

REGULAR CITY COUNCIL MEETING

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

Mayor Travis Mitchell	Betty Conley
Mayor Pro Tem Michael Tobias	Wynette Barton
Council Member Bear Heiser	Stephanie Leibe
Council Member Yvonne Flores-Cale	Jeff Barton
Council Member Miguel Zuniga	Amanda Stark
Council Member Ashlee Bradshaw	Hector Garcia
Council Member Daniela Parsley	
Bryan Langley, City Manager	
Jerry Hendrix, Assistant City Manager	
Amber Schmeits, Assistant City Manager	
Veronica Rivera, Assistant City Attorney	
Grant Bowling, Video Production Specialist	
Jennifer Kirkland, City Secretary	
Leon Barba, City Engineer	
Mariana Espinoza, Parks & Recreation Director	
Benito Pereda, Parks & Trails Maint. Supervisor	
Stacy Anderson, Outdoor Nature Specialist	
Will Atkinson, Planning Director	
Jason Lutz, Senior Planner	
Kaela Sharp, City Planner	
Dago Pates, Police Officer	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:10 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 - June 20, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Regular Meeting Minutes - June 20, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
3. City Council Workshop Meeting Minutes - June 23, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
4. City Council Workshop Meeting Minutes - June 24, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

5. City Council Workshop Meeting Minutes - June 24, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
6. City Council Workshop Meeting Minutes - June 25, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the June 20, 2023 Special Council Meeting, June 20, 2023 Regular Council Meeting, June 23, 2023 Workshop Meeting, June 24, 2023 A.M. Workshop meeting, June 24, 2023 P.M. Workshop Meeting and the minutes of the June 25, 2023 Workshop 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 7:11 p.m.

Betty Conley, President of the Kyle Area Senior Zone, was called to speak as registered regarding Item Nos. 25 and 26.

Wynette Barton was called to speak as registered regarding Item No. 14. She spoke about the Word Place Development and stated that the land has been in her family longer than most people in the room have been alive. She stated that the land is special, and they are looking to bring this very special subdivision to Kyle. She thanked Council for their consideration.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:14 p.m.

IV. Agenda Order

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

Council Member Flores-Cale asked to move Item Nos. 25 and 26. Council Member Parsley asked to move Item No. 22. Mayor Mitchell stated the items would be brought to the top of Consider and Possible Action. No action was taken.

V. Presentation

8. Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

No action was taken.

VI. Consent Agenda

Council Member Flores-Cale pulled Item No. 10. Mayor Mitchell pulled Item No. 9. Mayor Mitchell brought forward Item Nos. 11, 12, and 13 for consideration.

11. Approve the acceptance of 1.5808 acres from the remainder of that called 10.00 acre tract of real property owned by the Hays Consolidated Independent School District, conveyed to the school district by instrument recorded at Volume 2029, Page 661, Deed Records of Hays County, and locally known as the Performing Arts Center. ~ *Leon Barba, P.E., City Engineer*

12. *(First Reading)* An Ordinance of the City of Kyle, Texas, for the purpose of Amending Chapter 23, Miscellaneous Offenses, Article XI, Child Safety Zones, Section 23-291, to Increase the Size of the Child Safety Zone; Providing a Severability Clause, providing a Savings Clause, providing an Effective Date, providing an Open Meetings Clause, and providing for other related matters. ~ *Paige Saenz, City Attorney*
13. Approve a contract with The Brandt Companies, LLC, in the amount of \$17,955.00 for the installation of dehumidifiers to two air-conditioning units providing service to the Kyle City Hall. This purchase is being made through the BuyBoard Purchasing Cooperative Contract No. 638-21 (Trade Services). ~ *Jerry Hendrix, Assistant City Manager*

Council Member Flores-Cale moved to approve Consent Agenda Item Nos. 11, 12, and 13. Mayor Pro Tem Tobias seconded the motion. Motion carried 6-0. Council Member Bradshaw left the dais at approximately 7:23 p.m. and was absent for the vote.

VII. Items Pulled from Consent Agenda

9. Approve a resolution establishing a rotation list of the following four (4) firms to provide consulting services for general civil engineering projects for all city departments: CP&Y, INC. dba STV INFRASTRUCTURE, Austin, Texas, WGI, INC., Austin, Texas, HDR ENGINEERING, INC., Austin, Texas, and PAPE-DAWSON ENGINEERS, INC., Austin, Texas and authorize the City Engineer to enter into contract negotiations with each firm and direct staff to bring back the contracts for consideration by the City Council at a future meeting. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell moved to approve Agenda Item No. 9 with the amendment to increase the number of firms from four to six and to use the ranking system to allow the fifth and sixth highest scored firms to be included. Mayor Pro Tem Tobias seconded the motion. Motion carried 6-0. Council Member Bradshaw was absent for the vote.

10. Consider approval of a professional services agreement with Mosaic Public Partners in an amount of \$26,500.00 to provide executive search services for the position of Chief Building Official. ~ *Amber Schmeits, Assistant City Manager*

Ms. Schmeits presented the item. Mr. Langley also provided information on the item. Council Member Bradshaw returned to the dais at 7:25 p.m.

Mayor Mitchell moved to approve Agenda Item No. 10. Council Member Zuniga seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

VIII. Consider and Possible Action

25. Report and update from the City Manager on the status of City Council direction given to staff on January 4, 2022 to negotiate an agreement with A & E Design Group, Inc, to provide architectural and design services including completion of a shovel-ready plans, specifications, and construction/bid documents for a new Senior Activity and Community Center facility to be constructed on City-owned land and to bring back an agreement with

all terms and conditions including contract amount for City Council’s approval at a future Council meeting. ~ *Yvonne Flores-Cale, Council Member*

26. Discussion and possible action to Direct City Manager to develop an action plan to include a timeline for the completion of major steps and funding options to design, build, furnish, and operate a new Senior Activity and Community Center facility approved on January 4, 2022, to be constructed on City-owned land and present the action plan to the City Council for consideration and possible action at the August 15, 2023 City Council meeting.
~ *Yvonne Flores-Cale, Council Member*

Mayor Mitchell brought forward Item Nos 25 and 26 simultaneously out of order, after Item No. 10. Mr. Langley and Mr. Hendrix presented the item. No action was taken.

22. Receive a report, hold a discussion, and provide staff direction regarding 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. ~ *Will Atkinson, Director of Planning*

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

City Council voted 7-0 to approve on first reading on 6/20/2023.

Mayor Mitchell brought forward Item No. 22 out of order, after Item Nos. 25 and 26. Mr. Lutz presented the item. Council Member Heiser left the dais at 8:05 p.m.

Mayor Mitchell moved to direct staff to bring back a 50% allowance for artificial grass in the Landscape Ordinance for second reading at the next meeting. Council Member Parsley seconded the motion. Motion carried 6-0. Council Member Heiser was absent for the vote.

14. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 3.764 acres from Retail Services Zoning "RS" (Retail Services), "PUD" (CBD-2) Central Business District-2 and rezone approximately, 23.36 acres from "PUD" (CBD-2) to "PUD" (CBD-2) for property located at 1717 N. Burleson St in Hays County, Texas. (Word Place Properties , LLC - Z-23-0116). ~ *Will Atkinson, Director of Planning*

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

- Public Hearing

Mayor Mitchell brought forward Item Nos. 14 - 17 simultaneously. Council Member Heiser returned to the dais at 8:21 p.m.

Mr. Atkinson presented the item. Ms. Leibe also presented regarding the City's PID Policy related to the ratios required. Jeff Barton, the developer, also presented. Mr. Langley provided additional information regarding the items.

Mayor Mitchell opened the public hearing at 8:49 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:49 p.m.

Mayor Pro Tem Tobias moved to approve Agenda Item No. 14. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

15. Approve a Development Agreement by and between Word Place Properties, LLC, Sylvester Diaz, Maria Diaz and the City of Kyle. ~ *Will Atkinson, Director of Planning*
16. Public Hearing Concerning the Creation of the Word Place 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 9:03 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:03 p.m.

17. Resolution of the City Council of the City of Kyle, Texas, Authorizing and Creating the Word Place Public Improvement District within the City of Kyle, Texas Pursuant to Chapter 372 Texas Local Government Code; Resolving other matters incident and related thereto; and Providing an effective date. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Mayor Pro Tem Tobias moved to approve Agenda Item Nos. 15 and 17. Mayor Mitchell seconded the motion. Motion carried 7-0.

After the vote count, Mayor Mitchell asked if there were any objections to finally passing Item No. 14. With no objections Item No. 14 was finally passed.

24. Consider and take possible action on a request from Louis Wooderts and Marshaun Hardaway to waive City Code Section 41-142(f)(2) which requires connection to City wastewater service. ~ *Leon Barba, P.E., City Engineer*

With no objections, Mayor Mitchell brought forward Item No. 24 out of order, after Item No. 17

Council Member Flores-Cale moved to approve Agenda Item No. 24. Council Member Parsley seconded the motion. Motion carried 7-0.

18. Consider a request to waive the committee ordinance to allow for an increase from seven to twelve committee members for the Community Gardens and the Trails Committees. ~ *Mariana Espinoza, Director of Parks & Recreation*

Ms. Espinoza presented the item. Amanda Stark, Chair of the Parks & Recreation Board, also provided information on the item.

Council Member Bradshaw moved to deny the consideration for twelve committee members for the Community Gardens and the Trails Committees. Council Member Flores-Cale seconded the motion. Motion carried 6-1 with Council Member Zuniga dissenting.

19. *[Postponed 6/20/2023]* 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*

20. *[Postponed 6/20/2023]* Approve a contract with RESTROOM FACILITIES, LTD, Marble Falls, TX in an amount not to exceed \$860,599.00 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. 19 and 20 simultaneously.

Mayor Mitchell moved to approve Agenda Item Nos. 19 and 20. Council Member Flores-Cale seconded the motion.

Hector Garcia, a representative with Restroom Facilities Ltd., provided information.

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

21. *[Postponed 6/20/2023] (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

The Public Hearing was left open at the 6/20/2023 City Council Meeting.

Mayor Mitchell opened the public hearing at 9:44 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:44 p.m.

No action was taken.

23. *(Second 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.
City Council voted 6-1 to approve on first reading on 6/20/2023.*

Mayor Mitchell moved to approve Agenda Item No. 23. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

IX. Executive Session

27. 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.
 - Purchase of property for City Facilities and Public Purposes
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 Lion King
 - Project Hot Pursuit

There was no executive session.

28. Take action on items discussed in Executive Session.

X. 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 9:45 p.m.



Travis Mitchell, Mayor

Attest:



Jennifer Kirkland, City Secretary