

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on January 2, 2024 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Amanda Stark
Mayor Pro Tem Robert Rizo	Derek Pampe
Council Member Bear Heiser	Nathan Wensowitch
Council Member Miguel Zuniga	Stephanie Leibe
Council Member Lauralee Harris	Stanley Fees
Council Member Daniela Parsley	Carrie Jaeger
Council Member Michael Tobias	
Bryan Langley, City Manager	
Jerry Hendrix, Assistant City Manager	
Amber Schmeits, Assistant City Manager	
Jesse Elizondo, Assistant City Manager	
Paige Saenz, City Attorney	
Rachel Sonnier, Communications Director	
Jennifer Kirkland, City Secretary	
Leon Barba, City Engineer	
Marco Forti, IT Director	
Mariana Espinoza, Parks & Recreation Director	
Stacy Anderson, Trails & Outdoor Ed Supv	
Aimee Garcia, Recreation Manager	
Will Atkinson, Planning Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Assistant Chief of Police	
Tracy Vrana, Police Sergeant	
Briana Geddes, Neighborhood Serv Div Supv	
Tim Samford, WWTP 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 Rizo, Council Member Heiser, Council Member Zuniga, Council Member Harris, Council Member Parsley, and Council Member Tobias. A quorum was present.

### **II. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 7:03 p.m.

Amanda Stark was called to speak as registered on behalf of Tracy Scheel. She read an email that Ms. Scheel sent enclosing her comments. She spoke about the exceptional service she received at the Hampton Inn during the holidays while she was displaced from her home.

Derek Pampe was called to speak as registered on behalf of Kyle 32 Investments, LP regarding Item No. 22. He asked to be called during the item.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:05 p.m.

### **III. Agenda Order**

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

No action was taken.

### **IV. Appointments**

2. A Resolution Appointing a Representative to the San Marcos Animal Shelter Advisory Committee ~ *Jeff Barnett, Chief of Police*

Council Member Parsley moved to appoint Briana Geddes to the San Marcos Animal Shelter Advisory Committee. Council Member Heiser seconded the motion. Motion carried 7-0.

3. A Resolution approving the appointment of Poeta Asher to Seat 1 of the Community Gardens Committee. ~ *Mariana Espinoza, Director of Parks & Recreation*

Council Member Harris moved to appoint Poeta Asher to Seat 1 of the Community Gardens Committee. Council Member Heiser seconded the motion. Motion carried 7-0.

4. A Resolution approving the appointment of Emilee Mueller and Emma Sanchez to the Kyle Area Youth Advisory Council. ~ *Mariana Espinoza, Director of Parks & Recreation*

Council Member Heiser moved to approve to appoint Emilee Mueller and Emma Sanchez to the Kyle Area Youth Advisory Council. Mayor Pro Tem Rizo seconded the motion. Motion carried 7-0.

5. Appoint Kassie Anderson for Seat 2 on the City of Kyle Ethics Commission. ~ *Robert Rizo, Council Member*

Mayor Pro Tem Rizo moved to approve to appoint Kassie Anderson for Seat 2 on the City of Kyle Ethics Commission. Mayor Mitchell seconded the motion. Motion carried 7-0.

6. A Resolution of the City Council of the City of Kyle, Texas Appointing an Alternate Member to the CAMPO Transportation Policy Board. ~ *Travis Mitchell, Mayor*

Mayor Pro Tem Rizo moved to approve a Resolution of the City Council of the City of Kyle, Texas appointing Council Member Heiser as an alternate member to the CAMPO Transportation Policy Board. Council Member Parsley seconded the motion. Motion carried 7-0.

### **V. Reports and Presentation**

7. Proclamation recognizing Dr. Martin Luther King, Jr. Day. ~ *Daniela Parsley, Council Member*

No action was taken.

8. Proclamation Recognizing Law Enforcement Appreciation Day. ~ *Daniela Parsley, Council Member*

No action was taken.

9. Introduction of New Assistant City Manager, Jesse Elizondo. ~ *Bryan Langley, City Manager*

No action was taken.

## **VI. Consent Agenda**

Council Member Zuniga pulled Item No. 10. Mayor Mitchell brought forward Item Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 for consideration.

10. Approve amendment to Task Order No. 6 of the agreement with PAPE-DAWSON CONSULTING ENGINEERS, LLC, San Antonio, Texas, in an amount of \$1,131,168.00, increasing the total amount not to exceed \$1,203,968.00 to provide consulting services for 100% design and bid and construction phase services for the CR 158 elevated and ground storage tanks and pump station. ~ *Leon Barba, P.E., City Engineer*
11. A Resolution of the City Council of the City of Kyle, Texas accepting the Talavera Phase 3 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*
12. A Resolution of the City Council of the City of Kyle, Texas accepting the Yarrington Industrial 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*
13. A Resolution of the City of Kyle authorizing the City's cost participation in the construction of over-sizing the Hoover Drive Elevated Storage Tank from 800,000 gallons to 1,000,000 gallons with concrete floors in the amount of \$1,055,000. ~ *Tim Samford, Division Manager*
14. A Resolution authorizing the City Manager to execute a Memorandum of Agreement and all other documents necessary to effectuate and finalize the purchase of Parcel 1 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*
15. A Resolution Appointing Aimee Alcorn-Reed as City Attorney, approving a City Attorney Employment Agreement, and authorizing the City Manager to execute the Agreement ~ *Bryan Langley, City Manager*
16. A Resolution approving a legal services engagement letter with The Knight Law Firm, LLP and authorizing the City Manager to execute the Agreement. ~ *Bryan Langley, City Manager*

17. A Resolution of the City Council of the City of Kyle, Texas Directing the City Manager to Make Arrangements and Associated Expenditures for the Visioning Workshop Scheduled for February 9-11, 2024; and Declaring an Effective Date. ~ *Bryan Langley, City Manager*
18. A Resolution authorizing the Chief of Police to apply for a STEP (Strategic Traffic Enforcement Program) Commercial Motor Vehicle (CMV) grant in an amount no greater than \$15,200.00 from TXDOT and authorize an estimated 20% matching funding from the Police Department's approved operating budget for FY 2024-2025 in an amount not to exceed \$3,500 to fund the STEP Grant Program for one year beginning October 1, 2024, and ending September 30, 2025. ~ *Jeff Barnett, Chief of Police*
19. A Resolution authorizing the Chief of Police to apply for a STEP (Strategic Traffic Enforcement Program) Comprehensive grant in an amount no greater than \$22,110.06 from TXDOT and authorize an estimated 20% matching funding from the Police Department's approved operating budget for FY 2024-2025 in an amount not to exceed \$4,710.06 to fund the STEP Grant Program for one year beginning October 1, 2024, and ending September 30, 2025. ~ *Jeff Barnett, Chief of Police*

Mayor Pro Tem Rizo moved to approve Consent Agenda Item Nos 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20. Council Member Heiser seconded the motion. Motion carried 7-0.

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

10. Consider a Resolution allowing the City Manager to approve requests for specific construction activities related to the Lehman High School Softball and Baseball Facilities project to occur outside the allowed time frames per Sec. 23-60(12) *Noises Prohibited*. ~ *Will Atkinson, Director of Planning*

Mayor Mitchell brought forward Item No. 10. Mr. Atkinson presented the item. Nathan Wensowitch, Architect - Hays CISD, Executive Director of Facilities, Construction and Bond Programs provided information on the item.

Mayor Mitchell moved to approve a Resolution allowing the City Manager to approve requests for specific construction activities related to the Lehman High School Softball and Baseball Facilities project to occur outside the allowed time frames per Sec. 23-60(12) *Noises Prohibited*. Council Member Heiser seconded the motion. Motion carried 7-0.

#### **VIII. Consider and Possible Action**

20. Consideration and Approval of a Resolution of the City Council of the City of Kyle, Texas; Approving and Authorizing the Execution of a Reimbursement Agreement relating to the Savannah Ranch Public Improvement District; and Resolving other Matters related thereto. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Council Member Tobias moved to approve a Resolution of the City Council of the City of Kyle, Texas; approving and authorizing the execution of a Reimbursement Agreement relating to the Savannah Ranch Public Improvement District; and resolving other matters related thereto. Council Member Heiser seconded the motion. Motion carried 7-0.



21. Receive a report, hold discussion, and consider directing staff to move forward with designing a roundabout or traffic signal at the intersection of Dacy Lane at Bunton Creek Road. ~ *Leon Barba, P.E., City Engineer*

After Mr. Barba's presentation, Mayor Mitchell stated that if there were no objections, he would allow Mr. Pampe to speak on this item.

Derek Pampe was called to speak as registered on behalf of Kyle 32 Investments, LP. He stated that the cost of the roundabout is 10 times the cost of a traffic signal. He stated that it would be wiser in his opinion to stretch the transportation dollars. He also spoke about the opportunity cost of using the land that would otherwise be used for employment centers and other intense uses. He stated that the traffic signals need no additional right of way and crosswalks can be installed easier.

Mayor Mitchell stated that he was closing the public hearing at 7:51 p.m.

Stanley Fees of Cobb Fendley & Associates provided information on the item, specifically the selection of the location. He stated that they chose the location for detention pond because it was the closest to the outlet point which is the ditch that is going to the south. He also stated that if it is built more upstream, then more infrastructure will need to be built. He stated that it can be modified to split into two different detention ponds. Carrie Jaeger, Cobb Fendley Traffic Engineer also provided information about the intersection.

Council Member Tobias moved to direct staff to move forward with a traffic signal to include a crosswalk at the intersection of Dacy Lane at Bunton Creek Road. Council Member Parsley seconded the motion. Council Member Tobias withdrew his motion. No action was taken.

22. Hold a discussion about the possibility of collaborating on a public radio station with a non-profit organization in the city of Kyle and consider directing the City Manager to prepare all necessary documents to support this effort. ~ *Lauralee Harris, Council Member and Robert Rizo, Council Member*

Mayor Pro Tem Rizo moved to direct staff to bring back all necessary documents to collaborate on a public radio station with a non-profit organization in the City of Kyle. Council Member Heiser seconded the motion. Motion carried 7-0.

## **IX. 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.
    - Kyle Sportsplex Project-RFQ-2023-40-PARD

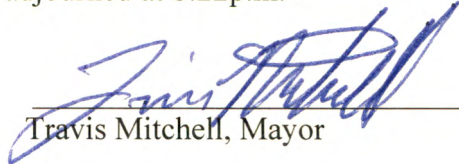
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 to deliberate the purchase of real property for public purpose.
  - Purchase of property for City Facilities and Public Purposes
  - Acquisition of property for transportation improvements and related infrastructure
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 Sahara

There was no executive session.

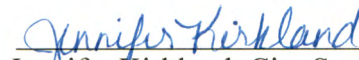
25. Take action on items discussed in Executive Session.

### **X. 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 8:22p.m.

  
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Travis Mitchell, Mayor

ATTEST:

  
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Jennifer Kirkland, City Secretary