

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on October 15, 2019 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Cynthia Bentley
Mayor Pro Tem Dex Ellison	Marlene Silcocks
Council Member Tracy Scheel	Mark Trahan
Council Member Robert Rizo	Lisa Trahan
Council Member Alex Villalobos	Macey Trahan
Council Member Daphne Tenorio	Julie Snyder
Scott Sellers, City Manager	Steve Swindell
James Earp, Assistant City Manager	Sandra O'Neal
Paige Saenz, City Attorney	Sandra Gonzales
Jerry Hendrix, Chief of Staff	Jackie Keller
Kim Hilsenbeck, Communications Manager	Mark Baker
Jennifer Vetrano, City Secretary	Rick Hanna
Leon Barba, City Engineer	Tracy Gerrish
Perwez Moheet, Finance Director	Terry Mitchell
Adrian Gooden, IT Technician	Steven Spears
Kerry Urbanowicz, PARD Director	Brian Ziegler
Howard Koontz, Community Dev Director	Josh Paselk
Jeff Barnett, Chief of Police	Graham Moore
Pedro Hernandez, Police Captain	Jason Biemer
Tim Griffith, Police Sergeant	
James Plant, Police Officer	
Philip Cleary, Police Officer	
Kelly Sheridan, Victims Svcs Coordinator	
Harper Wilder, Director of Public Works	
Brian Lillibridge, Asst Director of Public Works	
Scott Egbert, Div. Mgr. Street Operations	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tenorio. A quorum was present. Council Member Koch was absent.

II. Approval of Minutes

1. City Council Meeting Minutes - July 2, 2019. ~ *Jennifer Vetrano, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Tenorio moved to approve the minutes of the July 2, 2019 Council Meeting. Council Member Villalobos seconded the motion. All votes aye; motion carried 6-0.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:01 p.m.

Cynthia Bentley, President of Pillow of Peace Bringing Awareness to Domestic Violence was called to speak as registered regarding Item No. 1. She chose to speak during the proclamation.

Marlene Silcocks was called to speak as registered regarding Item No. 16. Her home is being threatened by other homes being built behind her. Her concerns include animals in the field, oak trees along Rebel Road and said she would like to see them preserved. She mentioned that there is a flood plain and she is concerned about the drainage; she asked, if the runoff would go towards her or go the other direction. Ms. Silcocks continued that she is concerned about the fencing, whether it will be substantial, and will it look nice. She recommends solid cedar fencing. She is concerned about two-story homes being built behind her. She stated that she is emotional because she enjoys the view of the sunsets, which will go away.

Mark Trahan was called to speak as registered. He spoke about zoning that is being requested to change on Rebel Drive. He thanked Council for their service. Mr. Trahan lives on Mather behind the area where the zoning may be changing. He has lived here for five years, after moving from Houston. His father works in real estate, and he spoke about Cypress Forest, 6 Creeks, and watching as this development goes up and there isn't enough infrastructure. Mr. Trahan continued that there will come to be more grocery stores, restaurants, and gas stations. His concerns include the speed at which things are moving and the pace at which the city can keep up with that much growth. He thinks that there are enough homes going up right now and the city needs time to adjust and consider the needs of the community.

Lisa Trahan was called to speak as registered in opposition of Item No. 16. She stated that she too is emotional. She spoke about the birds that she and her daughters have been feeding for some time. She spoke about her children caring for them and observing them, she listed the various bird species that live there. Ms. Trahan stated that her children will confront the real problems of over-development. She spoke about the children learning to protect and preserve the earth.

Macey Trahan was called to speak as registered in opposition of Item No. 16. She spoke about the development cutting down the trees, and that there are cows there.

Julie Snyder, CEO of the Kyle Chamber of Commerce was called to speak. She invited everyone to the State of the City Address and stated she will speak about Agenda Item No. 18 later.

Steve Swindell was called to speak but stated he would participate during Item No. 18.

Sandra O'Neal was called to speak. She spoke on behalf of the HOA Board for Brooks Crossing. She stated she has spoken with the Blackburn Group and all her neighbors on the green belt. Her back porch faces the green belt. She stated that the developer, KB, who built her home stated no one would build behind her because it is a flood plain. She stated there is a lot of green space in the Blackburn plan. She stated she and the residents prefer no big box stores for their residential area. Ms. O'Neal asked Council to consider residents in the area and congestion, being lit up, and concrete. She stated that for every tree Blackburn removes, they will replace it. She prefers rezoning residential.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:12 p.m.

IV. Presentation

2. Domestic Violence Awareness Month Mayoral Proclamation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 2 for discussion and presented the proclamation. Cynthia Bentley thanked the Council for allowing her to speak tonight. She spoke about her organization, Pillow of Peace, the growth of their program, and their partnership with the Kyle Police Department, Hays High School, the Kyle Fire Department, and Walmart. She spoke about the recipients of those pillows including Hays-Caldwell Women's Center. Sandra Gonzales with Hays-Caldwell Women's Center spoke about domestic violence and thanked Council and law enforcement for their support. No action was taken.

3. CIP/Road Projects Update. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item No. 3 for discussion. Mr. Barba presented the item. No action was taken.

V. Appointments

4. Consider appointment of Brian Lillibridge, Assistant Director, Public Works Department, to the Alliance Regional Water Authority Board of Directors. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 4.

Council Member Tenorio moved to approve the appointment of Brian Lillibridge, Assistant Director, Public Works Department, to the Alliance Regional Water Authority Board of Directors. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0.

5. Appoint TIRZ Board Chair. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 5.

Mayor Mitchell moved to approve the appointment of Commissioner Ingalsbe to TIRZ Board Chair. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

6. Consideration of nomination for appointment to the Board of Appeals to fill a vacancy. ~ *Howard J. Koontz, Director of Planning and Community Development*

- Cody DeSalvo

Mayor Mitchell brought forward Item No. 6 for discussion. Mr. Koontz presented the item.

Council Member Tenorio moved to approve the appointment of Cody DeSalvo to the Board of Appeals to fill a vacancy. Mayor Pro Tem Ellison seconded the motion. All votes aye; motion carried 6-0.

VI. Consent Agenda

Mayor Mitchell asked if there were any items to be pulled from the Consent Agenda. Council Member Tenorio requested to pull Item No. 13, and Mayor Pro Tem Ellison requested to pull Item No. 10. Mayor Mitchell brought forward Item Nos. 7, 8, 9, 11, and 12.

7. A Resolution of the City Council of the City of Kyle, Texas accepting the Crosswinds Phase Two subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
8. Approve Amendment No. 2 to Task Order No. 1 to HDR ENGINEERING, INC., Austin, Texas, in the amount of \$310,300.00 for a total contract amount not to exceed \$459,314.00 to provide final design plans, bidding services and construction services for the Plum Creek Phase 3 wastewater improvements and reclaimed waterline. ~ *Leon Barba, P.E., City Engineer*
9. Authorize award and execution of a Purchase Order to T.F. HARPER & ASSOCIATES, LP, Austin, Texas, in an amount not to exceed \$222,500.00 to deliver, develop, construct and install a playground, creek crossing and trails in the Plum Creek Parkland, Waterleaf and Bunton Creek Reserve ~ *Kerry Urbanowicz, Director of Parks and Recreation*
11. Approve a development agreement with Walton Texas, LP related to Kyle Estates East. ~ *James R. Earp, Assistant City Manager*
12. Asset Forfeiture Inter-Local Agreement with Hays County District Attorney. ~ *Jeff Barnett, Chief of Police*

Council Member Tenorio moved to approve Consent Agenda Item Nos. 7, 8, 9, 11, and 12. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0.

10. [Postponed 9/17/2019] Consider and possible action to send a letter to Hays County Commissioners in Support of the Dacy Lane Road Improvements. ~ *Daphne Tenorio, Council Member*

Mayor Mitchell brought forward Item No. 10 for discussion and gave the floor to Mayor Pro Tem Ellison.

Mayor Pro Tem Ellison moved to approve Agenda Item No. 10. Council Member Tenorio seconded the motion.

There was discussion on the motion. Mayor Mitchell stated that both Commissioners Jones and Ingalsbe, whose precinct this is, have made improving Dacy Lane a top priority. He stated this letter is in the best possible spirit to provide support and is in no way intended to represent dissatisfaction of the allocated 2016 Bond funds or County funding in general. He continued that he is very thankful for the partnership to improve Dacy Lane and wishes projects went along faster. Mayor Mitchell stated that hopefully the letter will be received in the right spirit.

All votes aye; motion carried 6-0.

13. Lease Agreement with Employee (WWTP). ~ *James R. Earp, Assistant City Manager*

Mayor Mitchell brought forward Item No. 13 for discussion and gave the floor to Council Member Tenorio. She wanted to verify with the City Attorney that it is legal. She stated that she does not want us as a city to receive the backlash. City Attorney Saenz stated that she has seen other cities use similar agreements, and she checked state law and the Charter and finds it to be acceptable.

Council Member Tenorio moved to approve Agenda Item No. 13. Council Member Scheel seconded the motion. All votes aye; motion carried 6-0.

VII. Consider and Possible Action

14. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 4.207 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1450 E. RR 150, in Hays County, Texas. (Sheerghar Investment, Inc., A Texas Corporation - Z-19-0046) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-0 to recommend approval.

- Public Hearing

Mayor Mitchell brought forward Item No. 14 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 7:42 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 7:42 p.m.

Council Member Tenorio moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 4.207 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1450 E. RR 150, in Hays County, Texas. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0.

15. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning of approximately 14.36 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located within the 3400 Block of Kyle Crossing, in Hays County, Texas. (Sterling/Babcock & Brown, LP - Z-19-0047) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-0 to recommend denial.

- Public Hearing

Mayor Mitchell brought forward Item No. 15 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 7:45 p.m.

Jackie Keller spoke about feeling the blasting from Texas Lehigh in Amberwood. She believes the apartments would be affected. She asked Council to consider that Smile Direct will have an average salary of \$40,000 and those people would not be able to afford these apartments. She asked for low income apartments as well.

With no one else wishing to speak, Mayor Mitchell left the public hearing open at 7:47 p.m. Council discussion continued. Council Member Tenorio asked about whether tax credits were being requested. Mr. Koontz stated not at this time.

Mayor Mitchell moved to recess Item No. 15 until November 4, 2019 City Council meeting. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

16. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 47.3 acres of land from Retail Service District 'RS' to Single Family Residential-3 'R-1-3' for property located within the 1200-1600 block of Rebel Drive, in Hays County, Texas. (D&L Brooks Investments, LLC - Z-19-0048) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-0 to recommend approval.

- Public Hearing

Mayor Mitchell brought forward Item No. 16 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 7:51 p.m.

Marlene Silcocks stated that she does not want this area to be commercial. She stated Kyle needs to address water needs. She asked where the traffic 262 cars were going to go. Ms. Silcocks mentioned concerns on Rebel Road which is already stressed. She addressed Mr. Barba saying, that in two years she looks for Rebel Road to be on the agenda to tear it up and rebuild it. She asked whether the developer would be responsible with all the construction vehicles. She mentioned the light pollution policy in Buda and San Marcos, and the effect on bird migration. Ms. Silcocks said that she wished the developer would listen to the residents' concerns. She spoke about drainage, certain percentage when the full amount would go that way, addressing Howard J. Koontz. Ms. Silcocks continued that progress is not always rooftops, blacktops and cement, but is working with the community to keep it preserved. She stated that Kyle is losing its green space. She stated Kyle started as a bedroom community and is becoming more and more. Ms. Silcocks stated that as far as grocery stores and restaurants that she still goes to San Marcos and Austin to eat.

Tracy Gerrish, a resident of Brooks Crossing, stated that her backyard is against the greenbelt. She said her husband and she would prefer residential because it will keep some of the grass to absorb more of the runoff. She is a teacher at Barton and is concerned about students walking to school if the area becomes commercial. Ms. Gerrish stated that if there is to be development, she would rather see residential. She spoke about the October floods and backups. Ms. Gerrish requested the Council to consider the infrastructure being built up in the area.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 7:57 p.m.

Council Member Tenorio moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 47.3 acres of land from Retail Service District 'RS' to Single Family Residential-3 'R-1-3' for property located within the 1200-1600 block of Rebel Drive, in Hays County, Texas. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Villalobos said to clarify regarding the development there and to appeal to the citizens in that particular area of development, that FM 150 was a state highway. He spoke about the restrictions and changes to the state highway and mentioned that there would be realignment near FM 150 at some point that could possibly create more opportunities for control. He said after hearing concerns, he felt Commercial usage being a better option. He mentioned they had the right to build under that zoning and mentioned the zoning took place some time ago. He said when looking at it more critically concerning building homes in the area, it satisfies concerns brought forward of less traffic, security, lighting, being considerably less in area. He mentioned requirements concerning Green spaces in the development area and talked about preservation by doing our best effort to preserve some of that nature. Mr. Koontz spoke about the green spaces and challenges. He said some areas would be unbuildable due to flood plains and would have more open areas than typical one family detached subdivision. He mentioned conditional approvals that will come and approval for the design. Council Member Villalobos mentioned there being time for discussion for cultivating what type of structures would be there in the future. He also mentioned safety concerns saying, walking in a safe manner on that road meant needing good sidewalks; slower speed limits; and traffic control devices. Council Member Villalobos said it may not be the best but the best we can offer at this in the current position and time. He spoke about owning and developing property and understood concerns. He discussed developer and property owner rights. Council Member Rizo has flood concerns and said they haven't fully addressed flooding in that area. He spoke about the two hundred-year floods back to back. Mr. Koontz stated that he has not seen engineered drawings yet. At this point they do not have permission to develop for residential, so it is in the concept phase. He spoke about regulations and requirements, mentioning the state requirement to build to the 100-year standards and especially for the people downstream. Council Member Scheel spoke and said she understood the engineering and with the development that it would help with the drainage of that area. She asked Mr. Sellers about the Parkland Dedication whether the City can tell them we want green space there, or money for Gregg Clarke Park. Mr. Sellers stated that that goes before the Park Board, and the short answer is yes, it is negotiable. He mentioned they intend to leave as much green space as possible. Mayor Mitchell spoke about the proposed green space with regard to the project and said he wanted to be clear. He asked Mr. Koontz if there were any site plans or configuration in regard to green space other than the area that was undevelopable by flood plains. Mr. Koontz has seen concept plan, pencil sketch of how many homes to justify the cost, they have a number of how many homes are expected. Mr. Koontz stated the question tonight is "can they?" Mayor Mitchell stated the site plan potentially contemplates a lot of green space and parks. He spoke about R-1-3, subdivisions and maximum number of properties, and the creativity concerning subdivision land use. Mr. Koontz stated they have some protections in place and he mentioned style guide neighborhood designs, design of individual structure themselves, limited cul-de-sacs, sidewalks, park spaces and double duty stormwater management areas. He spoke about the weather in Kyle and the area being dry and flat on average of 360 days a year and areas catching storm water useable for passive recreation.

He said the conditional use had to go before the Planning and Zoning Commission for conditional use approval. He said the more of those criteria in the list they can meet, the greater likelihood subdivision plat will be approved. He mentioned Residential uses equal to west, east and south, wedge between with commercial businesses. Mayor Mitchell asked about the flood plain on this property and how much of it was consumed by undevelopable flood plains. Mr. Koontz stated it was in the high teens to 20%. He spoke about a low area depression from lowest southwest most corner of lot to the interstate. Mr. Koontz said there was a low area in the Southwest corner of lot moving Southeasterly direction in somewhat of a wishbone and said primarily the more flood plain you are looking for lesser numbers, the more it expands over it. He mentioned the 100 year more toward the southern third of the site. Mayor Mitchell asked Howard J. Koontz about having correspondence regarding gauging interest in community commercial. Howard J. Koontz said not formal, mentioned having a pre-submittal meet prior to requesting zoning and what was around it. They are residential builders. He discussed developer utilizing the Commercial on 2770 and 150 and commercial south of them. Mayor Mitchell asked Howard J. Koontz if he had conversations installing R-1-2 opposed to R-1-3. Howard J. Koontz said not specifically. He mentioned individual density with R-1-3 than R-1-2, undevelopable land, Overall density equal to what surrounds. Council Member Tenorio asked whether this will be the first subdivision we approve that will fall under the Texas HB 2439 law regarding new standards for building materials, products and methods of construction. Howard J. Koontz cannot answer with certainty, will have to get back. Council Member Tenorio wants to make sure it fits with the neighborhoods that are already there. She stated she wanted to make sure the products fit within the communities. Council Member Tenorio stressed that she did not want to see the community built at a lower grade of housing, now allowed by state legislation. She was concerned how it could impact neighborhoods that surround. Wants to see what we can do to ensure continuity between the neighborhoods. Council Member Villalobos spoke and questioned if there had been discussion on how to implement. Howard J. Koontz mentioned incentive zoning trading through statutes, narrow lots and discussed legalities concerning incentives for quality homes. Council Member Tenorio asked that City Attorney Paige Saenz confirm whether council was within legal limits of laws concerning the discussion. Council Member Villalobos stated that this is the forum to discuss this. Council Member Tenorio wanted everyone to know that it is legal for council to discuss this.

The Developer, Mark Baker said he was with SEC Planning and the land planner on the project then he introduced Rick Hanna with Blackburn Group. Mr. Baker mentioned that he wants to clear the air and said they will not be building lesser quality homes. He spoke about getting enough yield to justify the price of the property. Mr. Baker mentioned, 50- and 60-foot lots, same and larger as what they are adjacent to, price points elevate beyond what is around them. Mr. Baker spoke to Council regarding working around the flood plain. He mentioned open space and parks, green space, tree survey on the property, designing land plan around the trees on the property. He spoke about pulling lots to preserve Live Oaks, improvements, and land use. He said he wanted to give peace of mind as well as he can. No one ever wants undeveloped land to be developed in their backyard. He said he would be happy to answer any questions. Council Member Villalobos mentioned the Council wanting to be transparent and engage citizens in what Kyle will look like and feel like. He mentioned staged approach and giving more information rather than not enough information. City Attorney Saenz stated that a development agreement is an appropriate tool for the developer and city to allow the vision each is seeking. Mayor Mitchell

asked whether developer has contemplated reserving a couple of lots for community commercial. Mr. Baker mentioned concern for how long the land can sit vacant and looking at things from how they will be 10, 20 years from now. Mayor Mitchell asked about R-1-2. Mr. Baker said they looked at the R-1-3 because of lot sizes, when measured the area lots are 50- and 55-foot lots. R-1-3 is consistent with that. He can't remember the ultimate deciding factor but recalled dimensional or square footage constraint that lead to district. Mr. Rizo thanked him for preserving the oak trees. Council Member Scheel mentioned preserving oaks, not cedar. Mayor Mitchell stated he is torn on this. He mentioned determining what the spirit of the development is, experienced momentum facing Rebel Drive and the impact those lots are making for the small business community. He spoke about the larger commercial power center type places not allowing for small businesses to come together to affordably develop a project. He would prefer R-1-2 to achieve the highest and best use. He understands developers would rather put more houses. He said he would be more interested in R-1-2 or R-1-3 with community commercial in the front. Mayor Pro Tem Ellison spoke concerning development agreement and applicant desire. Ms. Saenz stated the development agreement can come at any time. Council Member Scheel raised the question, if Council approves R-1-3 for the entire project and later council comes to an agreement with the developer, if rezoning would be a possibility. Saenz stated council can rezone property by process. Council Member Tenorio stated that this subdivision fits within the existing communities. She reminded council a member was absent and mentioned taking time to strengthen argument and time for developer to come back later to say why or why not.

Motion carried 5-1 with Mayor Mitchell dissenting.

17. Presentation by Ned Davenport related to development in the City of Kyle ETJ. ~ *Tracy Scheel, Council Member*

Mayor Mitchell brought forward Item No. 17 for discussion. Mr. Koontz stated Davenport asked to present the item on November 4, 2019.

Council Member Scheel moved to postpone Item No. 17 until November 4, 2019. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0.

18. Consider and possible action to direct staff regarding framework and schedule for action items related to Uptown and the construction of a Police Facility. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 18. Mr. Sellers provided a presentation on Uptown and a potential shared-use facility.

Terry Mitchell, the developer provided information on the item. Steven Spears spoke about the design.

Julie Snyder spoke in favor of the continued efforts of the development of TIRZ No. 2 - Uptown. She spoke about the Chamber of Commerce's support of this project and the positive economic impact on the community. She asked Council to support and maintain forward progress.

Brian Ziegler, Chair of the Economic Development and Tourism Board for the City of Kyle, spoke about their meeting last week and the Board's overwhelming support of this project. He spoke about the project's alignment with the City's Economic Development Strategic Plan. Mr.

Ziegler continued that all facets align with the plan, specifically Goal #3 which is to support the City's economy through proactive development efforts. He spoke about meeting this goal with suitable office and flex space with efficient development patterns in conjunction with expanding businesses in Kyle. He spoke about the benefits of the TIRZ created by Council. He stated that the Board recommends simultaneous consideration by Council to provide authority to the TIRZ Board as well as develop its strategic plan in order to provide the general framework and understanding of the necessary investment required for the development. RFPs city leadership to react nimbly, best thing exploratory in nature having little or no impact on the general fund.

Steve Swindell, a member of the Chamber and owner of Ilario's, spoke about his business in retail, but his trade being in advertising and marketing. He stated that Kyle is lacking self-sustaining employment. He stated that business comes at certain times 5 - 8 or 7 - 9. He stated that he has only so many hours a day to make money and he has noticed here that the 11:00 lunch hour is not successful. He continued that the town does not have any draw. He spoke about the triple population during eat times. He stated that downtown San Marcos is flourishing, and he said this is a similar concept. He stated that it is a heck of an opportunity. He stated that everyone leaves during the day, there's no attraction here. He encouraged Council to move as quickly as it can.

Josh Paselk, a business owner in Kyle, spoke about opening a business in Plum Creek six or seven years ago. He spoke about jogging in the field that is now HEB. He applauded anyone who had anything to do with the decades long process. He stated that he is in the labor industry, and depends on local community to staff business and he competes with people doing work in Lakeway or Austin and having to use them as weekend warrior type scenario due to labor not being here. Development coming in and all he thinks is who is going to work there? He said we will work there because we won't have to drive an hour and a half to get to work. He stated that it is time to stand together as a community because if this doesn't get done with any one idea, stating it was just a starting point. He continued shoot for the stars. Fastest growing area in the nation - we got this!

Council discussion took place. Mr. Sellers provided information regarding the budget projections. Mr. Moheet provided revenue information - stated it needs to be updated. He stated at the next Council Meeting he will be placing an item to bring financial advisors for a second opinion. He will share that information with the TIRZ Board as well as the City Council.

Mayor Mitchell moved to authorize staff to bring back various action items proposed tonight, develop a checklist for what all those items will be and email to council at earliest convenience. Council Member Villalobos seconded the motion. All votes aye; motion carried 6-0.

19. Consider and possible action to direct staff to amend the TIRZ Ordinance. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 19.

Mayor Mitchell moved to direct staff to amend the TIRZ Ordinance to allow for bonding capacity and create the opportunity for economic development incentives. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

20. A Resolution approving a Resolution by the Board of Directors of the Alliance Regional Water Authority (ARWA) authorizing the issuance of Contract Revenue Bonds, Series 2019B in the amount of \$24,200,000.00 for the City of Kyle's share of capital costs in connection with the regional water supply contract project. ~ *Tracy Scheel, Council Member*

Mayor Mitchell brought forward Item No. 20 for discussion and gave the floor to Council Member Scheel. She introduced Graham Moore and welcomed Jason Biemer "home". Mr. Moore introduced Jason Biemer, Carol Palumbo and Jennifer Rudder. Mr. Moore presented the item.

Mayor Mitchell moved to approve a Resolution approving a Resolution by the Board of Directors of the Alliance Regional Water Authority (ARWA) authorizing the issuance of Contract Revenue Bonds, Series 2019B in the amount of \$24,200,000.00 for the City of Kyle's share of capital costs in connection with the regional water supply contract project. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

21. Consider and possible action on the Animal Shelter Interlocal Agreement. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell stated that Item No. 21 was to be skipped. With no objections he moved forward with the agenda. No action was taken.

22. Consider construction of a turn lane at FM 1626 and Marketplace Avenue. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 22. Mr. Wilder provided information for Council on this item.

Mayor Mitchell moved to direct staff to bring back a project scope, a timeframe plan, and estimate of corresponding cost of constructing a turn lane at FM 1626 and Marketplace Avenue. Council Member Tenorio seconded the motion. All votes aye; motion carried 6-0.

VIII. City Manager's Report

23. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*

- Next Meeting Monday November 4 due to Election Day
- Special Meeting in November
- Founders Day Parade
- Spook the Halls
- Center Street Trick-or-Treat

Mr. Sellers mentioned that the next meeting will be Monday, November 4 due to Election Day. He stated that a Special Meeting in November will be needed to canvass the election. Meeting date set for 8:00 a.m. on Nov. 18. He spoke about the Founders Day Parade taking place this Saturday, October 19th at 10:00 a.m. He spoke about Spook the Halls, taking place through the

31st, but no staff tours. Mr. Sellers mentioned Center Street Trick-or-Treat taking place on Saturday October 26th from 1:00 - 4:00 p.m. on the City's Square.

IX. Executive Session

24. 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 or to seek the advice of the City Attorney pursuant to Section 551.071.
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
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.

There was no executive session.

25. Take action on items discussed in Executive Session.

X. ADJOURN

Council Member Tenorio moved to adjourn. Mayor Pro Tem Ellison seconded the motion. Motion carried 5-1 with Mayor Mitchell dissenting.

With no further business to discuss, the City Council adjourned at 10:20 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer A. Vetrano, City Secretary