

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on November 14, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Pete Monroe
Mayor Pro Tem Michael Tobias	Diana Gonzales
Council Member Bear Heiser	Lisa Young
Council Member Robert Rizo	Kim Dean
Council Member Miguel Zuniga	Graham Moore
Council Member Ashlee Bradshaw	Kent Sick
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 Dev. Director	
Perwez Moheet, Finance Director	
Marco Forti, IT Director	
Colleen Tierney, Library Director	
Mariana Espinoza, Parks & Recreation Director	
Benito Pereda, Parks & Trails Maint. Supervisor	
Aimee Garcia, Recreation Manager	
Will Atkinson, Planning Director	
Kaela Sharp, City Planner?	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Assistant Chief of Police	
Tracy Vrana, Police Sergeant	
Catlyn Bone, Police Sergeant	
Daniel Preston, Police Sergeant	
James Plant, Police Officer	
Dan Pruett, Police Officer	
Dago Pates, Police Officer	
Art Cardona, Police Officer	
Desmin Jussila, Police Officer	
David Call, Police Officer	
Kelly Barron, Victims Services Coordinator	
Hannah-Bea Bickford, Victims Advocate	
Maria Requejo, Records Compliance Coord.	
Tim Samford, WW Treatment Div. Mgr.	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:05 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 Rizo, 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 17, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Regular Meeting Minutes - October 17, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the October 17, 2023 Special Council Meeting and the minutes of the October 17, 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 7:07 p.m.

Pete Monroe, Commander of VFW Post 12058, was called to speak as registered. He stated that he understands the old VFW will be demolished. He stated his request that the City not demolish the sign. He asked for the City's assistance with relocating the sign.

Diana Gonzales, Public Affairs Rep of Pedernales Electric Cooperative was called to speak as registered. She spoke about PEC's 85th anniversary celebration. 5/19/1938 officially established. History of PEC. Spoke about their service to 24 counties and 45 franchise cities. 7 cooperative principles, concern for community, desire to make a difference in the communities they serve.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:12 p.m.

IV. Agenda Order

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

No action was taken.

V. Appointments

4. Consider appointment of Gloria Otto to Seat 2 of the Library Board for two-year term expiring September 2025. ~ *Colleen Tierney, Director of Library Services*

Mayor Pro Tem Tobias moved to approve the appointment of Gloria Otto to Seat 2 of the Library Board for two-year term expiring September 2025 Council Member Heiser seconded the motion. Motion carried 7-0.

VI. Reports and Presentations

5. Hunger Action Month Mayoral Proclamation. ~ *Travis Mitchell, Mayor*

Lisa Young, the Director of the Hays County Food Bank spoke about giving out turkeys in the community.

No action was taken.

6. Veteran's Day Proclamation in honor of November 11th. ~ *Miguel A. Zuniga PhD, Council Member*

No action was taken.

7. Proclamation recognizing Diabetes Awareness. ~ *Miguel A. Zuniga PhD, Council Member*

No action was taken.

8. Presentation and Recognition of the Kyle Citizens Police Academy Graduating Class - Class #15. ~ *Jeff Barnett, Chief of Police*

Chief Barnett introduced the item and presented the Kyle Citizens Police Academy Graduating Class #15 alongside Officer Plant. No action was taken.

9. Receive a report, hold a discussion, and consider approval of a resolution to name the interview space and waiting area for the Victims Services Unit within the Kyle Public Safety Center, in the honor of Samantha and Maddeline Dean. ~ *Jeff Barnett, Chief of Police*

Chief Barnett presented the item. Kelly Barron also provided information about the goal she had to honor Samantha Dean in some way. She stated that before victim interviews were conducted in suspect interview rooms or patrol room and would like to have a more comfortable and safe place for victims. Ms. Kim Dean spoke about her daughter and granddaughter.

Mayor Mitchell moved to approve a resolution to name the interview space and waiting area for the Victims Services Unit within the Kyle Public Safety Center, in the honor of Samantha and Maddeline Dean. Council Member Rizo seconded the motion. Motion carried 7-0.

Mayor Mitchell called a recess at 7:48 p.m. Mayor Mitchell called the meeting back to order at 7:59 p.m.

10. Receive a report, hold a discussion, and provide Staff direction regarding the creation of a Downtown TIRZ. ~ *Will Atkinson, Director of Planning*

Council Member Heiser moved to direct staff to proceed with the process of creating TIRZ No. 6. Council Member Parsley seconded the motion. Motion carried 7-0.

11. Receive a report, hold a discussion, and provide staff direction regarding an interim financing strategy for the construction of the remaining Alliance Regional Water Authority (ARWA) Phase 1B projects and Phase 1C/1D expansions. ~ *Graham Moore, P.E., Executive Director*

Graham Moore presented the item. Mr. Moheet also provided information on the item.

Council Member Rizo moved to direct staff to bring back an interim financing strategy for the construction of the remaining Alliance Regional Water Authority (ARWA) Phase 1B projects and Phase 1C/1D expansions. Mayor Mitchell seconded the motion. Motion carried 7-0.

VII. Consent Agenda

Council Member Parsley pulled Item No. 14. Mayor Mitchell brought forward Item Nos. 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, and 23 for consideration.

12. A Resolution of the City of Kyle, Texas, Calling a Runoff Election on Saturday, December 9, 2023, for the Purpose of Electing a Council Member District 4; Providing for Early Voting and for Notice of the Election; and Providing for Other Matters Relating to the Election and Setting an Effective Date. ~ *Jennifer Kirkland, TRMC, City Secretary*
13. (Second 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*

City Council voted 7-0 to approve on first reading on 10/17/2023.
15. Approve a Resolution of the City Council of the City of Kyle, Texas accepting the K-50 (Opal Meadows) 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*
16. A Resolution of the City of Kyle, Texas, approving a Utilities Agreement between the City of Kyle and PEDERNALES ELECTRIC COOPERATIVE, INC., Johnson City, TX for the installation of lighting along E. FM 150 in the amount not to exceed \$83,736.90 which includes a 20% contingency; authorizing the City Manager to execute the agreement. ~ *Leon Barba, P.E., City Engineer*
17. Ratify the Schlemmer and Porter Phase 2 wastewater line project contract with CEDAR HILLS CONSTRUCTION, LLC, Leander, TX for additional asphalt paving, in an amount not to exceed \$13,877.30 and increasing total contract amount not to exceed \$498,619.80. ~ *Leon Barba, P.E., City Engineer*
18. Authorize the Chief of Police to accept a Strategic Traffic Enforcement Program (STEP) Commercial Motor Vehicle (CMV) grant in an amount no greater than \$15,200.00 from Texas Department of Transportation (TXDOT) and authorize an estimated 20% matching funding from the Police Department's approved operating budget for FY 2023-2024 in an amount not to exceed \$3,500 to fund the STEP Grant Program for one year beginning October 1, 2023 and ending September 30, 2024. The application for this grant was authorized by the City Council in December 2022. The application was approved by TXDOT on August 1, 2023. ~ *Jeff Barnett, Chief of Police*

19. *(First Reading)* An Ordinance of the City of Kyle, Texas Repealing Chapter 23 – Miscellaneous Offenses, Article III. Curfew for Minors; Providing open meeting clauses; Providing an effective date; and providing for related matters. ~ *Jeff Barnett, Chief of Police*

Chief Barnett presented the item after presenting Item No. 21 while a motion to approve the consent agenda was on the table.

After Item No. 28, Mayor Mitchell asked whether there were any objections to finally passing Item No. 19. There were none.

20. Approve a resolution authorizing the Chief of Police to enter into a Memorandum of Understanding between the City of Kyle Police Department and the City of San Marcos Police Department for the purpose of enhancing its abilities to deter illicit narcotics trafficking and possession by multiplying the number of officers/detectives on hand to conduct narcotics and criminal investigations in both cities. ~ *Jeff Barnett, Chief of Police*

21. Approve a Purchase Order in an amount not to exceed \$151,000.00 to the Lower Colorado River Authority (LCRA), for the purchase of thirty-six (36) L3Harris two-way radios with necessary accessories and allowing for trade in of twelve (12) outdated handheld units. ~ *Jeff Barnett, Chief of Police*

Chief Barnett presented the item while a motion to approve the consent agenda was on the table.

22. Approve a Resolution of the City of Kyle, Texas, Approving a 10-year contract between the City of Kyle and Axon Enterprises, Inc (Axon) for Body Cameras in an amount not to exceed \$324,904.00; Authorizing the city manager to execute the agreement; and Providing for Open Meetings and other related matters. ~ *Jeff Barnett, Chief of Police*

23. Consider and possible action to approve a Resolution of the City of Kyle, Texas, Approving the First Amendment to the Funding Agreement for the Citizen Reporting System between the City of Kyle and Hays County; Authorizing the City Manager to execute the agreement; and Providing for Open Meetings and other related matters. ~ *Jeff Barnett, Chief of Police*

Council Member Rizo moved to approve Consent Agenda Item Nos. 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, and 23. Council Member Heiser seconded the motion. Motion carried 7-0.

After the vote, Council Member Zuniga requested information on Item No. 17. Mr. Barba presented the item. Mr. Moheet also provided information on the item.

VIII. Items Pulled from Consent Agenda

14. Approve a resolution authorizing the City Manager to execute a Letter Agreement by and between the Crosswinds Municipal Utility District and the City of Kyle for a cost sharing arrangement for water system improvements. ~ *Amber Schmeits, Assistant City Manager*

Council Member Parsley moved to deny a resolution authorizing the City Manager to execute a Letter Agreement by and between the Crosswinds Municipal Utility District and the City of Kyle for a cost

sharing arrangement for water system improvements. Council Member Zuniga seconded the motion. Council Member Parsley withdrew her motion.

Council Member Heiser moved to approve a resolution authorizing the City Manager to execute a Letter Agreement by and between the Crosswinds Municipal Utility District and the City of Kyle for a cost sharing arrangement for water system improvements. Council Member Rizo seconded the motion. Motion carried 7-0.

IX. Consider and Possible Action

24. Approve a Resolution of the City Council of the City of Kyle, Texas authorizing offer amounts not to exceed \$1,759,000 for the acquisition of 6 parcels and attendant relocation packages for the affected landowners in Quail Ridge for the construction of S. Goforth Road. ~ *Amber Schmeits, Assistant City Manager*

Council Member Parsley moved to approve a Resolution of the City Council of the City of Kyle, Texas authorizing a starting offer amount not to exceed \$1,759,000 for the acquisition of 6 parcels and attendant relocation packages for the affected landowners in Quail Ridge for the construction of S. Goforth Road. Mayor Mitchell seconded the motion.

Kent Sick, City's Condemnation Attorney provided information on the item.

Motion carried 6-1 with Mayor Pro Tem Tobias dissenting.

25. Approve the resolution authorizing the City Manager to execute the bid for work to American Abatement to demolish the three city-owned properties located at 300 W. Center Street, 103 S. Front Street and 111 S. Front Street and perform asbestos surveying and removal in an amount not to exceed \$175,670. ~ *Amber Schmeits, Assistant City Manager*

Mayor Mitchell moved to approve the resolution authorizing the City Manager to execute the bid for work to American Abatement to demolish the three city-owned properties located at 300 W. Center Street, 103 S. Front Street and 111 S. Front Street and perform asbestos surveying and removal in an amount not to exceed \$175,670. Council Member Heiser seconded the motion. Motion carried 7-0.

26. Approve Brick & Mortar Mixed-Use Development - Site Plan (SD-23-0201) 4.77 acres; 1 mixed-use lot located at 4030 S. FM 1626. ~ *Will Atkinson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the site plan.

Council Member Rizo moved to approve Brick & Mortar Mixed-Use Development - Site Plan (SD-23-0201) 4.77 acres; 1 mixed-use lot located at 4030 S. FM 1626. Council Member Heiser seconded the motion. Motion carried 7-0.

27. Approve the proposal from Matrix Consulting Group to conduct a police operations and projection study in an amount not to exceed \$93,000. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell moved to approve the proposal from Matrix Consulting Group to conduct a police operations and projection study. Council Member Heiser seconded the motion. Motion carried 7-0.

28. Consideration and approval of a Resolution Setting a Public Hearing for the Creation of a Tax Increment Reinvestment Zone Number 5. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Council Member Heiser moved to approve a Resolution Setting a Public Hearing for the Creation of a Tax Increment Reinvestment Zone Number 5. Council Member Rizo seconded the motion. Motion carried 6-1 with Council Member Parsley dissenting.

29. Consider and possible action to appoint new members to the Sportsplex Taskforce. ~ *Bear Heiser and Miguel A. Zuniga PhD, Council Members*

Council Member Heiser moved to appoint Council Member Rizo and Hays County Commissioner Cohen to the Sportsplex Taskforce. Council Member Zuniga seconded the motion. Motion carried 7-0.

X. Executive Session

30. 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.
 - Crosswinds Letter Agreement
 - Cause No. 23-2787, John D Ferrara vs. City of Kyle and Bryan Langley, in his official capacity as City Manager of City of Kyle
 - Cause No. 5:21-CV-00237, Ferrara v. Barnett, et al; In the US District Court for the Western District of Texas San Antonio Division
 - ETJ Release Petitions
 - Potential Regulations Regarding Use of Public Areas
 - Quail Ridge property relocation packages
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
 - Quail Ridge Property Relocation Packages
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
- Project Pixel
- Project Sunrise
- Project Two Step

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: 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 - Crosswinds Letter Agreement; Cause No. 23-2787, John D Ferrara vs. City of Kyle and Bryan Langley, in his official capacity as City Manager of City of Kyle; Cause No. 5:21-CV-00237, Ferrara v. Barnett, et al; In the US District Court for the Western District of Texas San Antonio Division; ETJ Release Petitions; Potential Regulations Regarding Use of Public Areas; Quail Ridge property relocation packages; 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; Quail Ridge Property Relocation Packages; 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 Hot Pursuit; and Project Chia Pet."

The City Council convened into executive session at 9:40 p.m.

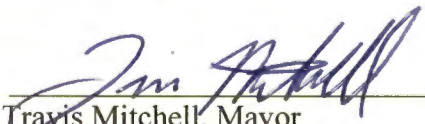
31. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 10:19 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 Parsley seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 10:19 p.m.


Travis Mitchell, Mayor

ATTEST:


Jennifer Kirkland, City Secretary