

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on June 6, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Allan Brown
Mayor Pro Tem Michael Tobias	Josh Keller
Council Member Bear Heiser	Tracy Scheel
Council Member Yvonne Flores-Cale	Daisy Santos
Council Member Miguel Zuniga	Ginaa Grimes
Council Member Ashlee Bradshaw	Joe Cantalupo
Council Member Daniela Parsley	Stephanie Leibe
Bryan Langley, City Manager	
Jerry Hendrix, Assistant City Manager	
Amber Schmeits, 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 Development Director	
Mariana Espinoza, Parks & Recreation Director	
Will Atkinson, Planning Director	
Jason Lutz, Senior Planner	
Kaela Sharp, City Planner	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Assistant Chief of Police	
Tim Griffith, Police Commander	
Daniel Gooding, Police Sergeant	
Ashley Minning, Emergency Communications Mgr.	
Harper Wilder, Director of Public Works	
Will Paiz-Tabash, Emergency Mgmt. Coordinator	

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 - May 13, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Special Meeting Minutes - May 16, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

3. City Council Meeting Minutes - May 16, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
4. City Council Special Meeting Minutes - May 23, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the May 13, 2023 Special Council Meeting, May 16, 2023 Special Council Meeting, and the minutes of the May 23, 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 7:07 p.m.

Allan Brown was called to speak as registered. He stated that he is training for the Olympics in fencing and is currently ranked 16th in the nation. He stated that he will be travelling to Italy and would appreciate everyone's support to get him there. He stated that the Hays Free Press did an article about him about a month and a half ago. He asked for Council's support in his journey.

Josh Keller was called to speak as registered on behalf of Kyle Trail Coalition. He stated that he's been working with the Parks & Recreation staff in east Kyle on the trail system. He thanked the City for the opportunity to use public land for trails. He spoke about his research across the country in trail development. He mentioned Sugarland, Cedar Park, Georgetown, New Braunfels and San Marcos as examples to follow. Mr. Keller provided some feedback on what Kyle trails still need. He also suggested the City hire or integrates an expert dedicated to this project. He stated that Allen Ross would be a good candidate for this position.

Tracy Scheel was called to speak as registered. She stated that her grandfather served in WWII, her father served in Vietnam and her partner currently serves in the military. She thanked former Council Member David Wilson for his idea of a memorial. She thanked former Council Member Rick Koch and Mayor Mitchell for their negotiations in building Heroes Memorial Park. She stated that the Memorial Day Service performed was beautiful and she thanked the VFW for putting on the event and the Boy Scouts for their participation. She thanked Council Member Parsley for the proclamation. She continued that one of her favorite parts of the park is the POW/MIA table. She spoke about her discontent about the wine glass on the table that is broken. She asked Council to fix it.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:17 p.m.

IV. Agenda Order

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

No action was taken.

V. Appointments

6. Consider appointment to CAPCOG General Assembly to replace Robert Rizo. ~ *Travis Mitchell, Mayor*

Mayor Mitchell moved to approve the appointment of Council Member Daniela Parsley to the CAPCOG General Assembly seat. Council Member Zuniga seconded the motion. Motion carried 7-0.

7. Appoint Daisy Santos to fill a vacancy for Seat 4 of the Park and Recreation Board.
~ *Mariana Espinoza, Director of Parks & Recreation*

Ms. Daisy Santos received comments from Council.

Council Member Flores-Cale moved to approve the appointment of Daisy Santos to Seat 4 of the Parks and Recreation Board. Council Member Parsley seconded the motion. Motion carried 7-0.

VI. Presentation

8. Proclamation for National Garden Week June 4-10, 2023. ~ *Travis Mitchell, Mayor*

Mayor Mitchell read aloud the Proclamation acknowledging National Garden Week. Ginaa Grimes from the Kyle Garden Club Community Service Committee spoke. No action was taken.

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

Mr. Barba presented the item. Mr. Wilder presented Item No. 10. Chief Barnett presented item No. 11. Council Member Parsley asked about the fund for Item No. 14. Ms. Espinoza presented Item No. 21. Ms. Kirkland presented Item No. 19. No action was taken.

VII. Consent Agenda

10. Ratify emergency repairs of effluent non-potable water pump #2 at the Wastewater Treatment Plant, in an amount not to exceed \$20,043.75, this includes a 7.5% contingency payable to Advance Water Well Technologies, Converse, Texas. ~ *Harper Wilder, Director of Public Works*
11. Approve a 5-year lease and service agreement with DEX IMAGING, LLC., Austin, Texas, for six (6) new copiers/printers at the total lease rate \$341.32 per month or \$4,095.84 per year for the Public Safety Center. The price quotation is based on the Texas DIR contract #DIR-CPO-4439 and #DIR-TSO-3101. ~ *Jeff Barnett, Chief of Police*
12. Approve Task Order No. 12 to CP&Y, INC., Austin, Texas in the amount not to exceed \$69,766.00 for preliminary engineering services for the Dacy Lane Wastewater Improvements from north of Bebee Road to Bunton Creek. ~ *Leon Barba, P.E., City Engineer*
13. Approve Amendment No. 3 to the contract with ESPEY CONSULTANTS, INC., dba RPS, Austin, Texas, in the amount of \$9,569.00 increasing the total contract amount not to exceed \$976,878.00 for completion of record drawings for the Elliott Branch Wastewater Interceptor Project. ~ *Leon Barba, P.E., City Engineer*
14. Approval of Change Order No. 10 to SKYBLUE UTILITIES, INC., Kingsland, Texas, in an additional amount of \$26,023.29 increasing the total contract amount not to exceed \$6,931,747.59 for the Southside Wastewater Improvements Project. ~ *Leon Barba, P.E., City Engineer*

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 for the purchase of eighty-four (84) level 3 Rifle Rate Ballistic Shields. ~ *Jeff Barnett, Chief of Police*
16. Authorize award and execution of a Purchase Order to SIDEPEACE PACKIN CO., LLC, San Marcos, Texas, in an amount not to exceed \$15,720.00 for the purchase of nineteen (19) Mossberg Shotguns for the City's Police Department. This purchase will not require funding due to the application of \$15,720.00 in-store credit available from the sale of sixty-two (62) Glock pistols by the Police Department. ~ *Jeff Barnett, Chief of Police*
17. Authorize the City Manager to execute a Service Agreement with EDC MOVING SYSTEMS, in the amount of \$22,019.60 to move all furniture, equipment, records, and associated items from the current Police Department facility to the new Public Safety Center facility. ~ *Derek Bird, AGCM, City of Kyle Project Manager*
18. Approve an Authorization to Proceed Agreement with the Lower Colorado River Authority (LCRA) for the Purpose of Providing Virtual Private Network (VPN) Connectivity to the Dispatch Consoles at the Public Safety Center in an amount not to exceed \$1,600 monthly/\$19,299 annually. ~ *Jeff Barnett, Chief of Police*
19. Authorize award and execution of a Purchase Order to NEUBUS, INC., of Round Rock, TX, in an amount not to exceed \$29,199.45 for Programming, Scanning, and Hosting Services. ~ *Jennifer Kirkland, TRMC, City Secretary*
20. Approve a purchase order to ABC HOME AND COMMERCIAL SERVICES, San Marcos, TX in an amount not to exceed \$34,395.00 for holiday lights tree wrapping at Mary Kyle Hartson City Square Park. ~ *Mariana Espinoza, Director of Parks & Recreation*
21. Authorize award and execution Purchase Order to ARTISTIC HOLIDAY DESIGNS, Cape Coral, FL, in an amount not to exceed \$93,671.58 for holiday decorations at City Square Park. ~ *Mariana Espinoza, Director of Parks & Recreation*
22. Approve a code compliant site plan on approximately 0.672-acres acres zoned PC MXD, Kyle Dentist, 1 lot located at 400 Wetzels. ~ *Kaela Sharp, City Planner*

Planning and Zoning Commission voted 6-0 to recommend approval of the site plan.

Council Member Flores-Cale moved to approve Consent Agenda Item Nos. 10 - 22. Council Member Zuniga seconded the motion.

Mayor Mitchell stated that he would like to confirm with council that there will no longer be a CIP Projects report on the agenda since that will come out on the Friday report. He stated he does want to continue to have a Consent Agenda presentation.

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

VIII. Items Pulled from Consent Agenda

IX. Consider and Possible Action

23. Approve Task Order No. 3 to RPS INFRASTRUCTURE, INC., Austin, Texas in the amount not to exceed \$750,009.75 for engineering services and design of Marketplace Avenue from FM 1626 to Marketplace Avenue (Existing). ~ *Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager*

Mayor Pro Tem Tobias moved to approve Agenda Item No. 23. Council Member Parsley seconded the motion. Motion carried 7-0.

24. [Postponed 5/16/2023] 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*

25. [Postponed 5/16/2023] 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. 24 and 25 simultaneously.

With no objections, Mayor Mitchell stated that the City Council would enter into executive session for legal advice regarding Item Nos. 24 and 25 at 7:59 p.m.

Mayor Mitchell called the meeting back to order at 8:14 p.m. Mayor Mitchell announced there was no action taken during Executive Session and there will be no action taken now.

Council Member Zuniga moved to approve Agenda Item Nos. 24 and 25. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

26. Consideration and Approval of a Resolution of the City of Kyle, Texas Determining the Costs of Certain Authorized Improvements to be Financed within Improvement Area #1 and the Remainder Area of the Limestone Creek Public Improvement District; Approving a Preliminary Service and Assessment Plan for Improvement Area #1 and the Remainder Area, including a Proposed Improvement Area #1 Assessment Roll and a Proposed Remainder Area Assessment Roll; Directing the Filing of the Proposed Improvement Area #1 Assessment Roll and the Proposed Remainder Area Assessment Roll with the City Secretary to make available for Public Inspection; Noticing a Public Hearing for June 20, 2023 to Consider an Ordinance Levying Assessments on Property Located within Improvement Area #1 and the Property Located in the Remainder Area of the Limestone Creek Public Improvement District; 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 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 (Limestone Creek Public Improvement District Improvement Area #1 Project); and Resolving other matters incident and related thereto. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Mayor Mitchell brought forward Item Nos. 26 and 27 simultaneously.

Council Member Parsley moved to approve Agenda Item Nos. 26 and 27. Council Member Zuniga seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

28. Discussion and possible action to approve a Deposit Agreement between City of Kyle and Meritage Homes of Texas, LLC related to the Limestone Creek Development. ~ *Amber Schmeits, Assistant City Manager*
29. Approve Task Order No. 2 to STATESIDE RIGHT OF WAY SERVICES, LLC., Arlington, Texas in an amount not to exceed \$131,480.00 for acquisition of right of way for the South Goforth Road Project. Funding to be provided for and fully funded in advance by the developer. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item Nos. 28 and 29 simultaneously. Ms. Schmeits presented the items. Ms. Saenz provided information as well.

Mayor Mitchell moved to approve Agenda Item Nos. 28 and 29. Council Member Zuniga seconded the motion.

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

30. Authorize the Chief of Police to execute a 2-year agreement with FLOCK GROUP, INC., Atlanta, Georgia, for the purpose of providing an automated license plate reader system including fifteen (15) cameras in an amount not to exceed \$50,000.00 per year for a total cost of no more than \$100,000.00 over the 2-year agreement period. ~ *Jeff Barnett, Chief of Police*

Mayor Pro Tem Tobias moved to approve Agenda Item No. 30. Council Member Flores-Cale seconded the motion. Motion carried 6-1 with Mayor Mitchell dissenting.

31. Consider approval of Interlocal Agreement (ILA) with the Capital Area Council of Governments - Emergency Communications District for relocation of the Kyle Emergency Dispatch Center - Public Safety Answering Point (PSPA) and Related Costs not to exceed \$178,000. ~ *Jeff Barnett, Chief of Police*

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

32. [Postponed 5/16/2023] (*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*

Ms. Schmeits presented the item. Mr. Langley also provided information.

Council Member Parsley moved to direct staff to look into options to research the issue of the fire code street widths and fire lanes and bring back information for Council to make an informed decision. Council Member Flores-Cale seconded the motion. Motion carried 6-0. Council Member Bradshaw left the dais at 8:53 p.m. and was absent for the vote.

33. Approval of a Resolution authorizing the City Manager to make arrangements and associated expenditures for the Visioning Workshop scheduled for June 24-25, 2023. ~ *Bryan Langley, City Manager*

Council Member Bradshaw returned to the dais at approximately 8:56 p.m.

Mayor Mitchell moved to approve and direct the City Manager to make arrangements and associated expenditures for the Visioning Workshop to be held in Addison. Council Member Parsley seconded the motion. Motion carried 7-0.

34. *(First Reading)* An Ordinance of the City of Kyle, Texas Amending the Code of Ordinances: Chapter 2 Administration, Amending Article III Boards, Committees and Commissions, Division 1 General, Division 4 Economic Development and Tourism Board, Division 5 Kyle Arts and Cultural Commission; and Adding Division 6 Library Board; Renumbering Article IV Officers and Employees; Article V Library Division 1 Generally, Repealing Division 2 Board of Directors, Renumbering Division 3 Fund; Renumbering Article IV Officers and Employees; and Providing for Repeal of Conflicting Ordinances, Severability, Open Meetings and Effective Date. ~ *Amber Schmeits, Assistant City Manager*

Ms. Schmeits presented the item. Ms. Kirkland also provided information. Ms. Vargas provided information regarding the membership of the Economic Development and Tourism Board. Ms. Saenz provided information regarding residency requirements.

Council Member Heiser moved to amend the language to say that no more than three of the seven members can live outside the city limits for the Economic Development and Tourism Board. Council Member Flores-Cale seconded the motion. Council Member Heiser withdrew his motion.

Mayor Pro Tem Tobias moved to approve Agenda Item No. 34. Mayor Mitchell seconded the motion. Motion carried 5-2 with Council Members Flores-Cale and Parsley dissenting.

35. *(Second Reading)* An Ordinance of the City of Kyle, Texas Disannexing and Discontinuing approximately 62.47 acres, more or less, from being a part of the City Pursuant to Section 43.145, Texas Local Government Code; Repealing Ordinance 1010; Providing for Open Meetings; and Providing for Related Matters. ~ *Paige Saenz, City Attorney*

City Council voted 5-0 and one recusal to approve on first reading on 5/16/2023.

Mayor Mitchell moved to approve Agenda Item No. 35. Mayor Pro Tem Tobias seconded the motion. Motion carried 5-0. Council Member Flores-Cale recused herself and left the dais at 9:44 p.m. Council Member Heiser left the dais at 9:44 p.m. and was absent for the vote.

38. Consider approval of a resolution approving language for the La Verde monument, to include but not limited to the "Story of La Verde Park" and "Suggested Contributors".
~ *Yvonne Flores-Cale, Council Member*

Mayor Mitchell brought forward Item No. 38 out of order, after Item No. 35. Council Member Flores-Cale returned to the dais at 9:45 p.m. Council Member Heiser returned at 9:46 p.m. Ms. Sonnier provided information on the item.

Council Member Flores-Cale moved to remove the name Scott Sellers from the contributors section of the dedication at La Verde Park. Motion died for lack of a second.

Mayor Mitchell moved to add Commissioner Cohen to the list of contributors from the County for her participation in TIRZ #2. Council Member Heiser seconded the motion. Motion carried 7-0.

Mayor Mitchell moved to direct staff to proceed with the copy and to also authorize staff to update and warmify the copy as they see fit, taking into consideration the various discussions that they've heard, but understanding that they have final authority to put the copy together and make the order for the dedication element without having to bring it back to Council. Council Member Parsley seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

36. Discussion and possible action regarding an update on the Vybe trail. ~ *Yvonne Flores-Cale, Council Member*

Mayor Mitchell brought forward Item No. 36 out of order, after Item No. 38. No action was taken.

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

No action was taken.

X. Executive Session

39. 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.
 - Attorney General Inquiry
 - Mountain City Boundary Agreement
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.
 - Purchase of property for City Facilities and Public Purposes

3. Personnel matters pursuant to Section 551.074.
 - Roles and Responsibilities of the City Manager
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 Lion King
 - Project Hot Pursuit
 - Project DIY
 - Project Chia Pet
 - Project Pearly Whites

There was no executive session.

40. Take action on items discussed in Executive Session.

- Project Pearly Whites

XI. Adjourn

Mayor Mitchell moved to adjourn. Mayor Pro Tem Tobias seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 10:30 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer Kirkland, City Secretary