

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met virtually in Regular Session on May 19, 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	Kate Johnson
Mayor Pro Tem Rick Koch	Lila Knight
Council Member Dex Ellison	Jed Buie
Council Member Tracy Scheel	Ashley Kegley
Council Member Robert Rizo	Sarah O'Brien
Council Member Alex Villalobos	Elmer Guardado
Council Member Michael Tobias	Kate Stevenson
Scott Sellers, City Manager	Addie Burgess
James Earp, Assistant City Manager	Patti Hixon
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Samantha Armbruster, Communications Dir.	
Jennifer Vetrano, City Secretary	
Carla Sheridan, Assistant City Secretary	
Leon Barba, City Engineer	
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	
Tatum Troutt, Management Intern	

I. Call Meeting to Order

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 Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, Council Member Villalobos, and Council Member Tobias. A quorum was present.

II. Approval of Minutes

1. City Council Special Meeting Minutes - March 3, 2020. ~ *Jennifer Vetrano, City Secretary*
2. City Council Meeting Minutes - March 3, 2020. ~ *Jennifer Vetrano, City Secretary*
3. City Council Special Meeting Minutes - March 23, 2020. ~ *Jennifer Vetrano, City Secretary*
4. City Council Special Meeting Minutes - March 27, 2020. ~ *Jennifer Vetrano, City Secretary*

5. City Council Special Meeting Minutes - April 3, 2020. ~ *Jennifer Vetrano, City Secretary*
6. City Council Special Meeting Minutes - April 7, 2020. ~ *Jennifer Vetrano, City Secretary*
7. City Council Meeting Minutes - April 7, 2020. ~ *Jennifer Vetrano, City Secretary*
8. City Council Special Meeting Minutes - April 16, 2020. ~ *Jennifer Vetrano, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Scheel moved to approve the minutes of the March 3, 2020 Special Council Meeting, March 3, 2020 Council Meeting, March 23, 2020 Special Council Meeting, March 27, 2020 Special Council Meeting, April 3, 2020 Special Council Meeting, April 7, 2020 Special Council Meeting, April 7, 2020 Council Meeting, and April 16, 2020 Special Council Meeting. Council Member Villalobos 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 Mitchell opened citizen comments at 7:08 p.m.

Kate Johnson was called to speak as registered. She spoke about being the Chair of the Kyle Railroad Depot Board and also Chair of the Hays County Historical Commission. She thanked the Council for reconsidering demolishing the Old Stagecoach Rd tree. She mentioned the tree standing straight and strong facing adversity. She said the tree has been in Kyle since Hays County was formed in 1848 and Kyle was created in 1880. She talked about the names of the Old Stagecoach Road. She mentioned El Camino Real de los Tejas and Old San Antonio Road. She mentioned historical individuals who had used the historic road in the past such as General Burleson, Mary Kyle Hartson, and Fergus Kyle. She mentioned long-time residents knowing the value of the tree.

Lila Knight was called to speak as registered. She echoed what Ms. Johnson said. Ms. Knight expressed her appreciation for the Council reconsidering the removal of the tree on Stagecoach Rd. Ms. Knight acknowledged Kyle City Secretary Jennifer Vetrano and said, "She has been very patient with me for my open records request and she has been really accommodating and really an awesome City Secretary and I love her really."

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:11p.m.

IV. Appointments

10. Nominate and appoint qualified voter(s) to the Charter Review Commission. ~ *Travis Mitchell, Mayor*
 - Louis Craig ~ *Mayor Travis Mitchell*
 - Bret Corwin ~ *Mayor Pro Tem Rick Koch*
 - Joe Ryan ~ *Council Member Dex Ellison*

- David Vail ~ *Council Member Tracy Scheel*
- Diane Hervol ~ *Council Member Robert Rizo*
- Mark Trahan ~ *Council Member Alex Villalobos*
- Sheila Henderson ~ *Council Member Michael Tobias*

Mayor Mitchell brought forward Item No. 10 for discussion, and he presented the item.

Mayor Mitchell moved to approve the nomination on the agenda for the Charter Review Commission and direct that Commission to bring back their recommendation on the second regularly scheduled City Council meeting in July, as well as appointing the office of the City Secretary, and the office of the City Manager to serve as Staff support. Mayor Pro Tem Koch seconded the motion.

There was discussion on the motion. Council Member Rizo asked for clarification on the motion. Mayor Mitchell responded that the Charter Review Commission could bring back their recommendation. If we think they do not have time, we should direct them to bring back their recommendation further down the road. Mayor Mitchell mentioned he felt 6 weeks would be long enough and if the Committee felt they cannot have this done, hopefully we will learn about their concern before the second week in July.

All votes aye; motion carried 7-0.

V. Presentation

11. Memorial Day Proclamation. ~ *Robert Rizo, Council Member*

Mayor Mitchell brought forward Item No. 11 for discussion and gave the floor to Council Member Rizo, who presented the proclamation. Mr. Sellers read a letter from Michaela Seitz regarding her Girl Scout Silver Award project, related to the Heroes Memorial Park. No action was taken.

12. Kyle Food Giveaway. ~ *Robert Rizo, Council Member*

Mayor Mitchell brought forward Item No. 12 for discussion and gave the floor to Council Member Rizo. No action was taken.

13. Task force update on Police Headquarters Construction. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 13 for discussion. Chief Barnett presented the item. No action was taken.

14. Update on COVID-19, Local Orders, and Plans to reopen City Facilities. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 14 for discussion and presented the item. No action was taken.

15. Kyle Community Survey 2020 Results. ~ *Tatum Troutt, Management Intern*

Mayor Mitchell brought forward Item No. 15 for discussion. Ms. Troutt presented the item. No action was taken.

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

Mayor Mitchell brought forward Item No. 16 for discussion. Mr. Barba presented the item. No action was taken.

VI. Consent Agenda

Mayor Mitchell brought forward the consent agenda, stating he would entertain a motion.

17. Authorize the Chief of Police to Execute and Accept a Grant Award on behalf of the Police Department from the Texas Office of the Attorney General in the Amount of \$3,700 for the purpose of acquiring software and supplies in support of the partnership with the Internet Crime Against Children (ICAC) Task Force Program. ~ *Jeff Barnett, Chief of Police*
18. A Resolution of the City Council of the City of Kyle, Texas accepting the Cool Springs Subdivision Phase II 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*
19. Approve an amendment to the City Manager's contract to allow for any retirement contributions (TMRS) that exceed the maximum IRS compensation limit then such overage shall be deposited into a separate qualified retirement plan of City Manager's choosing. ~ *Sandra Duran, Director Human Resources/Paige Saenz, City Attorney*
20. Approve a Resolution of the City Council requesting the Texas Department of Transportation initiate the process to remove a portion of RM 967 and convey to the City of Kyle for future ownership of the right-of-way and maintenance. ~ *Leon Barba, P.E., City Engineer*
21. Authorize the City Manager, or his designee, to execute the Public Highway At-Grade Crossing Agreement with UNION PACIFIC RAILROAD COMPANY to make certain improvements at the Opal Lane Railroad Crossing. ~ *Leon Barba, P.E., City Engineer*

Council Member Scheel moved to approve Agenda Item Nos. 22, 23, 24, 25, 26, 27, and 28. Without a second, Mayor Mitchell stated that he believes the motion should be for Agenda Item Nos. 17 - 21. Council Member Scheel amended her motion to approve Consent Agenda Item Nos. 17, 18, 19, 20, and 21. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

VII. Consider and Possible Action

23. Approve a contract with Buie & Company in a base amount not to exceed \$75,000, for the purpose of providing community education and engagement for the November bond election for a proposed City of Kyle Police facility. ~ *Police Facility Task Force*

Mayor Mitchell brought forward Item No. 23 for discussion out of order before Item No. 22. Council Member Ellison presented the item. He introduced Jed Buie, who spoke about his company, and their plan for this project. Other members of Buie introduced themselves: Ashley Kegley, Sarah O'Brien, Elmer Guardado and Kate Stevenson. Ms. O'Brien also introduced Addie Burgess and Patti Hixon who were having technical difficulties with their connections.

Council Member Ellison moved to approve a contract with Buie & Company in a base amount not to exceed \$75,000.00, for the purpose of providing community education and engagement for the November bond election for a proposed City of Kyle Police facility. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Ellison asked Mr. Hendrix whether the amount includes contingency. Mr. Hendrix stated it includes their proposal and the hard cost, we talked as a committee about adding another \$10,000.00 contingency that would need to be approved by the committee and or the Council. Council Member Ellison requested to make a friendly amendment to his original motion to include the \$10,000.00 contingency. Council Member Villalobos seconded the amendment. Mayor Mitchell asked for clarification that the \$10,000.00 would be allocated in the budget but subject to Council approval. Council Member Ellison confirmed.

All votes aye; motion carried 7-0.

22. Reconsideration of prior Council action regarding the oak tree that sits on Stagecoach Road.
~ *Robert Rizo, Council Member*

Mayor Mitchell brought forward Item No. 22 for discussion after Agenda Item No. 23 and gave the floor to Council Member Rizo.

Mayor Mitchell moved to reconsider prior Council action directing staff to continue engineering the road in such a way, that it allowed for the removal of the tree. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

Mayor Mitchell moved to direct Staff to pause the continuation of engineering in our contract and not proceed past 30 percent engineering under the current plan and to continue exploring ways to improve Stagecoach through expansion of a street solution with Harper in the Public Works Department. without cutting down the tree. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Rizo asked whether saving the tree needs to be mentioned. Council Member Villalobos spoke about consulting with experts. He stated that this tree has been through a couple of pandemics and is still standing. Discussion continued. Council Member Scheel thanked Council Member Rizo for bringing the item back and Staff for trying to find ways to save the tree. Council Member Ellison stated that he agrees with reconsidering and moving forward with engineering to find a way for the tree to stay there. He felt that it was a rushed decision, and he is thankful for the citizens who reached out with thoughts and concerns. Mayor Pro Tem Koch thanked Council Members Rizo and Scheel and Mayor Mitchell for their work on this. He stated that the decision is not cut and dry, and they are trying to make the best decision for the right conclusion. He stated they are looking forward to Mr. Wilder and the Public Works Department and what they come forward with.

All votes aye; motion carried 7-0.

24. *(First Reading)* An Ordinance of the City of Kyle, Texas, (“City”) providing for utilities to be installed underground; and providing for related matters. ~ *James R. Earp, Assistant City Manager*

Mayor Mitchell brought forward Item No. 24 for discussion. Mr. Earp presented the item.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, (“City”) providing for utilities to be installed underground; and providing for related matters, and to direct staff to explore options for enforcement to be brought back at recommended second reading. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0. Mayor Mitchell objected to the ordinance being finally passed.

25. Consider a request for a waiver from Fiberlight, LLC for to place fiber on the existing PEC poles east along Kohlers Crossing/CR171 from about 850 ft east of the railroad tracks to the intersection of County Rd 210, about 2,958 ft. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 25 for discussion. Mr. Sellers presented the item.

Council Member Scheel moved to deny the waiver from Fiberlight, LLC to place fiber on the existing PEC poles east along Kohlers Crossing. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

26. *(First Reading)* Approve an Ordinance of the City of Kyle, Texas, zoning for traffic and rate of speed therein, on FM150 (Center Street) from Rebel Drive to Front Street in the city limits of Kyle; defining speeding and fixing a penalty therefore; declaring what may be a sufficient complaint in prosecutions hereunder; and with a saving clause repealing conflicting laws. ~ *Leon Barba, P. E., City Engineer*

Mayor Mitchell brought forward Item No. 26 for discussion. Mr. Barba presented the item.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, zoning for traffic and rate of speed therein, on FM150 (Center Street) from Rebel Drive to Front Street in the city limits of Kyle; defining speeding and fixing a penalty therefore; declaring what may be a sufficient complaint in prosecutions thereunder; and with a saving clause repealing conflicting laws. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

There was discussion after the vote. Council Member Ellison thanked Leon and Staff. Council Member Rizo thanked Leon, Harper Chief and Council for the stop signs on Allen and Scott Streets and mentioned people can turn safely. Council Member Tobias mentioned seeing a family crossing area safely and thanked everyone.

Mr. Sellers asked if the Ordinance could be finally passed. Mayor Mitchell announced, with no objections, the ordinance was finally passed.

28. Discussion and Possible Action to Create a City Council/ Staff Task Force Focused on Continuing Initiatives Outlined in Texas Downtown Association Report. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 28 for discussion out of order after Item No. 26 and gave the floor to Council Member Ellison.

Council Member Ellison moved to create a Council and Staff Task Force focused on continuing initiatives outlined in the Texas Downtown Association report, as well as any additional scope dealing with our overall Downtown area, to make recommendations to Council. Council Member Tobias seconded the motion.

There was discussion on the motion. Ms. Paige Saenz asked whether any Council Members were specified for the Task Force. Council Member Ellison stated he would like to make a friendly amendment to his motion to name Council Members Scheel, Tobias and Ellison to the Task Force. Council Member Tobias was amenable to the amendment.

All votes aye; motion carried 7-0.

27. Discussion regarding Fajita Festival, Pie in the Sky, and other 2020 events. ~*Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 27 for discussion, and he presented the item. No action was taken.

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.
 - National Sign Plazas
 - Public/Private Easements/Notifications to Property Owners
 - Flooding concerns in Bunton Creek Village and Park Place
 - Chapter 245 Development Agreement
 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 Just Peachy

There was no executive session.

30. Take action on items discussed in Executive Session.

IX. Adjourn

Mayor Mitchell moved to adjourn. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 10:17 p.m.



Travis Mitchell, Mayor

Attest:



Jennifer A. Vetrano, City Secretary