

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met virtually in Regular Session on April 21, 2020 at <https://www.cityofkyle.com/kyletv/kyle-10-live>, US: +1(800)3368975 Meeting ID: 743 645 1934 due to COVID-19, with the following persons present:

Mayor Travis Mitchell	Nanette Lucas
Mayor Pro Tem Rick Koch	Chris Rawls
Council Member Dex Ellison	Brandon Pendleton
Council Member Tracy Scheel	Kiara Nicholson
Council Member Robert Rizo	
Council Member Alex Villalobos	
Council Member Michael Tobias	
Scott Sellers, City Manager	
James Earp, Assistant City Manager	
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Samantha Armbruster, Communications Dir.	
Jennifer Vetrano, City Secretary	
Leon Barba, City Engineer	
Jeffrey Prato, Engineering Associate	
Kathy Roecker, SWMP Administrator	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Matt Dawson, IT Director	
Paul Phelan, Library Director	
Mariana Espinoza, PARD Director	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Harper Wilder, Director of Public Works	

I. Call Meeting to Order

Mayor Pro Tem Koch ran the meeting. Mayor Pro Tem Koch called the meeting to order at 7:05 p.m. The Pledge of Allegiance was recited. Mayor Pro Tem Koch asked the city secretary to call roll.

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

Council Member Scheel requested a moment of silence held for San Marcos Police Officer Justin Putnam and for the loss of Kyle Parks Department employee, Ronnie Esparza, and she wished of San Marcos Police Officers Justin Mueller and Franco Stewart a speedy recovery and support for their families.

II. Approval of Minutes

1. City Council Special Meeting Minutes - November 19, 2019. ~*Jennifer Vetrano, City Secretary*

2. City Council Meeting Minutes - November 19, 2019. ~ *Jennifer Vetrano, City Secretary*
3. City Council Special Meeting Minutes - December 3, 2019. ~ *Jennifer Vetrano, City Secretary*
4. City Council Meeting Minutes - December 3, 2019. ~ *Jennifer Vetrano, City Secretary*
5. City Council Special Meeting Minutes - December 16, 2019. ~ *Jennifer Vetrano, City Secretary*
6. City Council Workshop Meeting Minutes - December 16, 2019. ~ *Jennifer Vetrano, City Secretary*
7. City Council Special Meeting Minutes - December 17, 2019. ~ *Jennifer Vetrano, City Secretary*
8. City Council Meeting Minutes - December 17, 2019. ~ *Jennifer Vetrano, City Secretary*

Mayor Pro Tem Koch brought forward the minutes for discussion.

Council Member Scheel moved to approve the minutes of the November 19, 2019 Special Council Meeting, the minutes of the November 19, 2019 Council Meeting, the minutes of the December 3, 2019 Special Council Meeting, the minutes of the December 3, 2019 Council Meeting, the minutes of the December 16, 2019 Special Council Meeting, the minutes of the December 16, 2019 Workshop Council Meeting, the minutes of the December 17, 2019 Special Council Meeting, and the minutes of the December 17, 2019 Council Meeting. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

III. Citizen Comment Period with City Council

9. This meeting will be held by teleconference. Any citizen wanting to make a comment should dial in to US: +1(800) 336-8975 Meeting ID: 743 645 1934 to register for citizen comments. Those wishing to speak are encouraged to call in 15 minutes before the meeting begins at the number provided above.

Mayor Pro Tem Koch opened citizen comments at 7:12 p.m.

Nanette Lucas was called to speak as registered. She mentioned that this was a momentous day with all that is happening in our country. She said that today was San Jacinto Day, a day we need to remember and honor. Wanted to speak about the Stagecoach Rd. tree and said she wanted to dedicate to the survivors of the Corona Virus. She spoke about keeping the tree in recognition of their survival. Ms. Lucas mentioned the tree was one of the oldest residents of Kyle. She stated that the tree is 100 years old and is not replaceable. She wants to see something other than removal of the tree and wishes for more respect of the environment. She mentioned moderate survival report concerning the tree and asked for a clear definition concerning the report. Ms. Lucas also mentioned it makes her sad to see house on top of house and the reason she moved to Kyle was for the wide-open spaces. She spoke about the community growing quickly. She thanked the Council for the time allowing her to speak.

With no one else wishing to speak, Mayor Pro Tem Koch closed citizen comments at 7:15 p.m.

IV. Presentation

10. Hays-Caldwell Women's Center Letter on Child Abuse and Sexual Assault Prevention and Awareness Month. ~ *Travis Mitchell, Mayor*

Mayor Pro Tem Koch brought forward Item No. 10 for discussion and gave the floor to Mayor Mitchell. Brandon Pendleton, Forensic Interviewer/Family Advocate for the Hays-Caldwell Women's Center was introduced. Mr. Pendleton also introduced his colleague, Kiara Nicholson. He spoke about the incident that took place over the weekend in San Marcos. He stated that he echoes the comments made by Council Members Scheel, Villalobos, and Rizo. He spoke about the situation being a result of domestic violence and the officers are their partners. Mr. Pendleton stated that the services of HCWC are available for the community during this time. He spoke about their mission to end violence and recognized the partnerships with Kyle Police, Hays County Sheriff's, Tx State, San Marcos, Buda PD, Hays CASA, and Ascension Seton Hays. Ms. Nicholson provided statistics regarding Child Abuse and Sexual Assault in Hays County. She spoke about people staying home to be safe, but that home is sometimes not a safe place for people due to stressful situations arising from the current COVID-19. She mentioned they wanted the community to know they are there for everyone. She mentioned the unity of all the various responders and expressed her appreciation to everyone. Mayor Mitchell said we consider you to be a vital resource in the community. Mayor Mitchell mentioned a letter sent out by the center and said he would forward to Council.

11. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

Mayor Pro Tem Koch brought forward Item No. 11 for discussion. Mr. Barba presented the item. Mayor Pro Tem Koch asked if there any other questions for Mr. Barba. Council Member Villalobos stated that he would like to address something before moving on to the Consent Agenda. He stated that if a contractor were going to be digging on private property that they could give the property owner notice as a courtesy. He suggested door hangers or literature to the area property owners when a project is coming. The specific area he was speaking of was Burleson at Spring Branch. No action was taken.

V. Consent Agenda

12. *(Second Reading)* An Ordinance amending Article IX, Chapter 50, Stormwater Regulations to include restrictions upon the unnecessary distribution of printed materials. ~ *Kathy Roecker, Stormwater Management Plan Administrator and Aaron McInnes, Management Intern*

City Council voted 7-0 to approve on first reading.

13. Approve Amendment No. 1 to RAILPROS, INC., Grapevine, Texas, in an amount not to exceed \$6,950.00, increasing the total contract amount not to exceed \$25,450.00 for the purpose of providing additional observation services for the Southside Wastewater Improvements Project. ~ *Leon Barba, P.E., City Engineer*

14. Approve Amendment No. 1 to RAILPROS, INC., Grapevine, Texas, in an amount not to exceed \$11,304.00, increasing the total contract amount not to exceed \$27,884.00 for the purpose of providing additional flagging services for the Southside Wastewater Improvements Project. ~ *Leon Barba, P.E., City Engineer*
15. Approve a Resolution authorizing the negotiation of an agreement with BLACK & VEATCH CORPORATION, Austin, Texas, to provide consulting services as the Construction Manager/Construction Inspector for the wastewater treatment plant expansion. ~ *Leon Barba, P.E., City Engineer*
16. *(First Reading)* An Ordinance authorizing and directing the acquisition of 0.403 acres, more or less, for a permanent wastewater easement, in addition to the acquisition of 0.240 acres, more or less, for a permanent waterline easement out of separate economic unit of 3.500 acres, more or less, out of a 9.250 acre tract of land ("tract 21"), more or less, Hays County, Texas, and owned by Alexander Family Trust and BJ-MJ Alexander, LTD, more fully described by metes and bounds in Exhibit "A" to this ordinance and required for the completion of the construction, operation, and maintenance of the municipal water and wastewater facilities known as both the Southside Wastewater Improvements Project and the Blanco Basin Water and Wastewater Line Project; finding the acquisition of the property is required and necessary for a bona fide public use and the public's safety, health and welfare is advanced by such acquisition; finding that the city has complied with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code; confirming and ratifying prior authorizations, actions, and good faith negotiations with the owner of the property pursuant to the Texas Property Code; authorizing and directing city personnel to take such actions as are necessary to exercise the City's power of eminent domain and acquire the easements on, over, through, and across the tract of land in a condemnation action and to take all other necessary steps to obtain such lands. ~ *Leon Barba, P.E., City Engineer*
17. *(First Reading)* An Ordinance authorizing and directing the acquisition of 0.20 acres, more or less, for a permanent wastewater easement, in addition to the acquisition of 0.12 acres, more or less, for a permanent waterline easement out of a separate economic unit of 3.00 acres, more or less, out of the 7.75 acre tract of land (tract 22), more or less, located in Hays County, Texas, and owned by Alexander Family Trust and BJ-MJ Alexander, LTD, more fully described by metes and bounds in Exhibit "A" to this ordinance and required for the completion of the construction, operation, and maintenance of the municipal water and wastewater facilities known as both the Southside Wastewater Improvements Project and the Blanco Basin Water and Wastewater Line Project; finding the acquisition of the property is required and necessary for a bona fide public use and the public's safety, health and welfare is advanced by such acquisition; finding that the city has complied with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code; confirming and ratifying prior authorizations, actions, and good faith negotiations with the owner of the property pursuant to the Texas Property Code; authorizing and directing city personnel to take such actions as are necessary to exercise the City's power of eminent domain and acquire the easements on, over, through, and across the tract of land in a condemnation action and to take all other necessary steps to obtain such lands. ~ *Leon Barba, P.E., City Engineer*

18. *(First Reading)* An Ordinance making findings of fact; authorizing and directing the acquisition of 0.475 acres, more or less, for a permanent wastewater easement, in addition to the acquisition of 0.285 acres, more or less, for a permanent waterline easement out of a separate economic unit of 6.00 acres, more or less, out of the 23.700 acre tract of land (tract 23), more or less, located in Hays County, Texas, and owned by Alexander Family Trust and BJ-MJ Alexander, LTD, more fully described by metes and bounds in Exhibit "A" to this ordinance and required for the completion of the construction, operation, and maintenance of the municipal water and wastewater facilities known as both the Southside Wastewater Improvements Project and the Blanco Basin Water and Wastewater Line Project; finding the acquisition of the property is required and necessary for a bona fide public use and the public's safety, health and welfare is advanced by such acquisition; finding that the city has complied with all pre-acquisition requirements set forth in Chapter 21, Texas Property Code; confirming and ratifying prior authorizations, actions, and good faith negotiations with the owner of the property pursuant to the Texas Property Code; authorizing and directing city personnel to take such actions as are necessary to exercise the City's power of eminent domain and acquire the easements on, over, through, and across the tract of land in a condemnation action and to take all other necessary steps to obtain such lands. ~ *Leon Barba, P.E., City Engineer*
19. Approve a Second Amended Development Agreement between City of Kyle and Clayton Properties Group, Inc. d/b/a Brohn Homes. ~ *James R. Earp, Assistant City Manager*
20. A Resolution by the City of Kyle, Texas suspending the May 4, 2020 effective date of the proposal by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – South Texas Division to implement interim grip rate adjustments for gas utility investment in 2019 and requiring delivery of this resolution to the company and legal counsel. ~ *Jerry Hendrix, Chief of Staff*

Mayor Pro Tem Koch asked if there were any items to be pulled from the Consent Agenda. There were none. Mayor Pro Tem Koch brought forward Item Nos. 12, 13, 14, 15, 16, 17, 18, and 19.

Council Member Scheel moved to approve Consent Agenda Item Nos. 12, 13, 14, 15, 16, 17, 18, 19, and 20. Council Member Villalobos seconded the motion.

There was discussion on the motion regarding whether Item No. 20 is on the Consent Agenda. It was determined that Mayor Pro Tem Koch was looking at an old version of the agenda. The motion was confirmed to approve Item Nos. 12 - 20.

All votes aye; motion carried 7-0.

VI. Consider and Possible Action

21. Authorize a Purchase Order to HOLT CAT in the amount not to exceed \$33,844.26 for the purchase of a drum mulcher attachment for Skid Steer for use by the Parks Maintenance crews on City's parks and trails. ~ *Mariana Espinoza, Director of Parks & Recreation*

Mayor Pro Tem Koch brought forward Item No. 21 for discussion. Ms. Espinoza presented the item.

Council Member Villalobos moved to authorize a Purchase Order to Holt Cat in the amount not to exceed \$33,844.26 for the purchase of a drum mulcher attachment for Skid Steer for use by the Parks Maintenance crews on City's parks and trails. Mayor Pro Tem Koch seconded the motion.

There was discussion on the motion. Council Member Scheel reiterated what the other Council Members stated. She spoke about her experience, clearing with machetes with members of the Parks Department. She thanked Ms. Espinoza for her and her staff's work on the trails. Mayor Pro Tem Koch recognized Council Members Ellison and Rizo for their participation at the Great River Cleanup. Council Member Scheel recognized Kathy Roecker for organizing the event. The Council expressed appreciation for all Staff and Citizens for their participation organizing and helping with the event.

All votes aye; motion carried 7-0.

22. Authorize the hiring of two new seasonal positions to be dedicated for the maintenance of City's park trails in the Parks and Recreation Department. ~ *Mariana Espinoza, Director of Parks & Recreation*

Mayor Pro Tem Koch brought forward Item No. 22 for discussion. Ms. Espinoza presented the item.

Mayor Mitchell moved to authorize the hiring of two new seasonal positions to be dedicated for the maintenance of City's park trails in the Parks and Recreation Department. Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Villalobos mentioned Ms. Espinoza and recognized her for doing a great job. He said she is efficient, and that people love their jobs. He spoke about production within the department.

All votes aye; motion carried 7-0.

23. *(First Reading)* An Amendment to an Ordinance of the City of Kyle, Texas Regulating City Roads, Rights of Way, Easements or Utility Infrastructure and such use thereof by Pipelines; Making Findings of Fact; Providing Definitions; Providing a Maximum Penalty; Providing Severability and Open Meetings Clauses; and Providing for Related Matters. ~ *Barbara Boulware-Wells, Assistant City Attorney*

Mayor Pro Tem Koch brought forward Item No. 23 for discussion. Ms. Paige Saenz presented the item.

Council Member Villalobos moved to approve an Amendment to an Ordinance of the City of Kyle, Texas Regulating City Roads, Rights of Way, Easements or Utility Infrastructure and such use thereof by Pipelines; Making Findings of Fact; Providing Definitions; Providing a Maximum Penalty; Providing Severability and Open Meetings Clauses; and Providing for Related Matters. Council Member Rizo seconded the motion.

All votes aye; motion carried 7-0. There were no objections to having the Ordinance finally passed.

24. Consider a request for a waiver to allow 50-foot wide rights-of-way (ROW) for the local, residential streets, internal to the subdivision. (Goforth Kyle Subdivision - SUB-19-0084)
~ *Howard J. Koontz, Director of Planning and Community Development*

Mayor Pro Tem Koch brought forward Item No. 24 for discussion. Mr. Koontz presented the item. Chris Rawls, the applicant, made himself available for questions.

Council Member Scheel moved to approve a request for a waiver to allow 50-foot wide rights-of-way (ROW) for the local, residential streets, internal to the subdivision. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

25. Discussion and possible action for a three-way stop at the intersection of Scott and Allen Streets. ~ *Robert Rizo, Council Member*

Mayor Pro Tem Koch brought forward Item No. 25 for discussion and gave the floor to Council Member Rizo.

Council Member Rizo moved to direct staff to install three-way stop signs and to fix the sidewalks to be ADA compliant at Allen and Scott Streets. Council Member Tobias seconded the motion.

There was discussion on the motion. Council Member Villalobos asked whether the Council intends for this to be permanent or bring back proposals for a roundabout. Mr. Barba stated that he will bring back an Ordinance at the next meeting. Mr. Sellers stated staff will also provide a schematic for the traffic circle. Council Member Villalobos recognized Council Member Rizo for bringing this item forward, which was echoed by Mayor Pro Tem Koch.

All votes aye; motion carried 7-0.

26. *(First Reading)* An Ordinance of the City of Kyle, Texas Repealing Portions of City Ordinances Closing Daycare Facilities; and Providing for Related Matters. ~ *Travis Mitchell, Mayor*

Mayor Pro Tem Koch brought forward Item No. 26 for discussion and gave the floor to Mayor Mitchell. Ms. Saenz presented the item.

Mayor Pro Tem Koch moved to approve an Ordinance of the City of Kyle, Texas Repealing Portions of City Ordinances Closing Daycare Facilities; and Providing for Related Matters. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

Council Member Scheel asked whether the item could be finally passed. Mayor Pro Tem Koch asked City Attorney Saenz whether that is appropriate. She stated it is. With no objections, the Ordinance was finally passed.

27. Recommend Mayor Issue an Order to suspend and waive rules related to Recreational Vehicles in Kyle. ~ *Michael Tobias, Council Member*

Mayor Pro Tem Koch brought forward Item No. 27 for discussion and gave the floor to Council Member Tobias. He stated that the situation has already been resolved. No action was taken.

VII. City Manager's Report

28. 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*

Mayor Pro Tem Koch brought forward the City Manager's Report for discussion. Mr. Sellers spoke about the need for Charter Review Commission nominations from Council for the next meeting and the timeline regarding this task.

VIII. Executive Session

29. 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.
 - Kinder Morgan Pipeline Litigation
 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.
 - Project Indigo
 - Project Just Peachy

Mayor Pro Tem Koch brought forward Item No. 29. Council Member Scheel read into the record, "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: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Kinder Morgan Pipeline Litigation."

The City Council convened into executive session at 8:27 p.m.

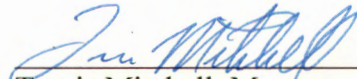
30. Take action on items discussed in Executive Session.

The City Council reconvened into open session at 8:43 p.m. Mayor Pro Tem Koch announced that no action took place in executive session and no action would be taken now.

IX. Adjourn

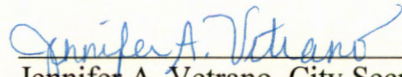
Council Member Scheel moved to adjourn. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 8:43 p.m.



Travis Mitchell, Mayor

Attest:



Jennifer A. Vetrano, City Secretary

