

CITY COUNCIL REGULAR MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on April 16, 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
Amber Schmeits, Assistant City Manager
Jesse Elizondo, Assistant City Manager
Aimee Alcorn-Reed, City Attorney
Rosie Truelove, Director of Admin Services
Julie Beggs, Asst. Director of Admin Services
Dan Dellemonache, Purchasing Supervisor
Rachel Sonnier, Dir. of Communications
Alison Kelly, Communications Manager
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
Danny Benavides, Asst. Director of IT
Mariana Espinoza, Deputy 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
Tim Griffith, Police Commander
Daniel Preston, Police Sergeant
Briana Geddes, Nbhd. Svcs. Div. Supv.
Monica Parra, Animal Control Officer
Carlene Mathews, Animal Control Officer
Ashley Minning, Emerg. Comms. Mgr.
April Machado, Emerg. Comms. Supv.
Holly Chasse, Emerg. Comms. Comp. Coord.
Caitlin Benson, Telecommunications Operator
Ashlee Bradshaw, Public Info. & Comm. Spec.
Mike Murphy, Director of Water Utilities
Tim Samford, Asst. Dir. of Water Utilities

Edward Bradley
Yvonne Flores-Cale
Stephanie McDonald
Michael McDonald
Anjelita Tobias
Stephanie Leibe
Joe Cantalupo

I. Call Meeting to Order and Roll Call

Mayor Mitchell called the meeting to order at 7:14 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 April 2, 2024 Special Meeting Minutes and April 2, 2024 Regular Meeting Minutes.

(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)

Council Member Tobias moved to approve the minutes of the April 2, 2024 Special Council Meeting and the minutes of the April 2, 2024 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 7:15 p.m.

Edward Bradley of Kyle's Bright Beginnings was called to speak as registered in favor of Item No. 18. He thanked Council for bringing forward the item and mentioned that the deadline for approval is April. He spoke about the requirements to qualify for the tax relief. He spoke about the potential ability to use the funds to provide reduced tuition to families and other options like healthcare benefits to staff. He spoke about the economic implications, stating that this decision will be a good one. He stated that childcare provides many social benefits.

Yvonne Flores-Cale was called to speak as registered. She thanked Ms. Chapa for her service to the community and wished her a happy birthday. She asked Council to vote yes to Agenda Item No. 8 and proposition 2 to hopefully provide relief to Kyle families.

Stephanie McDonald was called to speak as registered. She stated that voting on health insurance is unethical at the least. She stated that she believes that people didn't want Council to not have health insurance but shouldn't have the same benefits as the full-time employees. She thanked the council members who voted against the item. She spoke about market days, stating that this should be a day of shopping and carefree fun. She stated that the City is almost out of water. She stated that the water deficit will last through 2038. She stated that people may not realize that people can only water one day per two weeks between 7:00 pm and 10:00 pm. She stated that while this is going on, the City continues to build like crazy. She urged more citizens to get involved.

Michael McDonald was called to speak as registered. He stated that on March 18, 2024, he wrote a letter to the City Manager and Council regarding market days. He stated that as of today, he's received only two responses from Council. He received a call from Council Member Tobias and received an email from Council Member Parsley. He described privilege and accountability to the council. He asked whether Council read his email.

Anjelita Tobias was called to speak as registered. She spoke about difficulty hearing the broadcast of Council on television. She stated that she is a social worker and spoke about the people she works with that are working multiple jobs and don't qualify for insurance. She spoke of her displeasure with the Council. She stated that it does not sit well with her.

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)

No action was taken.

V. Appointments

3. Consider an appointment to the San Marcos Hays County Emergency Medical Services Board of Directors.
(Item Presenter: Jeff Barnett, Chief of Police)

Mayor Mitchell moved to approve the appointment of Chief Barnett to the San Marcos Hays County Emergency Medical Services Board of Directors. Council Member Heiser seconded the motion. Motion passed 7 - 0.

VI. Reports and Presentations

4. A proclamation recognizing National Telecommunicator Week (April 15-19).
(Item Presenter: Robert Rizo, Mayor Pro Tem)

Mayor Pro Tem Rizo read aloud the Proclamation acknowledging National Telecommunicator Week. Chief Barnett spoke on the item. No action was taken.

5. A proclamation recognizing National Animal Control Officer Appreciation Week (April 14-20).
(Item Presenter: Miguel A. Zuniga PhD, Council Member)

Council Member Zuniga read aloud the Proclamation acknowledging National Animal Control Officer Appreciation Week. Briana Geddes spoke on the item. No action was taken.

6. Receive a report and hold a discussion regarding the benchmarked Community Survey Results from ZenCity for the months of December 2023 - February 2024.
(Item Presenter: Rachel Sonnier, Director of Communications)

No action was taken.

7. Receive a report, hold a discussion and provide staff direction on the preliminary 5-year financial forecast for the City's General Fund for fiscal years 2024-2025 through 2028-2029.
(Item Presenter: Perwez A. Moheet, CPA, Director of Finance)

No action was taken.

Mayor Mitchell called a recess at 8:44 p.m. He called the meeting back to order at 8:56 p.m.

VII. Consent Agenda

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

10. Consider approval of an amendment to a purchase agreement with Axon Enterprises, Inc. for the purpose of providing thirteen Fleet 3 in-car camera systems with associated software, and replacement plan in the amount of \$519,972.79.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
11. Consider approval of a resolution suspending the May 11, 2024 effective date of the proposal by Universal Natural Gas, LLC D/B/A Universal Natural Gas, Inc. to implement GRIP interim rate adjustments for gas utility investment in 2023.
(Item Presenter: Aimee Alcorn-Reed, City Attorney)
12. Consider approval of a resolution authorizing a Wastewater Utility Easement from Texas Realty/Retail Partner, Inc. for 150 Business Park Subdivision containing one 0.196-acre easement and one 0.085-acre easement.
(Item Presenter: Leon Barba, P.E., City Engineer)
13. Consider approval of agreements with Kalbacher Associates, LLC in the total amount of \$116,400 for professional grant writing services.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
14. Consider approval of a contract extension with Akin Gump Strauss Hauer & Feld LLP for federal lobbying services through December 31, 2024 in the amount of \$129,000.
(Item Presenter: Jesse Elizondo, Assistant City Manager)
15. Consider award of the Design Services for Kyle Sportsplex: RFQ-2024-01 solicitation to Stantec Consulting Services, Inc. (or another qualified offeror) and authorize the City Manager to negotiate a contract.
(Item Presenter: Rosie Truelove, Director of Administrative Services)

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

VIII. Items Pulled from Consent Agenda

9. Consider approval of Task Order No. 3 to BGE, Inc., in the amount of \$59,084 for the development of a preliminary engineering report for the Four Seasons Wastewater Interceptor Improvements project.
(Item Presenter: Leon Barba, P.E., City Engineer)

Mr. Barba presented the item. Ms. Schmeits also provided information.

Council Member Parsley moved to approve Task Order No. 3 to BGE, Inc., in the amount of \$59,084 for the development of a preliminary engineering report for the Four Seasons Wastewater Interceptor Improvements project. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

IX. Consider and Possible Action

16. Consider approval of a resolution of the City of Kyle, Texas approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for the City of Kyle, Texas Special Assessment Revenue Bonds, Series 2024 (Limestone Creek Public Improvement District Improvement Area #1B Project); and resolving other matters incident and related thereto.

(Item Presenter: Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel)

Mayor Pro Tem Rizo moved to approve a resolution of the City of Kyle, Texas approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for the City of Kyle, Texas Special Assessment Revenue Bonds, Series 2024 (Limestone Creek Public Improvement District Improvement Area #1B Project); and resolving other matters incident and related thereto. Council Member Parsley seconded the motion. Motion passed 7 - 0.

17. *(First Reading)* Consider approval of an Ordinance of the City Council of the City of Kyle, Texas Approving the Final Project and Finance Plan and an Interlocal Agreement for the Tax Increment and Reinvestment Zone Number Six, City of Kyle, Texas.

(Item Presenter: Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel)

Council Member Harris moved to approve an Ordinance of the City Council of the City of Kyle, Texas Approving the Final Project and Finance Plan and an Interlocal Agreement for the Tax Increment and Reinvestment Zone Number Six, City of Kyle, Texas. 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.

18. *(First Reading)* Consider approval of an ordinance establishing an exemption from ad valorem taxes for qualifying childcare facility properties.

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

Mayor Pro Tem Rizo moved to approve an ordinance establishing an exemption from ad valorem taxes for qualifying childcare facility properties. Council Member Tobias seconded the motion. Motion passed 7 - 0.

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

19. *(First Reading)* Consider approval of an ordinance authorizing the City Manager to execute any and all documents necessary with Archer Western Contractors, LLC for the construction of the FM 1626 Ground Storage Tank and Pump Station Project in an amount not to exceed \$25,000,000.

(Item Presenter: Rosie Truelove, Director of Administrative Services)

Ms. Truelove presented the item. Mr. Moheet and Ms. Alcorn-Reed also provided information.

Council Member Zuniga moved to approve an ordinance authorizing the City Manager to execute any and all documents necessary with Archer Western Contractors, LLC for the construction of the FM

1626 Ground Storage Tank and Pump Station Project in an amount not to exceed \$25,000,000, option no. 1. Council Member Heiser 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 Task Order No. 3 to BGE, Inc. for PS&E design of the Bunton Creek Road project of the 2022 Road Bond Program in an estimated amount of \$2,030,777.09.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)

21. Consider approval of Task Order No. 4 to Cobb, Fendley & Associates, Inc. for development of pedestrian treatment plans for the intersections along the Kyle Parkway/Lehman Road Extension project in an estimated amount of \$82,310.75.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)

Mayor Mitchell brought forward Item Nos. 20 and 21 simultaneously.

Mayor Mitchell moved to approve Task Order No. 3 to BGE, Inc. for PS&E design of the Bunton Creek Road project of the 2022 Road Bond Program in an estimated amount of \$2,030,777.09 and Task Order No. 4 to Cobb, Fendley & Associates, Inc. for development of pedestrian treatment plans for the intersections along the Kyle Parkway/Lehman Road Extension project in an estimated amount of \$82,310.75. Council Member Harris seconded the motion. Motion passed 7 - 0.

22. Consider approval of a resolution approving a contract with Burditt Consultants for preliminary design services of the Community Center Project in the amount of \$120,000.
(Item Presenter: Jesse Elizondo, Assistant City Manager)

Council Member Harris moved to approve a resolution approving a contract with Burditt Consultants for preliminary design services of the Community Center Project in the amount of \$120,000. Council Member Parsley seconded the motion. Motion passed 7 - 0.

23. Consider approval of a resolution authorizing City Fest featuring the annual State of the City and setting the estimated budget.
(Item Presenter: Rachel Sonnier, Director of Communications)

Council Member Heiser moved to approve a resolution authorizing City Fest featuring the annual State of the City and setting the estimated budget Option 3. Council Member Parsley seconded the motion. Motion passed 7 - 0.

8. Receive a report, hold a discussion, and provide staff feedback regarding the City of Kyle's 2022 Road Bond Program.
(Item Presenter: Joe Cantalupo, K Friese & Associates, City's 2022 Road Bond Program Manager)

Mayor Mitchell brought forward Item No. 8 after Item No. 23. No action was taken.

24. Consider directing the City Manager to evaluate the possibility of moving the historic oak tree on Stagecoach Road.

(Item Presenter: Lauralee Harris, Council Member)

Mayor Mitchell brought forward Item No. 24 after Item No. 8.

Council Member Heiser moved to approve Agenda Item No. 24. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

25. Council to discuss and designate a City of Kyle representative to serve on the Hays County Mental Health Coordinating Committee.

(Item Presenter: Bear Heiser, Council Member)

Mayor Mitchell moved to appoint Council Member Heiser to serve on the Hays County Mental Health Coordinating Committee. Council Member Zuniga seconded the motion. Motion passed 7 - 0.

26. Discussion and possible action to direct city manager and staff to review and increase parking lot lighting at older parks throughout city.

(Item Presenter: Miguel A. Zuniga PhD, Council Member)

No action was taken.

27. Discussion to review Charter Review Commission and councilmember charter amendment process and timelines.

(Item Presenter: Miguel A. Zuniga PhD, Council Member)

Mayor Mitchell moved to direct the city manager to schedule the Charter Review Commission item at the appropriate time. Council Member Zuniga seconded the motion. Motion passed 7 - 0.

28. Consider directing the City Manager to hire a consultant to analyze existing city council district boundaries.

(Item Presenter: Bear Heiser, Council Member)

Council Member Heiser moved to direct staff to bring back a contract with firm to analyze existing city council district boundaries. Mayor Mitchell seconded the motion. Motion passed 7 - 0.

X. Executive Session

29. 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 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.
- 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 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.
- 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 Lone Oak; 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 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 Connect Four; 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 the City's construction contract with Stoddard Enterprise LLC and/or other legal issues related to La Verde Park and other City-owned property at or near Kohlers Crossing and Burnham.

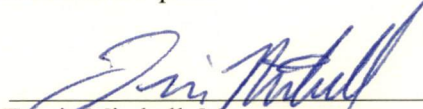
There was no executive session.

- 30. Take action on items discussed in Executive Session.

XI. Adjourn

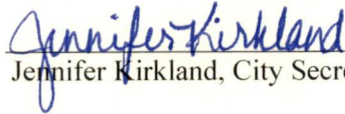
Mayor Mitchell moved to adjourn. Council Member Parsley seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 10:59 p.m.



Travis Mitchell, Mayor

ATTEST:



Jennifer Kirkland, City Secretary