

CITY COUNCIL REGULAR MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on May 22, 2024 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Cynthia Bentley
Mayor Pro Tem Robert Rizo	Yvonne Flores-Cale
Council Member Bear Heiser	April Perlman
Council Member Lauralee Harris	Sienna Rodriguez
Council Member Daniela Parsley	Nancy Heintz
Council Member Michael Tobias	Kaimi Mattila
Bryan Langley, City Manager	Brad Lutz
Amber Schmeits, Assistant City Manager	Anthony Winn
Jesse Elizondo, Assistant City Manager	Michelle Zaumeyer
Aimee Alcorn-Reed, City Attorney	Jay Hawk
Julie Beggs, Asst. Dir. of Admin Services	Todd Daily
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	
Connie Campa, Accounting Manager	
Marco Forti, Director of IT	
Jessica McCart, Interim Director of Library	
Chance Padier, Asst. Dir. of Parks & Rec.	
Stacy Anderson, Trails & Outdoor Ed. Supv.	
Melissa McCollum, Chief Dev. Officer	
Will Atkinson, Director of Planning	
Jason Lutz, Planning Manager	
Jeff Barnett, Chief of Police	
Tracy Vrana, Police Sergeant	
Ashlee Bradshaw, Pub. Info&Comm Engmt Sp.	
Mike Murphy, Director of Water Utilities	
Tim Samford, Asst. Dir. of Water Utilities	
Chris Arnold, Asst. Director Public Works	
Nathan Wehrman, Building Specialist	

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 Harris, Council Member Parsley, and Council Member Tobias. A quorum was present. Council Member Zuniga was absent.

Mayor Pro Tem Rizo moved to excuse Council Member Zuniga's absence from this meeting. Mayor Mitchell seconded the motion. Motion passed 6 - 0.

II. Approval of Minutes

1. Approval of the City Council May 7, 2024 Special Meeting Minutes and May 7, 2024 Regular Meeting Minutes.
(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)

Council Member Tobias moved to approve the minutes of the May 7, 2024 Special Council Meeting and the minutes of the May 7, 2024 Regular Council Meeting. Mayor Pro Tem Rizo seconded the motion. Motion passed 6 - 0.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:09 p.m.

Cynthia Bentley was called to speak. She spoke on behalf of Word of Life Church about a tennis shoe drive on June 7 to the end of June, anyone needing shoes can go online to register.

Yvonne Flores-Cale was called to speak. She thanked the City Staff for the Kyle Fair. She spoke about Agenda Item No. 16, asking the council to consider past council votes and concerns regarding the traffic on FM 150, private roads, and possible effects on Dairy Queen and water.

April Perlman was called to speak. She stated that she is not a Texan but comes from Alaska. She stated that there is no mention of an environmental consultant or a wildlife survey. She spoke about owls and nature and the habitat that exists.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:13 p.m.

IV. Agenda Order

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

Mayor Mitchell spoke about the staff presentations being moved to the end. Council Member Heiser asked to move Item No. 14 out of order ahead of Item No. 5. He withdrew his request. No action was taken.

V. Reports and Presentations

3. Recognition of the 2024 Lehman High School Key Club members and their community service in the City of Kyle.
(Item Presenter: Michael Tobias, Council Member)

Sienna Rodriguez, Key Club President, provided closing remarks. No action was taken.

4. Receive a report, hold a discussion, and provide staff direction on the Hays County Homeless Coalition 2024 Point-in-Time Count & Survey Analysis.
(Item Presenter: Nancy Heintz, Co-Chair, Homeless Coalition of Hays County)

Council Member Harris provided information on the item. Ms. Nancy Heintz presented the item. Ms. Kaimi Mattila provided information on the item. No action was taken.

5. A proclamation recognizing World Mission Society Church of God.
(Item Presenter: Daniela Parsley, Council Member)

Council Member Parsley read aloud the Proclamation acknowledging World Mission Society Church of God. Brad Lutz spoke about the mission of the church. No action was taken.

VI. Consent Agenda

Council Member Parsley pulled Item Nos. 8 and 11. Mayor Mitchell brought forward Item Nos. 6, 7, 9, 10, and 12 for consideration.

6. Consider approval of a purchase agreement with the Lower Colorado River Authority for twenty-three (23) L3Harris XL-185M in-car radios systems in the amount of \$147,411.41.
(Item Presenter: Julie Beggs, Assistant Director of Administrative Services)
7. Consider approval of year 2 of a purchase agreement with Global Traffic Technologies for the service renewal of right-of-way traffic management devices in the amount of \$54,569.80.
(Item Presenter: Julie Beggs, Assistant Director of Administrative Services)
9. Consider approval of Amendment No. 1 to CP&Y, Inc., dba STV Infrastructure, in the amount of \$100,957.28, for supplemental design, bid and award, construction and post construction phase services for improvements to the wastewater treatment plant's non potable water system.
(Item Presenter: Julie Beggs, Assistant Director of Administrative Services)
10. Consider approval of a contract and purchase agreement with Holt Cat of Austin for a Cat 299D3 XE Compact Track Loader in the amount of \$154,892.59.
(Item Presenter: Julie Beggs, Assistant Director of Administrative Services)
12. Consider approval of Amendment #3 to Task Order #1 with HDR Inc. in the amount of \$66,900 for Plum Creek Golf Course Wastewater Interceptor to provide final design plans, bidding services, real estate services and construction services.
(Item Presenter: Leon Barba, P.E., City Engineer)

Council Member Parsley moved to approve Consent Agenda Item Nos. 6, 7, 9, 10, and 12. Mayor Pro Tem Rizo seconded the motion. Motion passed 6 - 0.

VII. Items Pulled from Consent Agenda

8. Consider approval of a 1-year contract with HUB International for health and welfare benefits consulting in the amount of \$60,000 with two 1-year extension options for a total amount of \$180,000 for all contract years.
(Item Presenter: Julie Beggs, Assistant Director of Administrative Services)

Ms. Beggs addressed Council Member Parsley's questions on the item. Mr. Langley also provided information on the item.

Council Member Parsley moved to approve a 1-year contract with HUB International for health and welfare benefits consulting in the amount of \$60,000 with two 1-year extension options for a total

amount of \$180,000 for all contract years. Mayor Pro Tem Rizo seconded the motion. Motion passed 6 - 0.

11. Consider approval of a 3-year purchase agreement with Vertosoft, on behalf of OpenGov, through TX-DIR Cooperative, for the purchase and installation of OpenGov's "Open Data" and "Reporting and Transparency" Platform in the amount of \$280,719.49.
(Item Presenter: Marco Forti, Director of IT)

Council Member Parsley asked for the item to be presented. Mr. Elizondo turned the floor over to Mr. Forti, who presented the item.

Council Member Parsley moved to approve a 3-year purchase agreement with Vertosoft, on behalf of OpenGov, through TX-DIR Cooperative, for the purchase and installation of OpenGov's "Open Data" and "Reporting and Transparency" Platform in the amount of \$280,719.49. Council Member Harris seconded the motion. Motion passed 6 - 0.

VIII. Consider and Possible Action

13. Consider approval of Task Order No. 4 in the amount of \$73,000 with HDR Engineering, Inc to conduct a traffic study on Kohlers Crossing.
(Item Presenter: Leon Barba, P.E., City Engineer)

Mayor Pro Tem Rizo moved to approve Task Order No. 4 in the amount of \$73,000 with HDR Engineering, Inc to conduct a traffic study on Kohlers Crossing. Council Member Parsley seconded the motion. Motion passed 6 - 0.

14. Consider approval of a resolution authorizing the award of the Increase Access to Mental Health Services for Residents Under 18 solicitation to Hill Country Mental Health and Developmental Disabilities Centers (or another qualified offeror) and authorizing the City Manager, or designee, to negotiate a contract.
(Item Presenter: Julie Beggs, Assistant Director of Administrative Services)

Ms. Beggs presented the item. Anthony Winn provided information on the item. Michelle Zaumeyer also provided information on the item.

Council Member Parsley moved to approve resolution authorizing the award of the Increase Access to Mental Health Services for Residents Under 18 solicitation to Hill Country Mental Health and Developmental Disabilities Centers (or another qualified offeror) and authorizing the City Manager, or designee, to negotiate a contract. Council Member Harris seconded the motion. Motion passed 5-1 with Mayor Pro Tem Rizo dissenting.

Mayor Mitchell called a recess at 8:39 p.m. Mayor Mitchell called the meeting back to order at 8:48 p.m. Council Member Tobias was absent at the time the meeting reconvened.

15. Consider approval of a resolution finding public convenience and necessity and authorizing the use of eminent domain to condemn, if necessary, from a 115.708 acre tract owned by Dennis L. Miller, a 0.36 acre water line easement and a 0.44 acre temporary construction easement (both as described in Exhibits 4 and 5) from that certain tract conveyed to Leo A. Miller and recorded

at Volume 209, Page 227 of the deed records of Hays County, Texas, for the public use and purpose of construction of a water line.

(Item Presenter: Amber Schmeits, Assistant City Manager)

Council Member Tobias returned at 8:51 p.m.

Mayor Mitchell moved to authorize the use of eminent domain to acquire both a permanent water line easement of 0.36 acres and a temporary construction easement of 0.44 acres from property owned by Dennis L. Miller and described in agenda item 15 for the public use of constructing and operating public water lines and infrastructure improvements. Mayor Pro Tem Rizo seconded the motion. Motion passed 5 - 0. Council Member Heiser had left the dais at 8:51 and was absent for the vote.

16. *(First Reading)* Consider approval of an ordinance amending Chapter 53 (Zoning) of the Code of Ordinance, rezoning approximately 45.3 acres of land from 'RS' (Retail Services), to 'PUD' (Planned Unit Development, approximately 29.9 acres 'RS' & approximately 15.4 acres 'R-3-3 (apartments) for property located at 22675 IH-35 in Hays County, Texas. (Kyle Retail/Office, LLC - Z-23-0119)

- Public Hearing

(Item Presenter: Jason Lutz, Planning Manager)

Council Member Heiser returned at 8:54 p.m.

Mayor Mitchell opened the public hearing at 9:05 p.m.

April Perlman spoke. She stated that she lives off of FM 150 and she spoke about the traffic between 3:30 pm to 6:00 pm. She asked whether the apartments will be livable with reasonable rent. She stated that the developers are here for money and asked how the City will accommodate the residents who live there. She spoke about the water restrictions on existing residents and how much more will the area be impacted by the increased population. She asked the council to make the math make sense.

Jay Hawk spoke on the item. He spoke about the city needing more things like dense urban neighborhood and ways for homeowners to densify their own neighborhoods. He stated that instead of planned unit developments the city needs neighborhoods.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 9:10 p.m.

Todd Dailey spoke on behalf of the developer.

Mayor Mitchell moved to approve ordinance amending Chapter 53 (Zoning) of the Code of Ordinance, rezoning approximately 45.3 acres of land from RS (Retail Services), to PUD (Planned Unit Development, approximately 29.9 acres RS & approximately 15.4 acres R-3-3 (apartments) for property located at 22675 IH-35 in Hays County, Texas and direct staff to amend the development agreement that is being proposed to come forward any other necessary documents to take into consideration the comments from Mayor Pro Tem Rizo and Council Member Harris in regards to the amendments. Mayor Pro Tem Rizo seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Zuniga was absent, Mayor Pro Tem Rizo voted aye; Council Member Heiser voted nay; Council Member Parsley voted nay; Council Member

Harris voted aye; Council Member Tobias voted nay; and Mayor Mitchell voted aye. Motion failed 3 - 3.

17. Consider approval of Supplemental Work Authorization No. 5 to Work Authorization No. 1 to K Friese + Associates, LLC, increasing Work Authorization No. 1 by \$3,217,772.92 for program management services for the 2022 Road Bond Program.
(Item Presenter: Bryan Langley, City Manager)

Mayor Mitchell moved to approve the Supplemental Work Authorization No. 5 to Work Authorization No. 1 to K Friese + Associates, LLC, increasing Work Authorization No. 1 by \$3,217,772.92 for program management services for the 2022 Road Bond Program. Mayor Pro Tem Rizo seconded the motion. Motion passed 6 - 0.

IX. Staff Reports and Presentations

18. Receive a report, hold a discussion, and provide staff direction regarding the inaugural City of Kyle Strategic Plan.
(Item Presenter: Jesse Elizondo, Assistant City Manager)

No action was taken.

19. Receive a report, hold a discussion, and provide staff direction on proposed library program budget for fiscal year 2024-2025.
(Item Presenter: Jessica McCart, Interim Director of Library Services)

No action was taken.

20. Receive a report, hold a discussion, and provide staff direction on the proposed customer service plan including 3-1-1 program for fiscal year 2024-2025.
(Item Presenter: Jesse Elizondo, Assistant City Manager)

No action was taken.

21. Receive a report, hold a discussion and provide staff direction on the management of the City's fleet and fuel operations.
(Item Presenter: Amber Schmeits, Assistant City Manager)

No action was taken.

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 the acquisition of property for downtown and park improvements and related infrastructure, including property located at or near 2000 Dacy Lane and 1942 Dacy Lane; **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 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 related 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 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 related to same.
 - 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 development

- agreement with Toll Southwest, LLC; **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.
- 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 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.
 - 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 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.
 - l. **Executive session pursuant to Texas Government Code §551.071** and Texas Disciplinary Rules 1.05 to consult with attorneys concerning legal issues related to personnel matters, including but not limited to the City Manager's contract; **and pursuant to Texas Government Code §551.074** to deliberate the appointment, employment, evaluation, reassignment, duties, or discipline of a public officer or employee (including, but not limited to, the City Manager).

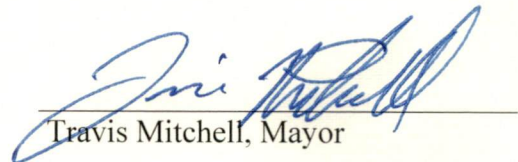
There was no executive session.

23. Take action on items discussed in Executive Session.

XI. Adjourn

Mayor Mitchell moved to adjourn. Mayor Pro Tem Rizo seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 11:06 p.m.


Travis Mitchell, Mayor

ATTEST:


Jennifer Kirkland, City Secretary