

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on November 20, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell
Mayor Pro Tem Michael Tobias
Council Member Bear Heiser
Council Member Robert Rizo
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
Jennifer Kirkland, City Secretary
Leon Barba, City Engineer
Victoria Vargas, Economic Dev. Director
Perwez Moheet, Finance Director
Marco Forti, IT Director
Mariana Espinoza, Parks & Recreation Director
Benito Pereda, Parks & Trails Maint. Supervisor
Will Atkinson, Planning Director
Kaela Sharp, City Planner
Harper Wilder, Public Works Director
Scott Egbert, Streets Division Manager

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:02 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. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:03 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 7:03 p.m.

III. Agenda Order

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

No action was taken.

IV. Appointments

2. Consider the following appointments to the Economic Development & Tourism Board to fill vacant seats. ~ *Victoria Vargas, Director of Economic Development*
Seat 1: Luke Miller (re-appointment)
Seat 3: Calvin Lu
Seat 4: Julian Hernandez
Seat 6: Ariane Sip
Seat 7: Spencer Copeland

Council Member Heiser moved to approve the four new members of the Economic Development Board, plus the reappointment of Luke Miller. Mayor Mitchell seconded the motion.

Council Member Heiser asked for the record to show that Juilian Hernandez was on his way to the meeting, but is stuck in traffic due to a car accident.

Motion carried 7-0.

3. Consider appointment of Erica Valenzuela to Seat 3, Ryan Ramirez to Seat 5, and the re-appointment of Anne Duhon to Seat 7 of the Parks and Recreation Board for a two-year term expiring November 2025. ~ *Mariana Espinoza, Director of Parks & Recreation*

Council Member Parsley moved to make the reappointment and appointment for the Parks Board. Council Member Rizo seconded the motion. Motion carried 7-0.

V. Consent Agenda

Mayor Mitchell brought forward Item Nos. 4, 5, 6, 7, 8, and 9 for consideration.

4. Approval of Amendment No. 2 to Task Order No. 4 to STV INFRASTRUCTURE, San Antonio, Texas, in the amount not exceed \$594,584.00, increasing the total contract amount not to exceed \$1,081,953.00 for design services for approximately 10,100 LF of proposed 48-inch wastewater line and 10,100 LF of proposed 18-inch reclaimed water line. ~ *Leon Barba, P.E., City Engineer*
5. Approve a resolution approving a contract between the City of Kyle and Aquatic Features for aeration at Cool Springs ponds and Lineberger Lake in an amount not to exceed \$132,309.00. ~ *Mariana Espinoza, Director of Parks & Recreation*
6. Approve a resolution approving a contract between the City of Kyle and BrightWatch LLC. for park video surveillance cameras in an amount not to exceed \$97,291.21.00. ~ *Mariana Espinoza, Director of Parks & Recreation*
7. Approval of a Resolution by the City of Kyle, Texas authorizing and approving membership in the Cities Served by CenterPoint Gas (Cities) for the purpose of protecting the interest of the City and its Citizens with respect to CenterPoint matters; Further Suspending the December 4, 2023 Effective Date of the Statement of Intent of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas to change rates in the Texas Division; to permit the City time to study the request and

to establish reasonable rates; finding that the City's reasonable rate case expenses shall be reimbursed by the company; Authorizing participation with the Cities Served by CenterPoint Gas; Hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; Finding that the meeting at which this resolution is passed is open to the public as required by law; Requiring notice of this Resolution to the company and legal counsel. ~ *Jerry Hendrix, Assistant City Manager*

8. *(First Reading)* An Ordinance Amending Chapter 2 - Administration, Article III. - Boards, Committees and Commissions, Division 4. – Economic Development and Tourism Board 2-113.5. ~ *Victoria Vargas, Director of Economic Development*

After Item No. 11, Mayor Mitchell asked whether there were any objections to finally passing Item No. 8. There were none.

9. Approve a Resolution authorizing the City Manager to execute a Purchase Order to Nueces Power Equipment in an amount not to exceed \$473,424.93 for the purchase of one (1) new Vogeles S1703-3 Paver W/ VF 500 Screed through the BuyBoard Purchasing Cooperative for the Street Department in Public Works. ~ *Harper Wilder, Director of Public Works*

Mayor Pro Tem Tobias moved to approve items number four through nine on the consent agenda. Council Member Parsley seconded the motion. Motion carried 7-0.

VI. Items Pulled from Consent Agenda

No items were pulled from Consent Agenda.

VII. Consider and Possible Action

10. Consider and possible action on a Chapter 380 Development Agreement for Project Chia Pet, GBT Realty Corporation. ~ *Victoria Vargas, Director of Economic Development*

Mayor Mitchell moved to approve Item No. 10, Option #1, which is the last renderings received. Council Member Parsley seconded the motion. Motion carried 7-0.

11. Consider and possible action on a resolution to adopt Kyle Design Standards for the City of Kyle that will be considered for Planned Unit Developments and incentivized projects. ~ *Will Atkinson, Director of Planning*

Council Member Bradshaw moved to approve Item No. 11. Council Member Parsley seconded the motion. Motion carried 7-0.

12. Consideration and approval of a Resolution Setting a Public Hearing for the Creation of a Tax Increment Reinvestment Zone Number 6. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Victoria Vargas presented the item. Veronica Rivera also provided information on the item.

Council Member Zuniga moved to approve Agenda Item No. 12, setting the public hearing for TIRZ Number Six. Council Member Parsley seconded the motion. Motion carried 7-0.

13. A Resolution of the city of Kyle, Texas, Authorizing the Purchase and Closing of Real Property Located at the Original Town of Kyle, Block 10, Lots 9-10 and the Original Town of Kyle, Block 10, Lots 7-8, Kyle, Hays County, Texas, for the Purchase Price Plus Closing Costs Provided in the Real Estate Sale Contract; Providing for Approval of the Real Estate Purchase Contract; Authorizing the City Manager to Execute any and all Contracts and Documents necessary to Close on the Purchase of the Property Identified Herein; and Providing for Related Matters. ~ *Bryan Langley, City Manager*
14. A Resolution of the City of Kyle, Texas, Authorizing the Purchase and Closing of Real Property Located at Kyle Original Town, Block 10, Lot 35 Feet of 14-15 and the Southeastern 35 Feet of Lot 13, Kyle, Hays County, Texas, for the Purchase Price Plus Closing Costs Provided in the Real Estate Sale Contract; Providing for Approval of the Real Estate Purchase Contract; Authorizing the City Manager to Execute any and all Contracts and Documents necessary to Close on the Purchase of the Property Identified Herein; and Providing for Related Matters. ~ *Bryan Langley, City Manager*
15. A Resolution of the City of Kyle, Texas, Authorizing the Purchase and Closing of Real Property Located at Kyle Original Town, Block 10, Lot $\frac{3}{4}$ of 13-14-15 and Kyle Original Town, Block 10, Lot $\frac{1}{2}$ of 11-12 and the Southwest $\frac{1}{4}$ of Lot 13, Kyle, Hays County, Texas, for the Purchase Price Plus Closing Costs Provided in the Real Estate Sale Contract; Providing for Approval of the Real Estate Purchase Contract; Authorizing the City Manager to Execute any and all Contracts and Documents necessary to Close on the Purchase of the Property Identified Herein; and Providing for Related Matters. ~ *Bryan Langley, City Manager*

Mayor Mitchell brought forward Item Nos. 13, 14, and 15 simultaneously.

Mayor Mitchell moved to approve the resolutions authorizing the purchase and closing of the real properties described in agenda items 13, 14, and 15 for the total purchase price for the real properties just stated in the amount not to exceed \$3.4 Million plus closing costs, approving the purchase contracts once finalized by the city manager and authorizing the city manager to execute any and all contracts and documents necessary to close on the purchase of the properties just stated. Council Member Parsley seconded the motion. Motion carried 7-0.

16. Consider and possible action for staff to bring back a "Property Improvement Program (PIP)" that partners with local churches & non-profit organizations to provide certain repairs to homeowners who cannot make these repairs themselves because of life circumstances. ~ *Bear Heiser, Council Member*

Council Member Heiser moved to direct staff to bring back a Property Improvement Program and also to look for potential grants to fund some of the budget for this potential program. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

VIII. Executive Session

17. 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.
 - 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
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.
 - Roles and Responsibilities of the City Manager
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 Sunrise
 - Project Chia Pet
 - Project Two Step

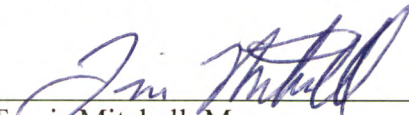
There was no executive session.

18. Take action on items discussed in Executive Session.

IX. 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 7:39 p.m.


Travis Mitchell, Mayor

ATTEST:


Jennifer Kirkland, City Secretary