

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on July 18, 2023, at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Lila Knight
Mayor Pro Tem Michael Tobias	Evangelina Chapa
Council Member Bear Heiser	Susan Reyna
Council Member Yvonne Flores-Cale	
Council Member Miguel Zuniga	
Council Member Ashlee Bradshaw*	
Council Member Daniela Parsley	
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	
Benito Pereda, Parks & Trails Maintenance Supervisor	
Aimee Garcia, Recreation Manager	
Angel Perez, Parks Maintenance Technician	
Ashley Gonzales, Administrative Assistant	
Brooke Collins, Recreation Programmer	
Claudia Rocha, Special Events Manager	
Jimmy Gonzales, Parks Maintenance Technician	
Joe Villarreal, Parks Maintenance Technician	
Martin Rangel Gonzalez, Parks Maint. Tech. - Mechanic	
Rachel Acevedo, Program Coordinator	
Richard Ibarra, Parks Maintenance Technician	
Ruben Luna, Parks Maintenance Technician	
Sheba Aligaweesa, Recreation Programmer	
Sotero Nino, Parks Maintenance Technician	
Stacy Anderson, Outdoor Nature Specialist	
Stephen Sedillo, Parks Maint. Tech. - Trails	
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 7:09 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

*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.

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 - July 6, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Regular Meeting Minutes - July 6, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
3. City Council Special Meeting Minutes - July 8, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the July 6, 2023 Special Council Meeting, the July 6, 2023 Council Meeting and the minutes of the July 8, 2023 Special Council Meeting. 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.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:11 p.m.

Lila Knight was called to speak as registered in opposition of Item No. 9. She spoke about the schedule and the amounts of water to be used as well as the drought stages of area water suppliers. She requested the Council table the item until water comes back.

Evangelina Chapa was called to speak as registered. She spoke about a luncheon with seniors that took place today. She stated that she has lived here for 49 years. She stated she was unhappy with how things were done. She stated that the seniors were promised a property. She asked Council to prioritize the seniors.

Susan Reyna was called to speak as registered, on behalf of Preservation Associates, Inc. regarding an event at the library at 6:00 p.m. tomorrow about the origin of Kyle.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:18 p.m.

IV. Agenda Order

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

Council Member Parsley asked to move Item Nos. 10 and 11 out of order later in the meeting. There were no objections.

V. Appointments

5. Approve a Resolution appointing seven individuals to fill Seats 1-7 of the newly formed Community Gardens Committee. ~ *Mariana Espinoza, Director of Parks & Recreation*

- Seat 1 Lacey Mount
- Seat 2 Stephanie Chupp
- Seat 3 Judy Lyons
- Seat 4 Louisa Hussein
- Seat 5 Rebecca Price
- Seat 6 Dolores Perez
- Seat 7 Raelyn Monks

Mayor Mitchell brought forward Item Nos. 5 and 6 simultaneously.

Mayor Pro Tem Tobias moved to approve Agenda Item No. 5 for the seats of the newly formed Community Gardens Committee. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

6. Approve a Resolution appointing seven individuals to fill Seats 1-7 of the newly formed Trails Committee. ~ *Mariana Espinoza, Director of Parks & Recreation*

- Seat 1 Sylvia Diaz
- Seat 2 Daniel Ricardo Laurel
- Seat 3 Dorian Perez
- Seat 4 Sarah Walker
- Seat 5 Lori Black
- Seat 6 Ann Rivas
- Seat 7 Joshua Keller

Mayor Pro Tem Tobias moved to approve Agenda Item No. 6 to fill the seats 1-7 for the Trails Committee. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

7. Approve a Resolution authorizing reappointments to the Planning and Zoning Commission for the term of October 1, 2023 through September 30th, 2025. ~ *Will Atkinson, Planning Director*

- Steve DeLory, Seat 1
- Sarah Oncken, Seat 3

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

VI. Reports and Presentations

8. Park and Recreation Professionals Day Proclamation. ~ *Daniela Parsley, Council Member*

Council Member Parsley read aloud the Proclamation acknowledging Park and Recreation Professionals Day. No action was taken.

Mayor Mitchell called for a recess at 7:36 p.m. He called the meeting back to order at 7:42 p.m.

9. Receive a report, hold a discussion, and provide staff direction regarding a misting system at Mary Kyle Hartson City Square Park. ~ *Mariana Espinoza, Director of Parks & Recreation*

No action was taken.

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

No action was taken.

VII. Consent Agenda

13. *(Second 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*

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

14. Approve a resolution to adopt a Citizen Participation Plan in accordance with the Department of Housing and Urban Development (HUD) guidelines for the development of a Consolidated Plan as part of the Community Development Block Grant (CDBG) entitlement process. ~ *Amber Schmeits, Assistant City Manager*

15. *(Second 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. ~ *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.

16. Authorize the City Manager to accept a \$11,000.00 grant from the Austin Community Foundation for the purpose of creating a community garden at Post Oak Park. ~ *Mariana Espinoza, Director of Parks & Recreation*

Council Member Flores-Cale moved to approve Agenda Items 13 - 16. Council Member Parsley seconded the motion. Motion carried 7-0.

VIII. Items Pulled from Consent Agenda

IX. Consider and Possible Action

17. *(First Reading)* Approve an ordinance to reduce the speed limit on RM 150 (Veteran's Drive) from 55 mph to 45 mph from Dove Hollow Drive to Silverado Drive, from 45 mph to 40 mph from Silverado Drive to West Center Street, and to install a school zone with a

speed limit of 25 mph during designated times from Porter Street to Cockerham Street.
~ *Leon Barba, P.E., City Engineer*

Council Member Flores-Cale moved to approve the ordinance to create a school zone and lower the speed limits, as well as add fresh paint to the crosswalk that is near Golden Chick. Council Member Heiser seconded the motion. Motion carried 7-0.

With no objections, the Ordinance was finally passed.

18. Discussion and possible action to amend the City's current gas pipeline utility easement to better align with surrounding cities and counties. ~ *Yvonne Flores-Cale, Council Member*

Council Member Flores-Cale moved to have staff bring back an ordinance to amend the restricted area or the setback for natural gas transmission pipelines from 200 feet to 100 feet. Council Member Parsley seconded the motion.

Council Member Flores-Cale moved to amend her motion to have staff bring back an ordinance to amend the restricted area or the setback for natural gas transmission pipelines from 200 feet to none, under Section 3A of Ordinance 1136 under new construction. Motion died for lack of second.

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

10. Receive a report, hold a discussion, and provide staff direction regarding qualifications, responsibilities, composition, and terms of the City's Boards, Committees, and Commissions. ~ *Amber Schmeits, Assistant City Manager*

Mayor Mitchell brought forward Item No. 10 out of order, after Item No. 18.

Mayor Mitchell moved to direct staff to bring back an ordinance to amend the Arts & Cultural Commission to eliminate the cultural commission components that were added, to eliminate the ex-officio non-voting member, and to eliminate the Library Director as the staff liaison and replace the responsibility to the City Manager or designee. Council Member Parsley seconded the motion. Motion carried 4-2 with Mayor Pro Tem Tobias and Council Member Zuniga dissenting. It was noted at 8:52 p.m. that Council Member Bradshaw was off camera, and pursuant to Section 551.127 (a-3), Texas Government Code, was considered absent for the vote.

Council Member Bradshaw was back on camera at approximately 9:00 p.m., and pursuant to Section 551.127 (a-3), Texas Government Code, was considered present.

Council Member Heiser moved to direct staff to bring back a residency requirement for five of the seven members of the ED & T Board to be from the City of Kyle, two of those seven members can be key local stakeholders including major employer, utility, healthcare, higher education, and tourism and also two of the five that would have to be from Kyle fit a small business, medium business, and large business criteria for staff to define. Council Member Parsley seconded the motion. Council Member Heiser withdrew his motion.

Council Member Heiser moved to direct staff to come back to council with new guidelines for the ED&T Board to introduce a residency requirement for five of the seven members. Two of the

seven members would be key local stakeholders: one being a major employer non-resident and the other being a non-resident from the healthcare industry. Of the five remaining members, one would represent the small business community, one would represent the medium business community, and one would represent the enterprise/large business community, with the remaining two members being residents in general. Mayor Mitchell seconded the motion. Motion carried 6-1 with Council Member Bradshaw dissenting.

Mayor Mitchell moved to direct staff to proceed with the replacement of the board as it relates to the discussion just had, and to also bring back in the ordinance that all five stakeholder categories, including the three that were eliminated can be brought on as ex-officio members. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

Council Member Heiser moved to add a council member as a non-voting member to the ED&T Board. Council Member Parsley seconded the motion. Motion failed 1-6.

Council Member Flores-Cale moved to remove the verbiage "Cannot serve for more than two three-year terms" for the Ethics Commission. Council Member Parsley seconded the motion. Motion carried 7-0.

11. Receive a report, hold a discussion, and provide staff direction regarding selection of moderators and panelists for the Dialogue for Peace and Progress Event Series. ~ *Rachel Sonnier, Director of Communications*

Mayor Mitchell brought forward Item No. 11 after Item No. 10.

Council Member Heiser moved to institute a rule that if you are running for office, partisan or non-partisan, council member or non-council member, that you cannot participate as a moderator or panelist for the Dialogue for Peace and Progress events. Mayor Mitchell seconded the motion.

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

Council Member Parsley moved that the moderators for the Peace and Progress event series be council members. Council Member Flores-Cale seconded the motion. Council Member Parsley withdrew her motion.

Mayor Mitchell moved to accept the remainder of the policy outside the context of the discussion. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

X. Executive Session

19. 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.
 - Enforcement of the Oil and Gas Pipeline Ordinance and its Amendments
 - Settlement of litigation arising from Kinder Morgan Natural Gas Pipeline
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.
 - City Manager performance review discussion
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 Chia Pet
 - Project Lion King
 - Project Hot Pursuit
 - Project Lakeview

Mayor Mitchell read into the record, “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: 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; Personnel matters pursuant to Section 551.074 - City Manager performance review discussion; and 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 Chia Pet; Lion King; Hot Pursuit; Lakeview.”

The City Council convened into executive session at 10:07 p.m.

20. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 11:34 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.


XI. 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 11:34 p.m.



Travis Mitchell, Mayor



Jennifer Kirkland, City Secretary