

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met virtually in Special Session on March 23, 2020 at <https://www.cityofkyle.com/kyletv/kyle-10-live>, US: +1(800)3368975 Meeting ID: 149 858 5592 due to COVID-19, with the following persons present:

Mayor Travis Mitchell
Mayor Pro Tem Rick Koch
Council Member Dex Ellison
Council Member Tracy Scheel
Council Member Robert Rizo
Council Member Michael Tobias
Scott Sellers, City Manager
James Earp, Assistant City Manager
Jerry Hendrix, Chief of Staff
Samantha Armbruster, Communications Director
Paige Saenz, City Attorney
Jennifer Vetrano, City Secretary
Perwez Moheet, Finance Director
Matt Dawson, IT Director
Howard Koontz, Community Dev Director
Jeff Barnett, Chief of Police

I. Call Meeting to Order

Mayor Pro Tem Koch called the meeting to order at 4:08 p.m. Mayor Pro Tem Koch asked the city secretary to call roll.

Present were: Mayor Pro Tem Koch, Council Member Ellison, Council Member Scheel, Council Member Rizo, and Council Member Tobias. A quorum was present.

Mayor Mitchell and Council Member Villalobos were absent. Mayor Mitchell arrived at 4:54 p.m.

II. Citizen Comment Period with City Council

1. This meeting will be held by teleconference. Any citizen wanting to make a comment should dial in to US: +1(800)3368975 Meeting ID: 149 858 5592 to register for citizen comments.

Mayor Pro Tem Koch opened citizen comments at 4:09 p.m. With no one wishing to speak, Mayor Pro Tem Koch closed citizen comments at 4:09 p.m.

III. Consider and Possible Action

2. Emergency Ordinance: An Ordinance of the City of Kyle, Texas Continuing a Disaster Declaration for the City of Kyle and Providing for a Penalty and Enforcement. ~ *Travis Mitchell, Mayor*

Mayor Pro Tem Koch brought forward Item No. 2. Mr. Sellers presented items 2, 3, and 4 simultaneously. Mayor Mitchell entered the meeting at 4:54 p.m.

Mayor Pro Tem Koch moved to approve an amendment to Item No. 2, the Emergency Ordinance, with may be terminated prior to 120 days by order of the Mayor or City Council. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0.

Mayor Pro Tem Koch moved to approve Agenda Item No. 2 Emergency Ordinance as written with the approved amendment. Council Member Rizo seconded the motion.

There was discussion on the motion. Council Member Ellison stated that with some of the shelter-in-place initiatives, Council is not doing the most it can do to really flatten the curve as the experts have been saying. He is on board with the mayor bringing forward more orders as necessary. He wants to be supportive and will vote for it but does not think it goes far enough. Council Member Rizo spoke about Travis County's shelter in place, which that county has more cases than Hays County. He stated in the coming hours, Council will need to figure out what to do. He is weighing every option in his mind thinking about what is best to keep everyone safe. He wants to pass this ordinance and pass along that this is in the best interest of the City. Council Member Tobias stated that the bottom line is to keep the citizens safe. He continued that information is coming in hour by hour and so what they are doing can change in 30 minutes, or an hour, or later tonight. He stated that the public wants to know where they can shop, what they are allowed to attend as to medical facilities, how long are daycares going to be closed, etc. He stated that we are all in this together. They must make decisions based on the information they have before them. Mayor Mitchell mentioned his work with judges, other mayors and retail partners and their initiatives. Council Member Ellison stated that he is always happy to get more information. He spoke about there not being enough testing available. He would like to know more on what the county is doing on testing, drive thru testing, testing masses of people. City Attorney Saenz mentioned taking a vote on this item before the update.

All votes aye; motion carried 6-0.

Council discussion continued with Mayor Mitchell providing an update on the initiatives he and other local officials have been working on.

3. Ratify Mayor's Temporary Order to close day care facilities. ~ *Travis Mitchell, Mayor*

Mayor Pro Tem Koch brought forward Item No. 3 for discussion.

Mayor Pro Tem Koch moved to approve Item No. 3 as written. Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Ellison stated that in the discussion with the mayor, in consideration of employees that are considered essential, was there any data collected on percentage of Kyle residents in those particular industries and impact on childcare for those individuals. Mayor Mitchell spoke about the Kyle Police Department, which was estimated at 5% of essential staff with difficulties related to closure of daycare but would remain at 100% staffed during this time. He also spoke with the CEO of Kyle ER who stated that while there may be difficulties, they would remain 100% staffed. Additionally, he spoke with some retail locations, which described the closure as providing difficulties, but that they too could remain available and open to provide services. He spoke about the ability to put together childcare if it became necessary, but his focus remains on stopping the spread of the virus. Council Member Ellison

commended Mayor Mitchell on his leadership not just for the City, but for the region with regards to the stressful decisions he has been faced with, his forthcoming with social media videos and information. Council Member Ellison then continued regarding the lack of definition for essential and non-essential businesses. He mentioned that without stating what is essential and what is not, the City cannot adequately assess the needs for daycare. He wanted to make clear that he is not opposed to this advanced measure.

All votes aye; motion carried 6-0.

IV. Public notice is hereby given pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, of the following imminent threat to public health and safety or reasonably unforeseeable situation necessitating this emergency addition to the agenda: Because of the potential for loss of life and property to the residents of the City resulting from the introduction, transmission, spread or imminent threat of the same of the Coronavirus disease 2019 (also known as COVID-19), an emergency, urgent public necessity and imminent threat to public health and safety exists that requires

4. Supplemental Notice of Emergency Agenda Item. ~ *Paige Saenz, City Attorney*

An Ordinance Adopted Pursuant to Section 122.006, Texas Health and Safety Code Requiring Gas Stations to Maintain One Door Open During Business Hours; Requiring the Posting of the Order Requiring Such Doors to Remain Open; Declaring an Emergency; Ratifying, Confirming, and Approving the Mayor's Order Number Two and the Actions Taken by the Mayor and Staff Pursuant to Such Order Requiring Gas Station Doors to Remain Open; Providing a Penalty of \$2000; and Providing for Related Matters

Mayor Pro Tem Koch brought forward Item No. 4 for discussion. Mayor Mitchell presented the item.

Council Member Rizo moved to approve Item No. 4 as written. Council Member Tobias seconded the motion. All votes aye; motion carried 6-0.

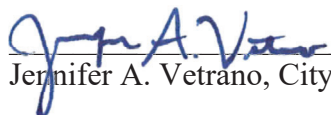
V. Adjourn

Council Member Rizo thanked the mayor and council for all the work they have done, and the calls they have taken. He is proud of the work of Council and the mayor, with one goal to keep everyone safe.

There was no motion to adjourn, but a vote was held. All votes aye; motion carried 6-0.

With no further business to discuss, the City Council adjourned at 5:52 p.m.

Attest:


Jennifer A. Vetrano, City Secretary


Travis Mitchell, Mayor