

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on July 7, 2020 and due to COVID-19, all members attended virtually at <https://www.cityofkyle.com/kyletv/kyle-10-live>, Spectrum 10, with the following persons present:

Mayor Travis Mitchell	Gladys Carrillo
Mayor Pro Tem Rick Koch	Victor Medina
Council Member Dex Ellison	Lee Frieberg
Council Member Tracy Scheel	Susan Engelking
Council Member Robert Rizo	Katie Kam
Council Member Alex Villalobos	John McGinty
Council Member Michael Tobias	Gabe Rodriguez
Scott Sellers, City Manager	
James Earp, Assistant City Manager	
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Samantha Armbruster, Comm. Director	
Jennifer Holm, City Secretary	
Carla Sheridan, Assistant City Secretary	
Leon Barba, City Engineer	
Kathy Roecker, Stormwater Mgmt Plan Adm.	
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	
Aimee Garcia, Recreation Programmer	
Will Atkinson, City Planner	
Jeff Barnett, Chief of Police	
Harper Wilder, Director of Public Works	

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

1. City Council Special Meeting Minutes - June 13, 2020. ~ *Jennifer Holm, City Secretary*
2. City Council Special Meeting Minutes - June 16, 2020. ~ *Jennifer Holm, City Secretary*
3. City Council Meeting Minutes - June 16, 2020. ~ *Jennifer Holm, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Villalobos moved to approve the minutes of the June 13, 2020 Special Council Meeting, the minutes of the June 16, 2020 Special Council Meeting and the minutes of the June 16, 2020 Council Meeting. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

III. Citizen Comment Period with City Council

4. Members of the public that wish to provide citizen comment must submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign> to attend virtually. Registration must be received by 12 p.m. on the day of the meeting.

Mayor Mitchell opened citizen comments at 7:10 p.m.

Gladys Carrillo was called to speak as registered. She spoke about the Inaugural Dialogue for Peace and Progress Summit and stated that they had reached out to Mayor Mitchell but received no response and they reached out to Council Member Ellison, but nothing came of their discussions. She appreciated Mr. Sellers' topics for the City Manager's Report this evening. She encouraged the Council to create a Citizen Coalition for the Police Department as part of the City's Charter Section 7.06.

Victor Medina was called to speak as registered. He spoke about Item No.13, saying that it proposes an increased tax rate from 3.5 to 8 percent. He stated that COVID-19 has left the Council spending money on things that are not as important, specifically a new Christmas tree. With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:14 p.m.

IV. 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*
 - City Operations and Programming
 - Spanish PSA Campaign for COVID-19
 - Inaugural Dialogue for Peace and Progress Summit Recap
 - Kyle Mass Food Distribution Events

Mr. Sellers spoke about City Operations and Programming with regards to the adjustments made due to COVID-19. The City Hall is closed, but services remain available to citizens. He spoke about Council meetings and methods for providing citizen comments. He spoke about the Library services, and mentioned that the pool, summer camps, Movies on the Square and Market Days are closed until further notice. He provided many thanks and a brief report regarding the 4th of July fireworks event. Mr. Sellers spoke about the Spanish PSA Campaign for COVID-19, including placards and signs, billboard messages, and additions to Spectrum

Council Member Tobias spoke about this topic, the task force to reach out to the Spanish community. He thanked staff and residents who assisted. Council Member Rizo also spoke about this initiative. Council Members Villalobos and Ellison also commented regarding this initiative as far as reaching the community. Mr. Sellers then provided a recap on the Inaugural Dialogue for Peace and Progress Summit. Mayor Mitchell spoke about the take-aways from this event, the community's sentiments, the talents of the IT and Communications Departments for hosting this

during COVID-19, and the support of the police department. He gave thanks to Council Member Ellison for bringing this forward. Council Member Ellison thanked the Communications Department, specifically Samantha Armbruster, and Matt Dawson of the IT Department, staff, and Council for their support. Mr. Sellers announced the next two Kyle Mass Food Distribution Events, Saturday, July 11 and Thursday, August 13 from 8:00 a.m. - 11:00 a.m. at the Smile Direct facility.

V. Appointments

6. Appointment of Joan Ross, COO Ascension Seton Hays, to the Economic Development & Tourism Board to fill the vacant healthcare seat. ~ *Diana Torres, Director of Economic Development*

Mayor Mitchell brought forward Item No. 6 for discussion. Ms. Torres requested the item be postponed until next month. With no objections, Mayor Mitchell moved forward.

VI. Presentation

7. Parks and Recreation Month Proclamation. ~ *Tracy Scheel, Council Member*

Mayor Mitchell brought forward Agenda Item No.7 for discussion. Council Member Scheel presented the proclamation. Council Member Rizo thanked the Parks Department for keeping the parks and trails open for the residents to have a place to go to during the pandemic.

Council Member Ellison spoke of his appreciation for the Parks Department and the job they do. He also thanked Council Member Scheel for recognizing the department. Mayor Mitchell thanked Ms. Espinoza and her department for their work related to the fireworks event. No action was taken.

8. Approve a Resolution of the City Council of the City of Kyle, Texas affirming support and partnership with the 2020 Census. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 8.

Mayor Mitchell moved to approve a Resolution of the City Council of the City of Kyle, Texas affirming support and partnership with the 2020 Census. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Villalobos stated that Kyle is number 5 in the County with regards to the Census. He spoke of the dollars needed, especially in this environment, and the importance of being counted. He believes we are at 55%, but we need to be at 80%. He spoke of the importance for education, fire services, and healthcare. He continued about the confidentiality and ease of completing the survey.

All votes aye; motion carried 7-0.

9. Presentation from HDR regarding update on the Kohlers Crossing Grade Separation Project. ~ *Lee Frieberg, Project Manager*

Mayor Mitchell brought forward Agenda Item No. 9 for discussion. Mr. Lee Frieberg presented the item. No action was taken.

10. Presentation regarding the Transportation & Economic Resiliency Study report. ~ *Kathy Roecker, Stormwater Management Plan Administrator, Susan Engleking, Institute for Community MicroMobility, and Katie Kam, Wheels & Water LLC*

Mayor Mitchell brought forward Agenda Item No. 10 for discussion. Ms. Roecker introduced Ms. Susan Engleking and Ms. Katie Kam who presented the item. No action was taken.

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

Mayor Mitchell brought forward and presented Item No. 11. No action was taken.

VII. Consent Agenda

12. Police Headquarters Construction Manager at Risk Bartlett-Cocke Agreement.
~ *Jeff Barnett, Chief of Police*
13. Approve a Resolution finding City of Kyle's jurisdictional area affected by the disaster declared by the Governor of the State of Texas related to COVID-19 health pandemic which continues to have an economic impact on Kyle residents, businesses and City operations and to direct the City Manager and the Director of Finance to develop the City's proposed budget and property tax rate calculations for Fiscal Year 2021 based on a 8.0 percent rate cap instead of a 3.5 percent rate cap as allowed under Senate Bill 2. ~ *J. Scott Sellers, City Manager*
14. Approve guidelines and eligibility requirements for implementing the Emergency Utility Bill Relief Grant Program to assist City of Kyle's inside-City residential utility customers who are experiencing financial hardships due to COVID-19 pandemic to pay for their City of Kyle provided utility services bill for the months of March 2020, April 2020, and May 2020.
~ *J. Scott Sellers, City Manager*
15. Approve Silberberg Sidewalk Extension - Site Plan (4210 Benner - SD-20-0070) A sidewalk extension to connect Fairway Landing sidewalk to Benner along Kohler's Crossing right-of-way. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to approve the site plan.
16. Authorize award and execution of a purchase order to BLACK & VEATCH CORPORATION, San Antonio, Texas, in an amount not to exceed \$1,080,000.00 for professional engineering services for construction management and construction inspection for the expansion of the City of Kyle wastewater treatment plant. ~ *Leon Bara, P.E., City Engineer*
17. Approve a contract with VIKING CONSTRUCTION, INC., Georgetown, Texas in an amount not to exceed \$495,866.60 for the 2020 Miscellaneous Streets Micro-Surfacing Project. ~ *Leon Barba, P.E., City Engineer*
18. Hays County Election Services Contract and Joint Election Agreement. ~ *Jennifer Vetrano, City Secretary*

19. Authorize the Chief of Police to execute a Memorandum of Understanding with the Hays County Office of Emergency Management in support of the Standard Response Protocol with local school districts. ~ *Jeff Barnett, Chief of Police*
20. FM 150 Water Facilities Service, Financing, and Construction Agreement. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell stated he would like to pull Item No. 13 to be discussed at the August 1, 2020 budget meeting.

Mayor Mitchell moved to approve Consent Agenda Item Nos. 12, 14, 15, 16, 17, 18, 19 and 20. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

VIII. Consider and Possible Action

21. (First Reading) An ordinance of the City of Kyle, Texas, amending ordinance No. 311, The Plum Creek Planned Unit development Zoning Ordinance; amending Article II, Part C, Section 8(D), Subsection (6) to remove the lot depth requirement for non-residential development within the MXD District; providing for repeal of conflicting ordinances; providing for an effective date and an open meetings clauses; and providing for related matters. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 4-2 to recommend approval.

- Public Hearing

Mayor Mitchell brought forward Agenda Item No. 21 for discussion. Mr. Will Atkinson, City Planner, presented the item.

Mayor Mitchell opened the public hearing at 8:29 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:29 p.m.

At the conclusion of Item No. 22, Mayor Mitchell asked whether there were any objections to finally passing Item No. 21. There were none. Item No. 21 was finally passed.

Council Member Scheel moved to approve an Ordinance of the City of Kyle, Texas, amending Ordinance No. 311, The Plum Creek Planned Unit development Zoning Ordinance; amending Article II, Part C, Section 8(D), Subsection (6) to remove the lot depth requirement for non-residential development within the MXD District; providing for repeal of conflicting ordinances; providing for an effective date and an open meetings clauses; and providing for related matters. Mayor Mitchell seconded the motion. All votes aye; motion carried 7-0.

22. Approve a contract with UBER TECHNOLOGIES, INC., to provide public transit services within the Kyle city limits. ~ *Jerry Hendrix, Chief of Staff*

Mayor Mitchell brought forward Agenda Item No. 22 for discussion. Mr. Hendrix presented the item. Mr. John McGinty provided information on the COVID-19 precautions.

Mayor Mitchell moved to Approve a contract with Uber Technologies, Inc., to provide public transit services within the Kyle city limits. Council Member Rizo seconded the motion.

All votes aye; motion carried 7-0.

23. Approval of Edmondson Reed Proposal in an amount of \$2.5 Million for design and construction of a facility at 104 S Burleson and landscaping at Mary Kyle Hartson Park.

~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Agenda Item No. 23 for discussion. Mr. Sellers presented the item.

Council Member Scheel moved to approval of Edmondson Reed Proposal in an amount of \$2.5 Million for design and construction of a facility at 104 S Burleson and landscaping at Mary Kyle Hartson Park. Mayor Mitchell seconded the motion. All votes aye; motion carried 7-0.

24. *(First Reading)* An Ordinance Adopting an Administrative Permitting Process for Authorizing Encroachments in the Right-of-Way and City Easements; Authorizing the City Engineer to Approve Encroachment Applications; Providing for the Approval Forms; Providing an Application Fee; And Providing for Related Matters. ~ *J. Scott Sellers, City Manager*

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

Mayor Mitchell moved to approve an Ordinance Adopting an Administrative Permitting Process for Authorizing Encroachments in the Right-of-Way and City Easements; Authorizing the City Engineer to Approve Encroachment Applications; Providing for the Approval Forms; Providing an Application Fee; and Providing for Related Matters, and direct staff to bring back amendments for second reading as discussed. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

25. Discussion and Possible Action regarding Pie in the Sky. ~ *Tracy Scheel, Council Member*

Mayor Mitchell brought forward Item No. 6 for discussion and gave the floor to Council Member Scheel. Council Member Scheel and the Council discussed concerns regarding social distancing and the Covid19 epidemic. It was a consensus of Council to cancel the event and was acknowledged accordingly. No action was taken.

IX. Executive Session

26. 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.
 - Jansen Easement Acquisition
 - General Obligation Bond
 - Development Agreement for Property on 1-35 SBFR

- Development Agreement for Property on Spooner
 - Development Agreement for Property on Beebe Rd.
 - Development Agreement for Property on Philomena
 - Special Election Ballot Language.
 - Alcohol Sales
 - Regional Detention Pond
 - 104 S. Burleson
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

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- Alcohol Sales and Regional Detention Pond; and 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.”

The City Council convened into executive session at 9:06 p.m.

27. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into open session. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

The City Council reconvened into open session at 10:12 p.m. Mayor Mitchell announced that no action took place in Executive Session, but action would be taken now.

Council Member Rizo moved to direct staff to bring back an ordinance amending the bar hours to close at midnight on Sunday - Thursday. Council Member Villalobos seconded the motion.

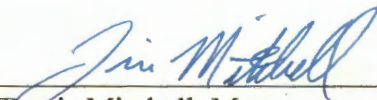
There was discussion on the motion. Council Member Rizo spoke about issues and incidents around the downtown areas and ensure care for the local families. Mayor Mitchell thanked Council Member Rizo for bringing this item forward.

All votes aye; motion carried 6-0. Mayor Mitchell was absent for the vote.

X. Adjourn

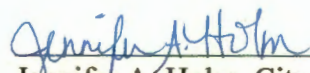
Council Member Scheel moved to adjourn. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0.

With no further business to discuss, the City Council adjourned at 10:16 p.m.



Travis Mitchell, Mayor

Attest:



Jennifer A. Holm, City Secretary