

## CITY COUNCIL REGULAR MEETING MINUTES

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

Mayor Travis Mitchell	Alicia Hill
Mayor Pro Tem Robert Rizo	Daphne Tenorio
Council Member Bear Heiser	Diane Hervol
Council Member Miguel Zuniga	Alfred Zambrano
Council Member Lauralee Harris	Michael McDonald
Council Member Daniela Parsley	Stephanie McDonald
Council Member Michael Tobias	Howard Connell
Bryan Langley, City Manager	Graham Moore
Amber Schmeits, Assistant City Manager	
Jesse Elizondo, Assistant City Manager	
Aimee Alcorn-Reed, City Attorney	
Rosie Truelove, Director of Admin Services	
Alison Kelly, Communications Manager	
Jeffrey Banks, Audio & Film Prod Spec	
Jennifer Kirkland, City Secretary	
Leon Barba, City Engineer	
Yvonne Gil-Vallejo, Project Manager	
Victoria Vargas, Director of Economic Dev.	
Marco Forti, Director of IT	
Melissa McCollum, Chief Dev. Officer	
Ashlee Bradshaw, Public Info. & Comm. Spec	
Jason Lutz, Planning Manager	
Kaela Sharp, Senior Planner	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Asst. Chief of Police	
Timothy Griffith, Police Commander	
Catlyn Bone, Police Sergeant	
Rene Dimas, Police Cadet	
Donald Lovelace, Police Officer	
Dustin Shuler, Police Sergeant	
James Jones, Police Commander	
Matthew Leathers, Police Officer	
Nathanael Waters, Police Officer	
Mike Murphy, Director of Water Utilities	

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

Mayor Mitchell called the meeting to order at 7:08 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 16, 2024 Special Meeting Minutes and April 16, 2024 Regular Meeting Minutes.  
(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)

Council Member Tobias moved to approve the minutes of the April 16, 2024 Special Council Meeting and the minutes of the April 16, 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 7:10 p.m.

Alicia Hill was called to speak as registered. She stated that she is a resident and realtor in Kyle. She spoke about traffic issues and lack of bus service. She spoke about various areas of the city that experience congestion. She asked Council to consider more roundabouts to keep traffic moving. She also stated that it doesn't require power or equipment, and she stated efficiencies and statistics of roundabouts over traffic lights. She stated that where roundabouts don't work, she suggests stop signs over traffic lights due to the cost and maintenance required.

Daphne Tenorio, Hays County Treasurer, was called to speak as registered. She stated that she is a former council member of Kyle, former Texas Municipal League board member, TML Leadership Academy graduate, and past president of the Association of Hispanic and Municipal officials. She stated that May is Foster Care Awareness Month. She provided her experience with Foster Care. She spoke about informal and formal/kinship placements under Child Protective Services. She spoke about the various requirements and licenses for Child Protective Services, and the process for placing a child in a home. She stated her hope to inspire others to provide foster care to a child.

Diane Hervol was called to speak as registered. She declined to speak.

Alfred Zambrano was called to speak as registered in favor of Item No. 17. He spoke about his desire to raise his children and grandchildren at the property that is the subject of Item No. 17.

Michael McDonald was called to speak as registered. He stated that at the last council meeting he asked for a response to his email. He stated that to date he hasn't heard back from Mayor Mitchell, Council Member Heiser, or Council Member Harris. He stated that Mayor Mitchell had responded to his wife, offering to meet with her, but his wife asked Mayor Mitchell to contact him. He stated that he has not received any response. He spoke about entitlement and accountability. He stated he has had it with arrogance and disregard and self-serving attitude. He stated that this is not how a public servant is supposed to act. He stated that he has been a public servant for forty years as well as being a Veteran. He stated that it is time to straighten up and treat people with respect and dignity they deserve from public service.

Stephanie McDonald was called to speak as registered. She stated thank you to those who are standing firm. She is concerned that some members of council are overspending. She asked Bryan Langley to respond with what the \$500 per month stipend is for. She spoke about reimbursements for items that should not have been reimbursed. She asked why the City Council doesn't go back to Council Member Koch for undocumented expenses. She spoke about insurance being provided to Council at the same



benefit as full-time employees and how it should have waited until next year when the Compensation Committee would review the benefits. She stated that several residents struggle to make ends meet. She thanked the council members who voted against this ordinance. She spoke about the water restrictions and she asked for a moratorium on building.

Howard Connell spoke as a twelve-year resident and homeowner in Kyle. He spoke about the city being a surrogate buyer of the Waterstone development. He spoke about Council Member Tobias dissenting vote of that and having voted against the insurance. He recognized Council Member Zuniga for asking for an appraisal of the lots on Center Street. He acknowledged Council Member Parsley for voting against insurance, and for her questioning the hard dollar amounts for Quail Ridge homeowners. He stated that he will be working against other council members and include city manager.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:31 p.m.

#### **IV. Reports and Presentations**

2. A proclamation recognizing Police Week (May 12 - 18).  
(Item Presenter: Michael Tobias, Council Member)

Council Member Michael Tobias read aloud the Proclamation acknowledging Police Week. No action was taken.

3. A proclamation recognizing Air Quality Awareness Week (May 6-10).  
(Item Presenter: Robert Rizo, Mayor Pro Tem)

Mayor Pro Tem Rizo read aloud the Proclamation acknowledging Air Quality Awareness Week. No action was taken.

4. A proclamation recognizing May 2024 as Mental Health Month.  
(Item Presenter: Bear Heiser, Council Member)

Council Member Heiser read aloud the Proclamation acknowledging May 2024 as Mental Health Month. Officer Leathers and Officer Waters spoke about the proclamation. No action was taken.

5. Receive a report, hold a discussion, and provide staff direction on the Wireless Telecommunications Facilities regulations and placing telecom equipment on city infrastructure to improve wireless communications in the city.  
(Item Presenter: Melissa McCollum, Chief Development Officer)

Mayor Pro Tem Rizo moved to direct staff to pursue Option #1 to issue an RFP to assist the City to analyze the best locations and guidelines for additional Wireless Telecommunications Facilities on City owned properties and within the area. Council Member Heiser seconded the motion. Motion passed 7 - 0.

6. Receive a report, hold a discussion, and provide staff direction regarding the construction activity of the Alliance Water segment "C" pipeline.  
(Item Presenter: Graham Moore, P.E., Executive Director, Alliance Regional Water Authority)

No action was taken.

7. Receive a report, hold a discussion, and provide staff direction regarding a Property Improvement Program.

(Item Presenter: Melissa McCollum, Chief Development Officer)

Council Member Heiser moved to direct staff to implement the Property Improvement Program with an amendment to increase the budget to \$25,000. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

Council Member Heiser moved to direct staff to proceed with Option No. 1 with an amendment to increase to \$25,000. Council Member Zuniga seconded the motion. Motion passed 7 - 0.

Mayor Mitchell called for a recess at 8:43 p.m. Mayor Mitchell called the meeting back to order at 8:50 p.m.

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

25. Consider approval of Task Order No. 5 with BGE, Inc. in the amount of \$437,847.30 for the preparation of the final design plans for the wastewater treatment plant access road.

(Item Presenter: Leon Barba, P.E., City Engineer)

Mayor Mitchell moved to approve Task Order No. 5 with BGE, Inc. in the amount of \$437,847.30 for the preparation of the final design plans for the wastewater treatment plant access road (Option #1). Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

### **V. Agenda Order**

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

Mayor Mitchell brought forward Item No. 25 out of order, after Item No. 7.

### **VI. Consent Agenda**

Mayor Pro Tem Rizo pulled Item No. 17. Council Member Parsley pulled Item Nos. 9 and 11. Council Member Zuniga pulled Item No. 20. Staff requested Item No. 19 be pulled. Mayor Mitchell brought forward Item Nos. 10, 12, 13, 14, 15, 16, and 18 for consideration.

10. Consider approval of a final plat for Plum Creek Phase 2, Section 4B (SUB-23-0328) located at 836 Rikardson.

(Item Presenter: Jason Lutz, Planning Manager)

12. Consider approval of a site plan for the La Verde parking lot (SD-24-0224) located at the northeast corner of Burnham and Doherty.

(Item Presenter: Will Atkinson, Director of Planning)

13. Consider approval of a resolution accepting Opal Ranch subdivision improvements.

(Item Presenter: Leon Barba, P.E., City Engineer)

14. Consider approval of a resolution accepting Waterstone Boulevard improvements.

(Item Presenter: Leon Barba, P.E., City Engineer)



15. Consider approval of a contract with CORE Office Interiors, through the BuyBoard, for the purchase and installation of office furniture and modular walls in the amount of \$183,861.  
(Item Presenter: Rosie Truelove, Director of Administrative Services)
16. Consider approval of a resolution authorizing the application for the United States Department of Transportation through the Consolidated Rail Infrastructure and safety improvements (CRISI) program for fiscal year 2024 in the amount of \$20,813,662.  
(Item Presenter: Jesse Elizondo, Assistant City Manager)
18. (*First and Final Reading*) Consider approval of an ordinance approving and authorizing the issuance and sale of the City of Kyle, Texas, Special Assessment Revenue Bonds, Series 2024 (Limestone Creek Public Improvement District Improvement Area #1B Project); and approving and authorizing related agreements.  
(Item Presenter: Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel)

Mayor Pro Tem Rizo moved to approve Consent Agenda Item Nos. 10, 12, 13, 14, 15, 16, and 18. Council Member Parsley seconded the motion. Motion passed 7 - 0.

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

9. Consider approval of a resolution authorizing an Interlocal Agreement (ILA) with Hays County for installation of sidewalk at Veterans Drive and Silverado.  
(Item Presenter: Leon Barba, P.E., City Engineer)

Mr. Barba presented the item.

Council Member Parsley moved to approve a resolution authorizing an Interlocal Agreement (ILA) with Hays County for installation of sidewalk at Veterans Drive and Silverado. Council Member Harris seconded the motion. Motion passed 7 - 0.

11. Consider approval of a contract with K. Friese & Associates in the amount of \$178,700 to complete 30% design for the Four Oaks Subdivision drainage improvements and Sledge Street culvert improvements.  
(Item Presenter: Leon Barba, P.E., City Engineer)

Mr. Barba presented the item.

Council Member Parsley moved to approve a contract with K. Friese & Associates in the amount of \$178,700 to complete 30% design for the Four Oaks Subdivision drainage improvements and Sledge Street culvert improvements. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

17. Consider approval of a resolution vacating a dedicated, unnamed, public, 20' alley of Block 43 of the Original Town of Kyle, between N. Groos Street and N. Meyer Street and waiving fees related to subdivision plats for incorporating abandoned rights-of-way into adjacent property owners parcels.  
(Item Presenter: Will Atkinson, Director of Planning)

Mayor Pro Tem Rizo provided background and history pertaining to the item. Ms. McCollum was available for questions.



Mayor Pro Tem Rizo moved to approve a resolution vacating a dedicated, unnamed, public, 20' alley of Block 43 of the Original Town of Kyle, between N. Groos Street and N. Meyer Street and waiving fees related to subdivision plats for incorporating abandoned rights-of-way into adjacent property owners parcels (Option #1). Council Member Heiser seconded the motion. Motion passed 7 - 0.

19. *(First and Final Reading)* Consider approval of an ordinance of the City Council of the City of Kyle, Texas approving the 2024 Annual Update to the Service and Assessment Plan and Assessment Roll for the Limestone Creek Public Improvement District including the collection of the 2024 annual installments.

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

Ms. Leibe presented the item.

Mayor Mitchell moved to approve an ordinance of the City Council of the City of Kyle, Texas approving the 2024 Annual Update to the Service and Assessment Plan and Assessment Roll for the Limestone Creek Public Improvement District including the collection of the 2024 annual installments as corrected. Council Member Harris seconded the motion. Motion passed 7 - 0.

20. Consider approval of a resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various City improvements in Tax Increment Reinvestment Zone Number Two, City of Kyle, Texas from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.

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

Ms. Leibe presented the item.

Council Member Zuniga moved to approve a resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various City improvements in Tax Increment Reinvestment Zone Number Two, City of Kyle, Texas from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date. Council Member Heiser seconded the motion. Motion passed 7 - 0.

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

21. Consider approval of a resolution amending the City of Kyle policy on appointments for city boards, committees and commissions.

(Item Presenter: Jesse Elizondo, Assistant City Manager)

Mayor Mitchell moved to approve a resolution amending the City of Kyle policy on appointments for city boards, committees and commissions, with the amendment that would add (1) department-level training, (2) the selection committee consist of two council members, the mayor who floats, and the chair or vice chair of each Board or Commission that is in question. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

22. Consider approval of a resolution for an interlocal agreement by and between the City of San Marcos and the City of Kyle for a water sharing agreement.

(Item Presenter: Mike Murphy, Director of Water Utilities)



Council Member Heiser moved to approve a resolution for an interlocal agreement by and between the City of San Marcos and the City of Kyle for a water sharing agreement. Council Member Harris seconded the motion. Motion passed 7 - 0.

23. Consider approval of a resolution selecting a moderator for the 2024 Dialogue for Peace and Progress - Celebrating Juneteenth.  
(Item Presenter: Rachel Sonnier, Director of Communications)

Amber Schmeits presented the item.

Mayor Pro Tem Rizo moved to approve a resolution selecting Council Member Zuniga as moderator for the 2024 Dialogue for Peace and Progress - Celebrating Juneteenth. Mayor Mitchell seconded the motion. Motion passed 7 - 0.

Mayor Pro Tem Rizo moved to amend to add Morgan Harrell as second moderator. Mayor Mitchell seconded the motion. Motion passed 7 - 0.

24. Consider execution of an agreement with Stantec Consulting Services, Inc. for the Design Services for Kyle Sportsplex: RFQ-2024-01 solicitation in an amount of \$549,300 for the initial phases of work. (Item Presenter: Rosie Truelove, Director of Administrative Services)

This item was not brought forward for discussion. No action was taken.

#### **IX. Executive Session**

26. 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 downtown and 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.
  - 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 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 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 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 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.
  - 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 legal issues related to potential litigation and Equal Employment Opportunity Commission complaint(s) related to the City's reorganization.
  - i. **Executive session pursuant to Texas Government Code §551.074** to discuss personnel issues, including deliberating the appointment, employment, evaluation, reassignment, duties, or discipline of public officers or employees (including, but not limited to, the City Manager).

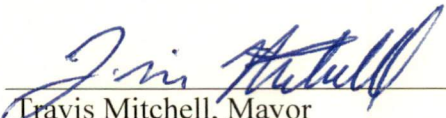
There was no executive session.

27. Take action on items discussed in Executive Session.

### X. Adjourn

With no further business to discuss, the City Council adjourned at 9:54 p.m.

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

  
Travis Mitchell, Mayor

ATTEST:

  
Jennifer Kirkland, City Secretary