

CITY COUNCIL REGULAR MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on June 18, 2024 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell*	Josh Keller
Mayor Pro Tem Robert Rizo	Diane Hervol
Council Member Bear Heiser	Stephanie McDonald
Council Member Miguel Zuniga	Yvonne Flores-Cale
Council Member Lauralee Harris	Ellen Ermis
Council Member Michael Tobias	Vanessa Westbrook
Bryan Langley, City Manager	
Jesse Elizondo, Assistant City Manager	
Aimee Alcorn-Reed, City Attorney	
Paige Saenz, Knight Law Firm, Sp. Counsel	
Rosie Truelove, Director of Admin Services	
Julie Beggs, Asst. Dir. of Admin Services	
Rachel Sonnier, Dir. of Communications	
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	
Marco Forti, Director of IT	
Melissa McCollum, Chief Dev. Officer	
Will Atkinson, Director of Planning	
Jason Lutz, Planning Manager	
Kaela Sharp, Senior Planner	
Timothy Owens, Police Detective	
Mario Garcia, Police Officer	
Juan Bazaldua, Police Officer	
Tracy Flores, Police Sergeant	
Mike Murphy, Director of Water Utilities	
Tim Samford, Asst. Dir. of Water Utilities	

I. Call Meeting to Order and Roll Call

Mayor Pro Tem Rizo called the meeting to order at 7:01 p.m. The Pledge of Allegiance was recited. Mayor Pro Tem Rizo asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Rizo, Council Member Heiser, Council Member Zuniga, Council Member Harris, and Council Member Tobias. A quorum was present. Council Member Parsley was absent.

II. Approval of Minutes

1. Consider approval of the City Council June 4, 2024 Special Meeting Minutes, June 4, 2024 Regular Meeting Minutes, and June 8, 2024 Special Meeting Minutes.
(Item Presenter: Jennifer Kirkland, TRMC, City Secretary)

*One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

Council Member Tobias moved to approve the minutes of the June 4, 2024 Special Council Meeting, June 4, 2024 Regular Council Meeting and the minutes of the June 8, 2024 Special Council Meeting. Council Member Heiser seconded the motion. Motion passed 6 - 0.

III. Citizen Comment Period with City Council

Mayor Pro Tem Rizo opened citizen comments at 7:03 p.m.

Josh Keller, Trails Committee Chairperson, was called to speak as registered in favor of Item No. 19. He provided two positives: Amazing Members, priority was to serve the community. He spoke about the trails east of I-35. He stated that it took some time to learn their duties. He stated that for observations, he stated there are many people using the trails in comparison to a year ago. He spoke about bike giveaways for kids. He spoke about Stacy Anderson, her energy and experience. He requested more resources for Ms. Anderson, and he stated that their scope was very narrow - he requested a broader scope.

Diane Hervol was called to speak as registered in opposition of Item No. 16. She stated that she was surprised to see Item 16 on the agenda, when there isn't approval for the Indoor Sportsplex yet. She asked whether the City would receive a refund in terminating the contract on Item No.15. She stated that the last bonding capacity that the City has will be used for a sportsplex which is a want and not a need. She spoke about the possibility of an emergency. She stated that she wasn't allowed to finish her comments regarding the defeasance. Ms. Hervol spoke about the duty to report any unethical behaviors of Council's peers.

Stephanie McDonald was called to speak as registered. She spoke about her disappointment in the Council's lack of accountability. She spoke about having a safe place for city whistleblowers that want to do the right thing. She stated that she does not understand the City's expenditures to Carmel for members of council and staff. She stated that the Council was not intended to oversee day-to-day operations. She spoke about Council healthcare, stating that the issue is not providing healthcare, but that the citizens are paying for it. She continued speaking about the water shortage and asked Council to stop downplaying the lack of water.

Yvonne Flores-Cale was called to speak as registered. She stated that she was not speaking on one agenda item but to speak on the wants and needs of the residents. She asked Council to take a strong standing of integrity in the City's leadership. She stated that the City needs leaders who are willing to make difficult decisions even when they are unfavorable and unpopular. She continued that staff needs to take priority to serve its citizens over bureaucracy. She quoted Teddy Roosevelt, in any moment of decision the worst you can do is nothing.

Ellen Ermis was called to speak as registered. She spoke of her service on KASZ Board and Parks & Recreation Board. She stated there will be a Juneteenth celebration tomorrow at Mary Kyle Hartson Park at 10:30 a.m. She spoke about the Community Development Block Grant, stating that seniors were blocked from providing input.

Vanessa Westbrook was called to speak as registered in favor Item No. 3. She stated that tomorrow is an American holiday, a federal holiday. She asked that people take the opportunity to learn more about the holiday. She stated that last Thursday, Council Member Zuniga and she did the Dialogue for Peace and Progress. She spoke about the inaugural Dialogue for Peace and Progress event in 2020, and

mentioned the moderators and participants. She spoke about the need for people who understand the topic and a safe space to speak thoughts. She closed with Happy Juneteenth.

With no one else wishing to speak, Mayor Pro Tem Rizo closed citizen comments at 7:20 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. A proclamation recognizing Juneteenth.
(Item Presenters: Robert Rizo, Mayor Pro Tem, and Michael Tobias and Miguel Zuniga, Council Members)

Council Member Zuniga read aloud the Proclamation acknowledging Juneteenth. Mayor Mitchell was off-camera, and pursuant to Section 551.127 (a-3), Texas Government Code, was considered absent at 7:22 p.m. No action was taken.

VI. Consent Agenda

Council Member Tobias pulled Item Nos. 4 and 9. Council Member Zuniga pulled Item No. 7. Mayor Pro Tem Rizo brought forward Item Nos. 5, 6, 8, 10, and 11 for consideration.

5. Consider approval of Amendment No. 1 to Task Order No. 6 with Pape-Dawson Engineers in the amount of \$346,500 to add Langford Community Management Services as a subconsultant to provide administrative services to the CR 158 Ground Storage Project.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
6. Consider approval of Task Order No. 1 in the amount of \$491,122 to Pape-Dawson Engineers for professional construction inspection services for Phase One of the FM 1626 Ground Storage Tank and Pump Station (FM 1626) construction project.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
8. Consider approval of a temporary construction license with FM 150, LLC and a right of entry agreement with Walton Texas, LP for the wastewater treatment plant access road and authorizing the City Manager, or designee, to execute the agreements.
(Item Presenter: Leon Barba, P.E., City Engineer)
10. (*First and Final Reading*) Consider approval of an ordinance of the City of Kyle, Texas to remove the statutory maximum contribution rate limit to ensure that the City's contributions to the Texas Municipal Retirement System (TMRS) are based on the actuarially determined rate each year.
(Item Presenter: Perwez A. Moheet, CPA, Director of Finance)

11. Consider approval of a resolution suspending the July 8, 2024 effective date of the proposal by Texas Gas Service Company a Division of ONE Gas, Inc. to increase rates within the City of Kyle. (Item Presenter: Aimee Alcorn-Reed, City Attorney)

Mayor Pro Tem Rizo moved to approve Consent Agenda Item Nos. 5, 6, 8, 10, and 11. Council Member Heiser seconded the motion. Motion passed 5 - 0. Mayor Mitchell was off-camera, and pursuant to Section 551.127 (a-3), Texas Government Code, was considered absent for the vote.

VII. Items Pulled from Consent Agenda

4. Consider approval of a resolution approving the Community Development Block Grant Program 5-Year Consolidated Plan and Annual Action Plan for Fiscal Year 2024. (Item Presenter: Kaela Sharp, Senior Planner)

Ms. Sharp presented the item. Council Member Heiser left the dais at 7:38 p.m.

Council Member Tobias moved to approve a resolution approving the Community Development Block Grant Program 5-Year Consolidated Plan and Annual Action Plan for Fiscal Year 2024. Council Member Harris seconded the motion. Motion passed 4 - 0. Mayor Mitchell was off-camera, and pursuant to Section 551.127 (a-3), Texas Government Code, was considered absent for the vote. Council Member Heiser was also absent for the vote. He returned at 7:40 p.m.

7. Consider approval of a resolution authorizing an Agreement Regarding Governance—Restaurant, Hotel, and Office City Properties for the retail properties conveyed to the City as part of the development in the Brick and Mortar District. (Item Presenter: Paige Saenz, The Knight Law Firm)

Ms. Saenz presented the item.

Council Member Zuniga moved to approve a resolution authorizing an Agreement Regarding Governance—Restaurant, Hotel, and Office City Properties for the retail properties conveyed to the City as part of the development in the Brick and Mortar District. Council Member Heiser seconded the motion. Motion passed 5 - 0. Mayor Mitchell was off-camera, and pursuant to Section 551.127 (a-3), Texas Government Code, was considered absent for the vote.

9. Consider a resolution approving new and revised personnel policies for the City of Kyle related to Paid Parental Leave, Education Assistance, Vacation and Sick Leave Buy Back, Compensatory Time and Exception Vacation. (Item Presenter: Rosie Truelove, Director of Administrative Services)

Ms. Truelove presented the item.

Council Member Tobias moved to approve a resolution approving new and revised personnel policies for the City of Kyle related to Paid Parental Leave, Education Assistance, Vacation and Sick Leave Buy Back, Compensatory Time and Exception Vacation. Council Member Harris seconded the motion. Motion passed 5 - 0. Mayor Mitchell was off-camera, and pursuant to Section 551.127 (a-3), Texas Government Code, was considered absent for the vote.

VIII. Consider and Possible Action

12. *(Second 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)
City Council voted to approve 7-0 on first reading on 6/4/2024
(Item Presenter: Jason Lutz, Planning Manager)
13. Consider approval of a Development Agreement for Project Two Step Between the City of Kyle, Texas and Kyle Retail/Office, LLC; Authorizing the City Manager to Execute the Agreement.
(Item Presenter: Jason Lutz, Planning Manager)
14. Consider approval of a Chapter 380 agreement, with Kyle Retail/Office, LLC (Project Two Step) in the amount of \$14,856,100 for the construction of an urban-style mixed-use project located at 22675 IH-35.
(Item Presenter: Victoria Vargas, Director of Economic Development)

Mayor Pro Tem Rizo brought forward Item Nos. 12, 13, and 14 simultaneously.

Council Member Zuniga moved to approve Item Nos. 12, 13, and 14. Council Member Harris seconded the motion. Motion passed 6 - 0. Mayor Mitchell returned on camera at approximately 8:19 p.m.

15. Consider a resolution authorizing the City Manager to terminate the professional services agreement with Burditt Consultants, LLC for the Feasibility Study and Conceptual Plan for the Community Center Project.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
16. Consider approval of an agreement with Stantec Consulting Services, Inc. for the Design Services for Kyle Sportsplex: RFQ-2024-01 solicitation in the amount of \$672,655 for the initial phases of work for the sports complex and associated facilities.
(Item Presenter: Rosie Truelove, Director of Administrative Services)
17. Consider a resolution authorizing the Issuance of a Request for Qualifications for professional design services at Lake Kensington Park.
(Item Presenter: Rosie Truelove, Director of Administrative Services)

Mayor Pro Tem Rizo brought forward Item Nos. 15, 16, and 17 simultaneously.

Council Member Heiser moved to approve a resolution authorizing the City Manager to terminate the professional services agreement with Burditt Consultants, LLC for the Feasibility Study and Conceptual Plan for the Community Center Project. Council Member Harris seconded the motion. Motion passed 4 - 2 with Council Members Zuniga and Tobias dissenting.

Council Member Heiser moved to approve an agreement with Stantec Consulting Services, Inc. for the Design Services for Kyle Sportsplex: RFQ -2024-01 solicitation in the amount of \$672,655 for the

initial phases of work for the sports complex and associated facilities. Council Member Harris seconded the motion. Motion passed 5 - 1 with Council Member Zuniga dissenting.

Council Member Heiser moved to approve a resolution authorizing the Issuance of a Request for Qualifications for professional design services at Lake Kensington Park. Council Member Tobias seconded the motion. Motion passed 5 - 1 with Council Member Zuniga dissenting.

18. Consider approval of a 1-year contract with Bickerstaff Heath Delgado Acosta, LLP for redistricting services of City Council districts in the amount of \$30,000.
(Item Presenter: Rosie Truelove, Director of Administrative Services)

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

Council Member Heiser moved to approve a 1-year contract with Bickerstaff Heath Delgado Acosta, LLP for redistricting services of City Council districts in the amount of \$30,000. Council Member Tobias seconded the motion. Motion passed 6 - 0.

19. Consider approval of a one-year extension for both the Community Garden and Trails Committees. (Item Presenters: Lauralee Harris and Bear Heiser, Council Members)

Mayor Mitchell moved to direct staff to bring back a resolution approving a one-year extension for both the Community Garden and Trail Committees. Council Member Heiser seconded the motion. Motion passed 6 - 0.

IX. Executive Session

20. 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 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.
- 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 acquisition of property and/or alignment and design of park and/or recreation improvements, including the property located at 1500 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.
- 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 Charter.
- 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 Chapter 38 of the City's Code of Ordinances and/or potential changes thereto.

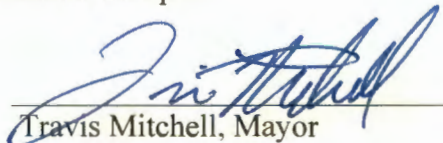
There was no executive session.

21. Take action on items discussed in Executive Session.

X. Adjourn

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

With no further business to discuss, the City Council adjourned at 8:52 p.m.



Travis Mitchell, Mayor

ATTEST:



Jennifer Kirkland, City Secretary