

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on August 4, 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	Joan Ross
Mayor Pro Tem Rick Koch	Allison Nieto
Council Member Dex Ellison	Daniel Heideman, General Manager County
Council Member Tracy Scheel	Line SUD
Council Member Robert Rizo	Luis Montes
Council Member Alex Villalobos	Phong Nguyen
Council Member Michael Tobias	Lon Shell
Scott Sellers, City Manager	Debbie Ingalsbe
James Earp, Assistant City Manager	David Cancialosi
Paige Saenz, City Attorney	Joe Davis
Jerry Hendrix, Chief of Staff	Steve Smelley
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	
Mariana Espinoza, PARD Director	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Krissi Milliken, Emergency Comm. Supervisor	
Brian Lillibridge, Asst. Dir. 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.

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 7:03 p.m.

With no one wishing to speak, Mayor Mitchell closed citizen comments at 7:04 p.m.

II. Approval of Minutes

1. City Council Special Meeting Minutes - July 21, 2020. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - July 21, 2020. ~ *Jennifer Holm, City Secretary*

Council Member Scheel moved to approve the minutes of the July 21, 2020 Special Council Meeting and the minutes of the July 21, 2020 Council Meeting. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

IV. Appointments

4. 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. 4 for discussion. Ms. Torres presented the item.

Council Member Ellison moved to approve the appointment of Joan Ross, COO Ascension Seton Hays, to the Economic Development & Tourism Board to fill the vacant healthcare seat. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

5. Consideration of nominations for appointment to the Kyle Public Library Advisory Board to fill 2 current vacancies. ~ *Paul Phelan, Library Director*
 - Susan Reyna
 - Morgan Harrell

Mayor Mitchell brought forward Item No. 5 for discussion. Mr. Phelan presented the item.

Council Member Rizo moved to approve the appointment of Susan Reyna and Morgan Harrell to the Library Board. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Ellison stated he agreed with Council Member Rizo said it well and he was sure they are highly recommended. He expressed his appreciation of Council Member Rizo and the rest of the team for taking the time to do that.

All votes aye; motion carried 7-0.

V. Presentation

6. Presentation by Southwest Engineers on the current status of County Line SUD's new wastewater system and anticipated expansions. ~ *John Littlefield, President and Allison (Guettner) Nieto, P.E.*

Mayor Mitchell brought forward Item No. 6 for discussion. Allison (Guettner) Nieto, P.E. presented the item. John Littlefield, President also was present. No action was taken.

7. Presentation from Honeywell International, Inc. for infrastructure investment within the City of Kyle.

Mayor Mitchell brought forward Item No. 7 for discussion. Luis Montes and Phong Nguyen with Honeywell International, Inc. presented the item. No action was taken.

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

Mayor Mitchell brought forward Item No. 8. Mr. Leon Barba, City Engineer, presented the item. No action was taken.

VI. Consent Agenda

Mayor Mitchell brought forward the Consent Agenda.

9. Approve Task Order No. 6 to LJA ENGINEERING, INC., Austin, Texas, in the amount not exceed \$76,339.00 for preparation of a Preliminary Engineering Report for the Anthem to Kohlers Crossing Waterline Project. ~ *Leon Barba, P.E., City Engineer*

10. Approve Plum Creek Uptown Phase 1A - Final Plat (SUB-19-0098) 14.667 acres; 5 lots for properties located east of FM 2770 and west of 1626, along existing Doherty Street to the south and the future extension of Burnham, Jack Ryan and Everett. ~ *Howard J. Koontz, Director of Planning and Community Development*

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

11. Approve Uptown at Plum Creek - Site Plan (SD-20-0060) 12.62 acres; 3 lots of a multi-family complex with amenities and a mixed-use component consisting of Retail and Restaurant for property located east of FM 2770 and west of 1626, along existing Doherty Street to the south and the future extension of Burnham, Jack Ryan and Everett. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 7-0 to approve the site plan.

12. Amend the Purchasing Policy for the City of Kyle to allow for the acceptance of electronic bid submittals for services in addition to current procedures outlined in the Policy. ~ *Leon Barba, P.E., City Engineer*

Council Member Scheel moved to approve Consent Agenda Item Nos.9, 10, 11, and 12. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

VII. Consider and Possible Action

13. Interlocal Agreement for Operations and Maintenance of the Combined Emergency Communications Center. ~ *J. Scott Sellers, City Manager*

Council Member Villalobos stated that he will need to leave the meeting for the presentation and action of Item No. 13 and will return after. Council Member Villalobos exited the meeting at 8:37 p.m.

Mayor Mitchell brought forward Item No. 13 for discussion. Mr. Sellers introduced the item and turned over the presentation to Hays County Precinct 3 Commissioner, Lon Shell, who presented

the item. Hays County Precinct Commissioner Debbie Ingalsbe also provided information on the project. Krissi Milliken, Communications Supervisor, provided her support of this agreement.

Mayor Mitchell moved to approve an Interlocal Agreement for Operations and Maintenance of the Combined Emergency Communications Center. Council Member Tobias seconded the motion.

There was discussion on the motion. Council Member Tobias spoke about the benefit of everyone being on the same database and platform. Mr. Shell thanked Council Member Koch and Mr. Sellers for the work they have done. Mayor Pro Tem Koch stated that Commissioners

Shell and Ingalsbe have done so much work on this. He also thanked Mr. Sellers. Council Member Rizo spoke about the great relationship, being able to work together between the agencies. He stated that without the infrastructure in place, he worries about the planning.

All votes aye; motion carried 6-0.

14. Presentation on and approval of Coronavirus Relief funds in the amount of \$100,000 for the Hays County Emergency Cash Assistance Program. ~ *Tracy Scheel, Council Member*

Mayor Mitchell mentioned that Council Member Villalobos was going to remain out for this item as well. He then brought forward Item No. 14 and gave the floor to Council Member Scheel, who presented the item.

Council Member Scheel moved to approve Coronavirus Relief funds in the amount of \$100,000 for the Hays County Emergency Cash Assistance Program. Mayor Pro Tem Koch seconded the motion.

There was discussion on the motion. Paige Saenz, City Attorney, stated that there would be a need to approve an interlocal agreement regarding this item. She provided options of approving this item subject to the interlocal agreement or authorize to negotiate the interlocal agreement.

Council Member Ellison asked for her to repeat the options. He stated he prefers the first option. Council Member Rizo seconded the first option. He also provided commentary regarding small businesses. Council Member Scheel provided more details regarding Hays County's contribution, the partnership with Greater San Marcos Partnership, that it is for small businesses and non-profits. She went into the details for recipients of the awards. Council Member Rizo stated that this is for all of Hays County and will not be targeting any specific region. Mayor Mitchell asked whether other cities will be participating. Council Member Scheel stated that Buda has their own and she does not know why or whether others will participate. Mayor Mitchell asked whether the \$100,000 will be earmarked for Kyle recipients. Mr. Sellers affirmed. Mayor Mitchell stated his support of this program. Council Member Ellison stated that he seconds Mayor Mitchell's comments. He stated that he had questions and concerns, but those were quelled with the backup material on this item. He thanked Council Member Scheel for bringing this forward. Council Member Rizo also echoed the council comment and thanked Council Member Scheel for bringing this forward and for her work on the initiative.

Council Member Scheel amended her motion to approving this item subject to the interlocal agreement and to designate the funding source as CARES dollars. Mayor Pro Tem Koch seconded the amendment.

There was discussion on the motion. Council Member Ellison asked whether the ILA will be brought before council for approval. Ms. Saenz stated that yes, the agreement will come before Council. Mayor Mitchell stated that he would not want other agencies to be waiting for a City Council meeting. Mr. Sellers spoke about the Hays County timing. Mayor Mitchell stated that he sees that the City contributes \$100,000.00, but also city of Kyle businesses are eligible to apply for the entire funding for Hays County.

Council Member Scheel amended her motion to include appointing herself to the awards committee.

All votes aye; motion carried 6-0.

Council Member Scheel continued presenting details of the program.

Council Member Villalobos returned to the meeting at 9:25 p.m. after items 13 and 14.

15. *(Second 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 Item No. 15 for discussion. Mr. Sellers presented the item.

Council Member Ellison 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. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

16. *[Postponed 6/16/2020]* 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. Planning and Zoning Commission postponed the request until August 11, 2020.

- Public Hearing

Mayor Mitchell brought forward Item No. 16 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 9:35 p.m. With no one wishing to speak, Mayor Mitchell left the Public Hearing open.

Mayor Mitchell moved to postpone this item to the next meeting. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0.

17. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 13.564 acres of land from Agriculture 'AG' to Retail Service District 'RS' for properties located at 400 CR 208 and 23150 IH-35, in Hays County, Texas. (Rodolfo and Guadalupe Martinez and Mary Ann Mendoza - Z-20-0058) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 7-0 to recommend approval of the request.

- Public Hearing

Mayor Mitchell brought forward Item No. 17 for discussion. Mr. Koontz presented the item.

With no objections, Mayor Mitchell opened the public hearing at 9:40 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:40 p.m.

Council Member Ellison moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 13.564 acres of land from Agriculture 'AG' to Retail Service District 'RS' for properties located at 400 CR 208 and 23150 IH-35, in Hays County, Texas. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Rizo asked if railroad crossing was still at the location. Mr. Koontz stated he would look. Mr. Sellers spoke about the railroad crossing and the residents. Mr. Koontz stated that the crossing is not within the bounds of this property. Discussion continued about the crossing. Mr. Barba stated that the County abandoned this property about two years ago, but there is still a waterline going through.

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

18. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 16 acres of land from Retail Service District 'RS' to Mixed Use District 'MXD' and to rezone approximately 14 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' with 6.40 acres to remain as Retail Service District 'RS' for properties located on the north corner of Philomena Drive and IH-35, in Hays County, Texas. (Richard B. Schmeltekopf, Linda Hill Schmeltekopf, Laura Lynn S. and Julian Lehman - Z-20-0059) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 7-0 to recommend approval of the request.

- Public Hearing

Mayor Mitchell recused himself from Item No. 18. Council Member Ellison brought forward Item No. 18 for discussion. Mr. Koontz presented the item.

Mayor Pro Tem Koch opened the public hearing at 9:51 p.m. David Cancialosi, the applicant made himself available for questions. Mayor Pro Tem Koch stated that as the applicant this was not the forum for Council to interact with him. With no one wishing to speak, Mayor Pro Tem Koch closed the public hearing at 9:52 p.m.

Mr. Koontz's presentation resumed. Mayor Pro Tem Koch spoke with the applicant, David Cancialosi, asking why he wants partial R-3-3 instead of all MXD.

Council Member Villalobos moved to approve an ordinance amending Chapter 53 (*Zoning*) of the City of Kyle, Texas, for the purpose of rezoning approximately 16 acres of land from Retail Service District 'RS' to Mixed Use District 'MXD' and to rezone approximately 14 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' with 6.40 acres to remain as Retail Service District 'RS' for properties located on the north corner of Philomena Drive and IH-35, in Hays County, Texas. (Richard B. Schmeltekopf, Linda Hill Schmeltekopf, Laura Lynn S. and Julian Lehman - Z-20-0059) Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Ellison spoke about his thoughts on R-3-3. He is more comfortable with it only because MXD faces the interstate and the multi-family is in the back. He asked whether there would be any consideration for a different zoning than R-3-3. Mr. Cancialosi stated that he would like to discuss with his client but asked that Council approve on first reading and he would bring back something for second reading. Mayor Pro Tem Koch stated we know the plan is for the apartments, he would love to see MXD, and if approved, he said, they would see R-3-3 but might not see MXD. He agreed however it was a good spot for R-3-3.

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

Mayor Pro Tem Koch requested a five-minute recess at 10:13 p.m. There were no objections.

19. (*First Reading*) An Ordinance of the City of Kyle, Texas, Ordering a General Election to be held jointly with Hays County on November 3, 2020 for the Election of Mayor and City Council Districts Two and Four to serve three-year terms; Designating the Main Early Voting Place for such Election; Providing for an Order and Notice of such General Election; Providing for related matters; Providing a Severability Clause; and Providing an Effective Date. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 19 for discussion and presented the item.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, Ordering a General Election to be held jointly with Hays County on November 3, 2020 for the Election of Mayor and City Council Districts Two and Four to serve three-year terms; Designating the Main Early Voting Place for such Election; Providing for an Order and Notice of such General Election; Providing for related matters; Providing a Severability Clause; and Providing an Effective Date. Council Member Ellison seconded the motion. All votes aye; motion carried 7-0. With no objections, the item was finally passed.

20. *(First Reading)* An Ordinance Ordering a Special Election to be held on the Question of the Adoption of Amendments to the Charter of the City of Kyle; Designating November 3, 2020 as the date of the Special Election; Prescribing the Form of the Ballot; Providing for Election Procedures; and Providing an Effective Date. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 20 for discussion. City Attorney Paige Saenz presented the item.

Mayor Mitchell moved to approve the Ordinance as presented, Ordering a Special Election to be held on the Question of the Adoption of Amendments to the Charter of the City of Kyle; Designating November 3, 2020 as the date of the Special Election; Prescribing the Form of the Ballot; Providing for Election Procedures; and Providing an Effective Date. Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Rizo asked if Ms. Saenz would provide proposed language changes of the Charter for Council consideration on the 17th. Ms. Saenz stated that second reading will take place at the August 17 Special Council Meeting. She asked preference on non-substantive changes to take to the voters or submit for consideration of Council approval regarding non-substantive changes in punctuation and spelling within the Charter. Mayor Mitchell stated on scribes' errors he does not want to waste the voters' time. Council Member Rizo said changing punctuation was important and could change the meaning at times. Paige Saenz stated she found an example in the Charter that allows the Council to deal with scribes' errors. Ms. Saenz said after hearing the conversation on Saturday, specific language was added that if you do anything to change the meaning it was void.

All votes aye; motion carried 7-0.

VIII. City Manager's Report

21. 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*
- Upcoming Special Council Meetings: August 11, August 25
 - City of Kyle Labor Day Celebration
 - Cromwell No Parking
 - Kyle Mass Food Distribution Event
 - Ash Pavilion Update

Mayor Mitchell brought forward the City Managers Report. Mr. Sellers presented the item.

Mr. Sellers spoke about Upcoming Special Council Meetings: August 17, August 25, Utility Relief Grant, Kyle Mass Food Distribution Event, Cromwell No Parking, and Ash Pavilion Update.

Council Member Scheel spoke about the City of Kyle Labor Day Celebration.

IX. Executive Session

22. 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.
 - Honeywell Contract
 - Uber Contract
 - Kohler Crossing 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.

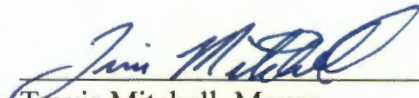
There was no executive session.

23. Take action on items discussed in Executive Session.

X. Adjourn

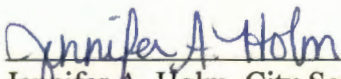
Council Member Ellison moved to adjourn. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 10:50 p.m.



Travis Mitchell, Mayor

Attest:



Jennifer A. Holm, City Secretary