

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on December 5, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Neil Stegal
Mayor Pro Tem Michael Tobias	Tracy Sheel
Council Member Bear Heiser	Gracie Rocha
Council Member Robert Rizo	Mark Maldonado
Council Member Miguel Zuniga	Rebecca Leonard
Council Member Ashlee Bradshaw	Grady Reed
Council Member Daniela Parsley	David Glenn
Bryan Langley, City Manager	Michelle Zaumeyer
Jerry Hendrix, Assistant City Manager	Stephanie Leibe
Paige Saenz, City Attorney	
Rachel Sonnier, Communications Director	
Grant Bowling, Video Production Specialist	
Jennifer Kirkland, City Secretary	
Cynthia Gonzales, Assistant City Secretary	
Leon Barba, City Engineer	
Victoria Vargas, Economic Dev. Director	
Perwez Moheet, Finance Director	
Jessica McCart, Assistant Library Director	
Mariana Espinoza, Parks & Recreation Director	
Will Atkinson, Planning Director	
Jason Lutz, Senior Planner	
Kaela Sharp, City Planner	
Jeff Barnett, Chief of Police	
James Jones, Police Commander	
Harper Wilder, Public Works Director	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:00 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 - November 14, 2023 5:30 p.m. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Special Meeting Minutes - November 14, 2023 6:00 p.m. ~ *Jennifer Kirkland, TRMC, City Secretary*
3. City Council Regular Meeting Minutes - November 14, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

4. City Council Special Meeting Minutes - November 20, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
5. City Council Regular Meeting Minutes - November 20, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the November 14, 2023 5:30 PM Special Council Meeting, the November 14, 2023 6:00 PM Special Council Meeting, the November 14, 2023 Regular Council Meeting, the November 20, 2023 Special Council Meeting, and the November 20, 2023 Regular 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 7:02 p.m.

Neil Stegal was called to speak as registered regarding Item Nos. 14 and 16. He spoke about the revenues including the impact to school and property taxes. He spoke about the importance of understanding the implications of the financing and the life span of the commercial development. He expressed concerns about the City's finances with regard to issuing debt. He stated his concerns about the PUD prevailing over the development agreement in the incident of a dispute.

Tracy Sheel was called to speak as registered. She spoke about the tree lighting event that took place on Friday night. She thanked Council for their support in budgeting for the event and thanked all the Parks staff for all their hard work at this beautiful site. She also encouraged everyone to see the lights at Lake Kyle.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:08 p.m.

IV. Agenda Order

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

Council Member Heiser requested to move Item Nos. 18 and 22 out of order before Item No. 13. Council Member Parsley requested to move Item No. 19. There were no objections. No action was taken.

V. Recognition

7. Recognition of Library Board Member Gracie Rocha for six years of service to the Library Board. ~ *Jerry Hendrix, Assistant City Manager*

Jessica McCart assisted in the presentation alongside Jerry Hendrix. Ms. Gracie Rocha spoke about her six years of service on the board. No action was taken.

VI. Appointments

8. Approve a Resolution of the City of Kyle, Texas to make an appointment to the Alliance Regional Water Authority Board of Directors to replace Derrick Turley for an unexpired term expiring April 2024. ~ *Amber Schmeits, Assistant City Manager*

Mr. Hendrix presented the item. Ms. Scheel provided information about other elected officials that are on the board. With no objections, it was the consensus of Council to bring this back at a future meeting to appoint a member. No action was taken.

9. Approve a Resolution of the City of Kyle, Texas to make appointments for one primary and one alternate voting representative to the 2024 CAMPO Technical Advisory Committee. ~ *Amber Schmeits, Assistant City Manager*

Mr. Hendrix presented the item.

Mayor Mitchell moved to approve the appointment of Mayor Mitchell to the 2024 CAMPO Technical Advisory Committee, with Amber Schmeits as alternate. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

VII. Consent Agenda

Council Member Bradshaw stated that for Item No. 12 she is not included in the resolution but wants to ensure that she can still participate in the meeting on December 19. Mr. Langley confirmed that Council Member Bradshaw is not excluded. Council Member Rizo pulled Item No. 10. Mayor Mitchell brought forward Item Nos. 11 and 12 for consideration.

11. Approve a Resolution of the City of Kyle, Texas authorizing the City Manager to execute a Purchase Order to DOGETT FREIGHTLINER OF SOUTH TEXAS, LLC., in an amount not to exceed \$277,352.00 for the purchase of one (1) new Bergkamp FP5 Flameless Patch Truck through the BuyBoard Purchasing Cooperative for the Street Division of Public Works Department. ~ *Harper Wilder, Director of Public Works*
12. Consider a Resolution creating a Council Task Force for the design of the future sportsplex in the Brick & Mortar District. ~ *Jerry Hendrix, Assistant City Manager*

Mayor Pro Tem Tobias moved to approve Consent Agenda Item Nos. 11 and 12. Council Member Parsley seconded the motion. Motion carried 7-0.

VIII. Items Pulled from Consent Agenda

10. A Resolution of the City of Kyle, Texas, approving a Multiple Use Agreement between the City of Kyle and Texas Department of Transportation for the purpose of installing Automated License Plate Readers (ALPR) cameras in the Right of Way; authorizing the City Manager to execute the agreement; and providing Open Meetings and other related matters. ~ *Jeff Barnett, Chief of Police*

Council Member Rizo moved to approve a Resolution of the City of Kyle, Texas, approving a Multiple Use Agreement between the City of Kyle and Texas Department of Transportation for the purpose of installing Automated License Plate Readers (ALPR) cameras in the Right of Way; authorizing the City Manager to execute the agreement; and providing Open Meetings and other related matters. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

X. Consider and Possible Action

18. Receive a report from the Sportsplex Task Force and consider a recommendation for the selection of a firm to prepare a design for the project. ~ *Jerry Hendrix, Assistant City Manager*

Mayor Mitchell brought forward Item No. 18, out of order, before Item No. 13. Mr. Bryan Langley presented the item.

Council Member Heiser moved to recommend Stantec to be the firm that they hire to with the City on the Sportsplex project. Council Member Bradshaw seconded the motion. Motion carried 7-0.

After the motion, Mark Maldonado spoke on behalf of Stantec. He introduced Rebecca Leonard with Lionheart and Colt Yorek, also with Stantec. He spoke about the company and the more than 30 prior sportsplex projects they have completed in Texas alone. Rebecca Leonard also provided information.

19. (*First Reading*) Approve an Ordinance of the City of Kyle, Texas adopting the land use assumptions, capital improvements plan, and establishing an updated water impact fee totaling \$6,169 per living unit equivalent (LUE) and an updated wastewater impact fee totaling \$6,345 per LUE, amending Ordinance No. 298-2, and establishing an effective date. ~ *Leon Barba, P.E., City Engineer*

- Public Hearing

Mayor Mitchell brought forward Item No. 19 after Item No. 18. Mr. Barba introduced Grady Reed with HDR Engineering, who presented the item.

Council Member Parsley moved to approve Agenda Item No. 19 to a maximum amount of \$12,514 and make sure we do an analysis every other year. Motion died for lack of second.

Mayor Mitchell mentioned that there is a public hearing on this item.

Mayor Mitchell opened the public hearing at 8:06 p.m.

Tracy Scheel spoke. She was a member of the committee. She stated that she dissented because she wanted to look at all the special districts, and water providers. She stated that she agreed with the \$14,000.

David Glenn with the Home Builder's Association spoke. He stated that his company hired a consultant of their own. He spoke about the capacity of a project's completion and the amount charged within a time frame. He spoke about median home price in the city versus the salaries of teachers and police officers.

Neil Stegal was called to speak as registered. He stated that when they looked at the numbers, too much of the burden was being born by current residents and they believe it should be born by the incoming development. He stated that their recommendation is for the council to revisit this no more than three years out.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 8:13 p.m.

Council Member Parsley moved to approve Item No. 19 with a maximum fee of \$12,514 and for the City to do a revision of this analysis every year. Council Member Zuniga seconded the motion. Motion carried 7-0. Mayor Mitchell asked if there were any objections to the Ordinance being finally passed. There were none.

22. Receive a report, hold a discussion, and consider directing the City Manager to develop and release a Request for Proposal (RFP) to provide additional mental health services through a cooperative agreement between the City, County, and any private partners that are identified. ~ *Bear Heiser, Council Member*

Mayor Mitchell brought forward Item No. 22 out of order, after Item No. 19. Council Member Heiser presented the item and introduced Michelle Zaumeyer, Clinic Director, Hill Country MHDD, who provided information about youth mental health in Kyle.

Mayor Pro Tem Tobias moved to directing staff to start a Request for Proposal (RFP) to provide additional mental health services through a cooperative agreement between the City, County, and any private partners that are identified. Council Member Heiser seconded the motion. Motion carried 6-0. Council Member Bradshaw left the dais at approximately 8:54 and was absent for the vote.

14. Consideration and Approval of an Ordinance of the City Council of the City of Kyle, Texas, Designating a Contiguous Geographic Area within the Corporate Limits and Extraterritorial Jurisdiction of the City as a Reinvestment Zone Pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Five, City of Kyle; Describing the Boundaries of the Zone; Creating a Board of Directors for the Zone; Establishing a Tax Increment Fund for the Zone; Containing Findings Related to the Creation of the Zone; Providing a Date for the Termination of the Zone; Providing that the Zone Take Effect Immediately Upon Passage of the Ordinance; Providing a Severability Clause; and Providing an Effective Date. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*
15. [Postponed 10/17/2023] (*First Reading*) An ordinance of the City of Kyle, Texas annexing approximately 38.0493 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 - ANNEX-22-0019) ~ *Will Atkinson, Director of Planning*

- Public Hearing

Public Hearing was left open on 10/17/2023.

16. [Postponed 10/17/2023] (*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 6-0 to approve the request with conditions listed in the staff memo.

- Public Hearing

Public Hearing was left open on 10/17/2023.

Mayor Mitchell brought forward Items Nos. 14 – 16 simultaneously, out of order after Item No. 22. Council Member Bradshaw returned to the dais at 8:58 p.m. Victoria Vargas provided a presentation related to the Items. Will Atkinson also provided presentation information.

Mayor Mitchell opened the public hearing for Item No. 15 at 9:11 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:11 p.m.

Mayor Mitchell opened the public hearing for Item No. 16 at 9:11 p.m.

Neil Stegall was called to speak as registered. He reiterated that if there is a conflict, the PUD prevails over the development agreement. He stated that there is no statement in there about mediation, which is a concern to him. He stated that it is out of the Planning & Zoning Commission's hands. He stated again that the PUD has governance over the property. With no one else wishing to speak, Mayor Mitchell closed the public hearing at 9:14 p.m.

Ms. Saenz provided information about the zoning prevailing over the development agreement.

Mayor Mitchell moved to approve an ordinance amending Chapter 53 for the purpose of rezoning approximately 101 acres to Planned Unit Development and direct staff and City Attorney to bring back the following changes to the PUD and related agreements for the project: 1. The utilities lines along IH 35 shall be buried at Developer's expense. 2. After the expiration of the 10-year period for the restricted uses list in the PUD, the project must comply with the land use restrictions in effect at that time. 3. Impact fees for the development will not be grandfathered. 4. Ten percent of the retail space located in the Urban Park District must be owner occupied. Council Member Rizo seconded the motion. Mayor Mitchell withdrew his motion.

Mayor Mitchell moved to approve an ordinance of the City of Kyle, Texas annexing approximately 38.0493 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. Council Member Heiser seconded the motion. Motion carried 6-1 with Council Member Parsley dissenting.

Mayor Mitchell moved to approve an ordinance amending Chapter 53 for the purpose of rezoning approximately 101 acres to Planned Unit Development and direct staff and City Attorney to bring back the following changes to the PUD and related agreements for the project: 1. The utilities lines along IH 35 shall be buried at Developer's expense. 2. After the expiration of the 10-year period for the restricted uses list in the PUD, the project must comply with the land use restrictions in effect at that time. 3. Impact fees for the development will not be grandfathered. 4. Ten percent of the retail space located in the Urban Park District must be owner occupied. Council Member Rizo seconded the motion. Motion carried 7-0. Mayor Mitchell objected to the ordinance being finally passed.

IX. Public Hearings

13. Public Hearing Concerning the Creation of a Reinvestment Zone Number Five, Pursuant to the Provisions of Chapter 311 of the Texas Tax Code. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Mayor Mitchell brought forward Item No. 13, out of order, after Item No. 16.

Mayor Mitchell opened the public hearing at 9:22 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:22 p.m. No action was taken.

Mayor Mitchell noted that Item No. 14 was still on the table. Ms. Leibe presented Item No. 14.

Council Member Heiser moved to approve Agenda Item No. 14, an Ordinance of the City Council of the City of Kyle, Texas, Designating a Contiguous Geographic Area within the Corporate Limits and Extraterritorial Jurisdiction of the City as a Reinvestment Zone Pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Five, City of Kyle; Describing the Boundaries of the Zone; Creating a Board of Directors for the Zone; Establishing a Tax Increment Fund for the Zone; Containing Findings Related to the Creation of the Zone; Providing a Date for the Termination of the Zone; Providing that the Zone Take Effect Immediately Upon Passage of the Ordinance; Providing a Severability Clause; and Providing an Effective Date. Council Member Rizo seconded the motion. Motion carried 6-1 with Council Member Parsley dissenting.

X. Consider and Possible Action

17. *(First Reading)* An ordinance of the City of Kyle, Texas, amending Chapter 53 (Zoning) of the City of Kyle, Texas code of ordinances, rezoning approximately 32 acres of land from 'RS' (Retail Services), approximately 67 acres of land from 'R-3-3' (Multifamily Apartments 3) and 56 acres of land from 'W' (Warehouse) to 'PUD' (Planned Unit Development for property located at 3040 Kyle Crossing in Hays County, Texas. (Sheldon-Tanglewood, Ltd - Z-23-0123) ~ *Jason Lutz, Senior Planner*

The Planning and Zoning Commission voted 6-0 to approve the request with staff recommended changes.

- Public Hearing

Council Member Parsley moved to postpone an ordinance of the City of Kyle, Texas, amending Chapter 53 (Zoning) of the City of Kyle, Texas code of ordinances, rezoning approximately 32 acres of land from 'RS' (Retail Services), approximately 67 acres of land from 'R-3-3' (Multifamily Apartments 3) and 56 acres of land from 'W' (Warehouse) to 'PUD' (Planned Unit Development for property located at 3040 Kyle Crossing in Hays County, Texas. Council Member Zuniga seconded the motion. Council Member Parsley rescinded her motion.

Mayor Mitchell opened the public hearing at 10:04 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 10:05 p.m.

Council Member Heiser moved to approve Item No. 17. Council Member Rizo seconded the motion. Motion carried 7-0. Mayor Mitchell objected to the Ordinance being finally passed.

20. Receive a report, hold a discussion, and consider casting a total of 195 votes allocated to the City of Kyle to one candidate or distribute among multiple candidates for five (5) interim positions on the Hays County Central Appraisal District Board. ~ *Perwez A. Moheet, CPA, Director of Finance*

Council Member Heiser moved to direct staff to split votes between Norah Puente and Meredith Schawe. Mayor Mitchell seconded the motion.

Council Member Zuniga moved to amend the motion to direct staff to allocate 195 votes to Jane Hughson. Council Member Parsley seconded the motion.

Mayor Mitchell requested a roll call vote on the amended motion.

Council Member Rizo voted nay; Council Member Parsley voted aye; Council Member Zuniga voted aye; Mayor Mitchell voted nay; Council Member Heiser voted nay; Mayor Pro Tem Tobias voted nay; and Council Member Bradshaw voted nay. Motion failed 2-5.

Mayor Mitchell requested a roll call vote on the original motion.

Mayor Mitchell voted aye; Council Member Heiser voted aye; Council Member Rizo voted aye; Council Member Bradshaw voted aye; Mayor Pro Tem Tobias voted aye; Council Member Parsley voted aye; and Council Member Zuniga voted nay. Motion carried 6-1.

21. Consider and Possible Action for staff to implement a “Small Business Launchpad Initiative,” working title, to provide much-needed services to Kyle residents who aspire to be small business owners. ~ *Bear Heiser, Council Member*

With no objections, Council Member Heiser requested to postpone this item to the next meeting. No action was taken.

XI. Executive Session

23. 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 Two Step
- Project Pixel
- Project Hot Pursuit
- Project Heatstroke

There was no executive session.

24. Take action on items discussed in Executive Session.

XII. 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 10:18 p.m.



Travis Mitchell, Mayor

ATTEST:



Jennifer Kirkland, City Secretary