

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on August 15, 2023 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Anna M. Boling
Mayor Pro Tem Michael Tobias	Susan Reyna
Council Member Bear Heiser	Lila Knight
Council Member Yvonne Flores-Cale	Rachel Shanks
Council Member Miguel Zuniga	Vanessa Westbrook
Council Member Ashlee Bradshaw	Stephany Murray
Council Member Daniela Parsley	Diane Hervol
Bryan Langley, City Manager	Kyle Taylor
Jerry Hendrix, Assistant City Manager	Andrew Alvis
Amber Schmeits, Assistant City Manager	Anthony Ennis
Paige Saenz, City Attorney	Zach Rogers
Rachel Sonnier, Communications Director	Stephanie Leibe
Jennifer Kirkland, City Secretary	Mike Del Toro
Kathy Roecker, SWMP Administrator	Chris Torrey
Victoria Vargas, Economic Development Director	
Perwez Moheet, Finance Director	
Andy Alejandro, Accounting Manager	
Marco Forti, IT Director	
Colleen Tierney, Library Director	
Mariana Espinoza, Parks & Recreation Director	
Will Atkinson, Planning Director	
Kaela Sharp, City Planner	
Jeff Barnett, Chief of Police	
Will Paiz-Tabash, Emergency Mgmt. Coordinator	

I. Call Meeting to Order

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 Tobias, Council Member Heiser, Council Member Flores-Cale, Council Member Zuniga, Council Member Bradshaw, and Council Member Parsley. A quorum was present.

II. Approval of Minutes

1. City Council Special Meeting Minutes - July 29, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
2. City Council Special Meeting Minutes - August 1, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*
3. City Council Regular Meeting Minutes - August 1, 2023. ~ *Jennifer Kirkland, TRMC, City Secretary*

Mayor Pro Tem Tobias moved to approve the minutes of the July 29, 2023 Special Council Meeting, August 1, 2023 Special Council meeting, and the minutes of the August 1, 2023 Council Meeting. Council Member Parsley seconded the motion. Motion carried 7-0.

III. Citizen Comment Period with City Council

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

Anna M. Boling was called to speak as registered in opposition of Item No. 11. She spoke about her interest in the Arts and Cultural Commission. She stated that the Commission has accomplished many things in its short period of existence. She continued that if Council only wants statues, they can create a task force and that will be it. She spoke about the purpose being to bring the community together. She asked Council not to take Cultural out of the Commission.

Susan Reyna was called to speak as registered. She stated she is as a member of the non-profit Preservation Associates Inc and invited the Council to an event at the Kyle Public Library Wednesday evening on the history of Kyle titled Memories of Kyle, reminiscence of two sisters, Tutta Word Barton, and Jane Word Kirkham.

Lila Knight was called to speak as registered in opposition to Item No. 23. She stated her disappointment in Item No. 23 for Real Estate Broker Services. She stated that the item lacks transparency. She spoke about many recent RFPs for rotation lists and stated that this would be appropriate for this task as well, because it shows favoritism to use the same agent that has been used in the past. She also stated that on page three of the agreement the address for the City Manager is incorrect, and there is no termination date for the agreement. She stated that in a year when the Mayor is up for re-election, the City Manager should do State of the City.

Rachel Shanks was called to speak as registered in favor of Item No. 22. She stated that she is in support of the item, although she wishes they were removing the setbacks altogether. She stated that property owners have lost significant value of their properties due to the large easements/setbacks. She stated that it is unfair to the people who did not rush to get their entitlements that they are restricted.

Vanessa Westbrook was called to speak as registered. She opened with a quote from Barbara Jordan. She spoke about the Peace and Progress paddle she received at the first event in June 2020. She stated that it was a healing tool and that fifteen people who lived in the City of Kyle came together to look at social justice. She spoke about the sponsorship by former Council Member Dex Ellison. She described the event. She asked how the community can work together to make sure everyone is included. She ended with a quote from Eleanor Roosevelt.

Stephany Murray was called to speak as registered. She spoke about direction provided by Council to the Arts and Cultural Commission. She asked many questions about how cultural events would continue in the City. She spoke about the increase of art displays improving quality of life.

Diane Hervol was called to speak. She spoke about Item No. 21, stating that the item sends mixed messages. She stated that it prevents a minority who is running from office to participate. She stated that if a person is running for office, have them sign a waiver to not discuss their campaign as part of their participation. She stated that in regard to Item No. 23 she questioned why an

RFQ/RFP was not requested as has been done in the past for other professional services. She also stated that the real estate market right now is suffering, and many agents are starving. She questioned why the City was not spreading the wealth to other professionals in the real estate field.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:23 p.m.

IV. Agenda Order

4. Agenda Order per Rules of Council Sec. B1. ~ *Travis Mitchell, Mayor*

Mayor Mitchell asked to move Item No. 26 out of order after the proclamations. No action was taken.

V. Appointments

5. Appoint Leigh'Ann Andrews to vacant Seat 6 of the Community Gardens Committee. ~ *Mariana Espinoza, Director of Parks & Recreation*

Council Member Parsley moved to approve Item No. 5. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

6. Appoint Candace Futch to vacant Seat 4 of the Arts and Cultural Commission. ~ *Amber Schmeits, Assistant City Manager*

Council Member Flores-Cale moved to approve Agenda Item 6. Council Member Parsley seconded the motion. Motion carried 7-0.

VI. Reports and Presentations

7. A Proclamation Honoring Former Mayor Sandra Tenorio. ~ *Travis Mitchell, Mayor and Michael Tobias, Mayor Pro Tem*

Mayor Mitchell stated that the Proclamation acknowledging Sandra Tenorio would be brought back at the next Council meeting. No action was taken.

8. A Proclamation recognizing the service of first responders related to the recent wildfires in Kyle and the surrounding areas. ~ *Kyle City Council*

Mayor Mitchell read aloud the Proclamation acknowledging the service of first responders related to the recent wildfires in Kyle and the surrounding areas. Fire Chief Kyle Taylor spoke about the department. No action was taken.

26. Consider a resolution approving an amendment to the Lease Agreement by and between the City of Kyle and the Kyle Volunteer Fire Department (Hays County Emergency Services District #5, commonly known as the Kyle Fire Department). ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 26 out of order, after Item No. 8. Fire Chief, Kyle Taylor provided information on the item. Ms. Saenz also provided information regarding the prior agreements.

Council Member Flores-Cale moved to approve Agenda Item No. 26. Council Member Zuniga seconded the motion. Motion carried 7-0.

9. Receive a report, hold a discussion, and provide staff direction regarding Project Hot Pursuit. ~ *Victoria Vargas, Director of Economic Development*

Ms. Vargas opened the presentation for Item No. 9. Mr. Andrew Alvis of NewQuest, the developer, presented the project. Anthony Ennis, with Kimley-Horn, provided information on behalf of the developer regarding water supply.

Mayor Mitchell moved to direct staff to proceed developing the associated documents and bringing back the items related to Project Hot Pursuit. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

10. Receive a report, hold a discussion, and provide staff direction regarding Project Chia Pet. ~ *Victoria Vargas, Director of Economic Development*

Ms. Vargas introduced the item. Zach Rogers with GBT Realty presented the project on behalf of the developer.

Council Member Bradshaw moved to direct the City Manager to bring back a development agreement related to Project Chia Pet. Council Member Parsley seconded the motion. Motion carried 7-0.

VII. Consent Agenda

VIII. Items Pulled from Consent Agenda

11. *(First Reading)* Ordinance amending Ordinance 1178 and repealing Ordinance 1242, Arts & Cultural Commission, amending Ordinance 853 and repealing Ordinance 1189 Section 8, Economic Development & Tourism Board, and amending Ordinance 961, Ethics Commission. ~ *Amber Schmeits, Assistant City Manager*

Mayor Mitchell brought forward Item No. 11.

Council Member Zuniga moved to not repeal Ordinance 1242. Mayor Pro Tem Tobias seconded the motion.

Ms. Saenz provided feedback on the motion.

Council Member Zuniga retracted his motion.

Council Member Heiser moved to approve Item No. 11, with the exception of the ordinances applying to the Arts and Cultural Commission. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

12. Approve a Resolution Creating selection criteria for Moderator and Panelists for the Dialogue for Peace and Progress Event Series and Establishing City Staff's Role. ~ *Rachel Sonnier, Director of Communications*

21. Approve a resolution selecting a moderator for the Dialogue for Peace and Progress - Celebrating Hispanic Heritage month. ~ *Rachel Sonnier, Director of Communications*

Mayor Mitchell brought forward Item No. 21 simultaneously with Item No. 12.

Council Member Parsley moved to approve Item No. 12 and make an exception for Item No. 21 to allow Council Member Flores-Cale to sign a waiver saying she is not going to advertise her campaign and allow Council Members Flores-Cale and Parsley to be moderators for the Hispanic Heritage Month. Council Member Flores-Cale seconded the motion.

Council Member Parsley moved to call the question. Council Member Flores-Cale seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Heiser voted aye; Mayor Mitchell voted aye; Council Member Parsley voted aye; Council Member Zuniga voted aye; Council Member Flores-Cale voted aye; Council Member Bradshaw voted aye; Mayor Pro Tem Tobias voted aye; Motion carried 7-0.

Mayor Mitchell requested a roll call vote on the original motion. Mayor Pro Tem Tobias voted aye; Council Member Flores-Cale voted aye; Council Member Bradshaw voted nay; Council Member Parsley voted aye; Mayor Mitchell voted aye; Council Member Zuniga voted nay; Council Member Heiser voted nay. Motion carried 4-3.

13. (*Second Reading*) An ordinance of the City of Kyle, Texas, Ordering a General Election to be held on November 7, 2023, for the Election of Mayor and City Council Districts Two and Four to serve three-year terms; Providing for candidate application methods, designating the main and providing for branch early voting locations for such Election; Providing for an Order and Notice of such General Election; Providing for related matters; Providing a severability clause; and Providing an Effective Date. ~ *Jennifer Kirkland, TRMC, City Secretary*

City Council voted 7-0 to approve on First Reading on 8/1/2023.

Mayor Mitchell moved to approve Item No. 13. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

IX. Consider and Possible Action

14. Consideration and Approval of a Resolution Setting a Public Hearing for the Creation of a Tax Increment Reinvestment Zone. ~ *Stephanie Leibe, Norton Rose Fulbright, City's Bond Counsel*

Council Member Flores-Cale moved to approve Agenda Item No. 14. Council Member Parsley seconded the motion. Motion carried 7-0.

15. Consideration, discussion, and possible action on a Resolution accepting the voluntary petition for annexation of approximately 37.99 acres of land, more or less, being located in Hays County, Texas, and adjacent and contiguous to the city limits (ANNX-22-0019). ~ *Will Atkinson, Director of Planning*

Council Member Flores-Cale moved to approve Agenda Item No. 15. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

16. A Resolution of the City of Kyle, Texas, Approving a Professional Services Agreement between the City of Kyle and Home Asset Inc. (Newquest); Authorizing the City Manager to Execute the Agreement; and Providing for Open Meetings and Other Related Matters. (Caraway Project). ~ *Will Atkinson, Director of Planning*

Council Member Flores-Cale moved to approve Agenda Item No. 16. Mayor Pro Tem Tobias seconded the motion. Motion carried 7-0.

17. Approve a Resolution authorizing the City Manager to execute a professional services agreement with ABIP, PC, Certified Public Accountants, San Antonio, Texas, to provide independent financial audit services to the City of Kyle for a 3-year contract term with two 1-year contract extension options. ~ *Perwez A. Moheet, CPA, Director of Finance*

Mr. Moheet presented the item and introduced Janet Pitman and Mike Del Toro, partners with ABIP. Mr. Del Toro provided information about their firm and the process of the audit.

Council Member Flores-Cale moved to approve Agenda Item No. 17. Council Member Parsley seconded the motion. Motion carried 7-0.

18. Receive a report, hold a discussion, and provide staff direction regarding amending the City of Kyle Purchasing Policy. ~ *Jerry Hendrix, Assistant City Manager*

Mayor Mitchell moved to approve Item No. 18. Council Member Parsley seconded the motion.

Mayor Mitchell moved to amend his motion to direct the City Manager to produce a quarterly procurement report itemizing the transactions between \$15,000 and \$50,000. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

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

19. Receive a report, hold a discussion and provide staff direction regarding proposed edits to ordinances relating to potential regulations for use of public areas. ~ *Will Atkinson, Director of Planning*

Council Member Parsley moved to approve Option No. 3. Council Member Bradshaw seconded the motion.

Chief Barnett also provided information on the item.

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

20. Receive a report, hold a discussion and provide staff direction regarding water conservation programs. ~ *Kathy Roecker, Stormwater Management Plan Administrator*

Council Member Heiser moved to direct staff to bring back options for costs and legalities to implement options 1-5. Council Member Parsley seconded the motion. Motion carried 7-0.

22. *(First Reading)* An Ordinance of the City of Kyle, Texas, for the Purpose of Amending Chapter 8, Building Regulations, Article VII, Building Regulations and Permitting Involving Pipelines and City's Rights-Of-Way, Roadway and Utility Infrastructure, Section 8-251 Technical Provisions for Building Around Pipelines, to Amend the Restricted Pipeline Area from 200 Feet to 100 Feet of a Natural Gas Transmission Pipeline; Providing a Severability Clause, Effective Date, Open Meetings Clause, and Providing for Other Related Matters. ~ *Paige Saenz, City Attorney*

Council Member Flores-Cale moved to get rid of the setback altogether and just keep the easement. Council Member Parsley seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Parsley voted aye; Council Member Zuniga voted nay; Mayor Pro Tem Tobias voted aye; Council Member Heiser voted nay; Council Member Bradshaw voted aye; Mayor Mitchell voted nay; Council Member Flores-Cale voted aye; Motion carried 4-3.

23. Approve a contract for real estate broker services to be provided to the City of Kyle by Chris Torrey dba Elite Reality Advisors for the purposes of property acquisitions for public purposes. ~ *Jerry Hendrix, Assistant City Manager*

Mayor Mitchell moved to approve Agenda Item No. 23 with the stipulations that Mr. Torrey not be allowed to be an intermediary, that the commission rate be reduced to 2%, that the projects that he be authorized to pursue are codenamed Railyard and Great Outdoors, and direct staff to put together a procurement policy for brokerage services moving forward for projects that are outside of those two codenamed. Council Member Parsley seconded the motion.

Chris Torrey provided information on the item.

Mayor Mitchell called for the vote on the motion. Motion carried 6-1 with Council Member Flores-Cale dissenting.

24. Discussion and possible action to direct City Manager to distinguish directional terms and city communications to reference central, northeast, northwest, southeast, and southwest. ~ *Miguel A. Zuniga PhD, Council Member*

Chief Barnett, Mr. Paiz Tabash, and Mr. Atkinson provided information on the item.

Council Member Heiser moved to direct the City Manager to bring back some options on the layout of the city based on geographic locations using Council Member Flores-Cale's example of Plum Creek North and using neighborhoods to identify location. Council Member Flores-Cale seconded the motion. Motion carried 7-0.

25. Debrief to residents and council regarding the Oak Hill Fire, including but not limited to, discussion regarding EOC procedures, communication with council from the Emergency Management Coordinator and future protocols regarding emergencies and evacuations. ~ *Yvonne Flores-Cale and Miguel A. Zuniga PhD, Council Members*

Mr. Paiz-Tabash presented the item. No action was taken.

X. Executive Session

27. 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.
 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
 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 Hot Pursuit
 - Project Chia Pet
 - Project Lion King

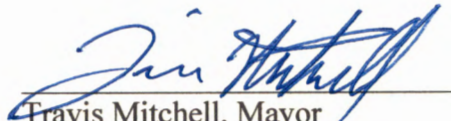
There was no executive session.

28. Take action on items discussed in Executive Session.

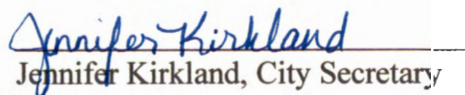
XI. Adjourn

Mayor Mitchell moved to adjourn. Council Member Flores-Cale seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 10:45 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer Kirkland, City Secretary