

CITY COUNCIL REGULAR MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on February 20, 2024 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell
Mayor Pro Tem Robert Rizo
Council Member Bear Heiser
Council Member Miguel Zuniga
Council Member Lauralee Harris
Council Member Daniela Parsley
Council Member Michael Tobias
Bryan Langley, City Manager
Jerry Hendrix, Assistant City Manager
Amber Schmeits, Assistant City Manager
Jesse Elizondo, Assistant City Manager
Aimee Alcorn-Reed, City Attorney
Paige Saenz, Special Counsel
Rachel Sonnier, Dir. of Communications
Grant Bowling, Audio Film Prod Manager
Jeffrey Banks, Audio & Film Prod Spec
Jennifer Kirkland, City Secretary
Leon Barba, City Engineer
Victoria Vargas, Director of Econ. Dev.
Perwez Moheet, Director of Finance
Sandra Duran, Director of HR
Marco Forti, Director of IT
Mariana Espinoza, Director of Parks & Rec.
Aimee Garcia, Asst. Dir. of Parks & Rec.
Benito Pereda, Div. Mgr. of Parks Maint.
Claudia Rocha, Special Events Manager
Melissa McCollum, Chief Dev. Officer
Kelly Stilwell, Building Official
Will Atkinson, Director of Planning
Harper Wilder, Director of Public Works
Tim Samford, Asst. Dir. of Water Utilities
Mike Murphy, Director of Water Utilities
Scott Egbert, Streets Division Manager
Rosie Truelove, Director of Admin Services

Jose Riojas
Wilma Javey
Vanessa Westbrook
Stephanie Murray
Mike Woods
Cadet Lieutenant Cmdr. Natalia Melchor
Cadet Lieutenant Junior Grade Jordan Holte
Cadet Lieutenant Junior Grade Aidan King
Carl Hunter
Will Hager
Kyle Earlywine

I. Call Meeting to Order and Roll Call

Mayor Mitchell called the meeting to order at 7:01 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.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:02 p.m. out of order, ahead of the Approval of Minutes.

Jose Riojas was called to speak as registered. He spoke about the turn signal light at Bebee Road and Dacy Lane. He stated that the cars wanting to turn left, there's no turn lane, so the cars just stay stopped there.

Wilma Javey was called to speak as registered. She attended the February 6, 2024 meeting virtually and she appreciated Council Member Tobias's proclamation recognizing Black History Month. She stated that the month of February is the birth month of Abraham Lincoln and George Washington. She stated that she was displeased with the timing and found this proclamation culturally insensitive and that it wasn't recognizing President's Day, but rather, George Washington's birthday.

Vanessa Westbrook was called to speak as registered. She thanked Council Members Harris and Tobias for their attendance at the recent Dialogue for Peace and Progress. She spoke about yesterday's Presidents Day holiday. She spoke about her headpiece, which is a flight hat with goggles. She spoke about Betsy Coleman, who received a license to fly and was a Texan. She spoke about next month's Women's History Month.

Stephanie Murray was called to speak as registered. She thanked Council Member Zuniga for attending the MLK celebration in January. She thanked Council Member Tobias for showing support and proclamation for Black History Month. She spoke about the recent Dialogue for Peace and Progress. She thanked Ms. Westbrooks for the celebration of Black History Month. She spoke about Election Day and students being dismissed from school due to safety concerns. She spoke about the exclusionary dialogue related to the Election.

Mike Woods was called to speak as registered. He spoke about being a thoughtful citizen. He quoted President Robert Kennedy from when he announced that Martin Luther King, Jr. had passed. He stated that being a thoughtful citizen takes work and effort. He stated that it requires proactive consideration to listen to those who otherwise might not be heard. He stated that it takes effort to seek justice for all those that suffer within our country.

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

II. Approval of Minutes

1. Approval of the City Council February 6, 2024 Special Meeting Minutes, February 6, 2024 Regular Meeting Minutes, February 9, 2024 Workshop Meeting Minutes, February 10, 2024 Workshop Meeting Minutes, and February 11, 2024 Workshop Meeting Minutes.
(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)

Mayor Mitchell brought the minutes up out of order, after Citizen Comments.

Council Member Tobias moved to approve the minutes of the February 6, 2024 Special Council Meeting, February 6, 2024 Regular Council Meeting, February 9, 2024 Workshop Meeting, February 10, 2024 Workshop Meeting, and February 11, 2024 Workshop Meeting. Council Member Parsley seconded the motion. Motion passed 7 - 0.

IV. Agenda Order

2. Agenda Order per Rules of Council Sec. B1. (Item Presenter: Travis Mitchell, Mayor)

No action was taken.

V. Appointments

3. Consider approval of a minute order appointing a new city council representative to the CAPCOG General Assembly in place of former city council member Yvonne Flores-Cale. (Item Presenter: Jesse Elizondo, Assistant City Manager)

Mayor Mitchell moved to approve the appointment of Mayor Pro Tem Rizo to the CAPCOG General Assembly in place of former City Council Member Yvonne Flores-Cale and direct staff to appoint Council Member Heiser in the event a third place is provided to the City of Kyle. Council Member Parsley seconded the motion. Motion passed 7 - 0.

VI. Reports and Presentations

4. Receive a report concerning the Lehman High School Navy JROTC Annual Military Inspection scheduled for Thursday, March 7th.
(Item Presenter: Travis Mitchell, Mayor)

Cadet Lieutenant Commander Natalia Melchor, Cadet Lieutenant Junior Grade Jordan Holte, and Cadet Lieutenant Junior Grade Aidan King invited Council to their 14th Annual Military Inspection on March 7. They discussed what the Annual Military Inspection is and informed the Council of the opportunity they will have to be able to see what they do. No action was taken.

5. Special recognition of the Labeda Chupacabra Roller Hockey Team for winning their first NARCh Winter National Title in Men's Silver.
(Item Presenter: Travis Mitchell, Mayor)

Carl Hunter spoke about the leagues running at Ash Pavilion. He spoke about the tournament that they won, against teams from all over the US and even Canada. He spoke about the hockey community and the team being made up of men from San Antonio to Red Rock. He stated that there are no other facilities within three hours. He credited the City of Kyle and Parks and Recreation for the facility. He mentioned the tournament coming up on March 23rd and 24th that is a fundraiser for the children's hospital. No action was taken.

6. Introduction of new Director of Water Utilities, Mike Murphy.
(Item Presenter: Amber Schmeits, Assistant City Manager)

Amber Schmeits introduced Mike Murphy, who commented on the projects ahead. No action was taken.

7. Receive a report, hold a discussion, and provide staff direction on roadway conditions, preservation and capital improvements project planning.
(Item Presenter: Leon Barba, P.E., City Engineer)

The item was presented by Leon Barba and Harper Wilder. Bryan Langley also provided information on the item. No action was taken.

8. Receive a report, hold a discussion, and provide staff direction regarding the Development Services Department plan to minimize or eliminate the \$2.17 M annual expenditure for outsourced inspections.
(Item Presenter: Kelly Stilwell, Building Official)

The item was presented by Melissa McCollum. Kelly Stilwell also provided information on the item. No action was taken.

9. Receive a report, hold a discussion, and provide staff direction on the 2024 Special Events Calendar and options for the Kyle Fair and Pie in the Sky Festival.
(Item Presenter: Mariana Espinoza, Director of Parks & Recreation)

Mariana Espinoza presented the item. Claudia Rocha and Aimee Garcia also provided information on the item.

Council Member Tobias moved to direct staff to discontinue this year's Pie in the Sky Festival and reallocate those resources to another future event. Council Member Parsley seconded the motion. Motion passed 6 - 1 with Council Member Zuniga dissenting.

VIII. Items Pulled from Consent Agenda

Council Member Zuniga pulled Item No. 10. Mayor Mitchell brought forward Item No. 10.

10. Consider approval of an agreement between the City of Kyle and Green Flush Technologies, LLC. for a pre fabricated restroom for the Plum Creek Trail in the amount of \$198,333.
(Item Presenter: Mariana Espinoza, Director of Parks & Recreation)

Mariana Espinoza introduced Kyle Earlywine who presented the item ahead of Consent Agenda consideration.

VII. Consent Agenda

11. Consider approval of Task Order No. 3 to CP&Y, Inc. dba STV Infrastructure, in the amount of \$496,783 for the development of the City of Kyle Water Master Plan and authorize the City Manager to execute the task order.
(Item Presenter: Tim Samford, Assistant Director of Water Utilities)
12. Consider approval of a resolution authorizing the City Manager to reject all proposals received for RFQ-2023-40-PARD (Design Services for Kyle Sportsplex).
(Item Presenter: Rosie Truelove, Director of Administrative Services)
13. Consider approval of Task Order No. 4 to RPS Infrastructure, Inc. for design of the Vybe Trail and to revise the drainage design relating to the Marketplace Avenue project in the amount of \$225,468.25 and authorize the City Manager to execute all documents related thereto.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)

14. Consider approval of a resolution authorizing the City Manager to execute documents necessary to acquire 0.023 acres of land located in Hays County, Texas from Plum Creek 2022, LP, for \$7,056 for the Marketplace Avenue roadway project.
(Item Presenter: Amber Schmeits, Assistant City Manager)
15. Consider approval of a resolution authorizing the City Manager to negotiate the purchase of an approximately 2,863 square-foot tract of land in Hays County, Texas from NP Austin Industrial 2, LLC, in an amount that the City Manager determines is fair and reasonable, but not to exceed \$25,767, for the Marketplace Avenue roadway project; and authorizing the City Manager to execute all necessary documents related thereto, in a form acceptable to the City Attorney.
(Item Presenter: Aimee Alcorn-Reed, City Attorney)

Council Member Parsley moved to approve Consent Agenda Item Nos. 10, 11, 12, 13, 14, and 15. Council Member Harris seconded the motion. Motion passed 7 - 0.

IX. Consider and Possible Action

16. Consider approval of the CSW 1st Amendment development agreement; and consider approval of a resolution authorizing the City Manager to execute a Master Agreement and Task Order No. 1 with Schaumburg & Polk, Inc., Kyle, Texas, for providing engineering services on the Vybe Trail System to include preparation of design plans, providing bidding, and construction services for the construction of the Kyle Marketplace Section Two / St David connector segment in an amount of \$237,901.
(Item Presenter: Will Atkinson, Director of Planning)

Mayor Mitchell moved to approve the CSW 1st Amendment development agreement; and consider approval of a resolution authorizing the City Manager to execute a Master Agreement and Task Order No. 1 with Schaumburg & Polk, Inc., Kyle, Texas, for providing engineering services on the Vybe Trail System and to include preparation of design plans, providing bidding, and construction services for the construction of the Kyle Marketplace Section Two / St David connector segment in an amount of \$237,901. Council Member Heiser seconded the motion. Motion passed 7 - 0.

17. Consider approval of Task Order No. 2 to KCI Technologies, Inc. in an amount of \$110,450 for the development of a sidewalk master plan for the City.
(Item Presenter: Harper Wilder, Director of Public Works)

Harper Wilder presented the item. Will Hager, Practice Leader with KCI Technologies provided information on the item.

Council Member Tobias moved to approve Task Order No. 2 to KCI Technologies, Inc. in an amount of \$110,450 for the development of a sidewalk master plan for the City. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

18. Consider approval of a resolution approving an amendment to the Preliminary Project and Finance Plan for Reinvestment Zone Number Six, City of Kyle, Texas.
(Item Presenter: Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel)

Council Member Zuniga moved to approve a resolution approving an amendment to the Preliminary Project and Finance Plan for Reinvestment Zone Number Six, City of Kyle, Texas. Council Member Heiser seconded the motion. Motion passed 7 - 0.

19. Consider approval of Task Order No. 20 to LJA Engineering, Inc., for PS&E design of the Kohlers to Seton (Off-System) project of the 2022 Road Bond Program in an amount of \$1,367,014.84; and authorizing the City Manager to execute all documents related thereto.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)

Council Member Heiser moved to approve Task Order No. 20 to LJA Engineering, Inc., for PS&E design of the Kohlers to Seton (Off-System) project of the 2022 Road Bond Program in an amount of \$1,367,014.84; and authorizing the City Manager to execute all documents related thereto. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

20. Consider approval of a resolution authorizing the 2024 Team Kyle Academy.
(Item Presenter: Rachel Sonnier, Director of Communications)

Mayor Mitchell moved to amend the motion to increase the maximum number of participants from 24 to 30. Council Member Heiser seconded the motion. Motion passed 7 - 0.

Mayor Mitchell moved to approve a resolution authorizing the 2024 Team Kyle Academy. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

21. Consider approval of a resolution approving a Franchise Agreement with Mountain City and authorizing the City Manager to execute the agreement in a final form approved by the City Attorney.
(Item Presenter: Paige Saenz, The Knight Law Firm)
22. Consider approval of a resolution approving an Interlocal Agreement with the City of Mountain City and authorizing the City Manager to execute the agreement in a final form approved by the City Attorney.
(Item Presenter: Paige Saenz, The Knight Law Firm)

Mayor Mitchell brought forward Item Nos. 21 and 22 simultaneously. Paige Saenz presented the item.

Aimee Alcorn-Reed, Bryan Langley and Will Atkinson also provided information on the item.

Mayor Mitchell moved to approve Item Nos. 21 and 22 and direct the City Attorney to amend the contract for Mountain City to provide assurances to the City of Kyle that number one the road will be built to, at a minimum, the standard set forth in the Kyle regulations and the standard demonstrated in Richardson up to that point, and number two to give the City of Kyle assurances that the water will not be provided to them or LUEs are delivered, prior to construction of that road is completed. Council Member Parsley seconded the motion. Motion passed 6 - 1 with Council Member Zuniga dissenting.

23. Discussion and possible action to direct city manager and staff to research a carpool option and program for residents that work inside or outside the city.
(Item Presenter: Miguel A. Zuniga PhD, Council Member)

No action was taken.

24. Discussion and possible action to direct the Economic Development and Tourism Board to analyze trends and best strategies for increasing hotel occupancy revenues and the development of a hotel/convention center funding plan.
(Item Presenter: Travis Mitchell, Mayor)

Mitchell moved to direct staff to direct the board to bring forward a report in June. Mayor Pro Tem Rizo seconded the motion.

X. Executive Session

25. 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.
- a. **Executive session pursuant to Texas Government Code 551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to the amendment of the Development Agreement Establishing Standards for the Kyle Marketplace Subdivision/Development.
 - b. **Executive session pursuant to Texas Government Code 551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to the Quail Ridge Drainage Assessment.
 - c. **Executive session pursuant to Texas Government Code 551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to the Sledge Drainage Assessment and pursuant to Texas Government Code §551.072 to discuss the possible purchase, exchange, lease, or value of real estate related to same.
 - d. **Executive session pursuant to Texas Government Code 551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to the Marketplace Avenue road project; and pursuant to Texas Government Code §551.072 to discuss the possible purchase, exchange, lease, or value of real estate related to same.
 - e. **Executive session pursuant to Texas Government Code 551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to the acquisition of property for transportation improvements and related infrastructure; and pursuant to Texas Government Code §551.072 to discuss the possible purchase, exchange, lease, or value of real estate related to same.
 - f. **Executive session pursuant to Texas Government Code 551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to Project Two Step; and pursuant to Texas Government Code §551.087 to discuss and deliberate regarding potential financial or other incentives to business prospect(s) that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations relate to same.
 - g. **Executive session pursuant to Texas Government Code 551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to Project Sahara; and pursuant to Texas Government Code §551.087 to discuss and deliberate regarding potential financial or other incentives to business prospect(s) that the City seeks to have locate, stay,

or expand in or near the City and with which the City is conducting economic development negotiations relate to same.

There was no executive session.

26. Take action on items discussed in Executive Session.

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 10:05 p.m.


Travis Mitchell, Mayor

ATTEST:


Jennifer Kirkland, City Secretary