

CITY COUNCIL REGULAR MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on March 7, 2024 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	John Carter
Mayor Pro Tem Robert Rizo	Helen Sue Carter
Council Member Bear Heiser	Stephanie McDonald
Council Member Miguel Zuniga	Michael McDonald
Council Member Lauralee Harris	Armando Escalante
Council Member Daniela Parsley	Eileen Escalante
Bryan Langley, City Manager	Gavin Lopez
Amber Schmeits, Assistant City Manager	Anthony Jaramillo
Jesse Elizondo, Assistant City Manager	
Aimee Alcorn-Reed, City Attorney	
Rachel Sonnier, Dir. of Communications	
Grant Bowling, Audio Film Prod Manager	
Jeffrey Banks, Audio & Film Prod Spec	
Cynthia Gonzales, Assistant City Secretary	
Leon Barba, City Engineer	
Victoria Vargas, Director of Economic Dev.	
Perwez Moheet, Director of Finance	
Connie Campa, Accounting Manager	
Marco Forti, Director of IT	
Jessica McCart, Asst. Director of Library	
Mariana Espinoza, Director of Parks & Rec.	
Claudia Rocha, Special Events Manager	
Melissa McCollum, Chief Dev. Officer	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Asst. Chief of Police	
Will Paiz-Tabash, Emergency Mgmt. Coord.	
Rosie Truelove, Director of Admin Services	
Mike Murphy, Director of Water Utilities	

I. Call Meeting to Order and Roll Call

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, and Council Member Parsley. A quorum was present. Council Member Tobias was absent.

Mayor Mitchell moved to excuse Council Member Tobias's absence from this meeting. Council Member Heiser seconded the motion. Motion passed 6 - 0.

II. Approval of Minutes

1. Approval of the City Council February 20, 2024 Special Meeting Minutes, and February 20, 2024 Regular Meeting Minutes.
(Item Presenter: Cynthia Gonzales, Assistant City Secretary)

Mayor Pro Tem Rizo moved to approve the minutes of the February 20, 2024 Special Council Meeting and the minutes of the February 20, 2024 Council Meeting. Council Member Heiser seconded the motion. Motion passed 6 - 0.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:04 p.m.

John Carter was called to speak as registered in opposition of Item No. 21. He expressed his opposition to item #20. He quoted from the Bible. He stated that it was in violation of God's will.

Helen Sue Carter was called to speak as registered in opposition of Item No. 21. She expressed that there were laws regarding the pride theme. She spoke of a headline that states Attorney General says celebration of pride events violates state law. She quoted laws and penalties regarding the pride theme. She asked if City of Kyle was ready to deal with lawsuits. She stated that is about children.

Stephanie McDonald was called to speak as registered in opposition of Item No. 21. She urged the City Council to not direct the City Manager to designate a pride themed market day, stating it is not the government's place to politicize city-sponsored events. She continued that it is a market day intended for shopping. She expressed her concern about the event polarizing and dividing the community. She asked that the discussion item be moved to the top of the agenda.

Michael McDonald was called to speak as registered in opposition of Item No. 21. He expressed that it is called Kyle Market Days, and spoke about all the usual activities of selling and buying wares, buying and creating arts and crafts, for farmers selling fruits and vegetables, and to listen to live music. He stated that this is a gathering of all citizens and supported by the citizens tax dollars. He expressed what it is not: political, meant to elevate one group of people over another, to be used to divide the citizens of Kyle, or where organizations come to recruit new members. He used the example of sports and entertainment, and how the decisions made still divide our country today.

Armando Escalante was called to speak as registered in opposition of Item No. 21. He expressed his concern of this leading to groundwork for municipal suicide. He stated that this isn't about pride, but rather a communist agenda. He read excerpts from a Gay Communist News manifesto published in February 1987 to express where things like this come from. He concluded that if council approves this item, it will lay the groundwork for municipal suicide.

Eileen Escalante was called to speak as registered in opposition of Item No. 21. She stated a quote from John Adams. She stated that we have a good country but expressed her concern of special interest groups oppressing Christians. She stated that sexuality belongs in the home, not the public square. Ms. Escalante continued that the government should not use taxpayer money to promote these types of events, that it's oppressive to the rest of the citizenry and it's wrong.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:18 p.m.

IV. Agenda Order

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

Council Member Zuniga requested to move Item No. 21 out of order before Item No. 3.

VIII. Consider and Possible Action

21. Discussion and possible action on directing the City Manager to designate a Pride-themed Market Days event in June 2024.

(Item Presenter: Bear Heiser, Council Member)

Mayor Pro Tem Rizo moved to direct the City Manager to designate a Pride -themed Market Days event in June 2024. Council Member Heiser seconded the motion.

Mayor Mitchell requested a roll call vote.

Council Member Heiser voted aye; Mayor Mitchell voted aye; Council Member Parsley voted nay; Council Member Zuniga voted aye; Council Member Rizo voted aye; and Council Member Harris voted aye. Motion passed 5 - 1 with Council Member Parsley dissenting.

Council Member Zuniga moved to reconsider agenda item No. 21. Council Member Parsley seconded the motion. Motion failed 2 - 4.

V. Reports and Presentations

3. A Proclamation recognizing Women's History Month.
(Item Presenter: Daniela Parsley, Council Member)

No action was taken.

4. A Proclamation recognizing March 8, 2024 as International Women's Day.
(Item Presenter: Daniela Parsley, Council Member)

No action was taken.

5. Receive a report from the Kyle Area Youth Advisory Council (KAYAC) regarding their newly selected capstone project.
(Item Presenter: Jesse Elizondo, Assistant City Manager)

Jesse Elizondo introduced Gavin Lopez, Marketing Chair for KAYAC and Anthony Jaramillo, Vice President of KAYAC to present the item. They discussed what the capstone project consists of. They invited everyone to go observe the capstone project, date to be provided at a later time, and also informed Council that there will be an opportunity to purchase a stone to put on the trail at the park that will be there forever. The proceeds of the rocks would go to the Forever 15 Foundation. No action was taken.

6. Receive a report, hold a discussion and provide staff direction regarding an update on the City's recent Mental Health Request for Proposals.
(Item Presenter: Rosie Truelove, Director of Administrative Services)

Council Member Heiser moved to direct staff to proceed with option 3, join panel of City, County, and ISD officials, as it related to RFP. Council Member Parsley seconded the motion. Motion passed 6 - 0.

VI. Consent Agenda

Mayor Mitchell brought forward Item Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 for consideration.

7. Consider approval of Amendment 6 to Task Order No. 6 to LJA Engineering, Inc. in the amount of \$9,823 increasing the total project amount to \$243,558 to provide general real estate negotiation and acquisition services for an easement along the Anthem to Plum Creek Waterline Project and authorize the City Manager to execute the task order.
(Item Presenter: Leon Barba, P.E., City Engineer)
8. Consider approval of a resolution authorizing the City Manager to submit a grant application to the Byrne State Crisis Intervention Program (Byrne SCIP) in the amount of \$343,586 for the purpose of establishing a Community Mental Health Response Team.
(Item Presenter: Jeff Barnett, Chief of Police)
9. Consider approval of a resolution creating both, Kyle Public Library's Collection Development Policy and Exhibits and Displays Policy.
(Item Presenter: Jessica McCart, Interim Director of Library Services)
10. Consider approval of a resolution authorizing the City Manager, or designee, to extend offers to property owners for right-of-way acquisition for 2022 Kyle Road Bond projects based on the appraised value of individual property interests; authorizing the City Manager, or designee, to execute all documents necessary for right-of-way acquisition as part of the 2022 Kyle Road Bond projects, within the bounds of the property acquisition budget for the road bond projects, for any acquisition with a cost not to exceed \$250,000; and authorizing the City Manager, or designee, to enter into possession and use agreements with incentives not to exceed \$15,000 or 10% of the appraised value of any property, whichever is less, related to right-of-way acquisition for the 2022 Kyle Road Bond projects when the City Manager determines that such agreements are in the City's best interest.
(Item Presenter: Aimee Alcorn-Reed, City Attorney)
11. Consider approval of a resolution authorizing the City Manager to execute a Master Cooperative Purchase Agreement and join the Texas Interlocal Purchasing Cooperative.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
12. *(First Reading)* Consider approval of an ordinance amending the City's adopted budget for Fiscal Year 2023-2024 to authorize the addition of two inspector positions and all support costs including two leased vehicles for the Building Department.
(Item Presenter: Kelly Stilwell, Building Official)
13. Consider approval of a contract awarding plan review and inspection services to Arch Technical Services, LLC, as sole provider and authorize the City Manager to execute the contract.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
14. *(First Reading)* Consider approval of an ordinance amending the City's adopted budget for Fiscal Year 2023-2024 by discontinuing the Pie in the Sky Fair program and authorizing the reprogramming of \$180,000 in funding to be added to the Tex-Travaganza Fair program.
(Item Presenter: Mariana Espinoza, Director of Parks & Recreation)

15. Consider approval of a resolution waiving required Board of Adjustment fees for property located at 401 Sunflower Circle in the amount of \$778.20.
(Item Presenter: Melissa McCollum, Chief Development Officer)
16. *(First Reading)* Consider approval of an ordinance authorizing the City Manager, or designee, to execute agreements within the City Manager's authority level as set by the City's purchasing policy; authorizing the City Manager, or designee, to execute any other agreements after City Council approval; and delegating the City Council's authority to determine that an alternative procurement method provides the best value to the City, under Section 2269.056 of the Texas Government Code, to the City Manager, or designee.
(Item Presenter: Aimee Alcorn-Reed, City Attorney)

Council Member Parsley moved to approve Consent Agenda Item Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16. Council Member Heiser seconded the motion. Motion passed 6 - 0.

VII. Items Pulled from Consent Agenda

VIII. Consider and Possible Action

17. Consider approval of a resolution authorizing the methodology of the intersection improvements on Marketplace Avenue at Kyle Center Drive and Marketplace Avenue at FM 1626.
(Item Presenter: Leon Barba, P.E., City Engineer)

Leon Barba presented the item. Bryan Langley also provided information on the item.

Mayor Mitchell moved to approve a resolution authorizing the methodology of the intersection improvements on Marketplace Avenue at Kyle Center Drive and Marketplace Avenue at FM 1626, option 3, and to direct staff to analyze that intersection. Council Member Parsley seconded the motion. Motion passed 6 - 0.

18. *(First Reading)* Consider approval of an ordinance amending the City's adopted budget for Fiscal Year 2023-2024 and consider approval of an Inter-Local Agreement between ESD #5 and City of Kyle to reimburse purchase of a hazmat trailer and hazmat supplies not to exceed \$59,290.04.
(Item Presenter: Jeff Barnett, Chief of Police)

Mayor Pro Tem Rizo moved to approve an ordinance amending the City's adopted budget for Fiscal Year 2023-2024 and consider approval of an Inter-Local Agreement between ESD #5 and City of Kyle to reimburse purchase of a hazmat trailer and hazmat supplies not to exceed \$59,290.04. Council Member Harris seconded the motion. Motion passed 6 - 0.

19. Consider approval of Task Order No. 6 to American Structurepoint, Inc. for PS&E design of the Bebee Road (East) project of the 2022 Road Bond Program in an amount of \$730,306.13.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)
20. Consider approval of Task Order No. 7 to American Structurepoint, Inc. for PS&E design of the Bebee Road (West) project of the 2022 Road Bond Program in an amount of \$3,547,398.02; 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)

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

Mayor Mitchell moved to approve Item Nos. 19 and 20. Mayor Pro Tem Rizo seconded the motion. Motion passed 6 - 0.

IX. Executive Session

22. 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 Texas Commission on Environmental Quality consideration of the City's permit application number WQ0011041002, related State Office of Administrative Hearing proceedings, and/or other legal issues related to the Wastewater Treatment Plant expansion.
- 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 acquisition of property for transportation and/or park 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.
- 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 Article III of the City Charter.
- 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 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 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 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 related 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 the acquisition of

property located at or near 2400 Dacy Lane from DFLC, Inc., and/or other interested parties; and pursuant to Texas Government Code §551.072 to discuss the possible purchase, exchange, lease, or value of real estate related to same.

- h. **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 Underground; 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 related to same.

There was no executive session.

23. 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 8:34 p.m.



Travis Mitchell, Mayor

ATTEST:



Jennifer Kirkland, City Secretary