

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on October 2, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell
Mayor Pro Tem Michael Tobias
Council Member Bear Heiser
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
Veronica Rivera, Assistant City Attorney
Rachel Sonnier, Communications Director
Grant Bowling, Video Production Specialist
Emily Hughes, Assistant City Secretary
Leon Barba, City Engineer
Victoria Vargas, Economic Development Director
Perwez Moheet, Finance Director
Marco Forti, IT Director
Will Atkinson, Planning Director
Kaela Sharp, City Planner
Jeff Barnett, Chief of Police
Tim Griffith, Police Commander
James Plant, Police Officer
Dan Pruett, Police Officer
Tim Samford, Wastewater Treatment Division Mgr.

Evangelina Chapa
Robert Ferguson
Ashley Kontnier
Sandy Gonzalez
Stephanie Liebe
Tim Miller

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:04 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 - September 19, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Regular Meeting Minutes - September 19, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

*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.

Mayor Pro Tem Tobias moved to approve the minutes of the September 19, 2023 Special Council Meeting and the minutes of the September 19, 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 7:05 p.m.

Evangelina Chapa was called to speak as registered. She spoke about Item No. 30 from the September 19, 2023 meeting. She stated there were a lot of questions marks left unclear at the end of the meeting, and that even the P&Z Commissioners were confused at their meeting. She also stated that during the State of the City address, the mayor praised this development project (the Caraway project). She wondered if there is a third version to explain to the residents for them to understand what is happening.

Robert Ferguson was called to speak as registered. He stated it was recently brought to his attention that the city is seeking advice on what to do with the community center in the future, but the methodology used is only by the internet or polling. He stated there is a considerable number in our community that do not have internet capability. He also stated the previous mayor told him that the city sent a copy of the entire charter to every member of the community. He asked that for the members of the community that are not internet savvy, he would suggest Council consider directing the Communication Department to do something similar.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:09 p.m.

IV. Agenda Order

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

No action was taken.

V. Reports and Presentations

4. National Night Out Proclamation. ~ *Bear Heiser, Council Member*

Council Member Heiser read aloud the Proclamation acknowledging National Night Out. Chief Barnett provided more information about National Night Out. No action was taken.

5. Hays Free Press Anniversary Proclamation. ~ *Yvonne Flores-Cale, Council Member*

Council Member Flores-Cale read aloud the Proclamation acknowledging Hays Free Press Anniversary. Ashley Kontnir from the Hays Free Press spoke. No action was taken.

6. Domestic Violence Awareness Month Proclamation. ~ *Bear Heiser and Daniela Parsley Council Members*

Council Member Parsley read aloud the Proclamation acknowledging Domestic Violence Awareness Month. Sandy Gonzales from the Hays-Caldwell Women's Center spoke. No action was taken.

7. Presentation of Graduates of the 2023 Team Kyle Academy. ~ *Jerry Hendrix, Assistant City Manager*

Mr. Hendrix presented the item. Ms. Sonnier read aloud the names of the graduates.

The graduates were: Michelle Martinez, Lisa M. Ayala, Rochelle Alonzo, Michael Walsh, Grace Bohannon Castaneda, Gracie Rocha, Angela Harelick, Rebecca Chapa, Evangelina Chape, Mayra Zamora, Jennifer Koenig, Lize Challis, Vanessa Westbrook, Dustin Brunson, Mary Grace Reyes.

No action was taken.

After the presentation of the graduates, Mayor Mitchell called a recess at 7:33 p.m. He called the meeting back to order at 7:40 p.m.

VI. Consent Agenda

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

8. 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 #2 of the Southwest Kyle Public Improvement District No. 1; Approving a Preliminary Amended and Restated Service and Assessment Plan Updated for Improvement Area #2, Including a Proposed Improvement Area #2 Assessment Roll; Directing the Filing of the Proposed Improvement Area #2 Assessment Roll with the City Secretary to Make Available for Public Inspection; Noticing a Public Hearing for October 17, 2023 to Consider an Ordinance Levying Assessments on Property Located within Improvement Area #2 of the Southwest Kyle Public Improvement District No. 1; 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*
9. Consideration and Approval of a Resolution of the City of Kyle, Texas Preliminary Limited Offering Memorandum for Southwest Kyle PID No. 1 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 (Southwest Kyle Public Improvement District No. 1 Improvement Area #2 Projects); and Resolving other matters incident and related thereto. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*
10. Approve a Resolution for Task Order No. 18 to LJA ENGINEERING, INC., Austin, Texas, in the amount not exceed \$122,428.00 for the Schlemmer St./Porter St Wastewater Phase 3 Project. ~ *Leon Barba, P.E., City Engineer*
11. A Resolution of the City of Kyle, Texas, Releasing Approximately 89.3 acres of Land from the City of Kyle's Extraterritorial Jurisdiction Pursuant to Subchapter D, Chapter 42, Texas Local Government Code. ~ *Paige Saenz, City Attorney*

12. Approve Plum Creek Phase 2, Section 4A - Final Plat (SUB-22-0275) 31 acres; 140 single family residential lots and 9 drainage easement/open space lots for property located at intersection of Rickardson and Salta. ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the final plat.

Council Member Flores-Cale moved to approve Consent Agenda Item Nos. 8, 9, 10, 11, and 12. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

VII. Items Pulled from Consent Agenda

13. Approve a Resolution for an Interlocal Agreement by and between the City of San Marcos and the City of Kyle for a Water Sharing Arrangement. ~ *Tim Samford, WWTP Division Manager*

Council Member Flores-Cale moved to approve Item No. 13. Council Member Zuniga seconded the motion. Motion carried 7-0.

VIII. Consider and Possible Action

14. Approve a Resolution authorizing award and execution of a construction agreement with ATLAS CONSTRUCTION CORPORATION, Granite Shoals, Texas, the best value, and lowest bidder, in an amount not to exceed \$1,605,925.31, which includes a five (5) percent contingency to perform all work required for the construction of the FM 110 16" Waterline Project. ~ *Leon Barba, P.E., City Engineer*

Council Member Flores-Cale moved to approve Agenda Item No. 14. Council Member Parsley seconded the motion. Motion carried 6-0. Due to technical difficulties, Council Member Bradshaw was off-camera, and pursuant to Section 551.127 (a-3), Texas Government Code, was considered absent.

15. *(Second Reading)* An Ordinance of the City of Kyle, Texas, in accordance with Chapter 47, Article III authorizing and directing the installation and erection of NO PARKING signs to prohibit parking on Arbor Knot Drive in the city limits of Kyle; fixing a penalty therefore; providing for severability; providing for repeal of conflicting ordinances; and ordaining other provisions related to the subject matter thereof. ~ *Leon Barba, P.E., City Engineer*

City Council voted 7-0 to approve on First Reading on 9/19/2023 with direction to staff for possible amendments.

Council Member Flores-Cale moved to approve Agenda Item No. 15. Council Member Zuniga seconded the motion. Motion carried 6-1 with Council Member Parsley dissenting.

16. [Postponed 9/5/2023] *(First Reading)* An ordinance of the City of Kyle, Texas annexing approximately 37.99 acres of land located at 301 Bebee Road in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City (Caraway Cattle Company Family Partnership LLLP - ANNX-22-0019). ~ *Will Atkinson, Director of Planning*

- Public Hearing

Public Hearing was left open on 9/5/2023.

Mayor Mitchell opened the public hearing at 7:55 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item No. 16 until the next regularly scheduled council meeting. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

17. [Postponed 9/5/2023](*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 101 acres to Planned Unit Development (PUD, to include approximately 72 acres of Retail Services Zoning 'RS' and approximately 29 acres Multifamily Apartments 3 'R-3-3' for property located at 301 Bebee Road in Hays County, Texas (Caraway Cattle Company Family Partnership LLLP - Z-22-0110). ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted to postpone until the 9/26/23 P&Z meeting.

- Public Hearing

Public Hearing was left open on 9/5/2023.

Mayor Mitchell opened the public hearing at 7:56 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item No. 17 until the next regularly scheduled council meeting. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

18. Consider and Possible Action to direct City Manager and staff to work on a sidewalk priority plan, metrics, and ranking system based on pedestrian mobility throughout the city. ~ *Miguel A. Zuniga PhD, Council Member*

Council Member Zuniga moved to direct the city manager and staff to go back, revisit what we had, so that we can look at sidewalk priority, metrics, ranking systems, conduct sidewalk audits for repairs, so we can get feedback on how to build better connectivity and walkability throughout the city. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

19. Consider and Possible Action to direct city manager and staff to implement a speed study on Opal Road to address traffic concerns. ~ *Miguel A. Zuniga PhD and Yvonne Flores-Cale, Council Members*

Mr. Tim Miller was called to speak regarding traffic, including the operation of heavy-duty semi-trucks that come through on Opal. He stated he has asked for speed bumps for the last two years to slow the trucks down. Council Member Heiser provided more information about traffic stops on Opal Lane.

Council Member Heiser moved to direct staff to work with Chief Barnett and the police department to conduct a two-week traffic study to gauge speed and direction. Council Member Zuniga seconded the motion.

Chief Barnett provided additional information on the item.

Council Member Parsley moved to call the question. Council Member Flores-Cale seconded the motion.

Mayor Mitchell requested a roll call vote on motion to call the question. Council Member Heiser voted aye; Mayor Pro Tem Tobias voted aye; Council Member Parsley voted aye; Council Member Flores-Cale voted aye; Mayor Mitchell voted aye; Council Member Bradshaw voted aye; Council Member Zuniga voted aye. Motion carried 7-0.

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

IX. Executive Session

20. 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
 - Acquisition of property for transportation improvements and related infrastructure
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 Heatstroke
 - Project Uplift
 - Project Hot Pursuit
 - Project Underground
 - Project The Stars are Bright

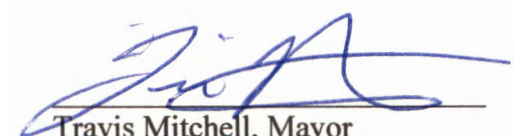
There was no executive session.

21. Take action on items discussed in Executive Session.

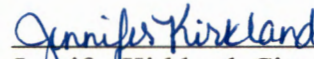
X. Adjourn

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 8:37 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer Kirkland, City Secretary