

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on December 19, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Hector Villarreal
Mayor Pro Tem Michael Tobias	Todd Daily
Council Member Bear Heiser	Stephanie Leibe
Council Member Robert Rizo*	Graham Moore
Council Member Miguel Zuniga	
Council Member Lauralee Harris	
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	
Jennifer Kirkland, City Secretary	
Leon Barba, City Engineer	
Kathy Roecker, SWMP Administrator	
Victoria Vargas, Economic Dev. Director	
Lauren Lyons, Business Retention Specialist	
Perwez Moheet, Finance Director	
Andy Alejandro, Accounting Manager	
Connie Campo, Accounting Manager	
Sandra Duran, HR Director	
Marco Forti, IT Director	
Benito Pereda, Parks & Trails Maint. Supervisor	
Will Atkinson, Planning Director	
Jason Lutz, Senior Planner	
Kaela Sharp, City Planner	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Assistant Chief of Police	
Harper Wilder, Public Works Director	
Tim Samford, WWTP Division Manager	
Michael Van Winkle, Div. Mgr Treatment Ops.	

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

Mayor Mitchell called the meeting to order at 7:10 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 Harris, and Council Member Parsley. A quorum was present.

\*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.

## **II. Approval of Minutes**

1. City Council Special Meeting Minutes - December 5, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Regular Meeting Minutes - December 5, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the December 5, 2023 Special Council Meeting and the minutes of the December 5, 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 7:12 p.m. With no one 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. A Resolution of the City of Kyle, Texas making appointments of individual council members to serve as representatives on the boards and commissions interview panels. ~ *Amber Schmeits, Assistant City Manager*

Mayor Mitchell moved to approve the appointments of the following Council Members to serve on the Interview Panels of the following Boards/Commissions: Council Member Rizo to Arts and Cultural Board; Council Member Heiser to Economic Development and Tourism Board; Council Member Heiser to Kyle Area Youth Advisory Council; Council Member Parsley to Parks and Recreation Board; Mayor Pro Tem Tobias to Library Board Council; Council Member Harris to Train Depot Board Mayor Mitchell to Planning and Zoning Commission Mayor Pro Tem Tobias to Board of Adjustment. Council Member Heiser seconded the motion. Motion carried 7-0.

5. A Resolution of the City of Kyle, Texas to appoint an elected official to the Central Texas Clean Air Coalition (CAC) for the 2024-2025 term. ~ *Kathy Roecker, Stormwater Management Plan Administrator*

Council Member Heiser moved to approve the appointment of Council Member Rizo as the City of Kyle Representative to the Clean Air Coalition for the term beginning January 2024 and set to expire on December 2025, and Council Member Zuniga as Council Member Rizo's Proxy. Council Member Parsley seconded the motion. Motion carried 7-0.

6. A Resolution approving the appointment of Jenna Krennek to Seat 5 of the Economic Development & Tourism Board. ~ *Victoria Vargas, Director of Economic Development*



Council Member Heiser moved to approve the appointment of Jenna Krennek to Seat 5 of the Economic Development & Tourism Board. Council Member Zuniga seconded the motion. Motion carried 7-0.

7. 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*

Mayor Mitchell moved to approve the appointment of the City Manager to the Alliance Regional Water Authority Board of Directors to replace Derrick Turley for an unexpired term expiring April 2024. Council Member Heiser seconded the motion. Motion carried 7-0.

## **VI. Reports and Presentations**

8. Presentation and award of a certificate of appreciation from the Kyle Police Department to Hector Villarreal for his actions following the issuance of a local amber alert leading to the swift recovery of two children. ~ *Jeff Barnett, Chief of Police*

Mr. Hector Villarreal spoke on the item. No action was taken.

9. Receive a report, hold a discussion, and provide staff direction regarding Project Two Step. ~ *Victoria Vargas, Director of Economic Development*

Todd Dailey, Managing Partner of Capella Commercial, LLC, provided information on the item. No action was taken.

10. Receive a report, hold a discussion, and provide staff direction on the proposed changes to the City's budget development process for Fiscal Year 2024-2025 and for selection of location for the 2024 City Council's Visioning Workshop. ~ *Perwez A. Moheet, CPA, Director of Finance*

Staff were directed to proceed with the 2024 City Council's Visioning Workshop and selected Lost Pines Resort as the location.

## **VII. Consent Agenda**

Mayor Mitchell pulled and postponed Item No. 24. Council Member Parsley pulled Item Nos. 19 and 20. Mayor Pro Tem Tobias pulled Item No. 12. Mayor Mitchell brought forward Item Nos. 11, 13, 14, 15, 16, 17, 18, 21, 22, 23, and 25 for consideration.

11. A Resolution Approving a License Agreement Between the City of Kyle, Texas and Consider approval of a License Agreement Between the City of Kyle & LS-Anthem, LLC Authorizing Entry into Gregg Clarke Park for the Purpose of Upgrading an Existing Wastewater Line; Authorizing the City Manager to Execute the Agreement. ~ *Leon Barba, P.E., City Engineer*
13. A Resolution authorizing additional funds for the construction contract with ATLAS CONSTRUCTION, CORP., Granite Shoals, Texas, in an amount of \$167,623.33, for a total contract amount not to exceed \$1,773,548.64, to perform all additional pipeline boring work required for the construction of the FM 110 16" Waterline Project. ~ *Leon Barba, P.E., City Engineer*

14. A Resolution of the City of Kyle, Texas appointing the City Manager or their designee to serve as Approving Officials for the Department of Housing and Urban Development Community Development Block Grant Program. ~ *Kaela Sharp, City Planner*
15. A Resolution authorizing the City Manager to execute separate contracts with the following three (3) firms to provide services for geotechnical and construction materials testing services for all city departments: HVJ SOUTH CENTRAL TEXAS – M&J, INC., Austin, Texas, TERRACON CONSULTANTS, INC., Austin, Texas, and RABA KISTNER, INC., Austin, Texas. ~ *Leon Barba, P.E., City Engineer*
16. A Resolution authorizing the City Manager to execute separate agreements with the following six (6) firms to provide consulting services for general civil engineering projects for all city departments: CP&Y, INC. dba STV INFRASTRUCTURE, Austin, Texas, WGI, INC., Austin, Texas, HDR ENGINEERING, INC., Austin, Texas, QUIDDITY ENGINEERING, LLC, Bellaire, Texas, BGE, INC., Austin, Texas, and PAPE-DAWSON ENGINEERS, INC., Austin, Texas. ~ *Leon Barba, P.E., City Engineer*
17. A Resolution of the City of Kyle, Texas, Authorizing the City Manager to Execute an Agreement with the Kyle/Buda Post 12058 of the Veterans of Foreign Wars of the United States of America Inc. for the lease and occupancy of city property at 107 Veterans; Making Findings of Fact; and Providing for Related Matters. ~ *Jerry Hendrix, Assistant City Manager*
18. Approve Task Order No. 19 to LJA Engineering, in the amount not to exceed \$10,642.94 for environmental services and a traffic control signal/stop control warrant study relating to the Kohlers to Seton (Off-System) project. ~ *Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager*
21. A Resolution of the City Council of the City of Kyle, Texas, Acknowledging the Marketplace Avenue Project of the 2022 Road Bond Program as Serving a Public Purpose for Public Use. ~ *Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager*
22. A Resolution of the City Council of the City of Kyle, Texas, Acknowledging the Kohlers to Seton (Off-System) Project of the 2022 Road Bond Program as Serving a Public Purpose for Public Use. ~ *Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager*
23. A Resolution authorizing the City Manager to execute a professional services agreement with The Segal Group, Inc. to provide a compensation and classification study to the City of Kyle in an amount not to exceed \$75,000.00. ~ *Sandra Duran, Director of Human Resources*
25. Consider approval of a Chapter 380 First Year on Us, owner occupied, incentive request by Tea TipPer 1, LLC operating HTeaO in an amount not to exceed \$10,000. ~ *Victoria Vargas, Director of Economic Development*

Mayor Mitchell moved to approve Consent Agenda Item Nos. 11, 13, 14, 15, 16, 17, 18, 21, 22, 23, and 25. Council Member Parsley seconded the motion. Motion carried 7-0.



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

19. Approve Task Order No. 4 to American StructurePoint, Inc., in the amount not to exceed \$79,660.59 for environmental services relating to the Bebee Road (West) project. ~ *Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager*
20. Approve Task Order No. 5 to American StructurePoint, Inc., in the amount not to exceed \$23,100.00 for environmental services relating to the Bebee Road (East) project. ~ *Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager*

Mayor Mitchell brought forward Item Nos. 19 and 20 simultaneously. Mr. Cantalupo presented the items.

Council Member Parsley moved to approve Item Nos. 19 and 20. Mayor Pro Tem Tobias seconded the motion. Motion carried 5-1 with Council Member Zuniga dissenting and Council Member Rizo was off-camera, and pursuant to Section 551.127 (a-3), Texas Government Code, was considered absent for the vote.

12. A Resolution authorizing the City Manager to execute Memorandums of Agreement and all other documents necessary to effectuate and finalize the purchase of Parcels 2, 3, and 4 from the Quail Ridge subdivision for the Goforth Road project on terms discussed in executive session, subject to review and approval of the form of those documents by the City Attorney. ~ *Amber Schmeits, Assistant City Manager*

Mayor Mitchell brought forward Item No. 12 out of order, after Item Nos. 19 and 20. Ms. Schmeits presented the item. Council Member Rizo returned on screen at approximately 8:31 p.m.

Council Member Parsley moved to approve a Resolution authorizing the City Manager to execute Memorandums of Agreement and all other documents necessary to effectuate and finalize the purchase of Parcels 2, 3, and 4 from the Quail Ridge subdivision for the Goforth Road project on terms discussed in executive session, subject to review and approval of the form of those documents by the City Attorney. Council Member Heiser seconded the motion. Motion carried 7-0.

24. A Resolution of the City of Kyle authorizing the City's cost participation in the construction of over-sizing the Anthem Elevated Storage Tank from 800,000 gallons to one million gallons in the amount of \$645,000. ~ *Tim Samford, Division Manager*

No action was taken.

### **IX. Public Hearings**

26. Public Hearing Concerning the Creation of Reinvestment Zone Number Six (TIRZ #6), Pursuant to the Provisions of Chapter 311 of the Texas Tax Code. ~ *Stephanie Leibe, Norton Rose Fulbright*

Mayor Mitchell opened the public hearing at 8:38 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:38 p.m.

**X. Consider and Possible Action**

27. *(First and Final Reading)* 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 of the City as a Reinvestment Zone Pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Six, 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*

Mayor Pro Tem Tobias moved to approve Agenda item 27 as presented. Council Member Heiser seconded the motion. Motion carried 7-0.

28. *(Second 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.*

*Council voted 7 to 0 to approve on first reading on 12/5/2023.*

29. A Resolution Approving a Development Agreement for the Lake Park District Between the City of Kyle, Texas and Sheldon-Tanglewood, Ltd; Authorizing the City Manager to Execute the Agreement. ~ *Jason Lutz, Senior Planner*
30. A Resolution Approving a Development Agreement for the St. David's Hospital District; Authorizing the City Manager to Execute the Agreement. ~ *Jason Lutz, Senior Planner*
31. A Resolution Approving an Agreement for Donation of Real Property for a 5.291 Acre Tract, More or Less, Located in the John King Survey Section No. 20, Abstract No. 276, Hays County, Texas, for the Marketplace Avenue Extension; Authorizing the City Manager to Execute the Agreement and Any Other Documents Necessary to Close on the Donation of Real Property. ~ *Jason Lutz, Senior Planner*
32. A Resolution Approving an Agreement for Donation of Real Property for a 2.222 Acre Tract, More or Less, Located in the John King Survey, Abstract No. 276, and the Jesse Day Survey, Abstract No. 159, Hays County, Texas, for the FM 1626 Pump Station Expansion; Authorizing the City Manager to Execute the Agreement and Any Other Documents Necessary to Close on the Donation of Real Property. ~ *Jason Lutz, Senior Planner*

Mayor Mitchell brought forward Item Nos. 28 - 32 simultaneously. Jason Lutz presented the items.

Mayor Mitchell moved to approve Item Nos. 28, 29, 30, 31, and 32 with the following changes to Item No. 28: to modify the PUD Zoning Ordinance to incorporate Planning & Zoning and staff recommendations as presented, Item No. 29: to delete section 6.06 of the Development Agreement so that the water and wastewater impact fees are not grandfathered. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

33. *(Second 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 - ANNX-22-0019) ~ *Will Atkinson, Director of Planning*

*Council voted 6 to 1 to approve on first reading on 12/5/2023.*

34. *(Second 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.*

*Council voted 7 to 0 to approve on first reading on 12/5/2023.*

35. A Resolution Approving a Development Agreement for the Caraway Tract Development; Authorizing the City Manager to Execute the Agreement. ~ *Will Atkinson, Director of Planning*

36. *(First and Final Reading)* An Ordinance of the City Council of the City of Kyle, Texas Approving the Final Project and Finance Plan, a 380 Economic Development Agreement, and an Interlocal Agreement for the Tax Increment and Reinvestment Zone Number Five, City of Kyle, Texas. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Mayor Mitchell brought forward Item Nos. 33 - 36 simultaneously. Victoria Vargas and Will Atkinson presented the items.

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. Mayor Pro Tem Tobias seconded the motion. Motion carried 6-1 with Council Member Parsley dissenting.

Mayor Mitchell moved to approve agenda items 34-36 with the following changes, and authorize the documents to be executed in a final form approved by the City Attorney: Item No. 34: PUD Zoning Ordinance – a. Gas stations are a prohibited use for 10 years b. Car washes are prohibited, except that one national or regional brand to be allowed and may not be constructed on a corner or fronting on IH 35. c. In Exhibit C, Chart 2-RS, adjust impervious cover maximum to be a “per lot basis” Item No. 36: Revise the documents as needed to exclude portion of real property taxes from the County’s Road



and Bridge Tax from being deposited into the TIRZ fund. Mayor Pro Tem Tobias seconded the motion. Motion carried 6-1 with Council Member Parsley dissenting.

Mayor Mitchell called a recess at 9:34 p.m. He called the meeting back to order at 9:41 p.m.

37. A Resolution Approving Amendment No. 2 to the Regional Water Supply Contract by and among the Alliance Regional Water Authority (the "Agency") and the City of Buda, Texas, the City of Kyle, Texas, the City of San Marcos, Texas, and the Canyon Regional Water Authority, Providing for the Agency to Issue Bond Anticipation Notes. ~ *Graham Moore, P.E., Executive Director*

38. Approve a Resolution of the City of Kyle approving a Resolution of the Alliance Regional Water Authority authorizing the issuance of Bond Anticipation Notes for the City of Kyle, Texas. ~ *Graham Moore, P.E., Executive Director*

Mayor Mitchell brought forward Item Nos. 37 and 38 simultaneously. Mr. Graham Moore presented the items. Mr. Moheet also provided information on the items.

Council Member Heiser moved to approve Agenda Item Nos. 37 and 38. Mayor Mitchell seconded the motion. Motion carried 7-0.

39. 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*

Council Member Heiser moved to direct staff to put together a framework for a "Small Business Launchpad Initiative," that's designed to help support small business development and growth. Council Member Parsley seconded the motion. Motion carried 7-0.

40. A Resolution of the City of Kyle, Texas, Amending Resolution Number 1366 and Restating the City of Kyle Rules of City Council, Providing for Meetings, Agenda, Council Proceedings, Reconsideration of Agenda Items; Parliamentary Procedure, Debate, Decorum, and Citizen Participation at Meetings; Making Findings of Fact; and Providing for Related Matters. ~ *Travis Mitchell, Mayor*

Council Member Heiser moved to amend the Rules of Council for Council to create a proclamation calendar during the visioning workshop once per year and in addition limit to four per council member per calendar year. Council Member Rizo seconded the motion. Council Member Heiser rescinded his motion.

Mayor Mitchell moved to amend the Rules of Council for B.1 to add language that council member sponsored items may not be listed for official action, but rather to be given as presented for direction to staff to bring back full-fleshed items at a later date. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

Mayor Mitchell moved to approve a Resolution of the City of Kyle, Texas, Amending Resolution Number 1366 and Restating the City of Kyle Rules of City Council, Providing for Meetings, Agenda, Council Proceedings, Reconsideration of Agenda Items; Parliamentary Procedure, Debate, Decorum,



and Citizen Participation at Meetings; Making Findings of Fact; and Providing for Related Matters as amended. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

41. Discussion and possible action to hold a moment of silence after the pledge of allegiance for personal invocation or prayer. ~ *Daniela Parsley, Council Member*

No further action was taken.

42. Consider nominations for selection of Mayor Pro Tem for 2024. ~ *Travis Mitchell, Mayor*

Mayor Mitchell moved to appoint Council Member Robert Rizo to serve as Mayor Pro Tem for 2024. Council Member Heiser seconded the motion. Motion carried 7-0.

## **XI. Executive Session**

43. 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.

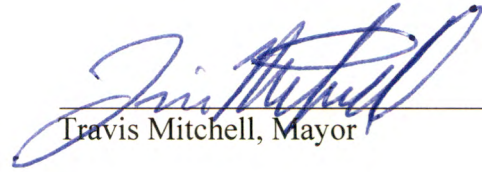
1. Pending or contemplated litigation, settlement agreement, or to seek the advice of the City Attorney and Attorneys concerning legal issues pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct.
2. Possible purchase, exchange, lease, 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.
  - 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 Two Step
  - Project Hot Pursuit
  - Project Heatstroke

There was no executive session.

44. 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 11:24 p.m.



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Travis Mitchell, Mayor

ATTEST:



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Jennifer Kirkland, City Secretary