

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on August 17, 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:

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|--|----------------|
| Mayor Travis Mitchell | David Mendez |
| Mayor Pro Tem Rick Koch | Gregory Miller |
| Council Member Dex Ellison | |
| Council Member Tracy Scheel | |
| Council Member Robert Rizo | |
| Council Member Alex Villalobos | |
| Council Member Michael Tobias | |
| Scott Sellers, City Manager | |
| Paige Saenz, City Attorney | |
| Jerry Hendrix, Chief of Staff | |
| Jennifer Holm, City Secretary | |
| Perwez Moheet, Finance Director | |
| Matt Dawson, IT Director | |
| Samantha Armbruster, Communications Dir. | |
| Jeff Barnett, Chief of Police | |

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:38 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.

II. Citizen Comment Period with City Council

1. 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 7:39 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 7:39 p.m.

III. Consider and Possible Action

2. *(Second 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. 2 for discussion. City Attorney Paige Saenz presented the item. Council moved forward to discuss and vote on the amendments individually.

City Council Special Meeting Minutes

August 17, 2020 - Page 2

Kyle City Hall

Mayor Mitchell moved to amend Sec. 1.07 to add the phrase, established by the City Council. Council Member Scheel seconded the motion.

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

Mayor Mitchell moved to approve amendment as outlined in Sec. 1.07. Council Member Rizo seconded the motion.

There was discussion on the motion. Mayor Mitchell asked City Attorney if the motion was appropriate concerning the document. Ms. Saenz clarified the motion was appropriately made.

Mayor Mitchell requested a roll call vote. Council Member Rizo voted aye; Council Member Villalobos voted aye; Council Member Ellison voted aye; Council Member Tobias voted aye; Mayor Pro Tem Koch voted nay; Council Member Scheel voted aye; and Mayor Mitchell voted aye. Motion carried 6-1.

Mayor Mitchell moved to Sec. 6.15 to strike the five and leave at six. Council Member Scheel seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Ellison voted nay; Mayor Mitchell voted aye; Mayor Pro Tem Koch voted aye; Council Member Rizo voted aye; Council Member Scheel voted aye; Council Member Villalobos voted aye; and Council Member Tobias voted aye. Motion carried 6-1.

Council Member Rizo moved to add language that would require seven members of Council to be present in order to pass any non-binding referendum. Mayor Mitchell seconded the motion.

There was discussion on the motion. Council Member Ellison stated time will go by and it will have to be on the November election or a special election in May. He stated that there will be pressure on special interest groups but also on the other side. He does not support the increased threshold. Council Member Ellison provided an example of this on a non-binding referendum. He stated he could understand if it was a binding referendum. For a non-binding referendum, he stated, they would have small interest groups pushing council to put it on the ballot, but it would still take the voting body to vote it in. He spoke about the interests of those in opposition as well. Council Member Rizo stated that he understands that, but he has seen similar things in other cities, and he worries that a mayor could get a 6-0 vote to make it look better. He stated this is a worst-case scenario. Council Member Ellison stated that if this were to take place, people in the community will hold council members accountable. He stated that if it were to play out, it would be terrible, but the residents would come out in this public process. Mayor Mitchell stated that he is against it, for a different reason. He spoke about a scenario where six members of council were wanting to do something and he said, what this does by adding the requirement that the seventh member be present is a requirement for a 7-0 vote because in the event that 6 members want to do something, all the 7th member has to do is leave to overthrow it. Mayor Mitchell said this would allow power to overthrow a 6-member vote. He thinks the more straight forward approach

would be to require seven members to vote unanimously. Council Member Villalobos mentioned there could be an occasion where it could be strategically planned.

Mayor Mitchell requested a roll call vote. Council Member Tobias voted aye; Council Member Scheel voted nay; Council Member Villalobos voted nay; Mayor Pro Tem Koch voted nay; Mayor Mitchell voted nay; Council Member Rizo voted aye; and Council Member Ellison voted nay. Motion failed 2-5.

Mayor Mitchell moved to approve the proposed and amended language to Section 6.15 in the Charter. Council Member Scheel seconded the motion.

Mayor Mitchell requested a roll call vote. Mayor Pro Tem Koch voted aye; Council Member Rizo voted nay; Council Member Tobias voted nay; Council Member Ellison voted aye; Council Member Villalobos voted aye; Mayor Mitchell voted aye; and Council Member Scheel voted aye. Motion carried 5-2.

Mayor Mitchell moved to approve proposed amendments to 5.06. Council Member Scheel seconded the motion.

There was discussion on the motion. Council Member Rizo asked City Attorney Paige Saenz to scroll down. Ms. Saenz presented the amendment.

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

Section 7.06 discussion ensued.

Mayor Mitchell 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 to take advice of legal counsel on language related to the amendments to the City Charter."

The City Council convened into executive session at 8:44 p.m. Council Member Scheel left the meeting at 8:58.

Mayor Mitchell moved to reconvene into open session. Council Member Villalobos seconded the motion. All votes aye; motion carried 6-0.

The City Council reconvened into open session at 10:08 p.m. Council discussion continued regarding Section 7.06.

Mayor Mitchell moved to amend Section 7.06 to include in (a), "Police Department procedures and policies shall be subject to review and modification by the City Council." and adding (b), "The City of Kyle Police Department shall collaborate with a committee established by the City

Council to have oversight over the development of standard operating procedures and strategies, providing timely data sharing, and deploying resources that aim to: (1) protect all citizens, businesses, and property within the City; (2) promote transparency within the police department to the community, to also include data sharing communication in the forms of: in person briefings, news publications, and social media on a quarterly basis; and (3) reduce crime by increasing positive community engagement and promoting cooperation with all citizens through training, education, and community policing models. Annually, the Police Chief or designee shall provide the full City Council with a comprehensive report about police department operations, crime statistics, training initiatives, and other information requested by the City Council. The City Council shall adopt an ordinance implementing the terms of this subsection." Mayor Pro Tem Koch seconded the motion.

Mayor Mitchell requested a roll call vote. Mayor Mitchell voted aye; Council Member Rizo voted aye; Council Member Ellison voted aye; Council Member Tobias voted aye; Mayor Pro Tem Koch voted aye; and Council Member Villalobos voted aye. Council Member Scheel was absent for the vote. All votes aye; motion carried 6-0.

Ms. Saenz requested Council to go back to the Bond Section and then to the overall vote on the Charter Election after Section 13.11 is voted on, it would allow her more time to update the proposition language for 7.06. Mayor Mitchell acknowledged the request and brought forward 13.11 for discussion.

Mayor Mitchell moved to approve the addition of Section 13.11 Non-Substantive Changes as it is written. Council Member Villalobos seconded the motion.

Mayor Mitchell requested a roll call vote. Mayor Pro Tem Koch voted aye; Council Member Ellison voted aye; Council Member Villalobos voted aye, Mayor Mitchell voted aye; Council Member Rizo voted aye; and Council Member Tobias voted aye. Council Member Scheel was absent for the vote. All votes aye; motion carried 6-0.

Mayor Mitchell announced this item would remain open, that the vote is still needed on the entire body to be final. He said they will return to the item.

Mayor Mitchell moved to Item No. 3.

3. *(First and Final Reading)* Consideration and Possible Action to Approve an Ordinance Calling a Bond Election to be held within the City of Kyle, Texas, Making Provision for the Conduct and Giving Notice of said Election, and Containing Other Provisions Necessary and Incidental to the Purposes Hereof. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No.3 for discussion. Mr. Sellers presented the item.

Mayor Mitchell moved to approve an Ordinance Calling a Bond Election to seek voter approval to issue bonds in the amount not to exceed \$37,000,000 for a Public Safety Center in seeking voter approval to issue bonds in an amount not to exceed \$10,000,000 for parks in the city in the form provided by bond counsel. Council Member Rizo seconded the motion.

Mayor Mitchell requested a roll call vote. Council Member Rizo voted aye; Council Member Ellison voted aye; Mayor Pro Tem Koch voted aye; Council Member Villalobos voted aye; Council Member Tobias voted aye; and Mayor Mitchell voted aye. Council Member Scheel was absent for the vote. All votes aye; motion carried 6-0.

4. Approve a Resolution to document the City's intent to reimburse for all costs incurred in association with the Public Safety Center and the Regional Sportsplex & Festival Grounds projects from proceeds of tax-exempt General Obligation bonds to be issued at a future date, if authorized by the City of Kyle voters in November 2020. ~ *Perwez A. Moheet, CPA, Director of Finance*

Mayor Mitchell brought forward Item No. 4 for discussion. Mr. Moheet presented the item.

Mayor Mitchell moved to approve a Resolution to document the City's intent to reimburse for the two bond propositions just voted upon. Council Member Tobias seconded the motion. All votes aye; motion carried 6-0.

After Item No. 4, Mayor Mitchell brought back Item No. 2 for the purpose of considering ballot language for Proposition D.

Mayor Mitchell stated each item was voted upon individually regarding the 5 different Charter Amendments. Mayor Mitchell returned to Item No. 2, ordering the November 3, 2020 election.

2. *(Second 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 moved to approve 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. Mayor Pro Tem Koch seconded the motion.

Mayor Mitchell requested a roll call vote. Mayor Mitchell voted aye; Council Member Villalobos voted aye; Council Member Tobias voted aye; Council Member Rizo voted aye; Mayor Pro Tem Koch voted aye; and Council Member Ellison voted aye. Council Member Scheel was absent. All votes aye; motion carried 6-0.

IV. Executive Session

5. 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.

City Council Special Meeting Minutes

August 17, 2020 - Page 6

Kyle City Hall

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
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 were no further executive session items.

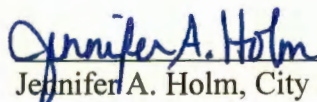
V. Adjourn

Council Member Villalobos moved to adjourn. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0.

With no further business to discuss, the City Council adjourned at 11:16 p.m.


Travis Mitchell, Mayor

Attest:


Jennifer A. Holm, City Secretary