

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session at Kyle City Hall on October 6, 2020 and due to COVID-19, some members attended virtually (v) at Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live> with the following persons present:

Mayor Travis Mitchell (v)	Tim McHutchion
Mayor Pro Tem Rick Koch (v)	Michele Christie
Council Member Dex Ellison (v)	Katie Civgin
Council Member Tracy Scheel	Chris Pangilinan
Council Member Robert Rizo	Scott Miller
Council Member Alex Villalobos (v)	Danny Gilpin
Council Member Michael Tobias (v)	Johnny McDonnell
Scott Sellers, City Manager	
James Earp, Assistant City Manager (v)	
Paige Saenz, City Attorney (v)	
Jerry Hendrix, Chief of Staff (v)	
Samantha Armbruster, Communications Dir.	
Jennifer Holm, City Secretary	
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)	
Matt Dawson, IT Director	
Paul Phelan, Library Director (v)	
Howard Koontz, Community Dev Director (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 7:08 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, and Council Member Tobias. A quorum was present. Council Member Villalobos was absent. He arrived at approximately 7:50 p.m.

III. Citizen Comment Period with City Council

1. 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.

Glen Hurlston was called to speak as registered. He read a transcript from an investigation from 2014 and made reference to Chief Barnett.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:13 p.m.

II. Approval of Minutes

2. City Council Special Meeting Minutes - September 15, 2020. ~ *Jennifer Holm, City Secretary*
3. City Council Meeting Minutes - September 15, 2020. ~ *Jennifer Holm, City Secretary*

Mayor Mitchell brought forward the minutes for discussion out of order after stating that Item No. 4 would be delayed.

Council Member Scheel moved to approve the minutes of the September 15, 2020 Special Council Meeting and the minutes of the September 15, 2020 Council Meeting. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0.

IV. Appointments

4. Selection of naming committee for West RM 150. ~ *Samantha Armbruster, Communications Director*

Mayor Mitchell stated that Item No. 4 would be delayed. There were no objections. Mayor Mitchell then moved to Approval of the Minutes.

Mayor Mitchell brought forward Item No. 4 simultaneously during discussion of Item No. 19. See discussion under Consent Agenda.

5. Consideration of nominations for reappointments to the Planning and Zoning Commission to fill expired terms. ~ *Howard J. Koontz, Director of Planning and Community Development*
 - Michele Christie (Seat 2) Reappointment
 - Megan McCall (Seat 4) Reappointment
 - Tim McHutchion (Seat 6) Reappointment

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

Tim McHutchion and Michele Christie were available for any questions. There were none.

Mayor Mitchell moved to approve nominations of Michele Christie, Megan McCall, and Tim McHutchion for reappointments to the Planning and Zoning Commission to fill expired terms. Council Member Tobias seconded the motion. All votes aye; motion carried 6-0.

6. Consider and possible action to appoint Jerry Hendrix as the City of Kyle representative to the San Marcos Hays County Emergency Medical Service Board of Directors. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 6 for discussion. Mr. Sellers presented the item.

Council Member Scheel moved to appoint Jerry Hendrix as the City of Kyle representative to the San Marcos Hays County Emergency Medical Service Board of Directors. Council Member Ellison seconded the motion.

There was discussion on the motion. Council Member Ellison stated that he is glad Mr. Sellers acknowledged Mr. Earp's long time of service on this board. Mayor Mitchell stated that this is an effort to become more streamlined. He stated his thanks to Mr. Sellers, Mr. Earp and Mr. Hendrix for their Team Kyle attitude.

All votes aye; motion carried 6-0.

V. Presentation

7. Hill Country Night Sky Month Proclamation. ~ *Robert Rizo, Council Member*

Mayor Mitchell brought forward Item No. 7 for discussion and gave the floor to Council Member Rizo who read the proclamation. No action was taken.

8. Presentation regarding launch of Uber Kyle \$3.14 program. ~ *Rick Koch, Mayor Pro Tem*

Mayor Mitchell brought forward Item No. 8 for discussion and gave the floor to Mayor Pro Tem Rick Koch who presented the item. Mr. Hendrix also provided a presentation on the program. Ms. Katie Civgin with Uber spoke about the partnership with the City of Kyle. Mr. Chris Pangilinan also spoke on behalf of Uber. Council Member Villalobos arrived at approximately 7:50 p.m. No action was taken.

9. Presentation on Wukasch Land Conceptual Plan. ~ *Scott Miller, Ranch Road Development*

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

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

Mayor Mitchell brought forward Item No. 10. Mr. Leon Barba presented the item. No action was taken.

VI. Consent Agenda

Mayor Mitchell brought forward the Consent Agenda and stated that Item No. 15 would be pulled and asked if there were any other items to be pulled from the Consent Agenda. Council Member Scheel requested to pull Item No. 16 and 17, and Council Member Ellison requested to pull Item No. 18. Mayor Mitchell brought forward Item Nos. 11, 12, 13, 14, and 19.

11. Authorize award and execution of a purchase order to SMITH CONTRACTING CO. INC., 15308 Ginger St, Austin, TX 78728, lowest and most responsible bidder, in an amount not to exceed \$3,356,564.92, which includes a five (5) percent contingency to perform all work required for the construction of the Bunton Creek Interceptor Phase 2.0 wastewater line.
~ *Leon Barba, P.E., City Engineer*

12. Approve a contract with EASTER SEALS CENTRAL TEXAS, formerly TIBH INDUSTRIES, INC., Austin, Texas, through Workquest in an amount not to exceed \$54,855.00, as the contractor for litter pick up and grass cutting on Interstate 35 using Easter Seals of Central Texas as the service provider. ~ *James R. Earp, Assistant City Manager*
13. Authorize award and execution of a purchase order to NG PAINTING, LP, Kerrville, TX, in an amount not to exceed \$342,000.00 to perform all work required for the rehabilitation of the Well #4 Elevated Storage Tank. ~ *Leon Barba, P.E., City Engineer*
14. First Amendment to Blanco River Ranch (Phase One Residential Area) De-Annexation and Development Agreement with HMBRR Development, Inc., HMBRR, LP, and HMBRR LP #2. ~ *James R. Earp, Assistant City Manager*

Council Member Scheel moved to approve Consent Agenda Item Nos. 11, 12, 13, 14, and 19. Council Member Tobias seconded the motion. All votes aye, motion carried 7-0.

15. Consider approval of Brohn Homes (Casetta Ranch) ROW license agreement. ~ *Howard J. Koontz, Director of Planning and Community Development*

Mayor Mitchell brought forward Item No. 15.

Mayor Mitchell moved to postpone Item No. 15 until the next regularly scheduled meeting October 20, 2020. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

16. Approve a contract with Meals on Wheels, Rural Capital Area (CCA) program to provide meal services for the elderly and veterans in the Kyle area. ~ *Jerry Hendrix, Chief of Staff*

Mayor Mitchell brought forward Item No. 16 and gave the floor to Council Member Scheel who pulled the item. Mr. Hendrix presented the item.

Council Member Scheel moved to approve Item No. 16. Council Member Villalobos seconded the motion.

There was discussion on the motion. Council Member Rizo asked how often they are operating. Mr. Hendrix stated he believes they are operating twice per week. Council Member Rizo stated that they are looking to expand to five days per week and he is working with St. Anthony's Catholic Church to see if they can accommodate the growing needs for a larger kitchen.

All votes aye; motion carried 7-0.

17. *(First Reading)* A Supplemental Ordinance Approving Early Voting Locations, Dates and Times, and Election Day Voting Locations for the City of Kyle for the Special Bond Election to be held on November 3, 2020. ~ *Gregory Miller, Bickerstaff Heath Delgado Acosta LLP*

Mayor Mitchell brought forward Item No. 17 and gave the floor to Council Member Scheel who pulled the item. She wanted to know where they polling locations are and what dates and times. Mr. Sellers stated that he could provide this information in the City Manager's Report.

Council Member Scheel moved to approve Item No. 17. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

18. *(First Reading)* An Ordinance of the City of Kyle, Texas, Amending Section 2-57 of the Code of Ordinances to Allow Council to Appoint More Than Seven Members to Committees if Determined Appropriate by the City Council; and Providing for Related Matters. ~ *Paige Saenz, City Attorney*

Mayor Mitchell brought forward Item No. 18 and gave the floor to Council Member Ellison.

He stated that he meant to pull Item No. 19, which has already been approved. Ms. Armbruster presented the item. Ms. Saenz presented Item Nos. 18, 19, and 4.

Council Member Scheel moved to approve Item No. 18. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

19. A Resolution of the City of Kyle, Texas, Establishing the West RM 150 Naming Committee; Assigning its Purpose, Duties, and Meeting Requirements; and Providing for Related Matters. ~ *Paige Saenz, City Attorney*

Mayor Mitchell moved to reconsider the vote on Item No. 19. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

Mayor Mitchell brought forward Item Nos. 19 and 4 simultaneously. Ms. Armbruster presented Item No. 4.

Mayor Mitchell moved to approve all 15 applicants. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

Mayor Mitchell moved to amend his motion to include approval of Item No. 19 with 15 filled in the blank. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

VII. Consider and Possible Action

20. First Addendum to Landscape Management Contract of October 1, 2020 with WLE, LLC.
~ *James R. Earp, Assistant City Manager*

Mayor Mitchell brought forward Item No. 20 for discussion. Mr. Earp presented the item. Mr. Johnny McDonnell with WLE spoke on this item.

Mayor Mitchell moved to approve the First Addendum to the Landscape Management Contract of October 1, 2020 with WLE, LLC. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

Mayor Mitchell asked whether there were any objections to having Item Nos. 17 and 18 finally passed. There were none.

21. *(First Reading)* Approve an Ordinance regulating traffic, authorizing and directing the installation and erection of stop signs for traffic control at the intersection of Hiver

Street/Goldenrod Street and Lehman Road in the city limits of Kyle. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item No. 21 for discussion. Mr. Barba presented the item.

Mayor Mitchell moved to approve an Ordinance regulating traffic, authorizing and directing the installation and erection of stop signs for traffic control at the intersection of Hiver Street/Goldenrod Street and Lehman Road in the city limits of Kyle Council Member Scheel seconded the motion. All votes aye; motion carried 7-0.

There were no objections to the item being finally passed.

22. Consider approval of a Funding Agreement with Hays County in an amount of \$50,000.00 for Colocation of 9-1-1 communication centers. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 22 for discussion. Council Member Villalobos stated that he needs to leave for the discussion and action on this item. He left the meeting at 9:21 p.m. Chief Barnett presented the item.

Mayor Mitchell moved to approve a Funding Agreement Hays County in an amount of with \$50,000.00 for Colocation of 9-1-1 communication centers. Council Member Tobias seconded the motion. All votes aye; motion carried 6-0.

23. Approve and Authorize the Chief of Police to Execute Two Amendments to the Interlocal Cooperation Agreements with the Austin Regional Intelligent Center for the Purpose of Adding New Partner Agencies to the Original Agreement. ~ *Jeff Barnett, Chief of Police*

Mayor Mitchell brought forward Item No. 23 for discussion. Chief Barnett presented the item. Council Member Villalobos returned to the meeting at approximately 9:25 p.m.

Mayor Mitchell moved to approve and Authorize the Chief of Police to Execute Two Amendments to the Interlocal Cooperation Agreements with the Austin Regional Intelligent Center for the Purpose of Adding New Partner Agencies to the Original Agreement. Council Member Villalobos seconded the motion. All votes aye; motion carried 7-0.

VIII. City Manager's Report

24. 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*

- Free COVID Testing in Kyle
- Fall Mass Food Distribution Events
- Ash Pavilion Ribbon Cutting
- Lowe's Distribution Center
- Voting Info
- Proposition A Bond Open House
- Columbus Day Holiday

Mr. Sellers spoke about Free COVID Testing in Kyle; Fall Mass Food Distribution Events; Ash Pavilion soft opening, with plans for a Post-COVID formal ribbon cutting; Lowe's Distribution Center; Voting Information including dates, times and locations; Proposition A Bond Open House; and the Columbus Day Holiday. He also spoke about the upcoming TIRZ No. 2 Board Meeting on Tuesday, October 13.

IX. Executive Session

25. 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.
 - Cause Number 19-1492; 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas
 - Changeable Electronic Variable Message Sign
 - Bunton Lane Development Agreement & PIDs
 - Development Standards
 - Lila Knight, Timothy A. Kay, Helen Brown-Kay, and Save Our Springs v. City of Kyle, Texas
 - Cause Number 5:20-cv-01128-FB-RBF; John David Ferrara v. Terry Jay Wallace, Jeffrey Barnett, and Edward Sandoval in the United States District Court for the Western District of Texas, San Antonio Division design Build Agreement Prairie Lakes
 - 104 S. Burleson and Design Build
 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 Wild Blue
 - Project Indigo
 - Project Wild Strawberry
 - 104 S. Burleson and Design Build Agreement

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 - Development Standards; Cause Number 5:20-cv-01128-FB-RBF, John David Ferrara v. Terry Jay Wallace, Jeffrey Barnett, and Edward Sandoval in the United States District Court for the Western District of Texas, San Antonio

Division; 104 S. Burlison and Design Build Agreement; 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 Wild Blue and 104 S. Burlison and Design Build Agreement.”

The City Council convened into executive session at 9:40 p.m.

26. Take action on items discussed in Executive Session.

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

The City Council reconvened into open session at 11:28 p.m. Mayor Mitchell announced that no action took place in Executive Session and no action would be taken now.

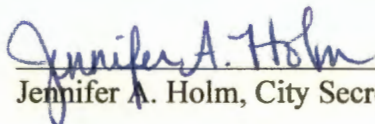
X. Adjourn

Mayor Mitchell moved to adjourn. Mayor Pro Tem Koch seconded the motion. All votes aye, motion carried 7-0.

With no further business to discuss, the City Council adjourned at 11:28 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer A. Holm, City Secretary