

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on July 21, 2020 and due to COVID-19, members attended virtually at <https://www.cityofkyle.com/kyletv/kyle-10-live> Spectrum 10; with the following persons present:

Mayor Travis Mitchell	Jon Snyder
Mayor Pro Tem Rick Koch	Diane Hervol
Council Member Dex Ellison	Cray Flynn
Council Member Tracy Scheel	Aan Coleman
Council Member Robert Rizo	
Council Member Alex Villalobos	
Council Member Michael Tobias	
James Earp, Assistant City Manager	
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Samantha Armbruster, Communications Dir.	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Jeff Prato, Engineering Associate	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Sandra Duran, HR Director	
Matt Dawson, IT Director	
Paul Phelan, Library Director	
Aimee Garcia, Recreation Programmer	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Harper Wilder, Director of Public Works	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:02 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 - July 7, 2020. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - July 7, 2020. ~ *Jennifer Holm, City Secretary*

Council Member Scheel moved to approve the minutes of the July 7, 2020 Special Council Meeting and the minutes of the July 7, 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 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 7:05 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 7:05 p.m.

IV. City Manager's Report

4. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *James R. Earp, Assistant City Manager*
 - Kyle Cares grant update

Mayor Mitchell brought forward the City Manager's report. Assistant City Manager James Earp presented the item. He spoke about the Kyle Cares Grant for City of Kyle Utility Customers.

V. Appointments

5. Confirm City Manager's reappointment to the Civil Service Commission to fill a three-year term to expire July 31, 2023. ~ *James R. Earp, Assistant City Manager*
 - Stuart Kirkwood

Mayor Mitchell moved to confirm City Manager's reappointment of Stuart Kirkwood to the Civil Service Commission to fill a three-year term to expire July 31, 2023. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Scheel asked how many terms Mr. Kirkwood has served. Ms. Duran stated he had served one term, and this would be his second, three-year term.

All votes aye; motion carried 7-0.

VI. Presentation

6. 6 Creeks Public Improvement District Annual Service Plan Update. ~ *Jon Snyder, P3Works*

Mayor Mitchell brought forward Item No. 6 and 7 for discussion at the same time, with no objections. Mr. Snyder presented the items. No action was taken.

7. Southwest Kyle PID No. 1 Annual Service Plan Update. ~ *Jon Snyder, P3Works*
8. Presentation on Charter Review Commission recommendation of changes to the City's Charter for the November 3, 2020 election. ~ *Diane Hervol, Chair*

Mayor Mitchell brought forward Item No. 8 for discussion. Chairwoman Hervol presented the item. Council discussion ensued about when a workshop type discussion could take place on

measures for the ballot. The Council decided to take up the matter on August 1, 2020, after the budget workshop, and then take up action on August 4, 2020. No action was taken.

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

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

VII. Consent Agenda

Mayor Mitchell brought forward the Consent Agenda.

10. Approve an estimated amount of \$22,320.00 for election services in accordance with the approved contract with the Hays County Elections Administrator relating to the November 3, 2020 elections. ~ *Jennifer Holm, City Secretary*

11. Amending the PID agreement with PID Holdings for Bunton Creek Village. ~ *James R. Earp, Assistant City Manager*

Council Member Scheel moved to approve Consent Agenda Item Nos. 10 and 11. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

VIII. Consider and Possible Action

12. *(First Reading)* An Ordinance providing for one-sided parking on Cromwell from Dorman to Kohlers Crossing. ~ *Rick Koch, Mayor Pro Tem*

Mayor Mitchell brought forward Item No. 12 for discussion and gave the floor to Mayor Pro Tem Koch.

Mayor Mitchell moved to approve an Ordinance providing for one-sided parking on Cromwell from Dorman to Kohlers Crossing and amend the language to replace eastern with western. Council Member Ellison seconded the motion.

There was discussion on the motion. Many council members thanked Mayor Pro Tem Koch for bringing it forward. Mayor Mitchell asked if there were any objections to the Ordinance being finally passed. There were no objections to the Ordinance being finally passed.

All votes aye; motion carried 7-0.

13. Approval of a contract with Edmondson Reed for 104 S. Burleson and Mary Kyle Hartson Park improvements. ~ *James R. Earp, Assistant City Manager*

Mayor Mitchell brought forward Item No. 13 for discussion. Mr. Earp introduced Cray Flynn and Aan Coleman presented the item.

Council Member Scheel moved to approve a contract with Edmondson Reed for 104 S. Burleson and Mary Kyle Hartson Park with final form approved by legal counsel. Mayor Pro Tem Koch seconded the motion.

There was discussion on the motion. Council Member Tobias asked to confirm that they are voting on the first phase, not the actual final pricing and design. Mr. Earp confirmed that it is for the design build, there are two phases - maximum guarantee of \$2.5 million, then, the aesthetics, design, the building, landscaping, and what components that will be included. City Attorney Paige Saenz spoke about the budgeting. Mr. Flynn also spoke about design fees not being part of the \$2.5 million. Paige talked about the final design documents that will need to be approved after specifications are complete. Ms. Saenz said the next phase would be the renovation of the building. Council Member Rizo asked Ms. Saenz whether approving this contract would set any end dates. He wants to make sure there is an end date, and the contractor is held to that end date. He asked whether there are penalties in the contract. Ms. Saenz responded to Council Member Rizo, the contract had liquidated damage clauses in design and construction phases. She discussed scheduling with Edmondson Reed and contract timeframes regarding the project progress. Edmondson Reed mentioned the dates of November 2020 and April 2021 as beginning and ending dates for the project. Council discussion continued with Edmondson Reed.

Council Member Scheel amended her motion to include a maximum of \$2.5 million. Mayor Pro Tem Koch was amenable to the motion amendment.

There was discussion on the motion. Council Member Ellison stated that while some clean up items can hold things up, it is important to work the issues out. He appreciated Edmondson Reed's presentation and their expertise and vision. He is grateful for the partnership.

All votes aye; motion carried 7-0.

14. (*First Reading*) An Ordinance of the City of Kyle, Texas, Amending Chapter 11 Business Regulations, by amending Article II Alcoholic Beverages, Section 11-45 relating to Hours of Operation; providing a severability clause, a savings clause, and open meetings clause; providing an effective date and related matters. ~ *Robert Rizo, Council Member*

Mayor Mitchell brought forward Item No. 14 for discussion and gave the floor to Council Member Rizo.

Council Member Rizo moved to approve an Ordinance of the City of Kyle, Texas, Amending Chapter 11 Business Regulations, by amending Article II Alcoholic Beverages, Section 11-45 relating to Hours of Operation; providing a severability clause, a savings clause, and open meetings clause; providing an effective date and related matters, amending to remove Thursday. Mayor Mitchell seconded the motion.

There was discussion on the motion. Mayor Mitchell stated that it is not intended to disparage bars or their patrons, but it is to address the City's need. He hopes it will help downtown quiet down during the week. He stated that there may be opportunities to amend this in the future.

All votes aye; motion carried 7-0.

Mayor Mitchell asked if there were any objections to the Ordinance being finally passed. There were no objections to the Ordinance being finally passed.

15. Authorize and direct City staff to finalize form of MUE for electrical facilities in the public right-of-way in Urban Districts and to bring forward an amendment to the franchise agreement with Pedernales Electrical Cooperative. ~ *James R. Earp, Assistant City Manager*

Mayor Mitchell brought forward Item No. 15 for discussion. Mr. Earp and Ms. Saenz presented the item.

Council Member Scheel moved to authorize and direct City staff to finalize form of MUE for electrical facilities in the public right-of-way in Urban Districts and to bring forward an amendment to the franchise agreement with Pedernales Electrical Cooperative. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

16. Discussion and possible action for reducing the speed limit on South Old Stagecoach Road. ~ *Robert Rizo, Council Member*

Mayor Mitchell brought forward Item No. 16 for discussion and gave the floor to Council Member Rizo. No action was taken.

IX. Executive Session

17. 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.
 - Bunton Goforth Roundabout
 - County Parks Bond
 - Project Dark Gray
 - General Obligation Bond
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 Shamrock
 - Project Just Peachy

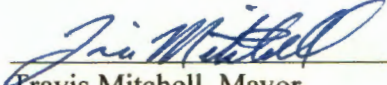
There was no executive session.

18. Take action on items discussed in Executive Session.

X. Adjourn

Council Member Scheel moved to Adjourn. Council Member Rizo seconded the motion. Motion carried 6-1, with Mayor Mitchell dissenting.

With no further business to discuss, the City Council adjourned at 9:15 p.m.



Travis Mitchell, Mayor

Attest:



Jennifer A. Holm, City Secretary