

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on June 16, 2020 at Kyle City Hall 100 W. Center Street Kyle, Texas 78640 and due to COVID-19, some members attended virtually (v) at <https://www.cityofkyle.com/kyletv/kyle-10-live> with the following persons present:

Mayor Travis Mitchell	Rebecca Chapa
Mayor Pro Tem Rick Koch (v)	John Hines
Council Member Dex Ellison (v)	Evangelina Chapa
Council Member Tracy Scheel	
Council Member Robert Rizo	
Council Member Alex Villalobos	
Council Member Michael Tobias	
Scott Sellers, City Manager	
James Earp, Assistant City Manager (v)	
Paige Saenz, City Attorney (v)	
Jerry Hendrix, Chief of Staff	
Samantha Armbruster, Communications Dir.	
Jennifer Vetrano, City Secretary	
Carla Sheridan, Assistant City Secretary (v)	
Leon Barba, City Engineer (v)	
Kathy Roecker, SWMP Administrator (v)	
Diana Torres, Economic Dev Director (v)	
Perwez Moheet, Finance Director (v)	
Sandra Duran, HR Director (v)	
Kristiana Spencer, HR Manager (v)	
Matt Dawson, IT Director	
Paul Phelan, Library Director (v)	
Mariana Espinoza, PARD Director (v)	
Howard Koontz, Community Dev Director (v)	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Tim Griffith, Police Lieutenant	
Joseph Swonke, Police Detective	
James Plant, Police Officer	
Philip Cleary, Police Officer	
Briana Brecher, Animal Control Officer	
Harper Wilder, Director of Public Works (v)	

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

Mayor Mitchell called the meeting to order at 7:08 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

Mayor Mitchell brought forward the minutes for discussion.

1. City Council Special Meeting Minutes - June 2, 2020. ~ *Jennifer Vetrano, City Secretary*
2. City Council Meeting Minutes - June 2, 2020. ~ *Jennifer Vetrano, City Secretary*

Council Member Scheel moved to approve the minutes of the June 2, 2020 Special Council Meeting and the minutes of the June 2, 2020 Council Meeting. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

## III. Citizen Comment Period with City Council

3. Members of the public that wish to provide citizen comment have the following options:
  1. In-Person at Kyle City Hall
  2. Virtual Attendance Submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.  
Mayor Mitchell opened citizen comments at 7:09 p.m.

Rebecca Chapa was called to speak as registered. She asked for gatherings for residents to express concerns. She would like to continue those meetings once it is safe to do so.

Evangelina Chapa was called to speak as registered. She spoke about the Facebook post regarding changing the name of Rebel Drive. She stated her opinion is that Council should make the decision whether to change the name rather than put it to a vote of the people. She stated that Council is here to represent the people.

Samantha Armbruster introduced the new Communications Manager, Rachel Sonnier. Ms. Sonnier spoke to Council and said she was excited to be with the City of Kyle and staff and looks forward to providing residents and the community with information.

John Hines was called to speak virtually as registered. He stated he was here for Agenda Item No.20 and stated they had requested postponement and was not sure if the item was being discussed. Mayor Mitchell stated he believed they would postpone the item

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

## IV. Appointments

4. Approve appointment of replacement Charter Review Commission Seat 6. ~ *Council Member Michael Tobias*
  - Lori Huey

Mayor Mitchell brought forward Item No. 4 for discussion and gave the floor to Council Member Tobias.

Mayor Mitchell moved to Approve appointment of Lori Huey as a replacement for Charter Review Commission Seat 6. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

#### **V. City Manager's Report**

5. 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*
  - Stage I drought
  - Kyle Mass Food Distribution Event Update
  - Free COVID-19 Testing Sites

Mr. Sellers spoke about the City's move from Stage II drought to Stage I drought. He also provided an update on the Kyle Mass Food Distribution Event. Council Member Rizo stated that it will be this Thursday from 9:00 a.m. - 12:00 noon. He mentioned that some churches and the Lehman Strutters are coming to help and welcome everyone. He stated this is a great partnership with the Hays County/Central Texas Food Bank. Mr. Sellers stated that it will be at 300 Vista Ridge Dr. Mr. Sellers spoke about a Free COVID-19 Testing Sites at Simon Middle School, June 17 from 4:00 p.m. - 8:00 p.m. Appointments are not required but pre-registration is recommended. Mr. Sellers reported that the Covid testing results would take 10 to 20 days to be returned from Texas Department of Emergency Management. He mentioned that the test was free and that a nasal swab would be conducted for Covid. Other testing sites to include Uhland Elementary on Thursday June 18th 4:00 to 8:00, McCormick Middle School on June 19<sup>th</sup>, and Bowie Elementary School in San Marcos on Saturday 10:00 to 4:00 June 20<sup>th</sup>. He also mentioned the Inaugural Dialogue Peace and Progress event, this Friday at 7:00 p.m. online on the Facebook Page, YouTube channel. Council Member Villalobos recognized the school district for their part in the free testing. He spoke about the ability to walk up or drive thru and stated that this is a unique opportunity. He stated that some changes were made on how they were operating. He spoke about state resources used as well, and that the information is to be translated to Spanish. He stated that the tests are very important to our community, and to provide a certain sense of comfort. Council Member Scheel asked what the test was for whether it is for currently infected or antibody testing. Council Member Villalobos stated test are shipped to the state for accounting. Mayor Mitchell thanked Council Member Villalobos for his work on behalf of the residents of Kyle as well as Hays County. Council Member Ellison spoke about the event of Friday, stating that a lot of what is on the agenda tonight is the precursor to Friday's event. He spoke of conversations with his colleagues on the dais as well as residents across the city. He stated that he appreciates the Council's support on this initiative. Council Member Rizo stated that having these conversations is the best way to bring the community together.

#### **VI. Presentation**

6. Juneteenth City Council Proclamation. ~ *Kyle City Council*

Mayor Mitchell brought forward Item No. 6. Mayor Mitchell read the proclamation. No action was taken.

7. Presentation on "8 Can't Wait" Policies Nationally. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 7. Chief Barnett presented the Item. No action was taken.

8. Presentation on Kyle Police Department's Policies regarding "8 Can't Wait" and KPD's Standard Operating Procedures. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 8. Chief Barnett presented the Item. No action was taken.

9. Presentation on the role of Civil Service and Kyle Law Enforcement Association. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 6 and gave the floor to Council Member Ellison. Officer Philip Clearly, President of the KLEA, presented the item. Kristiana Spencer, Civil Service Director, was available for questions. No action was taken.

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

Mayor Mitchell brought forward Item No. 10 for discussion. Mr. Barba presented the item. Mayor Mitchell mentioned that Chief Barnett has something to add for Item No. 15 and that they will pull Item No. 19. Chief Barnett spoke about Item No. 15. No action was taken.

## **VII. Consent Agenda**

11. Declaring voting machines as surplus and directing the appropriate city staff to return the items to Hart Intercivic in accordance with Ordinance No. 566. ~ *Jennifer Vetrano, City Secretary*
12. PID Holdings, LTD Administrative Expenses Fee Agreement. ~ *J. Scott Sellers, City Manager*
13. Authorize award and execution of a Purchase Order to ENVISIONWARE INC., Duluth, Georgia, in an amount not to exceed \$18,406.42 for the purchase of two (2) Proline Component Self-Checkout Stations, three (3) RFID Staff Circulation Stations, one (1) RFID Security Gate with Counter, and associated software with installation for the Library Department. ~ *Paul Phelan, Director of Library Services*
14. Authorize award and execution of a Purchase Order to ARTISTIC HOLIDAY DESIGNS, Lemont, Illinois, in an amount not to exceed \$55,000.00 for the purchase of (1) Ribbon Christmas Tree for the Mary Kyle Hartson City Square Park. Funding in the amount of 30,000.00 will be provided from the Fiscal Year 2020 approved budget and \$25,000.00 from the next Fiscal Year 2021 budget. ~ *Mariana Espinoza, Director of Parks & Recreation*
15. Approve Plum Creek Phase 1, Section 7C - Final Plat (SUB-20-0117) 80.639 acres; 4 Lots for property located near the southwest corner of Marketplace Ave. and Kohler's Crossing. ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 7-0 to approve the final plat.*

16. *(Second Reading)* An Ordinance of the City of Kyle, Texas, amending certain provisions of the Kyle Code of Ordinances Chapter 11 Business Regulations, by amending and adding provisions in Article IX, Commercial Towing and Wrecker Services, to clarify requirements relating to certificates, solicitations, qualifications, rotation list procedures, and records management; expanding options for siting vehicle storage facilities; making minor corrections; providing a severability clause, a savings clause, and open meetings clause; repealing Article VI, Towing Services in Chapter 11; and providing for publication, effective date, and related matters. ~ *Jeff Barnett, Chief of Police*

*City Council voted 7-0 to approve on First Reading.*

17. *(Second Reading)* Approve Ordinance Updates related to the Drainage Master Plan. ~ *Kathy Roecker, Stormwater Management Plan Administrator*

*City Council voted 7-0 to approve on First Reading.*

18. Authorize staff to compose a letter of support for the Great Springs Project Proposal to the National Park Service for the Rivers, Trails and Conservation Assistance Program. ~ *Mariana Espinoza, Director of Parks & Recreation*
19. Police Headquarters Construction Manager at Risk Bartlett-Cocke Agreement. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell moved to approve Consent Agenda Item Nos. 11, 12, 13, 14, 15, 16, 17, 18, and to amend Item No. 15 in Section 11.385 to remove the last sentence as Chief Barnett stated. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

### **VIII. Consider and Possible Action**

20. *(Postpone Indefinitely)* An Ordinance Amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 179.33 acres of land from Agriculture 'Ag' to Single Family Residential-Attached 'R-1-A' for property located off of E. Post Road, just north of Quail Ridge Subdivision, in Hays County, Texas. (John H. Spooner Revocable Trust - Z-20-0056) ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission brought forth a motion to recommend approval. The motion was denied with at 3-4 vote.*

- Public Hearing

Mayor Mitchell brought forward Item No. 20 for discussion. Mr. Sellers stated that the postponement needs to be to a date certain.

Mayor Mitchell opened the public hearing at 10:52 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open at 10:52 p.m.

Mayor Mitchell moved to postpone to August 18, 2020. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

21. *(Postpone Until 8/4/20)* An Ordinance Amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assign original zoning to approximately 15.48 acres of land from Agriculture 'AG' to Retail Service District 'RS' and to assign original zoning to approximately 12.25 acres of land from Agriculture 'AG' to Multi-Family Residential-3 'R-3-3' for property located on the Southwest corner of Kohler's crossing and I-35 Frontage Road. ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission postponed the request until July 28, 2020.*

- Public Hearing

Mayor Mitchell brought forward Item No. 21 for discussion and stated that this item will be postponed until 8/4/2020. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 10:54 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open at 10:54 p.m.

Mayor Mitchell moved to postpone until August 4, 2020. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

22. Consider approval of an Independent Contractor Agreement with Industrial/Organizational Solutions, Inc. for the Kyle Police Department's Professional Assessment Center for Police Ranks Sergeant and Above. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 22. Chief Barnett presented the Item.

Council Member Scheel moved to approve an Independent Contractor Agreement with Industrial/Organizational Solutions, Inc. for the Kyle Police Department's Professional Assessment Center for Police Ranks Sergeant and Above. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

23. Discussion and possible action of Utility customers in queue for disconnect. ~ *Tracy Scheel, Council Member*

Mayor Mitchell brought forward Item No. 23 and gave the floor to Council Member Scheel. Mr. Perwez Moheet spoke about an emergency utility services grant program, which will be brought forward July 7, 2020. He requested Council take action to postpone this month's utility disconnections. Council Member Scheel asked to make clear this is for all of City Of Kyle residents, however if a City of Kyle resident has a different water utility billing company such as Monarch, Goforth, County Line, they will need to contact that entity for any deferment plans they may have.

Council Member Scheel moved to postpone utility disconnections for City of Kyle utility customers until July 29, 2020. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

**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.
    - Public Transportation
    - Coronavirus Relief Funding
    - Heroes Memorial Park
    - Public Safety Facility
  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.

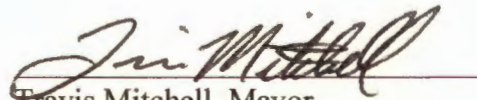
There was no executive session.

25. Take action on items discussed in Executive Session.


**X. Adjourn**

Council Member Villalobos moved to adjourn. Council Member Rizo seconded the motion. All votes aye; motion carried 6-1 with Mayor Mitchell dissenting.

With no further business to discuss, the City Council adjourned at 11:03 p.m.

  
Travis Mitchell, Mayor

Attest:

  
Jennifer A. Holm, City Secretary