

## CITY COUNCIL REGULAR MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on June 4, 2024 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Michael McDonald
Mayor Pro Tem Robert Rizo	Courtney Goza
Council Member Bear Heiser	Stephanie McDonald
Council Member Miguel Zuniga	Yvonne Flores-Cale
Council Member Lauralee Harris	Dawn Conley
Council Member Daniela Parsley	April Perlman
Council Member Michael Tobias	Domingo Castillo
Bryan Langley, City Manager	Joe Peters
Amber Schmeits, Assistant City Manager	Jay Hawk
Jesse Elizondo, Assistant City Manager	Todd Dailey
Aimee Alcorn-Reed, City Attorney	Urpi Arriola
Rosie Truelove, Director of Admin Services	Carrie Bressler
Julie Beggs, Asst. Dir. of Admin Services	Justin Belmore
Rachel Sonnier, Dir. of Communications	Marissa McKinney
Alison Kelly, Communications Manager	
Jeffrey Banks, Audio & Film Prod Spec	
Cynthia Gonzales, Assistant City Secretary	
Victoria Vargas, Director of Economic Dev.	
Perwez Moheet, Director of Finance	
Connie Campa, Accounting Manager	
Andy Alejandro, Accounting Manager	
Marco Forti, Director of IT.	
Melissa McCollum, Chief Dev. Officer	
Will Atkinson, Director of Planning	
Jason Lutz, Planning Manager	
Kaela Sharp, Senior Planner	
Tim Samford, Asst. Dir. of Water Utilities	
Chris Arnold, Asst. Director Public Works	
Mark Spencer, Police Corporal	

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

Mayor Mitchell called the meeting to order at 7:06 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 May 22, 2024 Special Meeting Minutes and May 22, 2024 Regular Meeting Minutes.  
(Item Presenter: Cynthia Gonzales, Assistant City Secretary)



Council Member Tobias moved to approve the City Council May 22, 2024 Special Meeting Minutes and May 22, 2024 Regular Meeting Minutes. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

### **III. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 7:07 p.m.

Michael McDonald was called to speak. He stated that it has been 78 days, and he still has not received a response from council members and mayor. He expresses that they are not being held accountable. He expressed that the council answers to the residents and expressed his distrust in the council. He stated that name calling, and accusations are so unbecoming of leadership and show arrogance. He stated that Council Member Heiser was out of line. He stated that there wasn't anything done with the disrespect that was given for opposing the pride theme market days. He stated that the residents should be treated with dignity and respect. He expressed the unresponsiveness to his letter shows to be arrogant and privileged.

Courtney Goza was called to speak. She expressed her opposition to Agenda Item Nos. 8 & 9. She expressed her disappointment in bringing this item back for reconsideration. She expresses how the Council chooses who they will respond to. She stated that she reached out to Council Member Parsley but has not received a response. She explained that the City Council has been given compensation more than other cities in the area. She expressed how a stipend was given for items like coffee so it would not be put on the city credit card. She expressed her concerns with the personnel policy and the credit card policy. She expressed that the council discusses items in executive session not allowing the residents access to that information. She spoke about the TDS contract being a franchise and states a portion of Charter precludes exclusive franchises. She stated that the City Secretary makes it hard to obtain public information records and despite the credit card spending by the city is of public interest she is being charged \$160 to obtain the records. She states that the council is sitting on a pedestal, and she will continue to hold them accountable.

Stephanie McDonald was called to speak. She commended the council members for keeping their ethical edge sharp and to continue that. She spoke about ethics expressing how a council member voted for a position in the police department and then hired for that position that was voted on. She stated that that was unethical which makes her concerned about the recent mental health proposal. She wonders where the checks and balances are and why the city is looking for mental health awareness to minors with the county already providing it. She spoke about the water feature and traffic that will be affected by the Two Step project. She stated that the city is reactive and not proactive. She spoke about the credit cards and stipend and requested that council go back to transparency. She expressed that council should go back to charging their personal credit cards then requesting a reimbursement for the eligible charges.

Yvonne Flores-Cale was called to speak. She spoke about Agenda Item Nos. 8 & 9. She hopes that if Item No. 8 passes that there will be real conservations had regarding the housing units. She stated that the council is to serve the residents already in Kyle not future residents. She discussed the backup that was provided. She stated that all the information was not provided for it to be voted on tonight. She asked whether this the best use of water. She stated that this should not allow houses to be built along



with development. She asks that they think of the residents when voting. She stated that on Agenda Item No. 11 she is in favor of the idea of building for the veterans. She stated that the backup does not discuss how much the city will be losing and stated that this is for the developers and not the veterans.

Dawn Conley, representing the Kyle Area Senior Zone (KASZ) was called to speak as registered. She formally invited council members and mayor to the highlighted events coming up at the Krug Activity Center. She spoke about the project that Council Member Zuniga will be demonstrating at the Father's Day event. She informed them of the Keep Cool in Kyle Preparedness Fair that will educate the community about summer heat preparedness. KASZ is having a fan drive that is until June 15th. June 19th will be the 3rd annual Juneteenth event and she mentioned all the activities that will happen that day.

April Perlman came up to speak. She expressed her concern about the spending that is occurring. She spoke in opposition to Item Nos. 8 & 9. She stated that she understands that the city wants to evolve but at the sake of what? She stated that it doesn't seem like the amount of water that will be used is considered. She expressed her concern about the animals that will suffer for the development that is coming. She would like to know what the solutions are. She felt there should be factors and not just greed.

Domingo Castillo came up to speak. He thanked Council Member Zuniga for the speech that he made at the Memorial Day ceremonies.

Joe Peters came up to speak. He stated that he appreciated the support for the Team Kyle Academy program. He stated that staff was very informative and answered a lot his questions, he was appreciative. He stated that he agrees that the city is in the driver seat for the growth, and he stated that the city needs to be picky. He asked that the city not remove their water tower. He asked that the city keep a small town feel when developing the downtown area.

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

#### **IV. Agenda Order**

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

No action was taken.

#### **V. Reports and Presentations**

3. Receive a presentation of Graduates of the 2024 Team Kyle Academy.  
(Item Presenter: Rachel Sonnier, Director of Communications)

No action was taken.

Mayor Mitchell called a recess at 7:36 p.m. Mayor Mitchell called the meeting back to order at 7:47 p.m. Mayor Pro Tem Rizo was absent at time the meeting reconvened.

## **VI. Consent Agenda**

Mayor Mitchell brought forward Item Nos. 4, 5, 6, and 7 for consideration.

4. Consider approval of a resolution regarding the First Amendment to the Blanco River Ranch Development Agreement with Toll Southwest, LLC.  
(Item Presenter: Amber Schmeits, Assistant City Manager)
5. Consider approval of a resolution authorizing a Letter Agreement with WZ Investments, LLC to provide a 15-year extension to the non-annexation Development Agreement.  
(Item Presenter: Melissa McCollum, Chief Development Officer)
6. Consider approval of a resolution authorizing the Arts and Cultural Board to establish a Tiny Art Galleries program and to allocate approximately \$3,500 for the purchase and installation of 3 Tiny Art Galleries.  
(Item Presenter: Amber Schmeits, Assistant City Manager)
7. Consider approval of a resolution authorizing the Arts and Cultural Board to establish an Artist Networking Events program and to allocate approximately \$500 to host two Networking Events in FY23-24.  
(Item Presenter: Amber Schmeits, Assistant City Manager)

Council Member Parsley moved to approve Consent Agenda Item Nos. 4, 5, 6, and 7. Council Member Heiser seconded the motion. Motion passed 6 - 0. Mayor Pro Tem Rizo was absent at the time of the vote.

## **VII. Items Pulled from Consent Agenda** **VIII. Consider and Possible Action**

8. Reconsideration of the vote at the May 22, 2024 City Council Meeting to 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.  
(Item Presenter: Miguel A. Zuniga PhD, Council Member)

Mayor Pro Tem Rizo returned at 7:48 p.m.

Mayor Mitchell moved to reconsider the vote at the May 22, 2024 City Council Meeting to 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. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

9. [Reconsideration from 5/22/2024] (*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

*City Council vote failed 3-3 on motion to approve on first reading on 5/22/2024*  
(Item Presenter: Jason Lutz, Planning Manager)

Mayor Mitchell opened the public hearing at 7:49 p.m.

April Perlman was called to speak as registered in opposition of the item. She stated that there should be a balance and agree to disagree. She is not opposed to evolving but she expressed her concerns about wildlife. She stated that there isn't a solution for the animal life that is in the area. She stated that the developer is not thinking of wildlife just about the money. She opposes housing, traffic, and the water but mainly opposes because of the animals.

Jay Hawk was called to speak as registered in favor of the item. He stated that he has lived here for 5 years and all he sees is the suburbs. He expressed how the possible pricing of the housing that was stated by the developer is affordable for young people to live here in Kyle. He stated that he understands the water concerns but that the city shows time and time that multi-family units use half the water than the single-family units use. He hopes that the council will vote yes.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 7:53 p.m.

Jason Lutz presented the item. Bryan Langley provided some information. Todd Dailey, Urpi Arriola, and Carrie Bressler spoke about the item.

Council Member Zuniga moved to approve 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. Mayor Mitchell seconded the motion.

Mayor Mitchell requested a roll call vote. Mayor Mitchell voted aye; Council Member voted aye; Council Member voted aye; Council Member Zuniga voted aye; Council Member Parsley voted aye; Council Member Heiser voted aye; and Mayor Pro Tem Rizo voted aye. Motion passed 7 - 0.

Mayor Mitchell objected to finally passing the ordinance.

10. Consider approval of a resolution amending the approved moderators for the Juneteenth Dialogue for Peace and Progress Event and approving an exception to Resolution No. 1390 to allow a member of the public to serve as a moderator for the event.  
(Item Presenter: Miguel A. Zuniga PhD, Council Member)

Mayor Mitchell moved to approve a resolution amending the approved moderators for the Juneteenth Dialogue for Peace and Progress Event and approving an exception to Resolution No. 1390 to allow a member of the public to serve as a moderator for the event and to add Vanessa Westbrook to serve as an added moderator for the Juneteenth Dialogue for Peace and Progress Event and recommend Council Member Parsley to be moderator for the Hispanic Heritage. Mayor Pro Tem Rizo seconded the motion. Motion passed 7 - 0.

11. Consider approval of a resolution authorizing the City Manager to waive all building and permitting fees for the property located on Honey Onyx Trail for Meritage Homes Corporation as part of Operation Homefront. (Item Presenter: Amber Schmeits, Assistant City Manager)

Ms. Schmeits presented the item. Justin Belmore with Meritage Home also spoke about the item.

Mayor Pro Tem Rizo moved to approve a resolution authorizing the City Manager to waive all building and permitting fees for the property located on Honey Onyx Trail for Meritage Homes Corporation as part of Operation Homefront. Council Member Parsley seconded the motion. Motion passed 7 - 0.

Mayor Mitchell called a recess at 9:20 p.m. Mayor Mitchell called the meeting back to order at 9:31 p.m. Council Member Bear Heiser was absent when the meeting reconvened.

### **IX. Staff Reports and Presentations**

12. Receive a report, hold a discussion and provide staff direction on the proposed compensation and benefits plan for fiscal year 2024-2025.  
(Item Presenter: Rosie Truelove, Director of Administrative Services)

Council Member Heiser returned at approximately 9:41 p.m.

No action was taken.

15. Receive a report, hold a discussion, and provide staff direction on Placemaking, Roundabouts, Wayfinding, and Beautification of Gateways.  
(Item Presenter: Melissa McCollum, Chief Development Officer)

Mayor Mitchell brought forward Item No. 15 out of order, after Item No. 12.

Ms. McCollum introduced Marissa McKinney, Managing Partner with Coleman & Associates, to present the item.

Mayor Mitchell moved to approve direction to staff to work with Coleman & Associates on crafting a Placemaking, Roundabouts, Wayfinding, and Beautification of Gateways Program and bring back recommendations. Council Member Harris seconded the motion. Motion passed 7 - 0.

14. Receive a report, hold a discussion and provide staff direction on the proposed city council committees for boards and commission appointments.  
(Item Presenter: Jesse Elizondo, Assistant City Manager)

Mayor Mitchell brought forward Item No. 14 out of order, after Item No. 15. No action was taken.

13. Receive a report, hold a discussion and provide staff direction on the proposed facilities plan for fiscal year 2024-2025.  
(Item Presenter: Amber Schmeits, Assistant City Manager)

Item No. 13 was not brought forward for discussion. No action was taken.



## X. Executive Session

16. 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 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.
  - 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 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.
  - 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 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.
  - 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 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.
  - 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 the development agreement with Continental Homes of Texas, L.P. and/or the potential amendment thereto **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 acquisition of property and/or alignment and design of park and/or recreation improvements; **and**

- pursuant to Texas Government Code §551.072** to discuss the possible purchase, exchange, lease, or value of real estate 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 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.
  - 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 Article VI of the City Charter.
  - 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 City's contract with Transcend, Inc., dba SPA Skateparks.

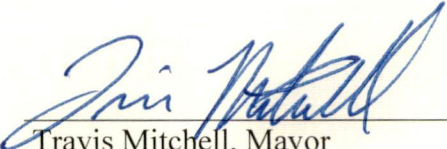
There was no executive session.

17. Take action on items discussed in Executive Session.


### **XI. Adjourn**

Mayor Pro Tem Rizo moved to adjourn. Council Member Parsley seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 10:36 p.m.

  
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Travis Mitchell, Mayor

ATTEST:

  
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Jennifer Kirkland, City Secretary