

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on August 18, 2020 and due to COVID-19, some members attended virtually (v) at <https://www.cityofkyle.com/kyletv/kyle-10-live>; Spectrum 10 with the following persons present:

Mayor Travis Mitchell (v)	Lisa Crane (v)
Mayor Pro Tem Rick Koch (v)	Clint Nolen (v)
Council Member Dex Ellison (v)	David Cancialosi (v)
Council Member Tracy Scheel	Brett Corwin (v)
Council Member Robert Rizo (v)	Shervin Nooshin (v)
Council Member Alex Villalobos (v)	John McGinty (v)
Council Member Michael Tobias (v)	Nic Balsamo (v)
Scott Sellers, City Manager	
James Earp, Assistant City Manager (v)	
Paige Saenz, City Attorney (v)	
Jerry Hendrix, Chief of Staff (v)	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer (v)	
Kathy Roecker, SWMP Administrator (v)	
Diana Torres, Economic Dev. Director (v)	
Perwez Moheet, Finance Director	
Andy Alejandro, Accounting Manager	
Sandra Duran, HR Director (v)	
Matt Dawson, IT Director	
Samantha Armbruster, Communications Dir.	
Paul Phelan, Library Director (v)	
Mariana Espinoza, PARD Director (v)	
Howard Koontz, Community Dev. Director (v)	
Steve Clamons, GIS Analyst (v)	
Jeff Barnett, Chief of Police (v)	
Harper Wilder, Director of Public Works (v)	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:13p.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 - August 1, 2020. ~ *Jennifer Holm, City Secretary*
2. City Council Special Meeting Minutes - August 4, 2020. ~ *Jennifer Holm, City Secretary*
3. City Council Meeting Minutes - August 4, 2020. ~ *Jennifer Holm, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Mayor Mitchell moved to approve the minutes of the August 1, 2020 Special Council Meeting, August 4, 2020 Special Council Meeting and the minutes of the August 4, 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 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 7:16 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 7:16 p.m.

IV. Public Hearings

5. Conduct a public hearing on the City's Proposed Budget for Fiscal Year 2020-2021, as amended by City Council on August 1, 2020, totaling approximately \$134.2 million for all City Funds, including a tax rate of \$0.5201 per \$100 assessed valuation, a 10.0% increase in water service rates, a 10.0% increase in wastewater service rates, no change in storm drainage fees, a 2.5% increase in solid waste service charges (trash collection) per contract terms, limited changes in other fees and charges, and the addition of 22.0 new full-time positions for a total of 279.0 full-time equivalent positions. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 5 and stated this was a public hearing and the item did not require presentation. Mayor Mitchell asked Mr. Sellers if he would like to address the item. Mr. Sellers mentioned tonight's Agenda having the first reading of the ordinance's concerning the budget and tax rate and that the second reading would occur during a Special meeting on August 25th.

Mayor Mitchell opened the public hearing at 7: 17 p.m.

With no one wishing to speak, Mayor Mitchell closed the public hearing at 7:18 p.m.

6. Conduct a public hearing to obtain comments on the proposal to set the City's ad valorem tax (property tax) rate at \$0.5201 per \$100 assessed valuation for tax year 2020 (Fiscal Year 2020-2021). ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward and presented Item No. 6.

Mayor Mitchell opened the public hearing at 7:19 p.m.

The City Secretary read into the record: "This is the first of two public hearings scheduled on the City's proposed property tax rate for Fiscal Year 2020-2021. The second public hearing will be held at 7:00 p.m., on August 25, 2020 at Kyle City Hall, 100 W. Center Street, Kyle, Texas 78640. The City's property tax rates for Fiscal Year 2020-2021 are as follows: No-New-Revenue Tax Rate: \$0.5292 per \$100 Voter-Approval Tax Rate: \$0.5202 per \$100 Proposed Tax Rate:

\$0.5201 per \$100 City Council is scheduled to consider a proposal to set the property tax rate at \$0.5201 per \$100.00 of assessed taxable valuation for Fiscal Year 2020-2021. The proposed property tax rate of \$0.5201 per \$100 is \$0.0215 or 3.97% below the City's current tax rate of \$0.5416 per \$100. The City's proposed property tax rate of \$0.5201 per \$100 is also below the No-New-Revenue tax rate of \$0.5292 per \$100 and the Voter-Approval tax rate of \$0.5202 per \$100 for Fiscal Year 2020-2021. The Kyle City Council is scheduled to vote on the property tax rate later in this meeting (1st Reading of City Ordinance) and at 7:00 p.m. on August 25, 2020 (2nd Reading of City Ordinance). All Kyle taxpayers, residents, and members of the public are invited to attend and express their views at the public hearings and City Council meetings scheduled on the City's proposed property tax rates."

With no one wishing to speak, Mayor Mitchell closed the public hearing at 7:21 p.m.

V. Presentation

7. National Fajita Day Proclamation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 7 and 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. Barba presented the item. No action was taken.

VI. Consent Agenda

Mayor Mitchell brought forward the Consent Agenda.

9. A Resolution of the City Council of the City of Kyle, Texas accepting the Paramount Section One subdivision 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*

10. Approve Plum Creek Phase 2, Section 1 - Final Plat (FP-16-015) 67.636 acres; 202 single family lots, 1 access easement, 1 amenity center, 1 drainage easement, 1 wastewater, drainage and utility easement, 1 water easement, 1 open space and 17 open space and landscape lots for property located on the northeast corner of Kohler's Crossing and Sanders. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to approve the final plat.

11. Interlocal agreement with Hays County related to the RM 150 Project. ~ *Leon Barba, P.E., City Engineer*

12. Approve an amended contract with UBER TECHNOLOGIES, INC., to provide public transit services, including Wheelchair Access Vehicles (WAV), within the Kyle city limits. ~ *Jerry Hendrix, Chief of Staff*

13. Interlocal Agreement with Hays County regarding Emergency Cash Assistance Program. ~ *Tracy Scheel, Council Member*

Mayor Mitchell moved to approve Consent Agenda Item Nos.9, 10, 11, 12, and 13. Council Member Ellison seconded the motion.

There was discussion on the motion. Council Member Scheel wanted to advertise for any business wanting to apply for Item No. 13, to visit www.haysecap.com. Council Member Rizo asked what the start date will be for Item No. 12. Mr. Hendrix stated that they are working on finalizing the forward-facing collateral and should be completed at the first part of September.

All votes aye; motion carried 7-0.

VII. Consider and Possible Action

14. [Application withdrawn] [Postponed 6/16/2020] 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. 14 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 7:50 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 7:50 p.m.

Mayor Mitchell moved to accept the applicant's withdrawal without prejudice. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

15. Consider approval of a Development Agreement with Kalterra Capital Partners LLC for an as yet Unnamed Subdivision/Development located on the southwest corner of Kohler's Crossing & I-35 Frontage Road. ~ *Howard J. Koontz, Director of Planning and Community Development*
16. [Postponed 8/4/2020] An Ordinance Amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose to assign original zoning to approximately 15.48 acres from Agriculture 'AG' to Retail Service '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 & I-35 Frontage Road. (LC 2012 Investments, LP, a Texas Limited Partnership (Z-20-0057) ~ *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.

Planning and Zoning Commission voted 6-0 to approve the zoning request.

- Public Hearing

Mayor Mitchell asked if there were any objections to simultaneously discussing Item Nos. 15 and 16. There were none. Discussion ensued regarding both items. Mr. Koontz presented the items.

Mayor Mitchell opened the public hearing at 7:57 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 7:57 p.m.

Lisa Crane spoke about the property that has been in her family for several years.

Clint Nolen also spoke about the property, process, and collaboration with City Staff.

Mayor Mitchell asked if there were any objections to voting on Item Nos. 15 and 16 simultaneously. There were none.

Council Member Scheel moved to approve a Development Agreement with Kalterra Capital Partners LLC and approve an Ordinance Amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose to assign original zoning to approximately 15.48 acres from Agriculture 'AG' to Retail Service '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 & I-35 Frontage Road. Mayor Mitchell seconded the motion. All votes aye; motion carried 7-0.

There was discussion after the motion. Mayor Mitchell asked Paige Saenz for clarification regarding final passage of the Ordinance since first reading was absent on the item. Ms. Saenz clarified the item could be finally passed.

There were no objections to having Item No. 16 finally passed.

17. *(Second 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.

City Council voted 6-0 to approve on First Reading.

Mayor Mitchell recused himself regarding Item No. 17 and left the meeting at 8:04 p.m. Mayor Pro Tem Koch brought forward Item No. 17 for discussion. Mr. Koontz presented the item. David Cancialosi spoke about the project.

Council Member Rizo 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. Council Member Tobias seconded the motion. All votes aye; motion carried 6-0.

18. *(First Reading)* An Ordinance Amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose rezoning approximately 6.67 acres of land from PUD (Single Family Attached District 'R-1-A') to PUD (Retail Service District 'RS') & rezone approximately 8.20 acres from PUD (Single Family Attached District 'R-1-A') to a Planned Unit Development 'PUD' (Single Family Residential District 3, 'R-1-3') for property located within the 800 block of Rebel Drive, north of Gregg Clark Park, in Hays County, Texas. (Ky-TEX Properties - Z-20-0060) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to recommend approval of the zoning change per staff's recommendation of 'CC' instead of 'RS' and add the variance request to the PUD ordinance.

- Public Hearing

Mayor Pro Tem Koch brought forward Item No. 18 for discussion.

Mayor Pro Tem Koch opened the public hearing at 8:14 p.m. With no one wishing to speak, Mayor Pro Tem Koch closed the public hearing at 8:14 p.m. Mayor Mitchell returned to the meeting at 8:14 p.m.

Mr. Koontz presented the item. Brett Corwin spoke about the drainage for this project.

Council Member Scheel moved to approve an Ordinance Amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose rezoning approximately 6.67 acres of land from PUD (Single Family Attached District 'R-1-A') to PUD (Retail Service District 'RS') & rezone approximately 8.20 acres from PUD (Single Family Attached District 'R-1-A') to a Planned Unit Development 'PUD' (Single Family Residential District 3, 'R-1-3') for property located within the 800 block of Rebel Drive, north of Gregg Clark Park, in Hays County, Texas. Council Member Tobias seconded the motion. All votes aye, motion carried 7-0.

There were no objections to having Item No. 18 finally passed.

19. *(First Reading)* Approve an Ordinance of the City of Kyle, Texas, adopting a budget totaling \$134.2 million for all City Funds for the ensuing fiscal year beginning October 1, 2020 and ending September 30, 2021; appropriating revenue and expenditure amounts thereof for all City Funds, authorizing a 10.0 percent increase in water and wastewater service rates, no change in storm drainage fees, a 2.5 percent increase in solid waste service charges, all other fees and charges for City services, capital improvement program expenditures, addition of twenty-two (22.0) new full-time positions for a total of 279.0 full-time equivalent positions, carryover of encumbrances, all associated schedules and documents, and repealing all Ordinances in conflict herewith; and providing for an effective date. ~ *J. Scott Sellers, City Manager*

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

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, adopting a budget totaling \$134.2 million for all City Funds for the ensuing fiscal year beginning October 1, 2020 and ending September 30, 2021; appropriating revenue and expenditure amounts thereof for all City Funds, authorizing a 10.0 percent increase in water and wastewater service rates, no change in storm drainage fees, a 2.5 percent increase in solid waste service charges, all other fees and charges for City services, capital improvement program expenditures, addition of twenty-two (22.0) new full-time positions for a total of 279.0 full-time equivalent positions, carryover of encumbrances, all associated schedules and documents, and repealing all Ordinances in conflict herewith; and providing for an effective date. Council Member Villalobos seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Ellison voted aye; Council Member Tobias voted aye; Mayor Pro Tem Koch voted aye; Council Member Scheel voted aye; Mayor Mitchell voted aye; Council Member Villalobos voted aye; and Council Member Rizo voted aye. All votes aye; motion carried 7-0.

20. *(First Reading)* Approve an Ordinance of the City of Kyle, Texas, fixing the ad valorem tax (property tax) rate for Tax Year 2020 at \$0.5201 per \$100 assessed valuation and providing for the levying of ad valorem taxes for use and support of the municipal government of the City of Kyle for the fiscal year beginning October 1, 2020 and ending September 30, 2021; providing for apportioning each levy for specific purposes; and providing when ad valorem taxes shall become due and when same shall become delinquent if not paid. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 20 for discussion.

The City Secretary read into the record: “This is the first of two public hearings scheduled on the City’s proposed property tax rate for Fiscal Year 2020-2021. The second public hearing will be held at 7:00 p.m., on August 25, 2020 at Kyle City Hall, 100 W. Center Street, Kyle, Texas 78640. The City’s property tax rates for Fiscal Year 2020-2021 are as follows: No-New-Revenue Tax Rate: \$0.5292 per \$100 Voter-Approval Tax Rate: \$0.5202 per \$100 Proposed Tax Rate: \$0.5201 per \$100 City Council is scheduled to consider a proposal to set the property tax rate at \$0.5201 per \$100.00 of assessed taxable valuation for Fiscal Year 2020-2021. The proposed property tax rate of \$0.5201 per \$100 is \$0.0215 or 3.97% below the City’s current tax rate of \$0.5416 per \$100. The City’s proposed property tax rate of \$0.5201 per \$100 is also below the No-New-Revenue tax rate of \$0.5292 per \$100 and the Voter-Approval tax rate of \$0.5202 per \$100 for Fiscal Year 2020-2021. The Kyle City Council is scheduled to vote on the property tax rate later in this meeting (1st Reading of City Ordinance) and at 7:00 p.m. on August 25, 2020 (2nd Reading of City Ordinance). All Kyle taxpayers, residents, and members of the public are invited to attend and express their views at the public hearings and City Council meetings scheduled on the City’s proposed property tax rates.”

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, fixing the ad valorem tax (property tax) rate for Tax Year 2020 at \$0.5201 per \$100 assessed valuation and providing for the levying of ad valorem taxes for use and support of the municipal government of the City of Kyle for the fiscal year beginning October 1, 2020 and ending September 30, 2021;

providing for apportioning each levy for specific purposes; and providing when ad valorem taxes shall become due and when same shall become delinquent if not paid. Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

21. Consider and possible action to approve a Resolution of the City of Kyle Renaming Rebel Drive to Support and Promote Community Camaraderie and Tranquility; to a Name which will be Advantageous to all Diversities; to a Propitious Title for all of the Citizens of Kyle; Holding a Public Hearing and Providing for Related Matters in accordance with the City of Kyle, Code of Ordinances, Secs. 38-332, 38-333, and 38-334. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 21.

Mayor Mitchell opened the public hearing at 8:46 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:47 p.m.

Samantha Armbruster and Steve Clamons provided information regarding name changing for streets.

Mayor Pro Tem Koch moved to approve renaming Rebel Drive to Fajita Drive. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

22. Discussion and possible action for the renaming of the swimming pool in Gregg-Clarke Park. ~ *Robert Rizo, Council Member*

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

Council Member Rizo moved to rename Gregg-Clarke Park Pool after James Adkins. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Scheel stated that she wanted to give a thank you to the Gregg Family, and that this is in no way to take away from their generous donation, but instead is a way to honor one of its own, and the park will remain named Gregg-Clarke Park. Council Member Villalobos spoke about the tenacity of former Mayor James Adkins. He mentioned the commitment by James Adkins getting the pool put in for the City of Kyle for the enjoyment of all people. Mayor Mitchell said, the staff would bring back the Resolution at the next meeting regarding the name change.

All votes aye; motion carried 7-0.

VIII. City Manager's Report

23. 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*
 - Land Use Map

Mr. Sellers spoke about the Future Land Use Map. Mr. Koontz also provided some information. No action was taken.

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.
 - Legal disputes involving Jesse Espinoza
 - Prairie Lakes
 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 Cranberry
 - Project Shamrock

There was no Executive Session.

25. Take action on items discussed in Executive Session.

X. Adjourn

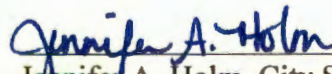
Mayor Mitchell moved to adjourn. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 9:39 p.m.



Travis Mitchell, Mayor

Attest:



Jennifer A. Holm, City Secretary