

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on January 16, 2024 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Joshua McBride
Mayor Pro Tem Robert Rizo*	Patsy Ann Reed
Council Member Bear Heiser	Ellen Ermis
Council Member Miguel Zuniga	Jamie Tucker
Council Member Lauralee Harris	Neil Stegall
Council Member Daniela Parsley	Sarah Oncken
Council Member Michael Tobias	Marshal Hines
Bryan Langlely, 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	
Grant Bowling, Audio Film Prod Manager	
Jennifer Kirkland, City Secretary	
Leon Barba, City Engineer	
Kristiana Spencer, HR Manager	
Marco Forti, IT Director	
Mariana Espinoza, Parks & Rec Director	
Will Atkinson, Planning Director	
Kaela Sharp, City Planner	
Rosie Truelove, Director of Admin Services	
Melissa McCullough, Chief Dev. Officer	
Tim Samford, WWTP Division Manager	
Will Paiz-Tabash, Emergency Mgmt. Coord.	

I. Call Meeting to Order and Roll Call

Mayor Mitchell called the meeting to order at 7:03 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 7:04 p.m. out of order ahead of Item No. 1.

Joshua McBride was called to speak as registered. He spoke about traffic on Bunton Creek at Lehman Road. He stated that on average it is 2 days and 8 hours each year that people are sitting in idle or moving less than 2 miles an hour. He suggests a small adjustment to the lighting to reduce the time spent in idle.

*One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

Patsy Ann Reed, PIT Coordinator for Hays County, representing the Homeless Coalition of Hays County, was called to speak as registered. She spoke about January 25, 2024, being the date of the homeless count. She continued that it is required by the US Department of Housing and Urban Development (HUD) for the local continuum of care funding process. She stated that the count illustrates trends and increases over time. She stated that the PIT Count is looking to understand the count for the entire County. She stated that the City does not need to do anything, and she is just sharing the information.

Ellen Ermis was called to speak as registered regarding Item No. 4. She stated that she is the director of communications for the Kyle Area Senior Zone. She stated that the MLK event that was scheduled for Monday will be taking place tomorrow, January 17, 2024, from 3pm to 5 pm at the Kyle Library. She stated that if anyone eats at Willie's tomorrow, January 17, 2024, mention KASZ and KASZ will receive 15%. Ms. Ermis spoke about her qualifications and experience related to Item No. 4, her appointment to the Parks and Recreation Board.

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

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 resolution confirming the city manager's reappointment of Stuart Kirkwood to the Civil Service Commission to fill a 3 year term to expire on July 31, 2026.
(Item Presenter: Kristiana Spencer, Civil Service Director)

Mayor Pro Tem Rizo moved to approve reappointment of Stuart Kirkwood to the Civil Service Commission to fill a 3 year term to expire on July 31, 2026. Council Member Heiser seconded the motion. Motion passed 7 - 0.

II. Approval of Minutes

1. Approval of the City Council December 19, 2023 5:30 p.m. Special Meeting Minutes, December 19, 2023 6:30 p.m. Special Meeting Minutes, December 19, 2023 Regular Meeting Minutes, January 2, 2024 Special Meeting Minutes, and January 2, 2024 Regular Meeting Minutes.
(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)

Mayor Mitchell brought forward Item No. 1 out of order, after Item No. 3.

Council Member Tobias moved to approve the City Council December 19, 2023 5:30 p.m. Special Meeting Minutes, December 19, 2023 6:30 p.m. Special Meeting Minutes, December 19, 2023 Regular Meeting Minutes, January 2, 2024 Special Meeting Minutes, and January 2, 2024 Regular Meeting Minutes. Council Member Parsley seconded the motion. Motion passed 7 - 0.

V. Appointments

4. Consider approval of a resolution approving the appointment of Ellen Ennis to Seat 1 of the Parks and Recreation Board.
(Item Presenter: Mariana Espinoza, Director of Parks & Recreation)

Council Member Parsley moved to approve the appointment of Ellen Ennis to Seat 1 of the Parks and Recreation Board. Council Member Harris seconded the motion. Motion passed 7 - 0.

5. Consider approval of a resolution appointing Rose Burke to seat 5 and Fabiana Melendez Ruiz to seat 7 of the Arts and Cultural Board.
(Item Presenter: Amber Schmeits, Assistant City Manager)

Mayor Pro Tem Rizo moved to approve the appointments of Rose Burke to Seat 5 and Fabiana Melendez Ruiz to Seat 7 of the Arts and Cultural Board. Council Member Parsley seconded the motion. Motion passed 7 - 0.

VI. Reports and Presentations

6. Announce and invite the community to the upcoming MLK celebration and community event partnership with City of Kyle and Hays CISD at the PAC Center on January 27th, 2024.
(Item Presenter: Miguel A. Zuniga PhD, Council Member)

No action taken.

7. Receive a report, hold a discussion and provide staff direction regarding legislative priorities and strategic advocacy.
(Item Presenter: Jamie Tucker, Akin Gump)

The item was presented by Jamie Tucker with Akin Gump. No action was taken.

8. Receive a report, hold a discussion and provide staff direction regarding planning efforts related to the April 2024 total eclipse.
(Item Presenter: William Paiz-Tabash, Emergency Management Coordinator)

No action was taken.

VII. Consent Agenda

Council Member Zuniga pulled Item No. 12. Council Member Tobias pulled Item No. 16. Mayor Mitchell brought forward Item Nos. 9, 10, 11, 13, 14, 15, and 17 for consideration.

9. Consider approval of a resolution accepting the National Weather Service designation of “Storm Ready Community” for the City of Kyle.
(Item Presenter: William Paiz-Tabash, Emergency Management Coordinator)
10. Consider approval of a resolution authorizing the city manager to execute separate master agreements with McGray & McGray Land Surveyors, Inc., Austin, Texas, and Cobb, Fendley & Associates, Inc. San Marcos, Texas, to provide surveying services for all city departments.
(Item Presenter: Leon Barba, P.E., City Engineer)

11. Consider approval of a resolution acknowledging the Bebee Road project as serving a public purpose for public use and establishing the design elements for the roadway.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)
13. Consider approval of a resolution acknowledging the Center Street (On-System) project as serving a public purpose for public use and establishing the design elements for the roadway.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)
14. Consider approval of a resolution acknowledging the Windy Hill Road project as serving a public purpose for public use and establishing the design elements for the roadway.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)
15. Consider approval of a resolution authorizing the City Manager to execute right-of-entry agreements.
(Item Presenter: Paige Saenz, City Attorney)
17. Consider approval of a resolution supporting the creation of a low power FM station by Austin Airwaves, Inc. to broadcast on 94.1 FM and providing mixed format programming and emergency information within the City of Kyle.
(Item Presenter: Paige Saenz, City Attorney)

Mayor Pro Tem Rizo moved to approve Consent Agenda Item Nos. 9, 10, 11, 13, 14, 15, and 17. Mayor Mitchell seconded the motion. Motion passed 7 - 0.

VIII. Items Pulled from Consent Agenda

12. Consider approval of a resolution acknowledging the Bunton Creek Road project as serving a public purpose for public use and establishing the design elements for the roadway.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)

Mr. Cantalupo presented the item.

Council Member Zuniga moved to approve a resolution acknowledging the Bunton Creek Road project as serving a public purpose for public use and establishing the design elements for the roadway. Council Member Tobias seconded the motion. Motion passed 7 - 0.

16. Consider approval of a resolution authorizing the city manager to execute a memorandum of agreement and all other documents necessary to effectuate and finalize the purchase of Parcels 5 and 6 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.
(Item Presenter: Amber Schmeits, Assistant City Manager)

Ms. Schmeits presented the item.

Council Member Tobias moved to approve a resolution authorizing the city manager to execute a memorandum of agreement and all other documents necessary to effectuate and finalize the purchase of Parcels 5 and 6 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. Council Member Parsley seconded the motion. Motion passed 7 - 0.

IX. Consider and Possible Action

18. Hold a public hearing and consider approval of an ordinance for the Kyle 2030 Comprehensive Plan.

- Public Hearing

(Item Presenter: Will Atkinson, Director of Planning)

Mayor Mitchell opened the public hearing at 7:56 p.m.

Neil Stegall spoke on behalf of the Planning & Zoning Commission. He wanted to inform Council that Planning & Zoning Commission passed this item unanimously. He expressed his concern about really looking into the work that it requires because it has gotten to the point in the process where implementation is what it is about. He stated that it will take communication amongst Council, Planning & Zoning, Staff, and Economic Development to pull this together, as well as holding communication with the community. He stated this is a good opportunity for code updates.

Sarah Oncken spoke on behalf of the Planning & Zoning Commission. She thanked everyone, Verdunity, staff, and the public for their input in this Plan. She expressed that she really liked that this plan illustrated some of the issues that arise from the normalized patterns which was one of her main motivators for serving on the commission. She expressed her excitement for this plan.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 8:00 p.m.

Mr. Hendrix introduced Melissa McCullough, Chief Development Officer, to the Council. She stated her excitement in joining the team. Mr. Hendrix introduced Rosie Truelove, Director of Administrative Services. She expressed her excitement about joining Team Kyle as well.

Mr. Atkinson introduced Marshall Hines, Creative Director with Verdunity.

20. Hold a public hearing and consider approval of an ordinance requesting a conditional height exception pursuant to Sec. 53-1047 (12) and Sec. 53-1048 of the City of Kyle Code of Ordinances. The project is located at 22497 IH-35 in the City of Kyle, Hays County, Texas (Country Inn Suites - CUP-23-0093)

- Public Hearing

(Item Presenter: Kaela Sharp, City Planner)

Mayor Mitchell brought forward Item No. 20 out of order during the presentation of Item No. 18 due to technical difficulties with the presentation.

Mayor Mitchell opened the public hearing at 8:07 p.m.

Neil Stegall spoke in favor of the item. He stated some positive aspects of the project. He stated that this will be a large facility near downtown Kyle which he is hoping will open opportunities to offer for

the city such as lodging. He states that the reason for the height request was because of the size of rooms that they are looking to put into the facility, such as meeting rooms.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 8:07 p.m.

Council Member Heiser moved to postpone Agenda Item No. 20 to discuss with the group around the variance as it pertains to design standards. Council Member Tobias seconded the motion.

Council Member Parsley moved to call the question. Council Member Heiser seconded the motion.

Mayor Mitchell requested a roll call vote on the motion to call the question.

Mayor Pro Tem Rizo voted aye; Council Member Parsley voted aye; Council Member Zuniga voted aye; Mayor Mitchell voted aye; Council Member Heiser voted aye; Council Member Tobias voted aye; and Council Member Harris voted aye. Motion passed 7 - 0.

Mayor Mitchell requested a roll call vote on the motion to postpone.

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

Mayor Mitchell moved to approve an Ordinance requesting a conditional height exception pursuant to Sec. 53-1047 (12) and Sec. 53-1048 of the City of Kyle Code of Ordinances. Council Member Zuniga seconded the motion.

Mayor Mitchell requested a roll call vote on the motion to approve.

Council Member Zuniga voted aye; Council Member Harris voted aye; Council Member Heiser voted aye; Council Member Tobias voted nay; Council Member Parsley voted aye; Mayor Pro Tem Rizo voted aye; and Mayor Mitchell voted aye. Motion passed 6 - 1.

18. Hold a public hearing and consider approval of an ordinance for the Kyle 2030 Comprehensive Plan.

- Public Hearing

(Item Presenter: Will Atkinson, Director of Planning)

After Item No. 20, Mayor Mitchell brought back Item No. 18. Mr. Hines presented the item.

Mayor Mitchell moved to approve an ordinance for the Kyle 2030 Comprehensive Plan. Council Member Parsley seconded the motion. Motion passed 7 - 0. With no objections the ordinance was finally passed.

19. Consider approval of a resolution selecting a moderator for the 2024 Dialogue for Peace and Progress - Celebrating Black History Month.

(Item Presenter: Rachel Sonnier, Director of Communications)

Mayor Mitchell moved to approve Vanessa Westbrook to be selected as moderator for the 2024 Dialogue for Peace and Progress. Council Member Tobias seconded the motion. Motion passed 7 - 0.

21. Consider approval of a resolution acknowledging the Kyle Parkway Lehman Road Extension project as serving a public purpose for public use and establishing the design elements for the roadway.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)

Mayor Mitchell moved to approve a resolution acknowledging the Kyle Parkway Lehman Road Extension project as serving a public purpose for public use and establishing the design elements for the roadway. Council Member Heiser seconded the motion. Motion passed 7 - 0.

22. Consider approval of a resolution acknowledging the Old Stagecoach Road and Center Street (Off-System) project as serving a public purpose for public use and establishing the design elements for the roadway.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)

Mayor Mitchell moved to approve a resolution acknowledging the Old Stagecoach Road and Center Street (Off-System) project as serving a public purpose for public use and establishing the design elements for the roadway and direct staff to bring back a proposal that includes the removal of the tree ahead of construction not by the constructing firm and allow it to be reimagine and reincorporate that tree into art through a process that includes the Arts & Cultural Commission. Council Member Heiser seconded the motion. Motion passed 6 -1 with Council Member Tobias dissenting.

23. Consider directing the city manager to review street parking violations at Waterleaf Park during high use sports events.
(Item Presenter: Miguel A. Zuniga PhD, Council Member)

Council Member Heiser moved to direct the City Manager to do a comprehensive review of parking analysis as well as the permitting around usage of Waterleaf Park. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

24. Consider directing the city manager to provide an update on the City of Kyle's plans and procedures to follow during emergency weather events and partnership and collaboration with neighboring entities.
(Item Presenter: Daniela Parsley, Council Member)

No action was taken.

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.

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.
 - City of Kyle Application for a major amendment to TPDES Permit No. WQ0011041002 for the wastewater treatment facility located at 941 New Bridge Drive, in Hays County, Texas 78640
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 Lion King

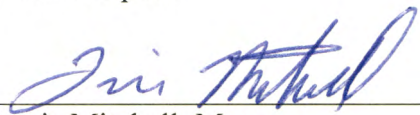
There was no executive session.

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 9:52 p.m.



Travis Mitchell, Mayor

ATTEST:



Jennifer Kirkland, City Secretary