

## CITY COUNCIL REGULAR MEETING MINUTES

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

Mayor Travis Mitchell	Edward Bradley
Mayor Pro Tem Robert Rizo	Nancy Fahy
Council Member Bear Heiser	Betty Conley
Council Member Miguel Zuniga	Yvonne Flores-Cale
Council Member Lauralee Harris	Domingo Castilleja
Council Member Daniela Parsley	Courtney Goza
Council Member Michael Tobias	Abby Gibson
Bryan Langley, City Manager	Linda Tenorio
Amber Schmeits, Assistant City Manager	Tracy Sheel
Jesse Elizondo, Assistant City Manager	Janet Pitman
Aimee Alcorn-Reed, City Attorney	
Rosie Truelove, Director of Admin Services	
Julie Beggs, Asst. Dir. of Admin Services	
Clifton Beck, Asst. Dir. 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	
Andy Alejandro, Accounting Manager	
Marco Forti, Director of IT	
Mariana Espinoza, Dep. Dir. of Parks & Rec.	
Melissa McCollum, Chief Dev. Officer	
Will Atkinson, Director of Planning	
Jason Lutz, Planning Manager	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Asst. Chief of Police	
Daniel Preston, Police Sergeant	
Kelly Barron, Victim Svcs. Coord.	
Christine Dalton, Crime Victim Liaison	
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 7:04 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 16, 2024 Special Meeting Minutes, March 19, 2024 Special Meeting Minutes, and March 19, 2024 Regular Meeting Minutes.  
(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)

Council Member Tobias moved to approve the minutes of the March 16, 2024 Special Council Meeting, March 19, 2024 Special Council Meeting and the minutes of the March 19, 2024 Regular Council Meeting. Council Member Parsley seconded the motion. Motion passed 7 - 0.

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

Mayor Mitchell opened citizen comments at 7:06 p.m.

Edward Bradley was called to speak as registered, on behalf of Kyle's Bright Beginnings Learning Center. He asked Council to adopt Proposition #2. This provides tax relief to childcare providers. He stated that birth to age 5 is the most important stage of development. He stated that the workforce is positively impacted by high quality childcare. He spoke about the benefits of Prop #2. He stated that applications must be received after the ordinance takes effect but no later than April 30.

Nancy Fahy was called to speak as registered in opposition of Item No. 20. She spoke about the gas stipend, stating that there is a procedure for mileage reimbursement, and there is no need for this stipend. She then spoke about health insurance, stating that it is part of compensation, and it is already available to council as long as they pay for it. She stated that since these already have methods to achieve these items, this seems like a way to go around the compensation ordinance. She stated that approving the ordinance violates the charter and that it has been voted down several times in the past.

Kelly Barron was called to speak as registered on behalf of Kyle PD Victims Services. She spoke about sexual assault awareness month and child abuse awareness month. She stated that the numbers continue to increase, and she thanked Council for their support for victim's services. She introduced Christine Dalton, Crime Victims Liaison, who also spoke. She too thanked Council for their support in the proclamations to be read this evening.

Betty Conley was called to speak as registered. She stated that she is president of the Kyle Area Senior Zone. She thanked Council for the streetlights. She also stated that she opposes the insurance and doesn't believe that Council should pass the coverage of insurance at the burden of the taxpayers. She stated that part-time employees do not receive this benefit and Council should not come before them. She stated that Council could be unduly influenced by the source of their benefits. She stated that she would like to see tax dollars spent on much needed upgrades and a community event center with a senior component. She requested that Item 20 be moved to the top of discussions. She stated that she hears over and over that KASZ is not part of the City. She stated that it's true, but the seniors of Kyle are members of the community. She requested 15 - 20,000 square feet as the need for the center.

Yvonne Flores-Cale was called to speak as registered in opposition of Item No. 20. She stated that she has no plans to run for Council in 2024. She stated that in 2019, three Council Members voted against the pay increase proposed. She quoted a newspaper article from that time. She spoke about the history of Council Compensation Committee. She stated that for the third time in five years Council is discussing council compensation. Ms. Flores-Cale spoke about a prior conversation with Council

Member Heiser. She stated that they are not voting on insurance for everyone, they are voting for insurance for themselves. She stated it should not be the burden of the taxpayers.

Domingo Castilleja was called to speak as registered regarding Item No. 20. He spoke about fiduciary responsibility and that is why he opposes this item.

Courtney Goza was called to speak as registered in opposition of Item No. 20. She asked that Item 20 be moved to the top of the list. She doesn't believe that Council should vote on this for themselves. She stated that the Council Compensation Committee considers compensation as a whole and Council is circumventing this process.

Abby Gibson was called to speak as registered in opposition of Item No. 20. She stated that a petition is going around that has more than 100 signatures in the past three hours. She stated that part of the Council's duties is managing the purse of the taxpayers funds. She stated that this will not benefit the City of Kyle, but the Council Members. She stated that it is distasteful.

Linda Tenorio spoke in opposition of Item No. 20. She asked that Council take care of the Kyle employees and make them the priority. She asked that they don't serve themselves. She stated that Council should represent those who voted them in and think about them. She continued that former Council Member Flores-Cale wanted the City to give her extra money for clothing when she was on the Council.

Tracy Sheel spoke regarding the support from the City during a trying time. She thanked Ms. Cynthia Bennett, Amanda Stark. She stated that the support she got in the form of food and friendship was incredible. She spoke about Item No. 20, stating that when she was on Council, she voted against the council compensation increase. She stated at the time she didn't feel it was full-time, but by 2020, there were many task forces that Council was serving on pushing towards full-time. She stated that her injury would have cost a person without insurance \$80,000. She stated that it would be a terrible burden for a person. She asked Council to think about that.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:29 p.m.

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

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

Council Member Tobias asked to move Item No. 20 out of order ahead of Item No. 3. Mayor Mitchell objected and stated that Council could vote.

Council Member Tobias moved to bring Item No. 20 to the beginning of the agenda order. Council Member Parsley seconded the motion.

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

## **V. Appointments**

3. Consider approval of a resolution to make appointments to the Alliance Regional Water Authority Board of Directors.  
(Item Presenter: Amber Schmeits, Assistant City Manager)

Mayor Mitchell moved to approve the appointments of Mike Murphy, Bryan Langley, and Dr. Harris to the Alliance Regional Water Authority Board of Directors. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

## **VI. Reports and Presentations**

4. A proclamation recognizing Child Abuse Prevention Month and approval of a temporary pinwheel garden display at Mary Kyle Hartson Park.  
(Item Presenter: Lauralee Harris, Council Member)
6. A proclamation recognizing Sexual Assault Awareness Month.  
(Item Presenter: Daniela Parsley, Council Member)

Council Member Lauralee Harris read aloud the Proclamation acknowledging Child Abuse Prevention Month. Mayor Mitchell brought forward Item No. 6 simultaneously. Council Member Daniela Parsley read aloud the Proclamation acknowledging Sexual Assault Prevention Month. No action was taken.

5. A proclamation recognizing Autism Awareness Month  
(Item Presenter: Michael Tobias, Council Member)

Council Member Tobias read aloud the Proclamation acknowledging Autism Awareness Month. No action was taken.

## **VII. Consent Agenda**

Council Member Zuniga pulled Item No. 8. Council Member Parsley also had a desire to pull Item No.8. Mayor Mitchell brought forward Item Nos. 7, 9, 10, 11, 12, and 13 for consideration.

7. Consider approval of Task Order No. 2 to Quiddity Engineering, LLC, in the amount of \$165,680 for the development of a preliminary engineering report for the Steeplechase Wastewater Interceptor Improvements project.  
(Item Presenter: Leon Barba, P.E., City Engineer)
9. Consider approval of Amendment No. 1 to Task Order No. 12 with CP&Y, Inc. dba STV Infrastructure in an amount of \$355,511 to complete final design for Dacy Lane wastewater line upgrades.  
(Item Presenter: Leon Barba, P.E., City Engineer)
10. Consider approval of an agreement for temporary wastewater pump and haul services with Lennar Homes of Texas Land and Construction, LTD.  
(Item Presenter: Amber Schmeits, Assistant City Manager)
11. Approve a resolution acknowledging the alignment of the easement for the Cypress Road Utilities Project and acknowledging the project as serving a public purpose for public use.

(Item Presenter: Amber Schmeits, Assistant City Manager)

12. *(Second 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)  
*City Council voted 5-2 to approve on first reading on 3/19/2024/*  
(Item Presenter: Kaela Sharp, Senior Planner)
13. Consider approval of a resolution approving a Second Amendment of Declaration of Covenants, Conditions, and Restrictions for Plum Creek Uptown District and Agreement to Terminate Certain Instruments.  
(Item Presenter: Paige Saenz, The Knight Law Firm)

Mayor Pro Tem Rizo moved to approve Consent Agenda Item Nos. 7, 9, 10, 11, 12, and 13. Council Member Parsley seconded the motion. Motion passed 7 - 0.

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

8. Consider approval of Task Order No. 3 with HDR in an amount of \$116,414 for evaluation of expansion of reclaimed water distribution system from the Plum Creek golf course holding pond.  
(Item Presenter: Leon Barba, P.E., City Engineer)

Mr. Barba presented the item. Mr. Langley and Ms. Schmeits provided information on the item.

Council Member Parsley moved to approve Task Order No. 3 with HDR in an amount of \$116,414 for evaluation of expansion of reclaimed water distribution system from the Plum Creek golf course holding pond. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

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

14. *(First Reading)* Consider approval of an ordinance adopting and endorsing the City's Water Conservation Plan with amendments.  
(Item Presenter: Tim Samford, Assistant Director of Water Utilities)

Mike Murphy presented the item.

Council Member Zuniga moved to approve an ordinance adopting and endorsing the City's Water Conservation Plan with amendments. Council Member Harris seconded the motion. Motion passed 7 - 0.

Just after Mr. Moheet began to present Item No. 15, Mayor Mitchell asked if there were any objections to the Ordinance being finally passed. There were none.

15. Consider approval of a resolution accepting the independent auditor's report for the fiscal year ended September 30, 2023.  
(Item Presenter: Perwez A. Moheet, CPA, Director of Finance)

Mr. Moheet presented an overview of the report. He then introduced Janet Pitman, Partner of ABIP, P.C., who presented the results of the audit.

Council Member Parsley moved to approve a resolution accepting the independent auditor's report for the fiscal year ended September 30, 2023. Council Member Tobias seconded the motion. Motion passed 7-0.

16. Consider approval of a resolution approving the framework for the Small Business Kickstart Program. (Item Presenter: Victoria Vargas, Director of Economic Development)

Council Member Heiser moved to approve a resolution approving the framework for the Small Business Kickstart Program. Council Member Parsley seconded the motion. Motion passed 7 - 0.

17. Consider approval of a resolution authorizing the City Manager to negotiate a contract for preliminary design services for the Community Center Project.  
(Item Presenter: Jesse Elizondo, Assistant City Manager)

Council Member Heiser moved to approve a resolution authorizing the City Manager to negotiate a contract for preliminary design services for the Community Center Project. Council Member Parsley seconded the motion. Motion passed 7 - 0.

18. Consider approval of a resolution approving a waiver for the dedication of public rights-of-ways, allowed by Sec. 41-81 of the City's adopted subdivision ordinance, to allow a portion of the subdivision to be served by private streets for the Live Oak Townhomes project, an approximately 17.758-acre site located east of Live Oak Street and north of the intersection between Porter Street and Cockerham Street.  
(Item Presenter: Jason Lutz, Planning Manager)

Council Member Parsley moved to approve a resolution approving a waiver for the dedication of public rights-of-ways, allowed by Sec. 41-81 of the City's adopted subdivision ordinance, to allow a portion of the subdivision to be served by private streets for the Live Oak Townhomes project, an approximately 17.758-acre site located east of Live Oak Street and north of the intersection between Porter Street and Cockerham Street. Council Harris seconded the motion. Motion passed 6 - 1 with Council Member Tobias dissenting.

19. (*First Reading*) Consider approval of an ordinance updating the City of Kyle Fee Schedule in Appendix A of the City of Kyle Code of Ordinances to modify fees for Building, Engineering, Parks, Planning, and Public Works.
  - Public Hearing(Item Presenter: Melissa McCollum, Chief Development Officer)

Mayor Mitchell opened the public hearing at 9:28 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:28 p.m.

Council Member Tobias moved to approve an ordinance updating the City of Kyle Fee Schedule in Appendix A of the City of Kyle Code of Ordinances to modify fees for Building, Engineering, Parks, Planning, and Public Works. Council Member Parsley 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. *(Second 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 amending Ordinance No. 1043 regarding City Council health insurance access.

*City Council voted 4-3 to approve on first reading on 3/19/2024*

(Item Presenter: Jesse Elizondo, Assistant City Manager)

Mayor Mitchell moved to approve 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 amending Ordinance No. 1043 regarding City Council health insurance access. Council Member Heiser seconded the motion.

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

21. Consider directing the City Manager to rename the July 13th and September 14th Market Day events.

(Item Presenter: Daniela Parsley, Council Member)

Mayor Mitchell moved to approve Item No. 21, designating the July 13th Market Day as Independence Themed including Red, White and Blue and September 14th Market Day as Hispanic Heritage Themed. Council Member Parsley seconded the motion.

Council Member Parsley moved to call the question. Mayor Pro Tem Rizo seconded the motion. A roll call vote was held. Council Member Parsley voted aye; Council Member Heiser voted aye; Council Member Harris voted aye; Mayor Mitchell voted aye; Mayor Pro Tem Rizo voted aye; Council Member Zuniga voted aye; and Council Member Tobias voted aye. Motion passed 7 - 0.

Mayor Mitchell called for the vote on the original motion. Motion passed 7-0.

## **X. 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 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 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.
- 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 park improvements and downtown revitalization 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 Project Pixel; 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 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.
  - 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 The Stars are Bright; 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 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.
  - 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 Universal Natural Gas's application for an interim rate adjustment.
  - 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 the acquisition of property located at or near RM 2770 (Jack C Hays Trail) and FM 150 in Hays County or of property interest related to said property, from Dennis L. Miller 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, including the value of easement(s) or other property interests.
  - j. **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.
  - k. **Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to potential litigation



and Equal Employment Opportunity Commission complaint(s) related to the City's reorganization.

1. **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 and/or alignment and design of water or wastewater infrastructure; and **pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate related to same.

There was no executive session.

23. 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 9:41 p.m.

  
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Travis Mitchell, Mayor

ATTEST:

  
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Jennifer Kirkland, City Secretary