvada, Colorado, lowest and most responsible bidder, in an amount not to exceed \$105,975.00 which includes the purchase of 84 (eighty-four) level 3 Rifle Rate Ballistic Shields. ~ *Jeff Barnett, Chief of Police*

No action was taken.

18. *(Second 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.*

*City Council voted 6-0 to approve on first reading on 5/2/2023.*

Mayor Mitchell brought forward Item No. 18 and gave the floor to Council Member Flores-Cale, who pulled the item. Mr. Atkinson presented the item.

Council Member Parsley moved to approve Item No. 18. Mayor Mitchell seconded the motion.



Mayor Mitchell called for the vote on the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

### **VIII. Public Hearings**

22. Public Hearing to Consider Proposed Assessments to be Levied Against the Assessable Property within the Porter Country Public Improvement District Pursuant to the Provisions of Chapter 372 of the Texas Local Government Code. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

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

### **IX. Consider and Possible Action**

34. Discussion and possible action regarding Southlake Ranch subdivision, by requesting a traffic stop sign study at Town Lake Blvd and Sapphire Lake Drive, to also include plan of action regarding No Parking issues on Lake Washington Street/Granite Shoals Drive. ~ *Michael Tobias, Mayor Pro Tem*

Mayor Mitchell brought forward Item No. 34 out of order, after Item No. 22. Mayor Pro Tem Tobias presented the item.

Mayor Pro Tem Tobias moved to direct the Kyle Police Department to work with the school district on implementing a plan of action to add additional parking on campus. Council Member Zuniga seconded the motion. Motion carried 7-0.

Mayor Pro Tem Tobias moved to request the City do a traffic study for a stop sign at the corner of Town Lake Boulevard and Sapphire Lake. Council Member Parsley seconded the motion.

Mayor Pro Tem Tobias moved to amend his motion for City Staff to look at different options for traffic safety at the intersection of Town Lake Boulevard and Sapphire Lake. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

Mayor Mitchell called for the vote on the motion to request a traffic study as amended. Motion carried 7-0.

23. *(First and Final Reading)* An Ordinance of the City Council of the City of Kyle, Texas Accepting and Approving a Service and Assessment Plan and Assessment Roll for the Porter Country Public Improvement District; Making a Finding of Special Benefit to the Property in Improvement Area #1 of the District; Levying Assessments Against Property within Improvement Area #1 of the District and Establishing a Lien on such Property; Providing for the Method of Assessment and the Payment of the Assessments in accordance with Chapter 372, Texas Local Government Code, as Amended; Providing Penalties and Interest on Delinquent Assessments; Providing for Severability; Resolving all matters incident and related thereto; and Providing an Effective Date. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

24. *(First and Final Reading)* An Ordinance Approving and Authorizing the Issuance and Sale of the City of Kyle, Texas, Special Assessment Revenue Bonds, Series 2023 (Porter Country Public Improvement District Improvement Area #1 Project) and Approving and Authorizing related Agreements. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Mayor Mitchell brought forward Item Nos. 23 and 24 simultaneously. Ms. Stephanie Leibe of Norton Rose Fulbright, City's Bond Counsel, Mr. Mark McLiney of SAMCO Capital, City's Financial Advisor, and Mr. Robert Rivera of FMSbonds, the underwriter, spoke on the item.

Mayor Pro Tem Tobias left the dais at approximately 9:25 p.m. Council Member Bradshaw was off-camera at approximately 9:26 p.m., and pursuant to Section 551.127 (a-3), Texas Government Code, was considered absent.

Council Member Flores-Cale moved to approve Agenda Item Nos. 23 and 24. Council Member Parsley seconded the motion. Motion carried 5-0. Mayor Pro Tem Tobias and Council Member Bradshaw were absent for the vote.

25. *(First and Final Reading)* Consideration and Approval of an Ordinance Authorizing the Issuance of “City of Kyle, Texas Tax Increment Revenue Bonds, Series 2023 (Tax Increment Reinvestment Zone Number Two, City of Kyle)”; Providing the Terms and Conditions of Such Bonds and Resolving Other Matters Incident and Relating to the Issuance, Payment, Security and Delivery of Such Bonds; Enacting Provisions Incident and Related to the Purposes and Subject of This Ordinance; Authorizing the Execution of Any Necessary Engagement Agreement with the City’s Financial Advisors; and Providing for an Effective Date. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Mayor Pro Tem Tobias returned to the dais at 9:28 p.m.

Ms. Leibe and Mr. McLiney presented the item.

Mayor Mitchell moved to approve Item No. 25. Council Member Flores-Cale seconded the motion.

Ms. Saenz provided information on the item.

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

26. Consideration and Approval of a Resolution of the City Council of the City of Kyle, Texas Accepting a Petition for the Creation of the Word Place Public Improvement District; Setting a Public Hearing Under Section 372.009 of the Texas Local Government Code on the Advisability of the Creation of the Word Place Public Improvement District within the City of Kyle, Texas; Directing City Staff to Publish and Mail Notice of said Public Hearing; and Resolving Other Matters Incident and Related Thereto. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

27. Consideration and Approval of a Resolution of the City Council of the City of Kyle, Texas; Approving and Authorizing the Execution of a Professional Services Agreement between



the City and the Developer of the Word Place Public Improvement District; and Resolving Other Matters Related Thereto. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Mayor Mitchell brought forward Item Nos. 26 and 27 simultaneously. Ms. Leibe, and Jeff Barton, the developer, spoke on the item. Mr. Atkinson provided information about

Mayor Mitchell moved to postpone Item Nos. 26 and 27 until the next regularly scheduled council meeting. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

28. A Resolution of the City of Kyle, Texas, supporting the submission of an application to the Texas Department of Transportation's 2023 Transportation Alternatives Set Aside Program Call for the FM 150 Shared Use Path from Lehman Road to SH 21. ~ *Leon Barba, P.E., City Engineer*

29. A Resolution of the City of Kyle, Texas, supporting the submission of an application to the Texas Department of Transportation's 2023 Transportation Alternatives Set Aside Program Call for the Plum Creek Trail from Waterleaf (Abundance Lane) to N. Burleson Street. ~ *Leon Barba, P.E., City Engineer*

30. A Resolution of the City of Kyle, Texas, supporting the submission of an application to the Texas Department of Transportation's 2023 Transportation Alternatives Set Aside Program Call for the FM 1626 Pedestrian Overpass at Union Pacific railroad crossing. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item Nos. 28 - 30 simultaneously. Mayor Mitchell left the dais at 9:49 p.m.

Council Member Parsley moved to approve Item Nos. 28, 29, and 30. Council Member Flores-Cale seconded the motion.

Mayor Mitchell returned to the dais at 9:52 p.m. Motion carried 6-0. Council Member Bradshaw was off-camera at approximately 9:53 p.m., and pursuant to Section 551.127 (a-3), Texas Government Code, was considered absent. She did not return.

31. Discussion and possible action to approve a Deposit Agreement between the City of Kyle and Toll Southwest, LLC. ~ *Paige Saenz, City Attorney*

Mayor Mitchell moved to approve Item No. 31. Council Member Parsley seconded the motion. Motion carried 5-1 with Council Member Flores-Cale dissenting.

32. Approve Task Order No. 1 to LJA ENGINEERING, INC., Austin, Texas in the amount not to exceed \$248,300.00 for the acquisition of easements needed for public water/wastewater improvements. ~ *Leon Barba, P.E., City Engineer*

Council Member Parsley moved to approve Item No. 32. Mayor Pro Tem Tobias seconded the motion. Motion carried 5-1 with Council Member Flores-Cale dissenting.



33. *(First Reading)* An Ordinance of the City of Kyle, Texas Amending Chapter 8, Article II, Section 8-30 of the Code of Ordinances to Change Minimum Street Widths from Twenty Feet to Twenty-Four Feet; Providing an Effective Date, Savings, and Open Meetings Clauses; and Providing for Related Matters. ~ *Amber Schmeits, Assistant City Manager*

Council Member Parsley moved to postpone Item No. 33 until the first meeting in June. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

35. Discussion and possible action to install temporary illumination on the telecom poles down Kohlers Crossing. ~ *Daniela Parsley, Council Member and Travis Mitchell, Mayor*

Council Member Parsley moved to direct staff to look into the possibility of installing temporary lights on the telecom poles across Kohlers Crossing. Mayor Mitchell seconded the motion.

Council Member Parsley moved to amend her motion to direct staff to look into the possibility of having temporary lights along the telecom poles at Kohlers Crossing and look into the poles that are by 150 to see if temporary lights can be added as two separate projects. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

Mayor Mitchell called for the vote on the original motion. Motion carried 6-0.

36. Consider and possible action to amend animal control ordinance to prohibit leaving animals in hot vehicles without water and open window. ~ *Miguel A. Zuniga PhD, Council Member*

Council Member Zuniga retracted his agenda item. No action was taken.

37. Discussion and possible action to increase the minimum distance for the child safety zone ordinance. ~ *Daniela Parsley, Council Member*

Council Member Flores-Cale moved to postpone Item No. 37. Council Member Parsley seconded the motion. Motion carried 5-1 with Mayor Mitchell dissenting.

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

The item was postponed. No action was taken.

39. Consideration and possible action to disannex or discontinue from being part of the city properties described in Ordinance No. 1010, consisting of approximately 62.47 acres of land, repealing Ordinance No. 1010, and declaring an emergency. ~ *Paige Saenz, City Attorney*

Council Member Flores Cale recused herself and left the dais at 10:16 p.m.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas disannexing and discontinuing approximately 62.47 acres, more or less, described in Ordinance No. 1010 from being a part of the City and repealing Ordinance No. 1010, and would like to note in his motion that there is no emergency being declared and the Ordinance will come back for second reading if approved. Council Member Parsley seconded the motion. Motion carried 5-0.

**X. Executive Session**

40. 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.
    - Sunfield Municipal Utility District No. 4 Petition for Annexation
    - 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
  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 Smokin'
    - Project Patrick Swayze

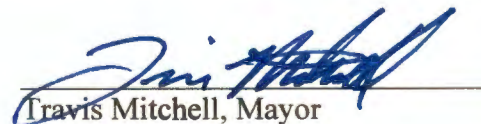
There was no executive session.

41. Take action on items discussed in Executive Session.

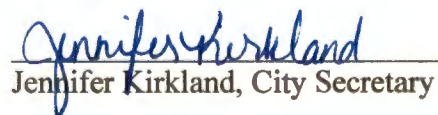
**XI. Adjourn**

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

With no further business to discuss, the City Council adjourned at 10:16 p.m.

  
Travis Mitchell, Mayor

Attest:

  
Jennifer Kirkland, City Secretary