

## CITY COUNCIL REGULAR MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on March 19, 2024 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Joan Fox
Mayor Pro Tem Robert Rizo	Stephanie McDonald
Council Member Bear Heiser	Domingo Castilleja
Council Member Miguel Zuniga	Yvonne Flores-Cale
Council Member Lauralee Harris	Dawn Conley
Council Member Daniela Parsley	Betty Conley
Council Member Michael Tobias	Eileen Escalante
Bryan Langley, City Manager	Larry Graham
Amber Schmeits, Assistant City Manager	
Jesse Elizondo, Assistant City Manager	
Aimee Alcorn-Reed, City Attorney	
Rosie Truelove, Director of Admin Services	
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 Economic Dev.	
Perwez Moheet, Director of Finance	
Connie Campa, Accounting Manager	
Marco Forti, Director of IT	
Mariana Espinoza, Director of Parks & Rec.	
Aimee Garcia, Asst. Dir. of Parks & Rec.	
Melissa McCollum, Chief Dev. Officer	
Will Atkinson, Director of Planning	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Asst. Chief of Police	
Mike Murphy, Director of Water Utilities	
Tim Samford, Asst. Dir. of Water Utilities	

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

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 Rizo, Council Member Heiser, Council Member Zuniga, Council Member Harris, Council Member Parsley, and Council Member Tobias. A quorum was present.

### **II. Approval of Minutes**

1. Approval of the City Council March 7, 2024 Special Meeting Minutes, and March 7, 2024 Regular Meeting Minutes.  
(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)

Council Member Tobias moved to approve the minutes of the March 7, 2024 Special Council Meeting and the minutes of the March 7, 2024 Council Meeting. Council Member Harris seconded the motion. Motion passed 7 - 0.

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

Mayor Mitchell opened citizen comments at 7:02 p.m.

Joan Fox was called to speak as registered regarding Pride Event at Market Days. She stated that she came to Kyle because it is a welcome place for all. She stated that the article she read had many Biblical references, she stated that we have to abide by liberty and justice for all. She stated that if you legislate against a certain group, that is the beginning of hate, and we don't want to go there.

Stephanie McDonald was called to speak as registered in opposition of Item No. 22, and regarding water. She stated that there is already a stipend of \$500 per council member. She stated that she thinks it is a raise in disguise, which is against the Charter. She stated that the insurance benefit is one that other part-time City employees don't have. She stated there are many dire issues in the City and that money could be used for those needs. She asked Council to change the time from 7:00 p.m. to 10:00 p.m. to 7:00 a.m. to 10:00 a.m. for water times. She spoke about other developments that are not in the City limits that Kyle provides water to, while the City is in a water emergency. She asked Council to move Item No. 22 to the top of the meeting discussions.

Domingo Castilleja was called to speak as registered in opposition of Item No. 22. He stated that the ordinance currently allows council members access to health insurance as long as they pay the premiums. He stated he didn't think the city should be burdened with that responsibility.

Yvonne Flores -Cale spoke about the role of an elected politician. She stated that elected officials should never receive benefits that exceed members of staff. She continued that allowing reimbursement without documentation would regress the city back to the same problematic situation experienced in 2021. She stated that attempting to circumvent the City's charter to increase Council compensation does not make you smart, it makes you a thief among thieves. She spoke about the lack of consideration amongst the City's leadership. She vowed to hold council accountable.

Dawn Conley was called to speak as registered in opposition of Item No. 22. She spoke about the presentation materials speaking about improving efficiency and staff time required for mileage reimbursements. She spoke about her role as an HR professional and her responsibilities and duties. She stated that it is a lazy way to handle mileage and removes all accountability. With health insurance, she stated, they have access to it at their cost, and they are not part- or full-time employees. She asked the item be moved up for discussion.

Betty Conley was called to speak as registered. She requested streetlights at Kensington. She spoke about the area school and businesses and the safety of walkers. She states it is dark and entrances are not visible without lights and drivers are going on the wrong side.

Eileen Escalante was called to speak as registered regarding Item No. 22. She stated that she objects to a \$300 stipend. She stated normal bookkeeping practices are to show a receipt and get a reimbursement. She objects to the insurance benefit stating that Council are part time employees and servants, and it is not a good use of City money.



With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:14 p.m.

#### **IV. Agenda Order**

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

Council Member Tobias requested to move Item No. 22 out of order ahead of Item No. 3.

#### **IX. Consider and Possible Action**

22. *(First Reading)* Consider approval of an ordinance amending the City's adopted budget for Fiscal Year 2023-2024 to authorize the Mayor and City Council members to access the health insurance program on the same terms as full-time City employees and to reallocate funds currently available for mileage reimbursement for the Mayor and City Council members to create a mileage stipend for the Mayor and each City Council member in the amount of \$300 per month to cover the cost of using a personal vehicle for City business; and amending Ordinance No. 1043 regarding City Council health insurance access.  
(Item Presenter: Jesse Elizondo, Assistant City Manager)

Mayor Mitchell brought forward Item No. 22 out of order, ahead of Item No. 3.

Council Member Tobias moved to deny the ordinance amending the adopted budget and authorize the Mayor and City Council's insurance and to disapprove and deny the additional \$300 per month for mileage reimbursement for Mayor and Council Members. Motion failed for lack of a second.

Council Member Heiser moved to approve option 2: amend an ordinance amending the City's adopted budget for Fiscal Year 2023-2024 to authorize the Mayor and City Council members to access the health insurance program on the same terms as full-time City employees; and deny the stipend. Mayor Pro Tem Rizo seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Tobias voted nay; Mayor Pro Tem Rizo voted aye; Council Member Harris voted aye; Council Member Parsley voted nay; Mayor Mitchell voted aye; Council Member Zuniga voted nay; and Council Member Heiser voted aye. Mayor Pro Tem Rizo seconded the motion. Motion passed 4 - 3.

#### **IV. Appointments**

3. Consider approval of a minute order appointing Debra Broderick to seat 6 of the Arts and Cultural Board.  
(Item Presenter: Amber Schmeits, Assistant City Manager)

Mayor Mitchell moved to approve the appointment of Debra Broderick to Seat 6 of the Arts and Cultural Board. Council Member Parsley seconded the motion. Motion passed 7 - 0.

4. Consider approval of a minute order appointing Paul Hill for Seat 4 on the City of Kyle Ethics Commission.  
(Item Presenter: Lauralee Harris, Council Member)

Council Member Harris moved to approve the appointment of Paul Hill for Seat 4 on the City of Kyle Ethics Commission. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

#### **V. Reports and Presentations**

5. Receive a report, hold a discussion, and provide staff direction regarding updating the City of Kyle Fee Schedule in Appendix A of the City of Kyle Code of Ordinances.  
(Item Presenter: Melissa McCollum, Chief Development Officer)

No action was taken.

#### **VI. Consent Agenda**

Council Member Zuniga requested to ask questions about Item Nos. 6 and 14. Mr. Langley provided the information requested. Mayor Mitchell brought forward Item Nos. 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 for consideration.

6. Consider approval of a contract with Raftelis Financial Consultants, Inc., to conduct a water and wastewater cost of service and rate study in the amount of \$129,163.  
(Item Presenter: Rosie Truelove, Director of Administrative Services)
7. Consider approval of Amendment No. 4 to Task Order No. 2 to CP&Y, Inc. dba STV Infrastructure, Inc., in the amount of \$92,430 increasing the total contract amount to \$438,454.50 for design modifications and acquisition services for the North Trails Wastewater Interceptor improvement project.  
(Item Presenter: Leon Barba, P.E., City Engineer)
8. Consider approval of Amendment No. 6 to K Friese & Associates, LLC., in the amount of \$143,240 increasing the total contract amount to \$490,390 for design, bid and construction phase services for the Center Street Village Wastewater Improvements.  
(Item Presenter: Leon Barba, P.E., City Engineer)
9. Consider approval of a resolution authorizing a two-year contract with Hilltop Securities Asset Management, LLC to provide investment advisory services in the amount of \$72,000.  
(Item Presenter: Rosie Truelove, Director of Administrative Services)
10. Consider approval of a resolution accepting Porter Country Phase 1 subdivision improvements.  
(Item Presenter: Leon Barba, P.E., City Engineer)
11. Consider approval of a contract with The Brandt Companies, LLC., through the BuyBoard, for the purchase and installation of docking stations in the amount of \$228,638, and authorize the City Manager to execute the contract.  
(Item Presenter: Rosie Truelove, Director of Administrative Services)
12. *(Second 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.  
*City Council voted 6-0 to approve on first reading on 3/7/2024*  
(Item Presenter: Melissa McCollum, Chief Development Officer)



13. *(Second 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.  
*City Council voted 6-0 to approve on first reading on 03/07/2024*  
(Item Presenter: Mariana Espinoza, Director of Parks & Recreation)
14. *(Second 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.  
*City Council voted 6-0 to approve on first reading on 03/07/2024*  
(Item Presenter: Aimee Alcorn-Reed, City Attorney)
15. *(Second 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.  
*City Council voted 6-0 to approve on first reading on 03/07/2024*  
(Item Presenter: Jeff Barnett, Chief of Police)

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

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

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

16. Consider approval of a resolution adopting the City of Kyle's Legislative Program.  
(Item Presenter: Jesse Elizondo, Assistant City Manager)

Mayor Mitchell moved to approve a resolution adopting the City of Kyle's Legislative Program. Council Member Parsley seconded the motion. Motion passed 7 - 0.

17. *(First Reading)* Consider approval of an ordinance granting a non-exclusive franchise to One Gas, Inc. for a period of 20 years for the transportation, distribution, and sale of gas and requiring payment of franchise fees.
  - Public Hearing(Item Presenter: Amber Schmeits, Assistant City Manager)

Mayor Mitchell opened the public hearing at 8:36 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:36 p.m.

Larry Graham with Texas Gas Service addressed questions presented by Council Member Zuniga.

Council Member Zuniga moved to approve an ordinance granting a non-exclusive franchise to One Gas, Inc. for a period of 20 years for the transportation, distribution, and sale of gas and not requiring payment of franchise fees. Mayor Mitchell seconded the motion. Motion passed 7 - 0.

Mayor Mitchell asked if there were any objections to the Ordinance being finally passed. There were none.

18. *(First Reading)* Consider approval of an Ordinance approving a Conditional Use Permit for a medical office use pursuant to the Kalterra Capital Partners, LLC Development Agreement for a property located at 2220 Kohlers Crossing, Hays County, TX 78640. (CUP-24-0101)

- Public Hearing

(Item Presenter: Kaela Sharp, City Planner)

Mayor Mitchell opened the public hearing at 8:47 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:47 p.m.

Mayor Pro Tem Rizo moved to approve an Ordinance approving a Conditional Use Permit for a medical office use pursuant to the Kalterra Capital Partners, LLC Development Agreement for a property located at 2220 Kohlers Crossing, Hays County, TX 78640. Mayor Mitchell seconded the motion.

Mayor Mitchell requested a roll call vote.

Council Member Parsley voted nay; Council Member Zuniga voted aye; Council Member Tobias voted nay; Council Member Heiser voted aye; Council Member Harris voted aye; Mayor Mitchell voted aye; and Mayor Pro Tem Rizo voted aye. Mayor Pro Tem Rizo seconded the motion. Motion passed 5 - 2.

19. *(First Reading)* Consider approval of an Ordinance amending the Landscape Code of Chapter 54 of the City of Kyle Code of Ordinances.

- Public Hearing

(Item Presenter: Will Atkinson, Director of Planning)

Council Member Parsley moved to approve an Ordinance amending the Landscape Code of Chapter 54 of the City of Kyle Code of Ordinances. Mayor Pro Tem Rizo seconded the motion. Motion withdrawn to hold the public hearing.

Mayor Mitchell opened the public hearing at 9:03 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:03 p.m.

Council Member Parsley moved to approve an Ordinance amending the Landscape Code of Chapter 54 of the City of Kyle Code of Ordinances, including amendments by Planning & Zoning. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

Mayor Mitchell asked if there were any objections to the Ordinance being finally passed. There were none.

20. Consider approval of a resolution approving the policy and application for the Downtown Revitalization Grant Program.

(Item Presenter: Victoria Vargas, Director of Economic Development)

Mayor Mitchell moved to approve a resolution approving the policy and application for the Downtown Revitalization Grant Program and amend the boundary map to sync with the downtown TIRZ map. Council Member Parsley seconded the motion. Motion passed 7 - 0.



21. Consider approval of Task Order No. 6 to Lockwood, Andrews & Newman, Inc. for PS&E design of the Windy Hill Road project of the 2022 Road Bond Program in an amount of \$830,345.20.  
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)

Mayor Mitchell moved to approve Task Order No. 6 to Lockwood, Andrews & Newman, Inc. for PS&E design of the Windy Hill Road project of the 2022 Road Bond Program in an amount of \$830,345.20. Council Member Parsley seconded the motion. Motion passed 7 - 0.

24. Consider approval of an amendment to Task Order No. 2 with HDR Engineering, Inc. in the amount of \$596,972 for plans, specifications, and estimates, bidding, and contract administration for the re-aligned FM 1626 Transmission Main, a new Well 4 Chlorine Building, and supervisory control and data acquisition control system upgrades.  
(Item Presenter: Leon Barba, P.E., City Engineer)

Mayor Mitchell brought forward Item No. 24 out of order, after Item No. 21.

Mayor Mitchell moved to approve an amendment to Task Order No. 2 with HDR Engineering, Inc. in the amount of \$596,972 for plans, specifications, and estimates, bidding, and contract administration for the re-aligned FM 1626 Transmission Main, a new Well 4 Chlorine Building, and supervisory control and data acquisition control system upgrades. Council Member Zuniga seconded the motion. Motion passed 7 - 0.

23. Consider approval of a resolution appointing Megan Brua to serve as the City's ethics compliance officer on a temporary basis, pending issuance of a request for proposals, based on the recommendation of the City Attorney.  
(Item Presenter: Aimee Alcorn-Reed, City Attorney)

Mayor Mitchell moved to approve a resolution appointing Megan Brua to serve as the City's ethics compliance officer on a temporary basis, pending issuance of a request for proposals, based on the recommendation of the City Attorney. Council Member Parsley seconded the motion. Motion passed 7 - 0.

## IX. 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 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.
  - 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



acquisition of property for park improvements and related infrastructure and downtown properties; and **pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate related to same.

- 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 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.
- 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 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.
- 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 Emerald Ranch 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 Cliffhanger; 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 Universal Natural Gas's application for an interim rate adjustment.
- 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 Lennar Corporation and/or other developers wishing to build residential developments at Plum Creek North and Waterstone, and contracts related to wastewater and water facilities, public improvement districts, and park improvements related to such developments.
- i. **Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to contracts with various lobbyists and strategic advocacy consultants.

There was no executive session.

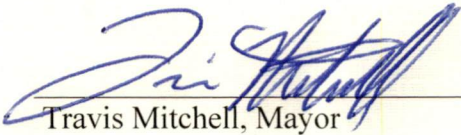
26. Take action on items discussed in Executive Session.

## **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 9:31 p.m.



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Travis Mitchell, Mayor

ATTEST:



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Jennifer Kirkland, City Secretary