

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on August 1, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Anna Boling
Mayor Pro Tem Michael Tobias	Evangelina Chapa
Council Member Bear Heiser	Jack Petersen
Council Member Yvonne Flores-Cale	Casey Ford
Council Member Miguel Zuniga	Colette Resnikoff
Council Member Ashlee Bradshaw	Anthony Davis
Council Member Daniela Parsley	Robert Rizo
Bryan Langley, City Manager	Alex Villalobos
Jerry Hendrix, Assistant City Manager	Sharri Boyett
Amber Schmeits, Assistant City Manager	Lauralee Harris
Paige Saenz, City Attorney	Kelly Arthur
Alison Kelly, Communications Manager	Kenneth Bell
Grant Bowling, Video Production Specialist	Vanessa Westbrook
Jennifer Kirkland, City Secretary	Stephanie Murray
Leon Barba, City Engineer	Wilma Javey
Keshav Gnawali, Engineer	Joe Cantalupo
Yvonne Gil-Vallejo, Project Manager	Stephanie Leibe
Marco Forti, IT Director	Robyn Katz
Will Atkinson, Planning Director	
Jason Lutz, Senior Planner	
Kaela Sharp, City Planner	
Tim Samford, Treatment Operations Manager	
Pedro Hernandez, Assistant Chief of Police	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:01 p.m.

Mayor Mitchell opened the meeting with a Moment of Silence dedicated to the recent passing of Former Mayor Sandra Tenorio of Kyle. 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 - July 12, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Special Meeting Minutes - July 18, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
3. City Council Regular Meeting Minutes - July 18, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the July 12, 2023 Special Council Meeting, July 18, 2023 Special Council Meeting, and the minutes of the July 18, 2023 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 7:04 p.m.

Anna Boling was called to speak as registered. She thanked Council for allowing her artwork to be displayed in Kyle City Hall. She also has artwork displayed at Wake the Dead Coffee House in San Marcos. She spoke about the work that the Arts Commission is doing. She noted that it seems there is a disconnect between Council and the Arts Commission that she hopes will be resolved.

Evangelina Chapa was called to speak as registered. She stated that she would like to inform people that in 2019 there were several meetings regarding downtown Kyle regarding development, design, parking, and zoning. She continued that the then council had a plan to move City Hall to uptown Kyle. She stated that the current City Hall would be the Police Department. She stated that voters felt that the Police Department needed their own building and the City agreed. She stated that the Police Department got worked in as a bundle to allow the City to move to uptown Kyle.

Jack Petersen was called to speak as registered, on behalf of FM 158 Land., He provided materials for the Council on Yarrington Development. He spoke about the Limestone Creek Item No. 12 and stated that agreements were made between Limestone Creek, Waterstone and the then City Manager to divert storm water onto the FM 158 Land property without their permission. He asked that Council figure out another solution for the drainage, as they do not have room. He asked Council to postpone Item No. 12.

Casey Ford was called to speak as registered regarding Item No. 21. She stated that she would share her experience with calling Animal Control and why the discussion on Item No. 21 is critically important. She stated that the Animal Control Officer argued with her on her various specific concerns regarding a lack of water, legality of tethering, lack of shade, and the dog only being able to move a few feet. She continued that she believes the dog is still alive only because of her provision of food and water to the dog for six days. She called again on July 19th and the owner was given a warning and education.

Colette Resnikoff was called to speak as registered in favor of Item No. 21. She spoke about the link between violence toward animals with frequent co-occurring violent crimes toward humans. She also spoke about her participation in Hays County Lost and Found. She stated that there were seven cruelty cases created in all of Hays County in 2021. Williamson County, twice the population of Hays County, had 257 cases for the same year. She spoke about a canine victim on Amberwood Court and the emaciation and lack of water of this particular dog, she stated that a seizure should have been rightfully pursued.

Anthony Davis was called to speak as registered. He spoke about the previous council meeting Item Nos. 10 and 11. He stated his opposition to the removal of cultural commission from the Arts and Cultural Commission. He spoke about the more than 100 years of history for Kyle. He stated that the cultural aspect is needed for this Commission. He spoke about the Dialogues for Peace

and Progress stating that he has served on three of them. He disagreed that people running for office should be unable to participate because they are still Kyle citizens.

Robert Rizo spoke about Sandra Tenorio, who recently passed. He stated that she was the first Hispanic, and first Hispanic woman elected as mayor of the City of Kyle. He spoke about her many other accomplishments including serving as the state chair of the Tejano Democrats, on the Buda City Council, as the Director of the Board of Immigration Issues for the State of Texas Governor and working with United Farm Workers and Valley Interfaith. He spoke about her having been a great person with an infectious smile. He asked Council to find a way to recognize her.

Alex Villalobos also spoke about Sandra Tenorio, and the ripple effects on education, immigration, and public health because of her work, and the effect on many people's lives including his. He stated that her untimely passing and her presence and outreach to all people will be felt.

Sharri Boyett was called to speak as registered regarding Item No. 21. She spoke about the recent heat and of the animals that are outside that are deprived of basic needs. She stated that on Monday she was sent a picture of a dog who was deceased and then she was sent on Tuesday a picture of three dogs abandoned on Yarrington Road. She asked that Council initiate Kyle's participation in Hays County's programs for animal protection. She also thanked Council for their participation in Spay and Neuter.

Lauralee Harris was called to speak as registered. She stated that there's a line item to fund lighting on Kohler's Crossing. She stated that it is already a bright street and does not see any need for additional lighting. She stated that it may be because Kohler's Crossing is classified as a collector road, but that does not mean it should have median lighting. She wonders whether an evaluation has been done about the current level of lighting and the number of accidents that happen at night. She asked that adding additional lighting not proceed until a need has been adequately justified.

Kelly Arthur spoke about the dog at 133 Amberwood Court. She stated that the dog was padlocked to a tether. She spoke about the food and water having been flipped for three days. The Animal Control Officer on a subsequent visit went out to the yard and provided water. She spoke about the multiple calls to this address and the various reports made and actions taken, including multiple days without water, and the dog's body condition being reported as 3 out of 9. The dog was emaciated. She stated that this was unacceptable from a group she has respected and partnered with for a very long time.

Kenneth Bell was called to speak as registered. He spoke about Masons Foundations. He spoke about the good old days of Kyle and asked that the City progress forward and not backwards.

Vanessa Westbrook was called to speak as registered. She spoke about the events across the country since 2020; a deadly virus, the murder of a man by police on social media, a winter freeze, being less than 200 miles away from an elementary school where children were murdered. She stated that amongst all that negativity, in Kyle they've been able to set up dialogue events where citizens could come and speak. She stated that she's heard, seen, and experienced elements of bigotry, prejudice, discrimination, intolerance, racism, narrowmindedness, lack of empathy, cultural insensitivity, and narcissism, from the City's governing body and select staff. She stated that on July 18th she heard the horrors of a narcissistic discussion of who should or would run or

rule over a forum that was designed to have citizens openly voice their thoughts and opinions. She asked Council to think about what they are doing and how they are doing it.

Stephanie Murray was called to speak as registered. She is a former member of the Arts & Cultural Commission. She stated that she has concerns about the cultural part of the Arts & Cultural Commission being taken away. She spoke about the MLK Day Event that she helped bring forward. She spoke about the student participation from the three high schools of Hays CISD. She stated that the cultural events were the most effective in bringing the community together. She stated that just as arts are diverse so is Kyle's culture. She stated that Art and Culture belong together.

Wilma Javey, resident of Kyle, spoke about the separation of Art and Culture from the Arts & Cultural Commission. She stated that when Council voted they discussed possibilities of who could take on the Culture portion, but nothing was finalized. She said that is not good enough, and that we need to know who is going to be responsible, if it's not the Arts & Cultural Commission. She stated that removing all the cultural activities is not good for our community because those things bring us together. She asked what is more American than celebrating the various cultures? She asked for Council to reconsider their decision or at least set up a cultural commission.

Anna Boling stated that she didn't know there had been discussion about separating Arts and Cultural Commission. She stated that her prior comments were not informed. Mayor Mitchell stated that he could not let her continue since she had already spoken.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:43 p.m.

IV. Agenda Order

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

No action was taken.

V. Reports and Presentations

5. Receive a report, hold a discussion and provide staff direction on the possibility of increasing the required widths of streets. ~ *Amber Schmeits, Assistant City Manager*

Jason Lutz presented the item.

Council Member Bradshaw moved to direct staff to proceed with Option 4. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

6. Receive a report, hold a discussion, and provide staff direction regarding implementation of a five-lane cross section for the Bunton Creek Road bond project, to include a two-way left turn lane for safety and operational benefits. ~ *Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager*

Mayor Pro Tem Tobias moved to direct staff to proceed with Option 2. Mayor Mitchell seconded the motion. Motion carried 7-0.

7. Receive a report, hold a discussion, and provide staff direction regarding implementation of a roundabout at the intersection of Lehman Rd and Bunton Creek Rd as part of the Kyle Parkway/Lehman Road Extension bond project. ~ *Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager*

Mayor Pro Tem Tobias moved to direct staff to not implement the roundabout at the intersection of Lehman Road and Bunton Creek Road but to implement a traffic signal. Council Member Flores-Cale seconded the motion.

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

Mayor Mitchell called a recess at 9:02 p.m. Mayor Mitchell called the meeting back to order at 9:15 p.m.

Council Member Parsley moved to reconsider Item No. 7. Mayor Mitchell seconded the motion.

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

Council Member Parsley moved to approve a roundabout at the intersection of Lehman Road and Bunton Creek Road. Mayor Mitchell seconded the motion.

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

VI. Consent Agenda

Council Member Flores-Cale pulled Item No. 12. Mayor Mitchell brought forward Item Nos. 8, 9, 10, 11, 13, 14, 15, 16 and 17 for consideration.

8. Approve a Contract with Hays County for Election Services and Joint Election Agreement. ~ *Jennifer Kirkland, TRMC, City Secretary*
9. *(First Reading)* An ordinance of the City of Kyle, Texas, Ordering a General Election to be held on November 7, 2023, for the Election of Mayor and City Council Districts Two and Four to serve three-year terms; Providing for candidate application methods, designating the main and providing for branch early voting locations for such Election; Providing for an Order and Notice of such General Election; Providing for related matters; Providing a severability clause; and Providing an Effective Date. ~ *Jennifer Kirkland, TRMC, City Secretary*

10. Approve the acceptance of ten (10) easements for utility, drainage, wastewater, and water easements from Lennar Homes of Texas Land and Construction, Ltd. ~ *Leon Barba, P.E., City Engineer*
11. Approve a Resolution of the City Council of the City of Kyle, Texas accepting the Paramount Section 3 subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
13. Approve a resolution establishing a rotation list of the following three (3) firms to provide consulting services for geotechnical and construction materials testing for all city departments: HVJ SOUTH CENTRAL TEXAS, Austin, Texas, TERRACON CONSULTANTS, INC., Austin, Texas, and RABA KISTNER, 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*
14. Approve Amendment #1 to Task Order #1 to CP&Y, Inc., in the amount of \$12,570.00 with total contract amount of \$143,780.00 to continue technical support services for additional coordination with the Texas Commission on Environmental Quality (TCEQ). ~ *Leon Barba, P.E., City Engineer*
15. Approval of Change Order No. 8 to ARCHER WESTERN CONSTRUCTION, LLC., Irving, Texas, in the amount of \$77,490.00, increasing the total contract amount not to exceed \$34,209,676.00 to process the final pay application to close the Wastewater Treatment Plant Expansion project. ~ *Leon Barba, P.E., City Engineer*
16. Authorize award and execution of a purchase order to PEDERNALES ELECTRIC COOPERATIVE (PEC), Johnson City, Texas in an amount not to exceed \$20,577.33 to install a new transformer at the Indian Paintbrush Lift Station. ~ *Leon Barba, P.E., City Engineer*
17. Ratification of Letter Agreement regarding infrastructure and Property Conveyance Agreement - Brick and Mortar District and Transportation Improvement Design, Permitting and Construction Agreement with Plum Creek Development Partners, LTD. ~ *Paige Saenz, City Attorney*

Council Member Bradshaw moved to approve Consent Agenda Item Nos. 8, 9, 10, 11, 13, 14, 15, 16 and 17. Mayor Mitchell seconded the motion. Motion carried 7-0.

VII. Items Pulled from Consent Agenda

12. Approve a Resolution of the City Council of the City of Kyle, Texas accepting the Limestone Creek Phase 1 subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*

Council Member Flores-Cale requested to postpone the item.

Mayor Mitchell moved to approve Agenda Item No. 12. Council Member Parsley seconded the motion. Motion carried 5-2 with Mayor Pro Tem Tobias and Council Member Flores-Cale dissenting.

VIII. Consider and Possible Action

18. Consideration and approval of a Resolution relating to Establishing the City's Intention to Reimburse itself for the prior Lawful Expenditure of Funds relating to Constructing various City Improvements from the Proceeds of Tax-Exempt Obligations to be issued by the City for Authorized Purposes; Authorizing other matters incident and related thereto; and Providing an Effective Date. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Council Member Zuniga moved to approve Agenda Item No. 18. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

Before moving on to Agenda Item No. 19, Mayor Mitchell asked whether there were any objections to finally passing Agenda Item No. 9. Ms. Kirkland stated that polling places, dates and times would be finalized for second reading on August 15, 2023. The ordinance was not finally passed.

19. Approve a contract with CP&Y, Inc., dba STV Infrastructure (STV), San Antonio, TX in an amount not to exceed \$2,195,236.40 to provide a preliminary engineering report (30%) for the Phase 2 Wastewater Treatment Plant expansion from 4.5 million gallons per day (MGD) to 9.0 MGD and to provide design, bid, award and project administration for a Non-Potable Water System. ~ *Leon Barba, P.E., City Engineer*

Council Member Flores-Cale moved to approve Agenda Item No. 19. Mayor Mitchell seconded the motion.

Tim Samford provided information on the item.

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

20. Approve a contract by and between Wastewater Transport Services and the City of Kyle in an approximate amount of \$230,000.00 per year for the hauling and disposal of wastewater treatment plant solids. ~ *Harper Wilder, Director of Public Works*

Mr. Samford presented the item.

Council Member Flores-Cale moved to approve Agenda Item No. 20. Council Member Parsley seconded the motion. Motion carried 7-0.

Mr. Samford asked for clarification to approve "as recommended by staff," and Mayor Mitchell affirmed.

21. Presentation, discussion, and possible action to improve animal safety during extreme weather events. ~ *Robyn Katz, Presenter and Miguel A. Zuniga PhD and Yvonne Flores-Cale, Council Members*

Robyn Katz presented the item.

Council Member Flores-Cale moved to direct staff to work with Ms. Gonzales to hold a legal educational training regarding animal law. Council Member Heiser seconded the motion.

Mayor Mitchell called for the vote. Motion failed 2-5 with Mayor Mitchell, Mayor Pro Tem Tobias, and Council Members Zuniga, Bradshaw and Parsley dissenting.

No further action was taken.

22. Hold a discussion and request that the staff bring back a report on options to address increased panhandling and associated issues in the city of Kyle. ~ *Daniela Parsley, Council Member*

Assistant Chief Hernandez provided information on the item.

Council Member Parsley moved to direct staff to look into the paragraph of the ordinance about begging and if it does not include sitting or standing with a sign. Mayor Mitchell seconded the motion.

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

23. Consider and possible action to not open the Steeplechase & Gregg Clark Park Splashpads until the city's water restriction requirement is lower than Stage 2. ~ *Bear Heiser, Council Member*

Council Member Heiser moved to direct staff to withhold announcing an opening date for these two splashpads until we are out of Stage 2 water restriction. Motion died for lack of a second.

Council Member Parsley moved to direct staff to evaluate three weeks before the opening of the splashpads and see if the situation allows for the water usage that we will be consuming. Council Member Heiser seconded the motion. Motion failed 3-4 with Mayor Mitchell, Mayor Pro Tem Tobias, and Council Members Flores-Cale and Zuniga dissenting.

No further action was taken.

IX. Executive Session

24. Executive Session 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,

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Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct.

- Sunfield Municipal Utility District
 - The Development Agreement Establishing Development Standards for the Waterfront at Marketplace Development
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
 - Property Acquisition Bunton & Lehman
 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 Hot Pursuit
 - Project Face Lift
 - Project Opal Ranch
 - Project Two Step
 - Project Lion King
 - Project Sahara
 - Project Chia Pet

There was no executive session.

25. Take action on items discussed in Executive Session.

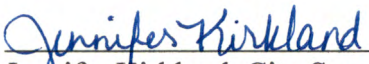
X. Adjourn

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 10:47 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer Kirkland, City Secretary