

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on June 20, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Domingo Castilleja
Mayor Pro Tem Michael Tobias	Mary Landrum
Council Member Bear Heiser	Alex Guerra
Council Member Yvonne Flores-Cale	John Michael Cortez
Council Member Miguel Zuniga	Luke Rickel
Council Member Ashlee Bradshaw	Stephanie Leibe
Council Member Daniela Parsley	Hector Garcia
Bryan Langley, City Manager	Tracy Scheel
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	
Marco Forti, IT Director	
Colleen Tierney, Library Director	
Mariana Espinoza, Parks & Recreation Director	
Will Atkinson, Planning Director	
Jason Lutz, Senior Planner	
Kaela Sharp, City Planner	
Jeff Barnett, Chief of Police	
Dago Pates, Police Officer	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:03 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 Meeting Minutes - May 16, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Special Meeting Minutes - June 6, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
3. City Council Meeting Minutes - June 6, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the May 16, 2023 Council Meeting, the June 6, 2023 Special Council Meeting and the minutes of the June 6, 2023 Council Meeting. Council Member Bradshaw seconded the motion. Motion carried 7-0.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:05 p.m.

Domingo Castilleja was called to speak as registered. He spoke about the upcoming election in November. He stated that some candidates have already announced their candidacy. He requested an open forum at City Hall for the public to become familiar with the candidates. With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:06 p.m.

Mayor gave the floor to Mayor Pro Tem Tobias. He formally introduced Bryan Langley as the City's new City Manager. He also thanked Jerry Hendrix for standing in during the interim.

IV. Agenda Order

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

No action was taken.

V. Presentation

5. Juneteenth Proclamation. ~ *Michael Tobias, Mayor Pro Tem*

Mayor Pro Tem read aloud the Proclamation acknowledging Juneteenth. No action was taken.

6. Receive a report and hold a discussion regarding Library Board activities. ~ *Colleen Tierney, Director of Library Services*

Ms. Mary Landrum, Library Board Vice Chair, presented the item. No action was taken.

7. Receive a report and hold a discussion regarding Planning & Zoning Commission activities. ~ *Will Atkinson, Director of Planning*

Mr. Alex Guerra, Planning & Zoning Commission Chairman, presented the item. No action was taken.

8. Receive a report, hold a discussion, and provide staff direction regarding the potential expansion of Google Fiber to Kyle. ~ *Bryan Langley, City Manager*

Mr. Langley presented the item. John Michael Cortez from Google Fiber provided information. Mr. Cortez's colleague Luke Rickel also provided information on the item.

VI. Public Hearings

9. Public Hearing to Consider Proposed Assessments to Be Levied Against the Assessable Property within Improvement Area #1 and the Remainder Area of the Limestone Creek Public Improvement District, Respectively, 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 8:14 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:14 p.m.

VII. Consider and Possible Action

10. An Ordinance of the City of Kyle, Texas Approving the Final Project and Finance Plan for Reinvestment Zone Number Four, City Of Kyle, Texas and Approving and Authorizing the Mayor to Execute a TIRZ Agreement in Connection with the Development of the Zone. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Mayor Mitchell brought forward Item No. 10. Ms. Leibe stated that she would present Item Nos. 10, 11, and 12 simultaneously. Mayor Mitchell then brought forward Item Nos. 11 and 12.

11. 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 Limestone Creek Public Improvement District; Making a Finding of Special Benefit to the Property in Improvement Area #1 and the Remainder Area of the District, Respectively; Levying Assessments Against Property within Improvement Area #1 and the Remainder Area 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*

12. An Ordinance Approving and Authorizing the Issuance and Sale of the City Of Kyle, Texas, Special Assessment Revenue Bonds, Series 2023 (Limestone Creek Public Improvement District Improvement Area #1 Project); And Approving and Authorizing Related Agreements. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Mayor Mitchell moved to approve Agenda Items No. 10, 11, and 12. Council Member Heiser seconded the motion. Motion carried 4-3 with Mayor Pro Tem Tobias and Council Members Flores-Cale and Parsley dissenting.

13. *(First Reading)* Approve an Ordinance adopting the land use assumptions, capital improvements plan, and establishing an updated water impact fee totaling \$7,984 per living unit equivalent (LUE) and an updated wastewater impact fee totaling \$6,171 per LUE, amending Ordinance No. 298-2, and establishing an effective date. ~ *Leon Barba, P.E., City Engineer*

- Public Hearing

After Item No. 13 was brought forward, Council Member Parsley asked whether she could rescind her vote on the last item. Ms. Saenz stated Council Member Parsley could bring a motion for reconsideration. It was stated they would come back to Item 12.

Mayor Mitchell opened the public hearing at 8:26 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item No. 13 to the next regularly scheduled City Council Meeting. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

After Item No. 13, Mayor Mitchell brought back Item Nos. 10 - 12.

10. An Ordinance of the City of Kyle, Texas Approving the Final Project and Finance Plan for Reinvestment Zone Number Four, City Of Kyle, Texas and Approving and Authorizing the Mayor to Execute a TIRZ Agreement in Connection with the Development of the Zone. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*
11. 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 Limestone Creek Public Improvement District; Making a Finding of Special Benefit to the Property in Improvement Area #1 and the Remainder Area of the District, Respectively; Levying Assessments Against Property within Improvement Area #1 and the Remainder Area 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*
12. An Ordinance Approving and Authorizing the Issuance and Sale of the City Of Kyle, Texas, Special Assessment Revenue Bonds, Series 2023 (Limestone Creek Public Improvement District Improvement Area #1 Project); And Approving and Authorizing Related Agreements. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Mayor Mitchell moved to reconsider Agenda Item Nos. 10-12. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

Mayor Mitchell moved to approve Agenda Items 10-12. Council Member Parsley seconded the motion. Motion carried 5-2 with Mayor Pro Tem Tobias and Council Member Flores-Cale dissenting.

14. Approve a contract with AGH20 HOLDINGS, LLC, Round Rock, TX in an amount not to exceed \$307,777.00 to furnish and install new restroom foundations and utilities for restrooms at five (5) City parks as provided for in the proposal. ~ *Mariana Espinoza, Director of Parks & Recreation*
15. Approve a contract with RESTROOM FACILITIES, LTD, Marble Falls, TX in an amount not to exceed \$690,270.00 for the design and construction of restrooms at five (5) City parks and other associated materials as included in the proposal. ~ *Mariana Espinoza, Director of Parks & Recreation*

Mayor Mitchell brought forward Item Nos. 14 and 15 simultaneously. Ms. Espinoza presented the items. Hector Garcia, a representative of Restroom Facilities, Ltd., provided additional information.

Mayor Mitchell moved to postpone this item until the next regularly scheduled Council Meeting. Council Member Parsley seconded the motion. Motion carried 7-0.

16. Authorize award and execution of a Purchase Order to VIKING CONSTRUCTION, INC., Georgetown, Texas, in an amount not to exceed \$497,370.25, which includes a twelve (12) percent contingency, for the 2023 Miscellaneous Streets Micro-Surfacing Project. This

award is authorized under the Interlocal Purchasing Agreement with the City of Grand Prairie, Texas providing for a cooperative purchasing program including micro-surfacing.
~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell moved to approve Item No. 16. Council Member Flores-Cale seconded the motion. Motion carried 6-0. Council Member Zuniga left the dais at 8:46 p.m. and was absent for the vote.

17. A Resolution authorizing the creation of a citizen academy program called Team Kyle Academy with an estimated \$2,600.00 in annual support costs for the program. ~ *Rachel Sonnier, Director of Communications*

Council Member Zuniga returned to the dais at 8:48 p.m.

Council Member Flores-Cale moved to remove “people running for office” from the prohibitions of participants. Council Member Heiser seconded the motion.

Mayor Mitchell moved to call the question. Council Member Flores-Cale seconded the motion. Motion carried 6-1 with Council Member Heiser dissenting.

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

Mayor Mitchell moved to approve Item No. 17. Council Member Flores-Cale seconded the motion. Motion carried 6-1 with Council Member Parsley dissenting.

18. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 0.52 acres from Agriculture 'A' to Retail Service District 'RS' for property located at 1121 E FM 150, in Hays County, Texas. (Hector Rodriguez - Zoning - Z-23-0114) ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 4-1 to recommend approval of the request.

- Public Hearing

Mayor Mitchell opened the public hearing at 9:06 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:06 p.m.

Council Member Flores-Cale moved to approve Agenda Item No. 18. Mayor Mitchell seconded the motion. Motion carried 6-1 with Council Member Parsley dissenting.

19. *(First Reading)* An ordinance amending the Code of Ordinances of the City of Kyle, Texas; amending Chapter 54 (landscaping and Screening Requirements) of the City of Kyle, Texas, Authorizing the City Secretary to amend ordinance 912 of the City of Kyle so as to reflect this change. ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 5-0 to approve with amendments outlined in the staff memo.

- Public Hearing

Mr. Lutz presented the item. Tracy Scheel, President of Waterleaf Falls HOA, provided information regarding recent HOA action to use turf in the Waterleaf Falls neighborhood.

Mayor Mitchell opened the public hearing at 9:32 p.m.

Tracy Scheel spoke in favor of the item. She stated that her HOA Board researched turf quite a bit. She stated they had several samples of artificial turf brought in. She spoke about the process of prepping the site, that you cannot just lay the turf on top of the grass that is already there.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 9:34 p.m.

Mayor Mitchell moved to approve Agenda Item No. 19 and accept the Planning and Zoning Commission's recommended amendments except for the artificial turf amendment and to direct staff to do research on the artificial turf clause, and bring back some suggestions related to how we can strengthen that to ensure that artificial turf is installed in a productive and positive way. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

Mayor Mitchell objected to the ordinance being finally passed.

20. *(Second 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*

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

Council Member Bradshaw left the dais at 9:35 p.m.

Mayor Mitchell moved to approve Agenda Item No. 20. Council Member Flores-Cale seconded the motion. Motion carried 6-0. Council Member Bradshaw was absent for the vote.

21. [Postponed 5/16/2023] Discussion and possible action to increase the minimum distance for the child safety zone ordinance. ~ *Daniela Parsley, Council Member*

Council Member Bradshaw returned to the dais at 9:38 p.m.

Council Member Parsley moved to approve an increase in the minimum required distance for the child safety zone ordinance from 1000 to 2000 feet. Council Member Flores-Cale seconded the motion.

Ms. Saenz provided information on the item. Officer Dago Pates provided information on the item.

Mayor Mitchell called for the vote. Motion carried 5-2 with Mayor Mitchell and Council Member Heiser dissenting.

VIII. Executive Session

22. 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
 - TIRZ #4 and the Limestone Creek Project
 - Sign Ordinance
 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
 - TIRZ #4 and the Limestone Creek Project
 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 Patrick Swayze
 - Project Face Lift
 - Project Hot Pursuit

There was no executive session.

23. Take action on items discussed in Executive Session.

IX. Adjourn

Mayor Mitchell moved to adjourn. Council Member Flores-Cale seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 10:01 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer Kirkland, City Secretary