

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on October 17, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Susan Reyna
Mayor Pro Tem Michael Tobias	Cynthia Bentley
Council Member Bear Heiser	Betty Conley
Council Member Yvonne Flores-Cale	Karen Herrmann
Council Member Miguel Zuniga	Janelle Rodriguez
Council Member Ashlee Bradshaw	Joe Cantalupo
Council Member Daniela Parsley	Mark McLiney
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	
Victoria Vargas, Economic Dev. Director	
Mariana Espinoza, Parks & Recreation Director	
Aimee Garcia, Recreation Manager	
Claudia Rocha, Special Events Manager	
Will Atkinson, Planning Director	
Kaela Sharp, City Planner	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Assistant Chief of Police	

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 7:01 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 - October 2, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Regular Meeting Minutes - October 2, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the October 2, 2023 Special Council Meeting and the minutes of the October 2, 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 7:03 p.m.

Susan Reyna representing Preservation Associates, Inc. was called to speak as registered. She thanked Council Member Zuniga for speaking at the Library last month, and Mayor Pro Tem Tobias who will be speaking tomorrow night. She stated that on the 3rd Wednesday of the month they are hosting a series on the History of Kyle.

Cynthia Bentley, representing Unforgettable Families & Friends was called to speak as registered. She spoke alongside Betty Conley who presented as president of the Kyle Area Senior Zone regarding the Pillows of Peace. She provided information about the program and its support of victims of domestic violence.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:07 p.m.

### **IV. Agenda Order**

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

No action was taken.

### **V. Appointments**

4. Approve a Resolution appointing fourteen individuals to fill vacancies on the Kyle Area Youth Advisory Committee. ~ *Mariana Espinoza, Director of Parks & Recreation*

Benjamin Gresham

Alexia Smith

Gabriel Belmonte

Mirabella Dietz

Sophia Ramirez

Isabella Green

Donovan Santine

Joshua Powers

Charlotte Garza

Mason Coleman

Alicia Bush

Terrance Grant JR

Gavin Rasendez Lopez

Jackson Juel

Ms. Espinoza and Ms. Aimee Garcia presented the item.

Council Member Heiser moved to approve the appointment of thirteen individuals (Gabriel Belmonte, Charlotte Garza, Alexia Smith, Joshua Powers, Sophia Ramirez, Mirabella Dietz, Mason Coleman, Donovan Santine, Gavin Rasendez Lopez, Isabella Green, Terrance Grant JR, Anthony Jaramillo and Jackson Juel) to fill vacancies on the Kyle Area Youth Advisory Committee. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

### **VI. Reports and Presentations**

5. Recognition of Quilt Recipients for Quilts of Valor. ~ *Travis Mitchell, Mayor*

Mayor Mitchell recognized Mike Hinz, David Easty, and Randall Vela as quilt recipients. Ms. Karen Herrmann spoke on behalf of Quilts of Valor. No action was taken.

6. A Proclamation recognizing Fentanyl Poisoning Awareness Month, ~ *Miguel A. Zuniga PhD, Council Member*

Janelle Rodriguez spoke on behalf of the organization Forever Fifteen. No action was taken.

7. Presentation of Kiwanis Kyle Buda TX 5th Year Anniversary Proclamation. ~ *Michael Tobias, Mayor Pro Tem*

No action was taken.

8. Proclamation recognizing Immigrants Day. ~ *Daniela Parsley, Council Member*

No action was taken.

9. Upcoming Parks & Recreation events. ~ *Mariana Espinoza, Director of Parks & Recreation*

No action was taken. Council Member Bradshaw left the dais at 7:58 p.m.

## **VII. Consent Agenda**

Council Member Parsley pulled Item Nos. 10 and 13. Mayor Mitchell brought forward Item Nos. 11 and 12 for consideration.

11. Approve a resolution establishing a rotation list of the following two (2) firms to provide surveying services for all city departments: McGRAY & McGRAY LAND SURVEYORS, INC., Austin, Texas, AND COBB, FENDLEY & ASSOCIATES, INC., San Marcos, 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*
12. *(First Reading)* An Ordinance Amending Chapter 2 - Administration, Article III. - Boards, Committees and Commissions, Division 1 – Generally, Sections 2-42. Appointment and 2-50. Ex Officio Members; and Amending Division 4. – Economic Development and Tourism Board Sections 2-113. – General Duties; and 2-113.5. Qualifications for Appointment and Membership; and Adding Section 2-113.6. Officers; Providing an Effective Date; and Providing for Open Meetings. ~ *Victoria Vargas, Director of Economic Development*

Mayor Mitchell moved to approve Consent Agenda Item Nos. 11, and 12. Council Member Flores-Cale seconded the motion. Motion carried 6-0. Council Member Bradshaw was absent for the vote.

## **VIII. Items Pulled from Consent Agenda**

10. Approve Task Order No. 3 to Lockwood, Andrews & Newnam, Inc. in the amount not to exceed \$23,535 for environmental services relating to the Windy Hill Road bond project. ~ *Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager*

Council Member Bradshaw returned to the dais at 8:00 p.m. Council Member Parsley moved to approve Item No. 10. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

13. Approve a License Agreement between the City of Kyle and Rachel and Ruben Guerrero for property located at 213 S Old Highway 81 to allow parking to encroach City right-of-way on East Moore St. ~ *Will Atkinson, Director of Planning*

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

#### **IX. Consider and Possible Action**

14. Approve Task Order No. 6 to Pape-Dawson Consulting Engineers, LLC in the amount not to exceed \$450,567.75 for development of a final design schematic of the intersection of Jack C Hays Trail and Veterans Drive and the reconstruction of Jack C Hays Trail from Veterans Drive to 1200 ft east of Veterans Drive. ~ *Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager*

Council Member Flores-Cale moved to approve Task Order No. 6 to Pape-Dawson Consulting Engineers, LLC in the amount not to exceed \$450,567.75 for development of a final design schematic of the intersection of Jack C Hays Trail and Veterans Drive and the reconstruction of Jack C Hays Trail from Veterans Drive to 1200 ft east of Veterans Drive. Mayor Pro Tem Tobias seconded the motion. Motion carried 6-1 with Council Member Parsley dissenting.

15. Approve a Resolution establishing the date for a public hearing to be held on December 5, 2023, as required under Chapter 395 of the Texas Local Government Code, to consider, discuss, and review the update to the water and wastewater land use assumptions, water and wastewater capital improvements plan, and imposition of updated water and wastewater impact fee amounts. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell moved to approve a Resolution establishing the date for a public hearing to be held on December 5, 2023, as required under Chapter 395 of the Texas Local Government Code, to consider, discuss, and review the update to the water and wastewater land use assumptions, water and wastewater capital improvements plan, and imposition of updated water and wastewater impact fee amounts. Council Member Parsley seconded the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

16. [Postponed 10/2/2023] (*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 10/2/2023.*

Mayor Mitchell opened the public hearing at 8:32 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.



Mayor Mitchell moved to postpone 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 until December 5, 2023. Council Member Parsley seconded the motion. Motion carried 7-0.

17. [Postponed 10/2/2023] *(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 10/18/23 P&Z meeting.*

- Public Hearing

*Public Hearing was left open on 10/2/2023.*

Mayor Mitchell opened the public hearing at 8:33 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone 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 until December 5, 2023. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

18. Public Hearing to Consider Proposed Assessments to be Levied Against the Assessable Property Within Improvement Area #2 of the Southwest Kyle Public Improvement District No. 1 Pursuant to the Provisions of Chapter 372 of the Texas Local Government Code. ~ *Mark McLiney, SAMCO Capital, City's Financial Advisor*

Mayor Mitchell opened the public hearing at 8:34 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:34 p.m.

19. Consideration and Approval of an Ordinance of the City Council of the City Of Kyle, Texas Accepting and Approving an Amended and Restated Service and Assessment Plan and Improvement Area #2 Assessment Roll for The Southwest Kyle Public Improvement District No. 1; Making a Finding of Special Benefit to the Property in Improvement Area #2 of the District; Levying Special Assessments Against Property Within Improvement Area #2 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; and Providing an Effective Date. ~ *Mark McLiney, SAMCO Capital, City's Financial Advisor*

20. Consideration and Approval of an Ordinance Approving and Authorizing the Issuance and Sale of the City of Kyle, Texas, Special Assessment Revenue Bonds, Series 2023 (Southwest

Kyle Public Improvement District No. 1 Improvement Area #2 Projects) and Approving and Authorizing Related Agreements. ~ *Mark McLiney, SAMCO Capital, City's Financial Advisor*

Mayor Mitchell brought forward Item Nos. 19 and 20 simultaneously.

Council Member Parsley moved to approve Item Nos. 19 and 20. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

#### **X. Executive Session**

21. 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.
  - Discussion regarding water infrastructure and related agreements in pressure plane three.
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.
  - 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
  - Project Chia Pet

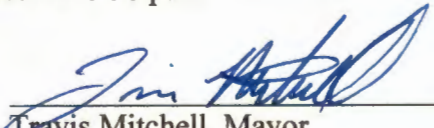
There was no executive session.

22. Take action on items discussed in Executive Session.

#### **XI. 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 8:38 p.m.

  
Travis Mitchell, Mayor

ATTEST:

  
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Jennifer Kirkland, City Secretary