

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on November 17, 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)	Anthony Flores
Mayor Pro Tem Rick Koch	Tracy Scheel
Council Member Dex Ellison	Marta Lyons
Council Member Yvonne Flores- Cale	Luis Montes
Council Member Robert Rizo	Scott Kohan
Council Member Ashlee Bradshaw	
Council Member Michael Tobias	
Scott Sellers, City Manager	
James Earp, Assistant City Manager (v)	
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff (v)	
Tim Crolley, Facilities Div. Mgr. (v)	
Chance Padier, Envir. Serv. & Trades Mgr. (v)	
Samantha Armbruster, Communications Dir.	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director (v)	
Perwez Moheet, Finance Director (v)	
Sandra Duran, HR Director (v)	
Matt Dawson, IT Director (v)	
Grant Bowling, Video Production Specialist	
Danielle Harvey, IT Technician (v)	
Mariana Espinoza, PARD Director	
Howard Koontz, Community Dev Director (v)	
Jeff Barnett, Chief of Police (v)	
Harper Wilder, Director of Public Works	

I. Call Meeting to Order

Mayor Pro Tem Koch called the meeting to order at 7:07 p.m. The Pledge of Allegiance was recited. Mayor Pro Tem Koch asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Bradshaw, Council Member Rizo, Council Member Flores- Cale, and Council Member Tobias. A quorum was present.

II. Approval of Minutes

Mayor Pro Tem Koch brought forward the minutes for discussion.

1. City Council Special Meeting Minutes - November 4, 2020. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - November 4, 2020. ~ *Jennifer Holm, City Secretary*

3. City Council Special Meeting Minutes - November 10, 2020. ~ *Jennifer Holm, City Secretary*

Council Member Rizo moved to approve the minutes of the November 4 Special Meeting, November 4 Council Meeting, and the minutes of the November 10 Special 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 Pro Tem Koch opened citizen comments at 7:09 p.m.

Anthony Flores of Salvation Army of Hays County was called to speak as registered. He spoke about www.registertoring.com to sign up for a two hour shift to serve locally. Walmart in San Marcos, Kyle and Buda and Cabela's are all locations where they will be.

Tracy Scheel was called to speak as registered. She spoke about the Blessing of the Bells ceremony this morning and she challenged the council, staff and residents to volunteer.

Marta Lyons was called to speak as registered. She spoke about the road renaming committee, that she sees they are looking for comments from citizens. She stated that when this came about, she sent an email to all council, and the only person who did reply was Tracy Scheel and she ended up not hearing back. She applied right away, but still never heard back. She asked if someone could get on the team. She spoke about the various names suggested. She spoke about Dorman and Lopez, Vietnam Veterans who were killed and she would like to see the road named after them: Dorman Lopez Freedom Drive.

With no one else wishing to speak, Mayor Pro Tem Koch closed citizen comments at 7:17 p.m.

IV. Presentation

5. ACC Riverbats Day Proclamation. ~ *Travis Mitchell, Mayor*

Mayor Pro Tem Koch brought forward Item No. 5. Council Member Tobias read the proclamation at Mayor Mitchell's request. No action was taken.

6. Native American/Indigenous People Heritage Month Proclamation. ~ *Dex Ellison, Council Member*

Mayor Pro Tem Koch brought forward Item No. 6 for discussion and gave the floor to Council Member Ellison.

Mayor Pro Tem Koch moved to approve the proclamation. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

7. Presentation on downtown Christmas festivities, including park lighting and Santa on the Square. ~ *Mariana Espinoza, Director of Parks & Recreation*

Mayor Pro Tem Koch brought forward Item No. 7 for discussion. Ms. Espinoza presented the item. No action was taken.

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

Mayor Pro Tem Koch brought forward Item No. 8 for discussion. Mr. Barba presented the item. No action was taken.

V. Consent Agenda

Mayor Pro Tem Koch brought forward Item Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18.

9. Interlocal Agreement for Provision of 9-1-1 GIS Data between the County of Hays and the City of Kyle. ~ *Howard J. Koontz, Director of Planning and Community Development*
10. Authorize award and execution of a purchase order to QRO MEX CONSTRUCTION COMPANY, INC., Granite Shoals, TX, the best value and lowest bidder, in an amount not to exceed \$4,242,260.92, which includes a five (5) percent contingency to perform all work required for the construction of the Elliott Branch Wastewater Interceptor Project. ~ *Leon Barba, P.E., City Engineer*
11. Approve Amendment No. 2 to the contract with ESPEY CONSULTANTS, INC., dba RPS, Austin, Texas, in the amount of \$101,789.00 increasing the total contract amount not to exceed \$967,309.00 for providing construction phase services for the Elliott Branch Wastewater Interceptor Project. ~ *Leon Barba, P.E., City Engineer*
12. Authorize award and execution of a Purchase Order to Tyler Technology in an amount not to exceed \$40,000.00 for the purchase of EnerGov Assist - Annual Subscription. EnerGov Assist includes dedicated support, configuration, and training services paired with a CSAM (Client Success Account Manager) that will help execute the City of Kyle's desire for innovation between civic engagement and City services pertaining to permitting and planning review processes. ~ *Matt Dawson, Director Information Technology*
13. Approve an Encroachment Agreement between Lower Colorado River Authority and North Hays County Municipal Utility District No. 2 related to Marketplace Avenue. ~ *J. Scott Sellers, City Manager*
14. Authorize award and execution of an emergency Purchase Order to MEKAWORKS, INC., Wimberley, Texas, in an amount not to exceed \$28,000.00 (Coronavirus Relief Funds) for the lease one robotic unit and to pay for a robotic technician for one year to detect and collect litter and other contaminated materials discarded in City parks. This sole source procurement is necessary to preserve and protect the public health and safety of employees and visitors in City parks against the COVID-19 pandemic. ~ *Dex Ellison, Council Member and J. Scott Sellers, City Manager*

15. Authorize award and execution of an emergency Purchase Order to HOTSY CARLSON EQUIPMENT CO., Austin, Texas, in an amount not to exceed \$48,419.81 (Coronavirus Relief Funds) for the purchase of three (3) trailer mounted power washers and associated accessories through the BuyBoard Purchasing Cooperative. This procurement is necessary to preserve and protect the public health and safety of Kyle residents and visitors in open public grounds against the COVID-19 pandemic. ~ *Chance Padier, Environmental Services & Trades Manager*
16. Authorize award and execution of an emergency Purchase Order to THE BRANDT COMPANIES, LLC., Austin, Texas, in an amount not to exceed \$89,183.00 (Coronavirus Relief Funds) for the replacement of 400 light switches to occupancy switches in City buildings through the BuyBoard Purchasing Cooperative. This procurement is necessary to preserve and protect the public health and safety of employees and visitors in City buildings. ~ *Tim Cropley, Facilities Manager*
17. Authorize award and execution of an emergency Purchase Order to THE BRANDT COMPANIES, LLC., Austin, Texas, in an amount not to exceed \$168,830.00 (Coronavirus Relief Funds) for the installation of 43 GPS Ionization devices in HVAC systems in City buildings and for the replace of the HVAC air handler for the Library building through the BuyBoard Purchasing Cooperative. This procurement is necessary to preserve and protect the public health and safety of employees and visitors in City buildings against the COVID-19 pandemic. ~ *Tim Cropley, Facilities Manager*
18. Authorize award and execution of an emergency Purchase Order to THE BRANDT COMPANIES, LLC., Austin, Texas, in an amount not to exceed \$108,422.00 (Coronavirus Relief Funds) for the replacement of all faucets (43), flush valves (30) and water fountains (7) in City buildings through the BuyBoard Purchasing Cooperative. This procurement is necessary to preserve and protect the public health and safety of employees and visitors in City buildings against the COVID-19 pandemic. ~ *Tim Cropley, Facilities Manager*

Council Member Rizo moved to approve Consent Agenda Item Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

VI. Consider and Possible Action

19. *(First Reading)* An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning and reduce to approximately 2.3 acres of land from (PUD) Neighborhood Commercial 'NC' to (PUD) Neighborhood Commercial 'NC', rezone and increase to approximately 27.215 acres of land from (PUD) Residential Condominium 'R-1-C' to (PUD) Residential Condominium 'R-1-C' and rezone and reduce to approximately 3.824 acres of land from (PUD) Agriculture 'A' to (PUD) Agriculture 'A' for property located at 602 Creekside Trail, in Hays County, Texas. (Kyle Chateau Bella, Inc. - Z-20-0065) ~ *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 Pro Tem Koch brought forward Item No. 19 for discussion.

Mayor Pro Tem Koch opened the public hearing at 7:49 p.m. With no one wishing to speak, Mayor Pro Tem Koch closed the public hearing at 7:49 p.m. Mr. Koontz presented the item.

Mayor Mitchell moved to approve an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning and reduce to approximately 2.3 acres of land from (PUD) Neighborhood Commercial 'NC' to (PUD) Neighborhood Commercial 'NC', rezone and increase to approximately 27.215 acres of land from (PUD) Residential Condominium 'R-1-C' to (PUD) Residential Condominium 'R-1-C' and rezone and reduce to approximately 3.824 acres of land from (PUD) Agriculture 'A' to (PUD) Agriculture 'A' for property located at 602 Creekside Trail, in Hays County, Texas. (Kyle Chateau Bella, Inc. - Z-20-0065) Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Ellison stated that he was seeking clarification. He stated that having gone through P&Z, when you put a site plan in front of Council, it's going to get chewed up. He continued that he doesn't like the site plan as it is. He thanked Mr. Koontz for explaining it to him and his colleagues. He stated that a precedent was set a few meetings back to get a game plan in action beforehand. He stated he is not thrilled about the lack of park space throughout the project. Council Member Ellison continued that he is not as concerned with flooding issues because the City has things in place to combat that. He spoke about Bunton Creek subdivision and their access to the trail system and watershed. Council Member Flores-Cale asked whether they are asking for AG to PUD. Mr. Koontz shared his screen and spoke about the zoning as it is today. He explained how PUD works within the City of Kyle.

Motion carried 6-1 with Council Member Tobias dissenting.

20. Consider appropriate parking ratios to allow for construction of a Dutch Bros Coffee facility located at 20325 IH-35. ~ *Howard J. Koontz, Director of Planning and Community Development*

Mayor Pro Tem Koch brought forward Item No. 20 for discussion. Mr. Koontz presented the item.

Mayor Pro Tem Koch moved to approve appropriate parking ratios to allow for construction of a Dutch Bros Coffee facility located at 20325 IH-35. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

21. Consider a request for subdivision waivers for Proposed Plat of Green Pastures, Section 2, Block R, Replat of Lots 2 & 3 located northeast of the intersection of High Rd. and Lilac Way. (SUB-19-0077) ~ *Howard J. Koontz, Director of Planning and Community Development*
 - Lot 2A to be less than "greater than 1-acre" and have less than "130-feet of width at the front property line".
 - Lot 2B will need a waiver to the "greater than 1-acre" requirement.

Mayor Pro Tem Koch brought forward Item No. 21 for discussion. Mr. Koontz presented the item.

Council Member Rizo moved to approve the request for subdivision waivers for Proposed Plat of Green Pastures, Section 2, Block R, Replat of Lots 2 & 3 located northeast of the intersection of High Rd. and Lilac Way. Council Member Tobias seconded the motion.

Motion carried 6-1 with Council Member Flores-Cale dissenting.

22. *[Postponed 11/4/2020] (Second Reading)* An Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 128.58 acres of land from Agriculture 'AG' to Single Family Residential-3 'R-1-3' and approximately 30.27 acres of land to Residential Townhome 'R-1-T' and approximately 20.37 acres of land to Community Commercial 'CC' for property located off of E. Post Road, just north of Quail Ridge Subdivision, in Hays County, Texas. John H. Spooner Revocable Trust - Z-20-0061) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

City Council voted 6-1 to approve on First Reading.

Mayor Pro Tem Koch brought forward Item No. 22 and stated that it would be postponed until the next meeting.

23. A Resolution Authorizing the City Manager to Enter into Agreements with Third-Party Building Inspectors and Plan Reviewers and Approving a Form of Contract. ~ *Howard J. Koontz, Director of Planning and Community Development*

Mayor Pro Tem Koch brought forward Item No. 23 for discussion. Mr. Koontz presented the item.

Mayor Pro Tem Koch moved to approve a Resolution Authorizing the City Manager to Enter into Agreements with Third-Party Building Inspectors and Plan Reviewers and Approving a Form of Contract. Council Member Bradshaw seconded the motion. All votes aye; motion carried 7-0.

24. Discussion and Possible Action to Issue a Request for Qualifications for Owner's Representative for the Kyle Public Safety Center. ~ *J. Scott Sellers, City Manager*

Mayor Pro Tem Koch brought forward Item No. 24 for discussion. Mr. Sellers presented the item.

Mayor Pro Tem Koch moved to approve the issuance of a Request for Qualifications for Owner's Representative for the Kyle Public Safety Center. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

25. *(Second Reading)* An Ordinance of the City of Kyle, Texas, Amending the City of Kyle Code of Ordinances; Amending Article II. Water and Wastewater System Generally, Section 50-30 to Authorize the Imposition of Water & Wastewater Utility Liens; Establishing Procedures for the Release of Utility Liens; and Providing for Related Matters. ~ *Paige Saenz, City Attorney*

City Council voted 7-0 to approve on first reading.

Mayor Pro Tem Koch brought forward Item No. 25 for discussion. Ms. Saenz presented the item.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, Amending the City of Kyle Code of Ordinances; Amending Article II. Water and Wastewater System Generally, Section 50-30 to Authorize the Imposition of Water & Wastewater Utility Liens; Establishing Procedures for the Release of Utility Liens; and Providing for Related Matters. Council Member Rizo seconded the motion.

Motion carried 6-1 with Council Member Flores-Cale dissenting.

Mayor Pro Tem Koch called a 6-minute recess at 9:04 p.m.

26. General discussion and possible action to establish Proposition B Parks public engagement processes and time line. ~ *Travis Mitchell, Mayor*

Mayor Pro Tem Koch called the meeting back to order at 9:16 p.m. Mayor Pro Tem Koch brought forward Item No. 26 and gave the floor to Mayor Mitchell. Mayor Mitchell presented the item. No action was taken.

27. Consider and possible action to engage Honeywell International, Inc., in the amount of \$29,000 for infrastructure investment within the City of Kyle. ~ *Robert Rizo, Council Member*

Mayor Pro Tem Koch brought forward Item No. 27 for discussion and gave the floor to Council Member Rizo. Council Member Rizo introduced Luis Montes with Honeywell who presented.

Mayor Pro Tem Koch moved to approve an engagement with Honeywell International, Inc., in the amount of \$29,000 for infrastructure investment within the City of Kyle. Council Member Rizo seconded the motion.

There was discussion on the motion. Mayor Mitchell asked Mr. Wilder whether we could substitute the findings for TCEQ compliance purposes. Mr. Wilder spoke about sending it to the Texas Water Development Board and the TCEQ requirements of leak protection. He stated he would check with his staff and let Council know. He stated he does not know when it is submitted, but Tim Samford submits the information. City Attorney Saenz stated that there is a letter of intent provided, so the City cannot negotiate with other companies. She stated that it would be better to require a specific number of meters during a certain period of time. Mr. Montes stated that it will not be a problem to update. Ms. Saenz recommended withdrawal of the motion and restate it. The motion was withdrawn. Council Member Rizo withdrew his second to the motion.

Mayor Pro Tem Koch moved to approve an engagement with Honeywell International, Inc., in the amount of \$29,000 for infrastructure investment within the City of Kyle to test 35 (thirty-five) meters to be completed within 90 days and direct the City Attorney to revise the document to reflect that. Council Member Rizo seconded the motion.

Motion carried 5-2 with Mayor Mitchell and Council Member Ellison dissenting.

VII. City Manager's Report

28. 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*
- Runoff Election
 - Roller Hockey
 - Thanksgiving Holidays
 - Kyle Mass Food Distribution Event

Mr. Sellers spoke about the Runoff Election with regards to early voting, Adult Roller Hockey League, Thanksgiving Holidays - the City will be closed Thursday and Friday, and the Kyle Mass Food Distribution Event.

VIII. Executive Session

29. 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.
 - 104 S. Burleson
 - Bond fund projects and related agreements
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 - 201 S. Burleson
 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.

Council Member Bradshaw 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 - 104 S. Burleson, Bond fund projects and related agreements; Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 - 201 S. Burleson."

The City Council convened into executive session at 11:06 p.m.

30. Take action on items discussed in Executive Session.

Mayor Pro Tem Koch moved to reconvene into open session. Council Member Ellison seconded the motion. All votes aye; motion carried 6-0. Mayor Mitchell was absent for the vote.

The City Council reconvened into open session at 12:34 a.m. Mayor Pro Tem Koch announced that no action took place in Executive Session and no action would be taken now. Mayor Mitchell did not return from executive session.

IX. Adjourn

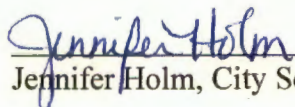
Mayor Pro Tem Koch moved to adjourn. Council Member Ellison seconded the motion. All votes aye; motion carried 6-0.

With no further business to discuss, the City Council adjourned at 12:34 a.m. on November 18, 2020.



Travis Mitchell, Mayor

Attest:



Jennifer Holm, City Secretary